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# THE *SHARIA* IN SUDAN: IMPLEMENTATION AND REPERCUSSIONS, 1983–1989

Gabriel R. Warburg

**I**N September 1983 President Jaafar al-Numayri officially announced the implementation of the *sharia* in Sudan. The first step was rather theatrical because it involved pouring thousands of bottles of whisky and other alcoholic beverages—worth over 3 million Sudanese pounds—into the Nile. Next followed implementation of the *hudud*, which involved public amputations of hands for stealing and other punishments prescribed by the *sharia*. In February and March 1984, the so-called Islamic economy was implemented with the abolishment of interest on internal transactions and replacement of income and other taxes by the prescribed *zakat*. In June of that year, Numayri ordered all his officers to swear allegiance to him personally as the imam of the Sudanese *umma*. This *bay'a* was enacted 103 years after Muhammad Ahmad ibn Abdallah received the *bay'a* from *akbar al-mahdiyya*, the first adherents of the newly declared Sudanese mahdi. Finally, on January 18, 1985, Mahmud Muhammad Taha, the revered 76-year-old leader of the Republican Brothers, was executed on the charge of apostasy despite repeated pleas for mercy both from within the Muslim world and from the international community. On April 6, 1985, Numayri was deposed while en route from Washington to Cairo.

Although there were many reasons for his removal, the implementation of the *sharia* seemed to loom large in the background. Numayri's regime was brought to an end by a broad coalition of trade unions, professionals, student organizations,

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and political groups. In many respects it was not unlike the fall of General Ibrahim Abbud, who was deposed in October 1964 by a civilian uprising led by associations of professionals and trade unions. Both in October 1964 and in April 1985 the army refused to intervene once it realized that the use of force would lead to a blood-bath. Here, however, the similarity ended because in 1964 army officers returned to their barracks whereas after the April 1985 uprising the army remained in control of Sudanese politics for a year, with the tacit blessing of the two most popular religious sectarian movements in Sudan—the neo-mahdist Ansar and the Khatmiyya sufi order.

In the 16 years that they were in power, Numayri and his colleagues had brought Sudan full circle in a return to its sectarian starting point. When the Free Officers came to power in May 1969, there were few issues on which they were in full agreement. Their determination to destroy sectarianism was one of these, and it led to the massacre of the Ansar in March 1970 and the confiscation of all mahdist property in the months that followed. Although lands belonging to the Khatmiyya were also appropriated in July 1970, the latter were treated less harshly than their Ansari rivals. This so-called progressive radical phase came to an end following an abortive communist coup in July 1971, replaced by a period of minor reforms. Following the execution of the communist leaders, Numayri performed the *hajj* to Mecca in late 1971 and, during his stopover in Jidda, met with Muslim Brotherhood leaders who had escaped from Sudan. This first attempt at reconciliation was rejected by Numayri's advisers following his return to Khartoum. While in Saudi Arabia, Numayri had long discussions with King Faysal regarding a new Islamic phase in Sudanese politics. Although there was no immediate follow-up with respect to the return of the Muslim Brotherhood to active politics, these meetings paved the way for the new constitution of May 1973.

According to one report, Numayri had promised King Faysal that the constitution would turn Sudan into an Islamic state, although this was opposed by some of his closest advisers. Hence, the amended version that was finally approved did not satisfy the Saudis, and the bankrupt Sudan had to manage without the aid that previously had been promised by King Faysal. After September 1983, the ideological gap between the "two Numayris"—the secular leftist leader of the May 1969 revolution and the imam Numayri, implementing the sharia and demanding the bay'a from his adherents—seemed remarkable.<sup>1</sup>

1. This account is based on a series of articles written by Muzamil Salman Ghandur, a close associate of Numayri, titled "Qissat al-jaysh wal-sultah fi al-Sudan" (The Story of the Military and Authority in the Sudan), *al-Tadamun*, February 1-March 8, 1986; see also Gabriel Warburg, "Islam and State under Numayri," *Africa*, (Manchester), vol. 55, no. 4 (1985), pp. 400-13.

### THE ISLAMIC PATH

If one examines Numayri's self-proclaimed "Islamic path"—starting with national reconciliation in 1977 and ending with the arrests of former prime minister Sadiq al-Mahdi in September 1983 and Muslim Brotherhood leader Hasan al-Turabi in March 1985—one is struck by its complete failure, even among its most natural supporters such as the Ansar. Numayri's Islamic beliefs and policies were described in three books, two of which were ascribed to his authorship. The first, *Al-Nahj al-Islami limadha?* (Why the Islamic Path?), was published in Cairo in 1980. It described the reasons for Numayri's shift from nationalist leftist tendencies in the early years of his rule to a strict observance of Islam in the mid-1970s. The second book, also attributed to Numayri's authorship, was titled *Al-Nahj al-Islami kayfa?* (The Islamic Path How?). It was scheduled to be published in August 1983, but appeared only in April 1985, the month of Numayri's deposal. It was intended to explain and illustrate how the Islamic path was to be implemented. The third book contains the proceedings of an international Islamic conference, held in Khartoum in September 1984, to celebrate the first anniversary of the implementation of the sharia and to eulogize the "great imam," Jaafar al-Numayri. It was published by the Sudanese parliament under the title *'Am 'ala tatbiq al-sharia al-Islamiyya fi al-Sudan* (One Year since the Implementation of the Islamic Sharia in the Sudan). In *Why the Islamic Path?*, Numayri ascribed to the abortive communist coup of July 1971 the beginning of his shift to strict Islam. He glorified the nineteenth-century Mahdiyya and its founder, Muhammad Ahmad al-Mahdi.

Even more revealing was Numayri's attitude toward the Ansar, the present-day followers of mahdism, and their acting imam, Sadiq al-Mahdi. If one bears in mind that the latter had been in open opposition to Numayri's regime from the very beginning and had tried to overthrow him as late as July 1976, Numayri's praise could only be viewed as part of a major shift in policy.<sup>2</sup> The connection between an "Islamic revival" and a reconciliation with the one-time "sectarian enemies" of the May 1969 revolution was no coincidence. It occurred at a time when militant Islam was forging ahead in Iran and other Muslim states. No less important was the fact that under President Anwar al-Sadat, the Muslim Brotherhood and Islamic student organizations in Egypt had risen to new prominence. Furthermore, poverty-stricken Sudan was in an ever-growing need of economic aid from its oil-rich Arab neighbors—Saudi Arabia, in particular. The Islamic path and reconciliation with the Ansar and the Muslim Brotherhood could, therefore, be viewed by Numayri as politically wise and potentially profitable. Finally,

2. Jaafar al-Numayri, *Al-Nahj al-Islami limadha?* (Cairo: Al-Maktab al-Misri al-Hadith, 1980), pp. 218–223. Numayri's books were attributed to Awn al-Sharif, one of his closest associates during his Islamic phase, or to Muhammad Mahjub, his Egyptian adviser and speech writer. A common joke in Khartoum was that when Awn al-Sharif presented the final version of *The Islamic Path* to Numayri, the latter's sole contribution was "limadha" (why).

secular Nasir-style nationalism and leftist ideologies, which had accompanied Numayri's regime in its initial stages, had been discredited in Sudan as elsewhere.

Numayri's "return to Islam" was ascribed by some observers to his close spiritual association, beginning in the early 1970s, with the Abu Qurun Sufi order, which regarded the fifteenth century of the *hijra* as a turning point in the history of Islam. They believed in effect in a "second coming" of a great mahdi who will be one of their adherents. Francis Deng, in his political novel, *Seed of Redemption*, described a president's encounter with God, in which he was ordered to reform his ways and to return to the true path of a believer. On the following morning "President Munir" sent for his "local spiritual leader" in order to receive his guidance:

. . . "Mr. President", said the mystic, "by revealing Himself, it is clear that God has chosen you to be the leader of this country. You are President, but you are also the Imam of God. He will change you as he desires. I am but a tool of His will. The power to transform you has already descended from God".<sup>3</sup>

Numayri's association with Shaykh Abu Qurun led to subsequent cooperation with his son, Nayal Abu Qurun, and Awad al-Jid Ahmad, both of whom had graduated from the faculty of law in the 1970s. Following Numayri's initiation into their order, he appointed the two as judicial assistants in the president's palace.<sup>4</sup>

Earlier, a special committee, *lajnat muraja't al-qawanin li'tatamaha ma'a al-sharia* ([for the] revision of the laws so that they are in line with the sharia), had been put under the chairmanship of the Muslim Brotherhood leader, Hasan al-Turabi. The committee was entrusted, as its title suggests, with bringing Sudan's legislation into full harmony with the sharia and began its work as early as 1977. It drafted seven bills on such matters as the prohibition of alcoholic beverages, the banning of usury (*riba*), and gambling. Other draft bills were concerned with the implementation of the hudud prescribed in the sharia for murder, theft, adultery, and the like, but most important was the draft bill on the sources of judicial decisions because it provided for the application of the sharia in all matters not covered in other legislation. Numayri, however, was in no hurry to implement these new bills. Indeed, in the first five years of the committee's work, only the bill regulating the payment of zakat was approved, probably because it was the least controversial.<sup>5</sup>

Following unanimous endorsement of the Islamic path by the Sudan Socialist Union's (SSU) national congress, the process of actual legislation started in

3. Francis Mading Deng, *Seed of Redemption: A Political Novel* (New York: Lilian Barber Press, 1986), pp. 205–7; the quote is taken from p. 207. The author clearly states that all characters in his novel are "purely imaginary." Deng was a previous minister of state for foreign affairs in Khartoum and ambassador of the Sudan to the United States, Scandinavia, and Canada.

4. Mansour Khalid, *Nimeiri and the Revolution of Dis-May* (London: Kegan Paul, 1985), p. 277. The author was a previous minister of state for foreign affairs under Numayri.

5. Abdullahi Ahmed An-Na'im, "The Islamic Law of Apostasy and its Applicability: A Case from the Sudan," *Religion*, vol. 16 (1986), pp. 197–224.

earnest in July and August 1983, when Numayri appointed a new committee consisting of three lawyers loyal to him who were entrusted with the task of transforming Sudan's legal system into an Islamic one.<sup>6</sup> The acts drafted by this committee, based in part on the earlier drafts of Turabi's committee, were enacted into Provisional Republican Orders and confirmed, without any debate, by the People's Assembly in its November 1983 session during two brief sittings. The most significant of these was the Sources of Judicial Decisions Act, mentioned earlier, which paved the way for the implementation of the sharia. In addition, the new penal code, the Code of Criminal Procedure, the Civil Procedure Act, and the Civil Transaction Act were enacted to facilitate the "just and fast execution" of the newly implemented hudud.

The actual process by which the foundations of the Islamic state were laid was described by Numayri in his opening speech to an international Islamic conference in Khartoum on September 22, 1984. In justifying the new measures, Numayri alluded to practical reasons. The crime rate in Sudan had risen to such a level that all previous measures had proven ineffective. In the year prior to the implementation of the hudud, nearly 12,500 murders or attempted murders had been committed, while the number of thefts had risen to nearly 130,000. According to Numayri, the crime rate had dropped as a result of the new punishments by more than 40 percent in one year. The deterrent effect of the hudud had thus been proven beyond reasonable doubt, and it was more than likely that Sudan would soon be free of crime. The essence of the implementation of the sharia was, therefore, the creation of a righteous individual leading ultimately to a just society, as prescribed by Islam.

Moving to the economic sphere, Numayri proudly ascribed his "success" to the implementation of the zakat and taxation act. Thereafter, the zakat had become the heart of Sudan's economy because it was one of the pillars of Islam, enabling the poor to receive their rightful share of the national income. As for non-Muslims, a similar tax was imposed on them. In no case would taxes on individual income exceed 2.5 percent, while tax on capital gains would not exceed 10 percent. As a result of these "benevolent taxes" Sudan, according to Numayri, had been able to attract massive investments both from foreign markets as well as from local private entrepreneurs. Finally, Numayri devoted part of his speech to the southern problem, which, in his view, was the result of an imperialist plot. For him, it was not a matter of religious rivalry because the number of Muslims in the south exceeded that of Christians, and the majority of the population were neither Muslims nor Christians but adhered to their own indigenous religions. The sharia

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6. Turabi, who was at that time attorney general, was, therefore, not a member of this committee though he influenced its members. Nayal Abu Qurun and Awad al-Jid Ahmad, the two "judicial assistants," were instrumental in drafting these laws, despite their lack of previous experience.

had, therefore, no implications for the south where everyone could freely practice religion without interference.<sup>7</sup>

In one of his last interviews, Numayri claimed that as the imam of Sudan, to whom total obedience was dictated by Islam, it was he alone who could interpret laws and decide whether they were in line with the sharia. In assuming the title of imam, uncommon in Sunni Islam, he seemed to have been tempted by the all-embracing powers of the Shi'i imam prevailing in Iran under Ayatollah Ruhollah Khomeini. This idea of leadership as embraced by Numayri can also be traced to mahdist ideology. First, one cannot escape the similarity with the manifestation of Muhammad Ahmad as mahdi in June 1881. Shaykh al-Qurashi wad al-Zayn, a spiritual leader of the Sammaniyya order to which Muhammad Ahmad belonged, not only appointed him as his successor but also told his followers that the expected mahdi would be one of his adherents, namely Muhammad Ahmad.<sup>8</sup> Numayri's "appointment" by Shaykh Abu Qurun was probably an attempt to follow in the mahdi's footsteps. Second, Sadiq al-Mahdi, the mahdi's great grandson, claimed that mahdism—both in its nineteenth-century origins and at present—acted as a bridge between Shia and Sunna. He thereby inadvertently legitimized Numayri's claim to an all-embracing Shi'i concept of leadership.<sup>9</sup>

It is hard to examine the truth regarding Numayri's claim about the decline in the number of crimes committed in Sudan in 1985 because there seems to be no independent statistical evidence that could either refute or corroborate this. In the economic field, Numayri's claims are much easier to disprove, because his policy was a disaster with far-reaching repercussions. In 1983 Sudan was beginning to recover economically as a result of massive foreign aid and careful economic planning. The "Islamic economy" interrupted and halted this process. The Civil Transactions Act of February 1984 abolished limited liability and interest charges on all transactions not involving foreign interests. Confidence in the already shaky economy was thus further undermined. Even more disastrous was the Zakat and Taxation Act of March 1984 whereby revenue from previous taxation was virtually stopped; the new act was so obscure that it could not be implemented. The only revenue collected was the flat rate of 2.5 percent on personal incomes exceeding 200 Sudanese pounds (at that time \$154) per month. Zakat on agricultural production and livestock was not even implemented because of the act's obscurity. A further loss in government revenue resulted from the ban on

7. 'Am 'ala tatbiq al-shari'a al-Islamiyya fi al-Sudan (Ummduroman: Majlis al-Sha'b, 1984), pp. 17–32; see also Numayri, *Al-Nahj al-Islami kayfa?* (Cairo: Al-Maktab al-Misri al-Hadith, 1985). In the latter, Numayri deals at length with the problems mentioned above; see also An-Na'im, "The Islamic Law of Apostasy and its Applicability," p. 201.

8. Na'um Shuqayr, *Jughrafiyyat wa-ta'rikh al-Sudan* (The Geography and the History of the Sudan), 2nd ed., (Beirut: Dar al-Thaqafa, 1967), pp. 642–3.

9. See Ibrahim M. Zein, "Religion, Legality, and the State: 1983 Sudanese Penal Code," (Ph.D. diss., Temple University, 1989), especially pp. 73–5. For Sadiq al-Mahdi's views on this matter see his interview in *The Middle East*, February 1980, p. 40.

alcoholic drinks. Although estimates fluctuated between \$30-\$300 million a year, the higher sum seems more in accord with previous data. The final blow to the ailing economy was dealt by the Islamization of the banking system in December 1984, which was undertaken despite repeated warnings from some of Numayri's closest advisers. The severe economic crisis that heralded the coming of the new year was thus, at least partly, brought about by the so-called Islamic economic policy.<sup>10</sup>

### *Protagonists and Antagonists*

Numayri's close association with the Muslim Brotherhood began in 1977 when, following "national reconciliation," Hasan al-Turabi and his colleagues returned to active politics. As chairman of the legislative committee and, subsequently, Sudan's attorney-general, Turabi was in a position to influence government policy to an extent that exceeded the political power of the Muslim Brotherhood, whose support was limited at that time to an important but relatively small section of the urban elite. Who were the Muslim Brothers and why was their collaboration so important for Numayri when he set out on his Islamic path? Although the 1977 reconciliation had been hammered out with Sadiq al-Mahdi, Numayri's antisectarianism had not subsided over the years. The Muslim Brothers were therefore his natural allies, because their political future also depended on the end of sectarian supremacy. They had advocated a state, based on the sharia, long before the May 1969 coup and had collaborated with the Ansar in formulating an Islamic constitution for Sudan.<sup>11</sup>

At a conference on "Islam in the Sudan," held in Khartoum by the Association of Islamic Thinking and Culture in November 1982, Turabi insisted that the reform of Sudanese laws, in accordance with the sharia, was the most urgent task facing the country. Although the final communiqué of the conference was in general agreement with the ideas of the Muslim Brotherhood, it advocated essential social reforms that should precede the gradual implementation of the sharia. Turabi's undertaking to act within this agreement was broken less than a year later when he openly supported Numayri's implementation of the Islamic laws.<sup>12</sup> This collaboration was justified by Turabi's fellow Muslim Brother, Makashfi Taha al-Kabbashi, in his pamphlet, *Tatbiq al-sharia fi al-Sudan bayn al-haqiqah wa'l-'itharah* (The Implementation of the Sharia in the Sudan between Truthfulness and Falsehood). For Kabbashi and others with similar views, there

10. *African Economic Development*, December 21, 1984.

11. The following, unless otherwise stated, is based on Hasan al-Turabi's interview, "We Have Eliminated Secularism," *The Middle East*, (September 1979), as published in Khalid Duran, *Islam und politischer Extremismus, Einführung und Dokumentation* (Hamburg: Deutsches Orient-Institut, Sondernummer 11, 1985), pp. 71-3.

12. *Sudanow*, January 1983, pp. 22-3. See also Muddathir Abd al-Rahim and Al-Tayyib Zayn al-Abdin, eds., *Al-Islam fi al-Sudan* (Islam in Sudan) (Khartoum: Dar al-Asalah li'l-Sahafah wa'l-Nashr wa'l-Intaj al-Islami, 1987).

was never any doubt that the implementation of the sharia implied an inferior status for all non-Muslims. Even Sudan's armed forces would accordingly become an Islamic army fighting the enemies of Islam—including "Communists, Crusaders, Zionists, Free Masons" or their Sudanese supporters—under the banner of Islam.<sup>13</sup>

The Ansar—the neo-mahdists—were the largest and best-organized sect in Sudan and, on the eve of independence, numbered more than 3 million. Consequently, their total obedience to their own imam—both in religious and in political matters—presented a major obstacle to the emergence of real democracy in Sudan. Since the assassination of his uncle, the imam Al-Hadi al-Mahdi, in March 1970, Sadiq al-Mahdi had fulfilled the dual role of acting imam of the Ansar and leader of the Umma Party. He and his followers rebuilt the movement in refugee camps in Libya from where the National Front, led by the Ansar, launched its most daring revolt against Numayri in July 1976. Numayri's survival was at least in part responsible for the national reconciliation that started exactly one year later. Both he and Sadiq probably realized that they could not easily defeat each other and hence decided to join forces. Each of the two antagonists believed that he could neutralize his foe through political maneuvering, but two years later it became clear that, as far as the Ansar were concerned, reconciliation had not been achieved. When Numayri announced his Islamic path in September 1983, Sadiq did not hesitate to denounce the policy as un-Islamic. In a sermon preached at the Ansar's mosque in Omdurman he stated, ". . . To cut the hand of a thief in a society based on tyranny and discrimination is like throwing a man into the water, with his hands tied, and saying to him: beware of wetting yourself . . ." <sup>14</sup>

Following Numayri's deposal, Sadiq was even more outspoken. He analyzed five major legal pronouncements of Numayri's Islamic system, proving to his listeners that all of them constituted a total corruption of Islam. He also denounced all the legal decisions reached on the basis of these so-called sharia laws as totally un-Islamic, both in their spirit and in their execution. Apart from his total rejection of the way in which hudud was applied, he singled out Numayri's Islamic economy, explaining that it did not adhere to a true understanding of Islam. Sadiq supported the creation of an Islamic state provided it was based on the perfect application of *shura* (consultation) in all political issues and on social justice in its economic policy. The implementation of the sharia—based on current *ijtihad* (independent judgment)—would take into account current conditions and derive its judgment from the Quran and the Sunna.

13. This pamphlet is cited in Zein, "Religion, Legality and the State," pp. 85–91.

14. "Al-Khutba al-lati alqaha al-Sayyid al-Sadiq al-Mahdi, fi Ummdurman" (The Sermon Which Was Preached by Sayyid Sadiq al-Mahdi in Omdurman), September 17, 1983; the following is based primarily on Sadiq's mimeographed sermons and on his interview in *al-Musawwar*, April 26, 1985.

*Islam and Southern Sudan*

One of the gravest repercussions of Numayri's Islamic phase was the renewal of hostilities in the south in 1983. Until then the Addis Ababa agreement of February 27, 1972, had rightly been regarded as the most important, if not the only, achievement of the Numayri regime. It had put an end to 17 years of internecine strife and had courageously granted recognition to the pluralistic nature of Sudanese society. In awarding the south regional autonomy, the Muslim-dominated regime acknowledged that culture, race, religion, and economics dictated a new approach to the internal structure of Sudan. This was, in fact, part of a plan to decentralize Sudan, especially in the sphere of economic development, which had been aired by the Numayri regime since 1971. The size of Sudan, the immense differences between its regions, and the concentration of economic and political power in the hands of a nonrepresentative northern elite, had evoked strong criticism of the preferential treatment granted to the central northern Sudan at the expense not only of the south but also of Darfur and Kordofan in the west and the Beja tribes of the Red Sea hills in the east.<sup>15</sup>

The Addis Ababa agreement had provided for equality of all citizens regardless of race, color, or religion. It recognized southern cultural identity and, hence, proclaimed its right to legislate in accordance with its customs. Free elections to the Southern Regional Assembly were decreed and this assembly was empowered to elect its own president. The unalterable foundation of this concept was expressed in the Permanent Constitution of the Sudan, promulgated in May 1973. Articles 6 and 7 specified the principles of decentralization and promised that the details of this new system of government would be issued in the near future. Article 8 established regional self-government in the south on a permanent basis and could only be amended in accordance with the provisions of the Self-Government Act of 1972. Not less significant was the provision that non-Muslims would be governed by their own personal laws. The pluralism of Sudanese society, including its multireligious composition, were elaborated in article 16, which promised equal treatment to all followers of "religions and spiritual beliefs" and ended by stating that ". . . the abuse of religions . . . for political exploitation is forbidden. . . ." <sup>16</sup> If one takes into account the realities prevailing in Sudan and the radicalization of Islam in surrounding countries, including Egypt, the 1973 constitution cannot be regarded as an extreme step toward religiosity.

Nevertheless, southern politicians were, by and large, opposed to the constitution because it specified that "Islamic Law and Custom shall be main

15. See Dennis A. Rondinelli, "Administrative Decentralization and Economic Development: the Sudan Experiment with Devolution," *The Journal of Modern African Studies*, vol. 19, no. 4 (1981), pp. 595-624. For details on Numayri's southern policy see Khalid, *Nimeiri*, especially pp. 41-62.

16. All quotations are from the official English text of *The Permanent Constitution of the Sudan*, published by the Sudanese government in Khartoum on May 8, 1973.

sources of legislation” (article 9) and that Arabic would be the “official language” of Sudan. One of the most outspoken opponents was Bona Malwal, a one-time minister of culture and information under Numayri, who expressed his misgivings as early as 1977 following the reconciliation agreement. According to Malwal, Turabi regarded the weakening of the south as an essential step toward the implementation of the sharia. If there were justice in Sudan, claimed Malwal, Turabi should not only have lost his post as attorney general, but should also have been “charged with plotting to overthrow the legally constituted government of the state” because he openly advocated an Islamic coup. Southern leaders, however, had as little trust in the Ansar. Their experience with the Umma-Ansar governments in the 1960s had taught them that the traditional sectarian leadership was no better than its so-called modern followers. Indeed, according to Malwal, Sadiq had stated as early as 1966 that “. . . the failure of Islam in the southern Sudan would be the failure of Sudanese Muslims to the international Islamic cause. Islam has a holy mission in Africa and southern Sudan is the beginning of that mission.”<sup>17</sup>

The period of peaceful coexistence between north and south began to falter following the discovery of oil in the south and Numayri’s unconstitutional act of dissolving the Southern Regional Assembly and its government in February 1980. This was followed by the decentralization act, aiming to divide the south into three separate regions, and by the Regional Government Act of 1980, which divided Sudan, excluding the south, into five regions.<sup>18</sup> This act was probably also the result of unrest in Darfur and Numayri’s desire to shift part of the responsibility to regional governments. In the south, however, it was interpreted as an assault on its autonomy and its newly discovered wealth, which should have been used for the benefit of its inhabitants. Although it is true that hostilities in the south preceded the implementation of Islamic laws, it is certain that these laws exacerbated the situation to such an extent that it soon deteriorated into a full-scale civil war under the leadership of Colonel John Garang and the Sudan People’s Liberation Movement (SPLM).

### *The Repercussions: From Democracy to Military Despotism*

In the wake of Numayri’s deposal on April 6, 1985, the Sudanese were overwhelmed with their newly acquired freedom. Within two weeks after the uprising some 40 political parties had announced their existence and had declared

17. Bona Malwal, *Sudan: A Second Challenge to Nationhood* (New York: Thornton Books, 1985), pp. 30–7. Also see, *idem.*, “Has the Sudan Eliminated Secularism,” *Africa*, 98 (October 1979), as quoted in Duran, *Islam*, pp. 73–4; *idem.*, *People and Power in Sudan* (London: Ithaca Press, 1981); the quote is on p. 41.

18. The Regional Government Bill 1980 sought to establish five regional governments in the Sudan, each with its own governor and ministers. Attached to the bill was a map in which, so it was claimed, the boundary between Kordofan and Bahr al-Ghazal had been moved so as to include the newly discovered oil in the north. On this, see also Khalid, *Nimeiri*, pp. 205–10.

their intention to play an active part on the political scene. Among them were the three pillars of the National Front: the Muslim Brotherhood, now renamed the National Islamic Front (NIF) and led by Hasan al-Turabi; the Ansar and their political arm, the Umma Party, under their acting imam, Sadiq al-Mahdi; and the Khatmiyya Sufi order led by Muhammad Uthman al-Mirghani, which was closely aligned with the Democratic Unionist Party (DUP). All of them had played a dominant role in the period between 1964 and 1969 and were in no small measure responsible for the failure of previous attempts to introduce democracy into Sudan.

Turabi, imprisoned in March by Numayri—who then charged the Muslim Brotherhood with causing all Sudan’s ills—was released from prison on April 6, 1985, and was the first political leader to meet General Siwar al-Dhahab, Sudan’s temporary head of state. Turabi expressed full support for the implementation of the sharia both in the past and the future. He praised the economic measures such as the law of zakat and the advance it had made toward a just society. His only criticism regarding the implementation of the sharia was that it was not all-embracing because it did not include important issues such as constitutional law, especially regarding the shura.

The NIF presented its platform on the southern Sudan question in May 1985 at a conference attended by some 100 of the party’s southern supporters. It stated that there were no objective reasons for the renewed hostilities, hence, the implementation of the sharia should not be affected by the on-going strife. As for the future, the NIF insisted that southern Muslims—who, according to the NIF, had suffered for so long—should at last be granted their “rightful share” of power in that region. Second, the authors hailed a continuation of the rapid Islamization of the south. Finally, the NIF asserted that “a general system based on the Islamic Sharia is a religious and political necessity to every Muslim.” Because the sharia is closer than any other legal system to the African cultural heritage, and because it “protects the entity and the culture of the non-Muslims,” it should be maintained as the law of Sudan, which through “its flexibility will guarantee the compromises required by non-Muslims.”<sup>19</sup>

These views were upheld by Turabi and his colleagues throughout Sudan’s third democratic episode when they consistently opposed any meaningful change in the Islamic laws and in their implementation. Turabi dismissed the outcry against the sharia as emanating from the West, which sought thereby to separate Sudan from its Arab and Muslim brothers. He also asserted that Garang’s demand to abolish these laws had nothing to do with religion and was based on pure Marxist principles. In Turabi’s view, the Islamic state in Sudan was a reality based on popular support, hence, those opposing it could only be alien forces against whom the banner of *jihad* should and would be raised. When the NIF

19. All details are from the brochure, “The Islamic National Front Presents: The Southern Sudan Question, Review, Analysis, Proposals,” (n.d.; n.p.).

joined a coalition government in May 1988 and formed, together with the Umma Party, a government of “National Agreement,” it was clear that there would be no compromise on Islam, even if this meant the continuation of civil war.<sup>20</sup>

Muhammad Uthman al-Mirghani became leader of the Khatmiyya Sufi order in 1968 following the death of his father, Sayyid ‘Ali al-Mirghani. The Khatmiyya had traditionally avoided active involvement in politics and had persisted in this line under Numayri. As head of the Sufi Islamic Revival Committee, founded in 1978, Mirghani had lent his support to Numayri’s so-called Islamic policy, denouncing the rival Ansar and Muslim Brothers as “Westernized Muslims,” but following Numayri’s downfall, Mirghani denounced his implementation of the sharia as false, misleading, and unjust and defined his regime as based on the law of the jungle. He did, however, express his conviction that under the proper religious and spiritual guidance of trained ulama and *fuqaha’* (Islamic scholars and jurists), this could soon be remedied. The Islamic republic that would emerge in Sudan would be based on the shura and on the true Islamic spirit of forgiveness, human kindness, and mercy. The main concern of Islam was human dignity wherein the individual’s fate, his honor, and his property would be fully guarded. It was during these years that Mirghani played an ever-increasing role in politics, thereby reversing previous Khatmiyya traditions. Apart from his personal inclination, this was probably also due to a leadership crisis in the DUP.<sup>21</sup>

Of the three most prominent Muslim leaders, Mirghani was the most conciliatory toward the SPLM. Following continuous failures of Sadiq al-Mahdi and his emissaries, Mirghani undertook his trip to Addis Ababa in November 1988. He returned to Khartoum with an agreement for a cease-fire, which he had initialed with John Garang and which now had to be ratified by the government and the national assembly. Negotiations with the SPLM leadership were to be started in January 1989. Mirghani’s major concession, one which Sadiq had previously refused to offer, was that the Islamic laws of September 1983 would not be included in the government’s platform. It was this concession that, as expected, led to yet another government crisis because the NIF refused to accept it.

Despite their massive losses in the March 1970 massacre, the Ansar had emerged once again as the strongest sect in Sudan, and their political arm, the Umma Party, won the 1986 elections. Consequently, Sadiq al-Mahdi became the uncontested prime minister throughout the third democratic episode. His policy as prime minister in the years 1986–89 cannot be reconciled with the more liberal views he had expressed previously. Even close associates from within the Ansar

20. This summary is based on Hasan al-Turabi’s interviews in *al-Musawwar*, July 1, 1987, May 6, May 20, July 22, 1988; *Awraq Arabiyya*, vol. 7 (1988), pp. 62–76; *al-Majalla*, April 20, 1985; *al-Watan al-‘Arabi*, April 26, 1985.

21. Mirghani’s views as expressed in *al-Watan al-‘Arabi* April 26, 1985, and in *al-Musawwar*, April 26, 1985, December 15, 1988, and March 17, 1989; among traditional Khatmi supporters there were many who viewed Mirghani’s involvement in active politics with grave misgivings.

and the Umma were critical of his performance and accused him of having become a spokesman of the Muslim Brothers. This was especially true with regard to his adamant refusal to revoke the Islamic laws that he himself had previously labeled as un-Islamic and that he realized constituted a major stumbling block in relations between north and south.

Sadiq al-Mahdi wrote an important treatise on the future of Islam in the relationship between north and south. He rejected the notion of the separation of church and state claiming that it could not be applied in a Muslim society. Sadiq agreed, however, with most southern grievances against Islamic laws, which would turn them into second-class citizens in their own country. Therefore, purely religious laws such as the prohibiting of alcoholic beverages or eating pork, should be imposed only on Muslims. Taxes should be levied on all citizens according to one nonreligious law, decreed by the state. Zakat should be imposed on Muslims only, while discriminatory taxes such as the *jizya* (a poll tax levied on non-Muslims) should be abolished. Because the majority of Sudanese were Muslims, however, Sadiq insisted that Islam be declared the state religion and the sharia the major source of legislation. He viewed the future of the south as fully Arabized and Islamized. This would happen as a result of several processes: first, the assimilation of tribes as a result of common agriculture and grazing lands; second, the impact of Muslim sufis, jurisprudents, and merchants settling in the south; third, economic projects emanating from the north and benefiting the south; fourth, the settlement of large numbers of southerners in northern cities; and finally, the southerners' recognition that the common enemies were imperialism and "white civilization," a realization that had even convinced black Americans to embrace Islam.<sup>22</sup>

When in March 1989, Sadiq was at last forced to compromise with the south, the real initiative had already passed into the hands of the Khatmiyya leadership. An alliance of trade unions, professional associations, and even sections within the army presented, on February 22, 1989, a memorandum to the Council of State clearly indicating that both the army and civilians were losing patience with Sadiq's political bungling. The last attempt to save democracy, under the leadership of the "National Salvation Government," brought about the only serious attempt to deal with Sudan's real problems. On June 30, 1989, a committee of senior lawyers, including former chief justices, a former minister of justice, and several senior advocates presented to the government a draft repealing law that, if accepted, would have brought about the final abrogation of the September 1983 laws and thus paved the way for peace talks with the SPLM. This was already too late; those in the army who—not unlike the NIF—opposed this conciliatory trend

22. Al-Sadiq al-Mahdi, *Al-Islam wa-mas'alat janub al-Sudan* (Islam and the South Sudan Problem) (Ummdurman: Matba'at al-Tamaddun, 1985), pp. 16–20.

and demanded the uninterrupted implementation of the sharia, acted before the new policy could be approved.<sup>23</sup>

The Islamic laws promulgated by Numayri and advocated by the Muslim Brotherhood have thus outlived Sudan's third democratic episode. Under a military dictatorship, guided by radical Islamic principles, the prospects for change seem nonexistent. The problems alluded to by Sadiq al-Mahdi as having led to Numayri's downfall not only remained unsolved under Sadiq's leadership but were also exacerbated. Sudan on the eve of the coup by Umar al-Bashir, on June 30, 1989, was bankrupt financially, politically, and morally largely as a result of Sadiq's incompetent leadership, a condition that led to the inability to overcome its eternal sectarian and regional divisiveness.

In Francis Deng's *Seed of Redemption*, the following "prophetic" words were uttered by Dr. Terab, leader of the Muslim Brothers, in response to President Jaber Munir's decision to implement the sharia:

. . . Mr. President, . . . as I have told you many times, the things you do now, which are almost certain to last for long if not forever, are the decisions and actions related to the promotion of Islam. . . . Whatever you do to consolidate the position of Islam is not only bound to be deeply appreciated by the people, which means enhancing your political image and power, but is going to be difficult or impossible to undo in the future, for they will fear provoking public reaction . . . .<sup>24</sup>

Although Dr. Terab was, of course, an "imaginary character," his alter ego, Hasan al-Turabi, helped to make the prophecy one that was self-fulfilling. When he realized that compromise with the SPLM might endanger his dream of the Islamic state, he apparently gave a tacit or explicit blessing to his military followers.



23. October, March 12, April 9, April 16, 1989. The author is grateful to Professor Mohamed Ibrahim Khalil, former spokesman of the Sudanese parliament and visiting fellow at the Woodrow Wilson Center in 1989–1990, for allowing me to make use of his very informative talk on this topic.

24. Deng, *Seed of Redemption*, p. 276.