CONCLUSION

THE DIFFICULT BIRTH OF THE UNIFIED JUDICIARY

Postcolonial Blues

‘Aren’t you just sick and tired of this country of ours just going backward?’
‘Had it been going backward right, it could have gotten us somewhere.’

‘How are you?’
‘Screwed up. I feel like hanging between the earth and the sky.’
‘Aren’t you lucky? You seem to know where you are heading.’

A Beja (a group known for hilarious wit among northern Sudanese) man was distressed because the headmaster had dismissed his son from school for repeating first grade three years in a row. The Beja came with this excuse: ‘Headmaster, Sir. My son is not stupid or lazy. No, please. The first grade just grew on him. That is all.’

Reimagining Decolonization

This chapter is a conclusion in a different sense. It could have stood in its own right as a regular chapter since we will discuss the difficult birth of the unified judiciary between 1956 and 1985 to illustrate the postcolonial predicament. Rather than summing up the preceding chapters, we will bring their arguments on this predicament to shed light on the deliberate extension of this amalgamation, and the immense cultural hurdles it ran into. Far from being mere labels of different judicial systems, the Civil and Sharia Divisions, as colonial taxonomies, proved, in the process of their amalgamation, to be ‘totalizing forms of control’ (Dirks 1992, 5) fraught with violence and administrative terror. The reluctance of both qadis and judges to amalgamate the Judiciary shows the power of the Manichaean deliriums stalking the postcolony and stalling the process of decolonization.

The call to decolonize former European possessions after half a century of their formal independence has taken center stage. Scholars have started seriously to question whether we really know what colonialism
was, and if decolonization has ever taken place. Pieterse and Parekh say, ‘We still await a satisfactory analysis of its [colonialism] nature and its impact on both the metropolitan countries and the colonies’ (1995, 2). Said states that we are theoretically still at the stage of trying to ‘inventory the interpellation (emphasis in the original) of culture by empire’ (1993a, 61). Not even the complaint that colonialism was exploitative, Pieterse and Parekh argue, has been worked out (1995, 2). William Roseberry is struck by how little authors, at a time of so much production in postcolonial literature, have actually very little to say about the state under colonialism or after (1995, 13). Pieterse and Parekh argue that decolonization has shown a lack of clear focus and target (1995, 2–3). Misguided, it sought to discard institutions, identities, and values deemed to be foreign. But colonialism, as a highly complex process, shaped the colonies in such a way, they argue, that the colonies risk rejecting parts of them by rejecting a supposedly colonial relics (1995, 3). In the realm of the decolonization of culture, we have not scratched the surface. Scholars agree on the urgency to analyze the effect of power suffusing imperial domination that has been ‘built into the notions of race, progress, evolution, modernity, and development as hierarchies extending in time and space’ (1995, 2).

Decolonization proved to be a more contentious enterprise than had been predicted by the nationalists. Reality continues to belie the assumptions that decolonization has been a ‘shared culture’ bringing the colonized into a common front of liberation (Smith 1999, 45). In the debate of decolonization, Pieterse and Parekh argue that there cannot be a consensus because ‘decolonization is as complex a process as colonization, generating extremely varied responses’ (1995, 16). The history of the Sudan Judiciary presented in this book shows that decolonization is a local site of fierce contests. The conflict of the qadis and the civil judges clearly shows that these two groups of the national elites rarely saw eye to eye the reform of the Judiciary in the postcolony. For the civil judges, decolonization meant a reauthorization, or reinscription, of their colonial privileges rather than the ‘imaginative creation of a new form of consciousness and way of life’ (1995, 3). The qadis, on the other hand, were always conscious that decolonization was too precious to be entrusted to civil judges groomed and entrenched in power by the colonialists. They continued making the association between decolonization and the annulment of colonialism. The more they suffered under the civil judges the more they simplified the return to a past that had been disrupted by the coming of the infidel conquerors.