

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

LAW'S FRAGILE STATE

How do a legal order and the rule of law develop in a war-torn state? Using his field research in Sudan, the author uncovers how colonial administrators, postcolonial governments, and international aid agencies have used legal tools, practices, and resources to promote stability and their own visions of the rule of law amid political violence and war in Sudan. Tracing the dramatic development of three forms of legal politics – colonial, authoritarian, and humanitarian – this book contributes to a growing body of scholarship on law in authoritarian regimes and on human rights and legal empowerment programs in the global South. Refuting the conventional wisdom of a legal vacuum in failed states, Mark Fathi Massoud reveals how law matters deeply even in the most extreme cases of states still fighting for political stability.

Mark Fathi Massoud is Assistant Professor in the Politics Department and Legal Studies Program at the University of California, Santa Cruz. He received the Law and Society Association Dissertation Prize and the American Political Science Association Edward S. Corwin Award for the best dissertation in public law.

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian
Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

CAMBRIDGE STUDIES IN LAW AND SOCIETY

Cambridge Studies in Law and Society aims to publish the best scholarly work on legal discourse and practice in its social and institutional contexts, combining theoretical insights and empirical research.

The fields that it covers are studies of law in action; the sociology of law; the anthropology of law; cultural studies of law, including the role of legal discourses in social formations; law and economics; law and politics; and studies of governance. The books consider all forms of legal discourse across societies, rather than being limited to lawyers' discourses alone.

The series editors work in a range of disciplines: academic law, socio-legal studies, sociology, and anthropology. All have been actively involved in teaching and writing about law in context.

Series Editors

Chris Arup
Monash University, Victoria

Martin Chanock
La Trobe University, Melbourne

Sally Engle Merry
New York University

Susan Silbey
Massachusetts Institute of Technology

Books in the Series

Diseases of the Will
Mariana Valverde

The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State
Richard A. Wilson

Modernism and the Grounds of Law
Peter Fitzpatrick

Unemployment and Government: Genealogies of the Social
William Walters

Autonomy and Ethnicity: Negotiating Competing Claims in Multi-Ethnic States
Yash Ghai

Constituting Democracy: Law, Globalism and South Africa's Political Reconstruction
Heinz Klug

The Ritual of Rights in Japan: Law, Society, and Health Policy
Eric A. Feldman

(continued after index)

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian
Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian
Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

LAW'S FRAGILE STATE

Colonial, Authoritarian, and Humanitarian
Legacies in Sudan

Mark Fathi Massoud

University of California, Santa Cruz



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town,
Singapore, São Paulo, Delhi, Mexico City

Cambridge University Press

32 Avenue of the Americas, New York, NY 10013-2473, USA

www.cambridge.org

Information on this title: www.cambridge.org/9781107026070

© Mark Fathi Massoud 2013

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2013

Printed in the United States of America

A catalog record for this publication is available from the British Library.

Library of Congress Cataloging in Publication data

Massoud, Mark Fathi.

Law's fragile state: colonial, authoritarian, and humanitarian legacies in Sudan / Mark Fathi Massoud.

pages cm. – (Cambridge studies in law and society)

Includes bibliographical references and index.

ISBN 978-1-107-02607-0 (hardback)

1. Rule of law – Sudan – History. 2. Law – Political aspects – Sudan – History.

3. Islamic law – Sudan – History. 4. Sudan – Politics and government – History.

5. Human rights – Sudan. 6. Authoritarianism – Sudan. I. Title.

KTQ1726.M37 2013

349.624–dc23 2012049887

ISBN 978-1-107-02607-0 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party Internet Web sites referred to in this publication and does not guarantee that any content on such Web sites is, or will remain, accurate or appropriate.

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian
Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

Sudan has seen colonialism. It's tried communism. It's tried
[democracy]. The people of Sudan have seen it all.

*Senior judicial official in Sudan*¹

The world should give me my full rights. Help.

*Displaced woman from Darfur, western Sudan*²

¹ Interview with Mukhtar, senior judicial official, in Khartoum, Sudan (April 2007).
With the exception of historical figures and the most prominent public officials, all
names in this book have been changed to preserve confidentiality.

² Interview with Nisreen, internally displaced person, near Khartoum, Sudan
(June 2005).

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian
Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian
Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

CONTENTS

<i>List of Figures, Tables, and Maps</i>	page x
<i>Preface</i>	xi
<i>Acknowledgments</i>	xvii
<i>Note on Translation and Transliteration</i>	xxi
Introduction	1
1 Lawfare and Warfare in Sudan	19
2 The Colonial Path to the Rule of Law, 1898–1956	44
3 Law in a State of Crisis, 1956–1989	85
4 Authoritarian Legal Politics and Islamic Law, 1989–2011	119
5 Law and Civil Society, 1956–2011	155
6 Humanitarian Legal Politics in an Authoritarian State, 2005–2011	181
7 Reflections on Legal Politics	211
<i>Appendix A: Methodological Detail</i>	231
<i>Appendix B: Interview List</i>	238
<i>Bibliography</i>	249
<i>Index</i>	267

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

FIGURES, TABLES, AND MAPS

FIGURES

2.1	Hierarchical structure of the Legal Department	<i>page</i> 57
2.2	Criminal convictions in Anglo-Egyptian Sudan, 1908–1952	61
2.3	Number of mosques in Anglo-Egyptian Sudan, 1908–1913	67
2.4	Total cases in Anglo-Egyptian Sudan, 1910–1952	77
4.1	Number of lawyers, 1956–2010	140
4.2	Critical junctures in the Bashir administration, measured by newly registered lawyers	141
4.3	Number of courts under President Bashir	144
4.4	Growth in number of courts under Bashir, 1989–2006	148
4.5	Judicial caseload, 1989–2005	149
5.1	Humanitarian legal politics by promoting law to government and to citizens	170

TABLES

1.1	The legal arsenal	8
1.1	Six legal concepts and the multiple features of law	21
2.1	Departments in the Condominium and their functions	56
3.1	Major democratic political parties in northern Sudan	92
4.1	Lawyers per capita in Sudan	139
5.1	International aid groups in Sudan, 2005–2011, by type	166
6.1	Consequences of humanitarian legal politics	203

MAPS

1	Contemporary map of Sudan until 2011 (Darfur annexed to Sudan in 1917)	xxii
4.1	Law faculties in Sudan	137

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

PREFACE

July 9, 2005. Thousands of residents from the sweltering, dilapidated camps that surround Khartoum streamed into the city. So many poverty-stricken and war-weary Sudanese filled the streets that the city shut down. I remember seeing broad smiles and hopeful eyes. Beneath the smiles, one could still sense hunger and trepidation. But this was a day for rejoicing. After more than twenty-two years, southern Sudanese leaders were officially welcomed back to the capital city and into government. The civil war was finally over.

My family had fled Sudan when I was a boy in 1983, as war resumed after a decade of relative calm. I returned to Sudan for the first time in 2005 to spend the summer with the United Nations Development Programme (UNDP) as a graduate student from Berkeley. I hoped to learn more about my homeland and the people who had stayed behind. I also wanted to make better sense of the concept and functions of law – and lawlessness. I hoped that investigating the law in as little-studied and unstable a setting as Sudan would reveal insights into the basis of the law's instrumental and ideological malleability. I knew I was lucky to have been spared the devastation of war in the intervening decades until my return to Sudan. But I had no conception of the true price paid by the Sudanese people during periods of violence and repression.

In 2005, the government was putting the finishing touches on a historic peace accord and new national constitution. It seemed a time for celebration. During that summer and a year in 2006–7, when most of the research for this book took place, I attended fifteen “legal awareness workshops” conducted in the squatter camps by nongovernmental organization (NGO) employees and local consultants (described in Chapter 5). The international aid community, in coordination with Sudanese NGOs, funded and carried out these workshops to inform the nation's most destitute people of their legal and human rights. From the first meeting I attended at the United Nations offices in Khartoum and the first workshop I visited in the desert outside the city, it struck me how human rights law seemed to be promoted as a kind of carpet

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

PREFACE

under which the dust and trauma of the war would be swept and left behind. “We are doing everything from scratch,” a senior UN human rights official would later explain to me.¹

Foreign aid workers in Sudan saw the immediate postwar period as a critical moment of transformation that separated the nation’s violent past from what they hoped would be its peaceful future. Legal consultants arrived en masse to train new judges and build the strength of the judiciary. United Nations officers spoke publicly about the need for Sudan to adopt a constitution that respected human rights principles. The World Bank, UN agencies, and international NGOs sponsored major conferences in Sudan outlining the importance of the rule of law for political, economic, and social development. And foreign governments channeled millions of dollars to the United Nations and international and local aid groups to implement widespread education programs designed to empower war-displaced persons to learn about, and ultimately access, justice through these new laws. Though not always coordinated, these law-building efforts were extraordinary for their breadth and because they took place in Sudan, classified by Western think tanks as a failed, rogue state. Because hundreds of foreign organizations were involved in the rebuilding effort, aid workers privately labeled Sudan “NGOistan,” a designation they had earlier given to Iraq and Afghanistan in the aftermath of U.S.-led interventions.

The sweeping attempts to build up Sudan’s legal institutions and public trust in them beg some questions about the country’s legal history, which led me to write this book. How did the Anglo-Egyptian colonial administration and the Abboud, Nimeiri, and Bashir military regimes shape how the Sudanese people have experienced, confronted, or resisted legal expansion efforts? What did law actually look like from the perspective of the Sudanese poor before they attended legal awareness workshops? How does the process of teaching and learning about human rights influence activists and those whom they represent, or does the discourse of rights do neither harm nor good in conflict settings? And in what visions of law and development are survivors of war being asked to put their faith?

The aid efforts I witnessed in Sudan were not the first attempts by foreigners or Sudanese to build up the state’s legal capacity. The British colonial administration in Sudan drafted extensive legal codes, built

¹ Interview with Omera, United Nations official, in Juba, southern Sudan (June 2010).

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

PREFACE

courthouses, and trained and recruited Sudanese people to work in them as clerks and judges. Later democratic and authoritarian governments in Sudan used similar strategies to indoctrinate citizens into the state's narrow vision of the rule of law. Under both the colonial and Bashir regimes, new courts provided spaces for nonviolent dispute resolution, and new law schools and informal legal-training programs educated people to advance the state's legal norms, institutions, and systems. The case of Sudan reveals how a multitude of legal spaces flourish in conflict settings, however weak the political apparatus remains.

We live in an age in which the rule of law and human rights are touted as twin catalysts for reforming weak institutions and building civil society in fragile states. But it is increasingly an age in which legal efforts are vilified for adopting one-size-fits-all solutions disconnected from the local political realities of war-torn settings. For these reasons I have sought to illuminate through this case study of Sudan the complex environment in which legal order is promoted, constructed, and destroyed in order to achieve social, economic, or political (including humanitarian) objectives. To accomplish this goal, this book adopts a longitudinal approach to the study of legal politics, analyzing how colonial, authoritarian, and humanitarian actors at different times seek to build a legal order to achieve their goals and, ultimately, how their efforts influence the lived experiences of the poor.

The targets of contemporary legal empowerment programs are among six million Sudanese forced to flee their homes during the north-south civil war and related atrocities in Darfur, Kordofan, and eastern Sudan. They formed encampments in the rural areas surrounding Khartoum. Because so much of the fighting took place in the South, Khartoum filled with survivors displaced from southern Sudan. They were the world's largest population of internally displaced persons.² During the war, they could watch the planes taking off from Khartoum's airport, flying south to bomb their home villages. In a grisly repetition of history, new squatter camps emerged in the desert in 2003, when millions more were displaced by the eruption of another war in Darfur. Violent clashes surfaced again in 2012 along a disputed border between Sudan

² The Internal Displacement Monitoring Centre estimated about five million displaced persons in Sudan just before the secession of South Sudan. "Estimates for the total number of IDPs for all of Sudan (as of January 2011)." Available: <http://www.internal-displacement.org/idmc/website/countries.nsf/%28httpEnvelopes%29/0026B2F86813855FC1257570006185A0?OpenDocument> (accessed January 9, 2013).

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

PREFACE

and South Sudan, as interethnic rivalries and natural resource disputes resurfaced.

Displaced persons in Sudan have endured war; extreme heat; lack of electricity, clean water, or formal education; and frequent *haboobs* (powerful dust storms) that send walls of sand a thousand feet tall crashing over their homes. They have also endured surveillance by police and security officers searching out and eradicating potential threats to the government's power. To earn money to buy food to feed their children, some displaced women brew alcohol and sell it to the vast population of shell-shocked unemployed men. The activity is illegal, and women are punished with prison sentences or whiplashes across their backs. I met fifteen-year-old mothers and thirty-five-year-old grandmothers. According to the World Health Organization, average "healthy" life expectancy in Sudan is among the lowest on earth – forty-seven years for men and fifty years for women – but it is even lower in the squatter areas and shantytowns for war-displaced persons.

The trip from NGO offices in central Khartoum to the desert encampments where legal awareness workshops are held takes more than an hour by bus. Temperatures soar above 120 degrees Fahrenheit outside and get considerably higher inside the bus. Driving along bumpy and sandy desert roads, the bus passes thousands of small tent-like homes fashioned out of sandy earth and animal dung, the only natural resources in these areas. The tents in these desolate camps usually house multiple families. Sometimes more than a dozen people can be found cramped inside, taking shelter from the desert sun. There are no trees. The world is brown and covered in dust. For most of the year, the combination of wind and sand means that it is impossible to walk, talk, move, or eat without becoming covered in sand. During the rainy season, mud makes driving or walking impossible, so these areas are completely cut off from the cities. The desert encampments were meant to provide temporary shelter until the war ended. But many displaced persons have lived there for twenty years or more.

The signing of the 2005 peace accord, witnessed by multiple foreign heads of state and the then-U.S. secretary of state Colin Powell, represented an opportunity for Sudan's leadership and people to think about their fragile nation's future, the first such opportunity in a generation. The end of the war also created opportunities for foreign researchers to visit Sudan in relative safety. I was able to travel in Khartoum as well as in southern and central Sudan in 2005, in 2006–7, and again in 2010. But the window of peace that allowed me to conduct the research for

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

PREFACE

this book is threatening to shut. With an ongoing humanitarian crisis in Darfur, recurrent clashes in eastern Sudan and in the oil-rich regions along the border with South Sudan, and the continued targeting of Sudanese and foreign aid workers, Sudan teeters once again on the brink of chaos.

Working in a nation so well acquainted with tyranny and terror, one could easily be overcome with grief. I met one displaced woman from Darfur who had managed to escape to a squatter area near Khartoum but had lost the rest of her family. In a remarkable display of humility, forgiving her adversaries and acknowledging the universality of human suffering, she said to me, “We are all Sudanese.” This book does not presume to describe or comprehend the horrors experienced by the Sudanese people. My intention is to make sense of how the law operates in volatile, divided, and authoritarian states like Sudan and how it can be marshaled to promote peace rather than violence.

My legal training, intellectual endeavor, and Sudanese birth of mixed ancestry rather than a specific tribal background, I learned, helped me to transcend existing and deep political boundaries and build rapport among attorneys, judges, and local activists, who told me they were pleased to see a young man – whose family fled the country never to return – himself come home to the nation that delivered him into the world. This book forms part of my ongoing journey to make sense of Sudan and, more broadly, to discover what law does, and what it fails to do, in the world’s most desperate environments.

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian
Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

ACKNOWLEDGMENTS

I have devoted nearly a decade to researching and writing this book, and I could not have completed the project alone. I extend my gratitude first to the many Sudanese people without whose genuine kindness this project could not have been completed. Specifically, I would like to thank Babiker Awadalla, former chief justice and prime minister of Sudan, as well as the current and former judges of the Sudanese courts, former government ministers, and Sudanese legal academics who took an interest in my research, made themselves available to me, and welcomed me with great hospitality. I thank the staff of the Sudan Judiciary library, Judiciary statistics department, and Sudan Bar Association Admissions Office for helping me find important historical and quantitative data, much of it locked in cabinets and covered with layers of sand and cobwebs. I also acknowledge the critical participation of many dozens of lawyers and activists who must go unnamed. Without these people this book would not be possible. *Ashkurukum 'ala musa'adatakum wa hikmatakum, khasatan i'ata'iy al-fursa al-'azhima li 'aml al-bahth. Amaani da'iman ma'akum.*

The preliminary study on which this book is based was incubated by the United Nations Development Programme's Rule of Law Unit in 2005. The United Nations Mission in Sudan, World Food Programme, Deutscher Entwicklungsdienst (German Development Service, since renamed the German Society for International Cooperation), British Foreign and Commonwealth Office, United Nations Office for the Coordination of Humanitarian Affairs, and the Salesian community of El Obeid provided logistical and travel support in Juba and El Obeid in 2007 and 2010. Special thanks to Bente Brandt, Omar Daair, Angela Grünert, Zaved Mahmood, Matthew Putorti, and Noah Salomon, who each provided friendship, support, and thoughtful engagement with me during my field research. Carolyn Fluehr-Lobban and Richard Lobban helped me to realize that studying law in Sudan would be possible and immensely rewarding.

I thank the staff of Ahfad University's Institute of Women, Gender, and Development Studies (since renamed the Regional Institute of

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

ACKNOWLEDGMENTS

Gender, Diversity, Peace, and Rights) and its director, Dr. Balghis Badri, for providing me with a research affiliation, library, office, and intellectual base during my extended visits to Sudan. I owe particular thanks to Ali Suleiman Fadlalla and Mohamed Ibrahim Khalil of the University of Khartoum Faculty of Law for their valuable mentorship, wisdom, and advice.

The Sudan National Records Office, Egyptian National Records Office, and American University in Cairo each allowed me to study their texts on law in Sudan not available anywhere else. Thanks also to archivists at Durham University's Sudan Archive for making the document retrieval process so effortless.

I am grateful to the late Sir Donald Hawley for sharing with me his experiences as a high-ranking colonial administrator of the Anglo-Egyptian Sudan, and for graciously agreeing to answer my catalog of questions during a day-long interview at his country estate in Wiltshire. I express special gratitude to William Twining of University College London for his thoughtful conversation and to Sarah Spells and other library custodians at the School of Oriental and African Studies in London.

This book began as a dissertation in the Jurisprudence and Social Policy Program at the University of California, Berkeley. I acknowledge the support of my dissertation committee members: Malcolm Feeley, Martin Shapiro, and Kim Voss. From the first day I visited Malcolm Feeley in his office in 2002 to talk about religious influences on judicial decision making (a topic I have not abandoned), he has encouraged my intellectual and professional development. Other mentors at the UC Berkeley School of Law who undoubtedly also left their impressions on this book and deserve special thanks include David Caron, Lauren Edelman, Robert Kagan, Christopher Kutz, and Philip Selznick.

I received support for the research and writing of this book from a Fulbright-Hays fellowship; a University of California Institute on Global Conflict and Cooperation fellowship; grants from the UC Berkeley Center for African Studies and School of Law; a University of California, Santa Cruz, faculty research grant; a Hewlett postdoctoral fellowship at the Center on Democracy, Development, and the Rule of Law at Stanford University; and a visiting fellowship at the McGill University Centre for Human Rights and Legal Pluralism.

My colleagues in the Department of Politics at the University of California, Santa Cruz, have provided an idyllic scholarly environment in which to work. I am grateful to them for creating a supportive space

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

ACKNOWLEDGMENTS

for research and teaching. I completed many revisions to this book in 2011–12 at the McGill University Faculty of Law and Institute for Health and Social Policy. My colleagues over the years at UC Berkeley, Stanford, McGill, and UC Santa Cruz have blessed me with continued engagement and lasting friendship.

Some parts of the Preface and Chapters 5 and 6 appear in or draw from two previously published articles, “Do Victims of War Need International Law? Human Rights Education Programs in Authoritarian Sudan” (*Law & Society Review*, 2011) and “Rights in a Failed State: Internally Displaced Women in Sudan and Their Lawyers” (*Berkeley Journal of Gender, Law & Justice*, 2006). Some elements in Chapters 3 and 4 expand upon material found in “Lawyers and the Disintegration of the Legal Complex in Sudan,” from *Fates of Political Liberalism in the British Post-Colony: The Politics of the Legal Complex* (Cambridge University Press, 2012). I am grateful to *Law & Society Review*, the *Berkeley Journal of Gender, Law and Justice*, and Cambridge University Press for permitting me to draw from these works.

I thank a number of individuals who gave helpful support to this project or feedback on the ideas presented in this book, including the anonymous reviewers, Adam Branch, Melissa Caldwell, Kent Eaton, Shelby Grossman, Edith Kinney, Lawrence Friedman, Shannon Gleeson, Robert Leckey, Larisa Mann, Khalid Mustafa Medani, Adam Millard-Ball, Eleonora Pasotti, David Pimentel, Benjamin Read, Brad Roth, Noah Salomon, Roger Schoenman, Rachel Stern, Heather Sharkey, and Juan Wang. Conversations with Clifford Bob, Richard Falk, Leila Kavar, and Helen Stacy helped me to refine my own thinking about human rights and the normative ordering of the law in politics. Adam Millard-Ball and Ramzi Ramey helped to design the maps in this book. Salma Gasim and Audrey Mocle provided valuable research assistance. I thank my editor at Cambridge University Press, John Berger, and the production team managed by Abidha Sulaiman, for their efficiency and responsiveness. Liz Goldberg and James Graham copyedited the manuscript. Julie Fontaine helped to organize the Bibliography. Any errors in the following pages are my own, of course.

Countless thanks to Adam, to my family and friends, and to God for being so strong and steady when I turned to them during my moments of need in Sudan and elsewhere. Finally, I extend my deepest gratitude to Fathi, Marola, Robert, Therese, Eddy, Galdino, and Muna, who at various times in Sudan gave me shelter from the sandstorms and safe places to laugh, to cry, to learn, and to write.

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian
Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian
Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)

NOTE ON TRANSLATION AND TRANSLITERATION

All translations and transliterations from Arabic-language documents and interviews are mine. I provide English translations alongside Arabic words that appear in this book; terms that appear several times are translated after their first usage in each chapter, such as *shari'a* (roughly translated as Islamic law). Simple apostrophes are used to represent diacritical marks are used for the Arabic *'ayn*, as in *shari'a*, and for the Arabic *hamza*, as in *ara'id* (petitions). I maintain these diacritics for proper names and render nisba endings *-iyya*, as in *effendiyya*, per the *International Journal of Middle East Studies* transliteration system. I have strived to ensure that all Arabic transliterations into English would be accessible to those familiar with Modern Standard Arabic and non-Sudanese dialects, balanced with my intent to remain true to the Sudanese dialect in which much of the research was conducted. While standard transliterations do exist, some Arabic words, including names of persons, have several spellings when transliterated into foreign languages (for instance, Numairi/Numeyri, Omar/'Umr, and Awadalla/Awad-Allah). I have aimed for clarity and consistency in the transliterations that I use. Any mistakes in translation or transliteration are my own.

Cambridge University Press

978-1-107-02607-0 - Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan

Mark Fathi Massoud

Frontmatter

[More information](#)



Map 1. Contemporary map of Sudan until 2011 (Darfur annexed to Sudan in 1917).
 Source: Author, derived from ESRI base data.