

**Reforming and Retreating: British Policies on Transforming the Administration of Islamic  
Law and its Institutions in the Busa‘idi Sultanate 1890-1963**

By

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## ABSTRACT

After the establishment of the British Protectorate in the Busa'idi Sultanate in 1890, the British colonial administration embarked on a policy of transforming the administration of Islamic law and its institutions which included the *kadhi*, *liwali* and *mudir* courts. The ultimate objective of the transformation process was to incorporate such institutions into the colonial enterprise and gradually reform them. Within a span of seven decades of their colonial rule in the Busa'idi Sultanate, the British colonial authorities managed to transform the administration of Islamic law and its institutions. Key areas of the transformation process included the formalisation of the administration of Islamic law in which procedural laws related to MPL and *wakf* regulations were codified. *Kadhi* courts and *wakf* commissions were institutionalised and incorporated into the colonial apparatus. In the process of transforming the *kadhi* courts, the British colonial authorities adopted three major policies: institutional transformation, procedural transformation, and exclusion of criminal jurisdiction from *kadhi* courts. The focus of the transformation process was on the curtailment of *kadhis* powers. By 1916 criminal jurisdiction was removed from *kadhis* and their civil jurisdiction was gradually confined to MPL. Other significant areas of the transformation process were the *wakf* institutions and slavery. *Wakf* institutions were related to land issues which were crucial to the colonial politics and the abolition of slavery in the Busa'idi Sultanate was a primary concern of the British colonial administration. Through policies of compromise and coercion, the British colonial officials managed to gradually abolish slavery without causing political or social upheavals in the Sultanate. Due to the fact that there was no uniform policy on the transformation exercise undertaken by the British colonial officials on the ground, the reform process was marked with transformative contradictions which seemed to be a hallmark of British colonial policy in the Busa'idi Sultanate. For instance, British colonial policies on transforming *wakf* institutions were caught in a contradiction in that, on the one hand, colonial efforts were geared towards transforming the land system in order to achieve economic development, and on the other hand, the British colonial officials were keen to uphold a paternalistic approach of adopting a non-interference policy in respect of religious institutions. Similarly, in abolishing slavery, the British colonial government, on the one hand, was under pressure from philanthropists and missionaries to end slavery, and, on the other hand, the British colonial officials on the ground portrayed their support of the slave owners and advocated a gradual approach to abolish slavery. Findings of this thesis reveal that the British colonial administration managed to achieve complete reform in some cases, such as, the abolition of *liwali* and *mudir* courts and confining *kadhis*' civil jurisdiction to MPL, while in other areas, such as, the management of *wakf* institutions and the abolition of slavery, the British faced resistance from the Sultans and their subjects which resulted in partial reforms. Hence, in the process of transforming the administration of Islamic law and its institutions in the Busa'idi Sultanate, the British colonial administration adopted a dual policy of reforming and retreating.