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Codifying a jurist's law: Islamic criminal legislation and Supreme Court case law in the Sudan under Numairi and Bashīr

Köndgen, O.A.

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Some remarks on transliteration and the use of Arabic terminology

Having written this dissertation in English I have opted for the Arabic transliteration system suggested by IJMES, which is widely used among specialists writing in English and generally understood. I use academic transliteration whenever I transliterate Arabic terminology or quotations in order to render these understandable to the initiated reader. I have not, however,

¹ My first research on the Sudan had been inspired by Prof. Baber Johansen (now Harvard University) in the early 1990s and resulted in an M.A. thesis (see references) published by the Deutsches Orient-Institut in Hamburg in 1992.

transliterated all Arabic proper names. Most of the time I use the respective Arabic terms, such as *zinā*, *qadhf*, *ḥirāba* etc. when an English translation would be long and cumbersome³. For the reader who is not familiar with these terms I have added a glossary of Arabic Islamic legal terms used in the text and their respective English translations. On the other hand, the glossary provides students of Islamic law with translations of Arabic legal terminology. These cannot easily be found elsewhere since Arabic-English dictionaries containing the legal terminology derived from the *fiqh* do not exist to the best of my knowledge.

With regard to the use of the terms *sharī'a*, *fiqh*, and Islamic Criminal Law (ICL) I make a difference between the former two and the latter. I use the abbreviation ICL when modern codified legislation is concerned.⁴ Further, I use the combination *sharī'a / fiqh* whenever I want to stress the interrelatedness of the two terms.

² John Wuol Makec was one of the few southern judges at the Supreme Court in Khartoum. He was very helpful during my first visit in 2004 and has risen in the meantime to the post of President of the Supreme Court of Southern Sudan.

³ For example “unfounded accusation of unlawful sexual intercourse“ for *qadhf*.