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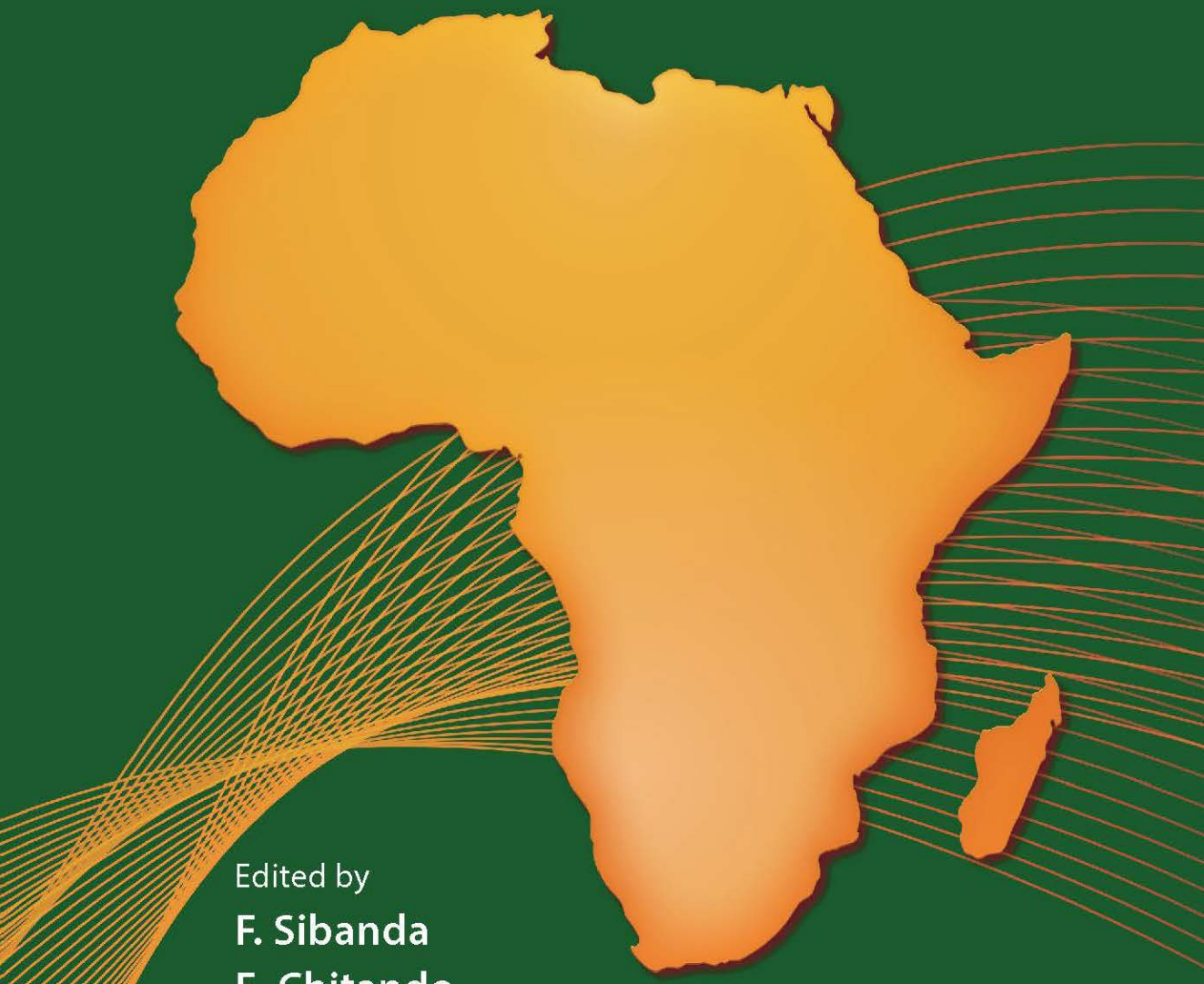

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11 The influence of Islamic law on legal frameworks, leadership styles and decision-making in African politics

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INTRODUCTION

Islamic law, or *sharia*, has had a profound and enduring impact on the political, social and legal landscapes of numerous African nations.[3] Because of the significant Muslim population on the continent, Islamic law has interacted with local customs and colonial legal systems to create a unique legal and political context.[4] This paper examines the dynamic effects of Islamic law on African political frameworks, leadership philosophies and decision-making processes, emphasising the integration, challenges and evolving role of the law in governance. Islamic law governs Muslims' temporal and spiritual lives through a system of precedents and religious principles. Its sources include the Quran, *hadith* (prophetic traditions), *ijma* (consensus) and *qiyas* (analogical reasoning). Despite the early introduction of Islamic law to Africa, its political significance has undergone significant changes over time and across different regions.[5] The legal systems of contemporary nations such as Nigeria, Somalia, Sudan and Morocco have incorporated *sharia* to differing degrees, reflecting the differences in the status of Islamic law across the continent.[6]

Nations with large Muslim populations, where Islamic law commonly coexists with or is incorporated into the state's legal system, are the most notable instances of this

1 Vice Chancellor, Al-Muhibbah Open University, Abuja.

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3 Kane O. 2003. *Islamic Law in Contemporary Africa*. Princeton, NJ: Princeton University Press, 92-143. Also see Otayek R and Soares BF. 2007. "Introduction: Islam and Muslim Politics in Africa", in Soares BF and Otayek R (eds). *Islam and Muslim Politics in Africa*. New York: Palgrave Macmillan, 24.

4 Bayat A. 2005. "Islamism and social movement theory", *Third World Quarterly* 26(6):891-908. Also see Brenner L. 1993. "Constructing Muslim identities in Mali", *Muslim Identity and Social Change in Sub-Saharan Africa.* Bloomington: Indiana University Press, 59-78.

5 Ali A. 2010. *Sharia and National Law in Muslim Countries*. Amsterdam: Amsterdam University Press, 75-110. Also see Kane O. 2003. *Muslim Modernity in Post-Colonial Nigeria: A Study of the Society for the Removal of Innovations and Reinstatement of Prophetic Tradition*. Leiden: Brill.

6 Kane, *Islamic Law in Contemporary Africa*, 92-143.

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complex effect.[7] For example, the Nigerian Constitution recognised and permits *sharia* courts to coexist with secular judicial systems in some states,[8] However, coexistence is not without its challenges, particularly when it comes to striking a balance between secular democratic values like gender equality, human rights and religious prohibitions.[9]

The primary objective of this study is to investigate the ways in which Islamic law impacts the governance systems of African nations by utilising a combination of historical research, case study analysis and theoretical framework application. The study will offer a comprehensive grasp of how Islamic law impacts political decision-making processes, leadership philosophies and legal systems. The study gathers information from a variety of sources, such as books, academic journals, court transcripts and interviews with experts on African politics and Islamic law.

Firstly, historical research will trace the evolution and influence of Islamic law from the time it arrived in Africa to the present day.[10] This part of the methodology traces the origins and development of Islamic law in Africa through a thorough historical analysis. Through an analysis of historical literature, colonial archives and academic publications, the study offers a chronological picture of the gradual incorporation of Islamic tenets into different African legal frameworks. This historical perspective is critical to understanding the current state of Islamic law and its impact on various nations.

Second, the paper uses a case-study approach to examine the specific effects of Islamic law in four African countries: Nigeria, Somalia, Sudan and Morocco. We selected these countries based on their distinct national contexts and the role of Islamic law in their legal and political structures. This method enables a thorough analysis of the ways in which Islamic law impacts legal and governance frameworks, the ways in which Islamic law and secular laws interact, and the social and political consequences of these interactions. Jean-Pierre Marchal, a sociologist specialising in cultural studies, and Elena Villalón, a political scientist focusing on governance and development, claim that case studies such as this provide helpful insights into the dynamics and outcomes of these influences in real life.[11]

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7 Kaba L. 1974. *The Wahhabiyya: Islamic Reform and Politics in French West Africa*. Evanston, IL: Northwestern University Press. See also Knysh A. 2004. "A clear and present danger: 'Wahhabism' as a rhetorical foil", *Die Welt des Islams* [The World of Islam] 44(1):3-26.

8 Suberu R. 2009. "Federalism and Sharia in Nigeria", *Journal of African Law* 53(2):205-219. Also see Loimeier R. 2011. *Islamic reform and political change in northern Nigeria*. Evanston, IL: Northwestern University Press.

9 Garba AS. 2016. "Striking a Balance Between Freedom of Religion and State's Regulatory Power in Modern Democratic Systems: State Regulation of Religious Preaching in Northern Nigeria under Scrutiny", *Quaderni di diritto e politica ecclesiastica* [Notebooks on Ecclesiastical Law and Policy] 2(August):513–532.

10 Eickelman DF and Piscatori J. 1996. *Muslim Politics*. Princeton NJ: Princeton University Press.

11 Marchal R. 2011. "Islamic Political Dynamics in the Somali Civil War", in Badru P and Sackey BM (eds) *Islam in Africa South of the Sahara: Essays in Gender Relations and Political*

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Furthermore, the study uses theoretical frameworks to analyze the data and situate the conclusions within a broader academic literature. For instance, we have used the framework of legal pluralism to explain the coexistence of several legal systems in the same jurisdiction. We have also used postcolonial theory to investigate the effects of colonial legacies on the acceptance and modification of Islamic law in postcolonial contexts. Additionally, we used systems theory to explore how Islamic law, as a component of a larger socio-political system, influences and affects other aspects of governance. These frameworks facilitate the recognition of trends, the elucidation of phenomena and the establishment of links between the political and social dynamics at large and the impact of Islamic law. Furthermore, the study performs a comparative analysis in addition to a case-specific analysis in order to find recurring themes and differing patterns in various African situations.

With the help of this methodological component, the study is able to draw conclusions and generalisations that are applicable to comparable situations across the continent, going beyond the scope of individual case studies. Lastly, the process includes a thorough examination of present laws and policies to evaluate their incorporation of Islamic principles while respecting democratic norms and human rights. This involves reviewing current laws and policies, assessing their implementation, and assessing their ability to promote inclusive and equitable governance.

In summary, the paper examines the complex ways that Islamic law influences legal frameworks, decision-making procedures and leadership philosophies in African political systems. It finds that while incorporating *sharia* into national governance structures promotes cultural cohesion and reflects traditional values, it also poses significant challenges for gender equality, legal pluralism and the accommodation of religious diversity. It is on this basis that we contend that in multiethnic and multireligious African cultures, a sophisticated approach to fusing Islamic law with secular governance principles can foster social cohesiveness and democratic stability. Within this particular context, a nuanced approach pertains to a method or plan that is meticulous, considerate and specifically designed to identify and manage the intricacies inherent in a given scenario. Ultimately, effective leadership in such contexts requires a deep understanding of these dynamics, the ability to balance competing interests, and a commitment to fostering inclusivity and equity, which are essential for sustainable governance and societal harmony.

Reform. Lanham, MD: Scarecrow Press, 233-251. Villalón LA. 1998. *Islamic Society and State Power in Senegal: Disciples and Citizens in Fatick*. Cambridge: Cambridge University Press, 142-180. Marchal's paper, in particular, examines how Islamic law has influenced political structures and conflict dynamics in Somalia, providing a case study on the intersection of religion and politics. See Levtzion N and Pouwels RL (eds). 2000. *The History of Islam in Africa*. Athens, Ohio University Press; Oxford: James Currey. See also Loimeier R. 2003. "Patterns and peculiarities of Islamic reform in Africa", *Journal of Religion in Africa* 33(3):237-262. See also Haynes J. 1996, *Religion and politics in Africa*. Nairobi: East African Educational Publications.

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THEORETICAL FRAMEWORKS AND ANALYTICAL PERSPECTIVES ON ISLAMIC LAW IN POLITICS

Understanding the role of Islamic law in politics requires a robust theoretical and analytical framework that helps to dissect the complexities and nuances of how religion influences governance. This section explores the various theoretical approaches to studying Islamic law in politics and the analytical models that elucidate the integration of legal and leadership structures in Muslim-majority societies. It does this with a view to elucidating how these theoretical models affect leadership in Islamic societies.

Scholars study Islamic law in political contexts from a variety of angles, including legal, social and historical perspectives. Academics employ multiple theoretical frameworks to understand *sharia*'s function and influence in government. The first framework that we discuss here is legal pluralism. Understanding the coexistence of multiple legal systems within a single country necessitates a thorough understanding of this theory. The study of legal pluralism examines the relationships between Islamic law and other legal systems, including contemporary state law and customary law. Countries like Sudan and Nigeria, where secular and *sharia* law permeate all aspects of governance and daily life, particularly benefit from this strategy.[12] Postcolonial theory is the second framework that we employ. This framework examines the impact of colonialism on the political and judicial systems of Muslim-majority nations, focusing on how these effects have influenced the application of Islamic law today. Postcolonial theory aids in understanding the reassertion of Islamic identity and law as a form of resistance against Western legal norms set during colonial authority.[13] Systems theory, a third theory that we employ, borrowing from political science, examines the interplay of various societal components, including legal systems, to form a cohesive whole. We can use this theory to examine how Islamic law integrates into and influences political processes within a broader political framework.[14]

In addition to the three frameworks above, three further analytical models provide tools for understanding the integration of Islamic law into the political and governmental systems of nations with a majority of Muslims. These models examine how governmental policy and religious laws interact. The first paradigm, the integration-difference paradigm, examines the incorporation of Islamic law into the national legal system while maintaining its unique religious identity. It looks at how religious authority and political authority differ, particularly in situations where religious leaders have a big impact on politics. This paradigm can benefit studying nations like Iran, where the Islamic clergy is integral to the political system.[15] The second model, known as the Intersecting Spheres Model, focuses on

12 Griffiths J. 1986. "What is Legal Pluralism?", *Journal of Legal Pluralism* 18(24):1-55,

13 Said E. 1978. *Orientalism.* New York: Pantheon Books, 1-49,

14 Easton D. 1965. *A Systems Analysis of Political Life*. New York: John Wiley & Sons, 21-53.

15 Gause FG. 1994. *Oil Monarchies: Domestic and Security Challenges in the Arab Gulf States*, New York: Council on Foreign Relations Press, 102-123.

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the interaction between the political and religious domains within a government. This model, which examines the interaction between political and religious domains within a government, is not explicitly tied to a single theorist in the way some other models or theories might be. However, it aligns with broader discussions in political science, sociology and religious studies about the relationship between religion and politics.[16] It is especially helpful in examining circumstances in which Islamic values have a direct impact on laws and public policy, as is the case in Saudi Arabia and Morocco.[17] The third model is the Governance and Adaptability Model. It assesses how Islamic law responds to contemporary issues such as modernisation, globalisation and internal societal shifts. It takes into account how flexible Islamic law is when it comes to political governance, especially when it comes to how it handles matters like international relations, technology, and economic development.[18]

A nuanced approach incorporates a number of crucial components when merging Islamic law with secular government concepts. First, it is crucial to understand the distinct social, cultural and historical characteristics of each nation or group. This entails acknowledging diversity both within and across cultures with a majority of Muslims, as well as the potential effects of varying interpretations of *sharia* on administration. Second, we must create laws and policies that balance the rights, needs and religious beliefs of everyone, especially those of religious minorities and other marginalised groups. This involves ensuring that the enforcement of Islamic law upholds and enhances human rights, rather than conflicting with or undermining domestic law. Third, the governance and law reform process should involve a wide range of stakeholders, including religious authorities, legal professionals, civil society and the general public. This ensures that multiple perspectives are considered, as well as the justifiability and success of improvements. Fourth, we adapt laws and procedures to fulfill societal demands and tackle contemporary problems. This can entail reinterpreting conventional Islamic ideas to promote contemporary ideals like democracy and gender equality. Fifth, there must be implementation of educational initiatives that foster tolerance and comprehension among diverse racial and religious communities. Education plays a significant role in mitigating prejudices and misconceptions that may arise from the coexistence of multiple legal systems. This strategy has the advantage of helping policymakers better manage the difficulties involved in incorporating Islamic law within secular governance structures, making sure that doing so promotes rather than undermines democratic governance and social cohesion.

16 See Bellah RN. 1967. "Civil Religion in America", *Daedalus* 96(1):1-21 and Habermas J. 2006. "Religion in the Public Sphere", *European Journal of Philosophy* 14(1):1-25

17 Halliday F. 2003. *Islam and the Myth of Confrontation: Religion and Politics in the Middle East*. London: I.B. Tauris, 89-114.

18 Voll JO. 1994. *Islam: Continuity and Change in the Modern World*. Syracuse, NY: Syracuse University Press, 152-175.

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HISTORICAL CONTEXT AND DEVELOPMENT OF ISLAMIC LAW IN AFRICA

This section delves into the historical progression of Islamic law in Africa, from its early introduction to the contemporary integration into national legal systems, with specific case studies illustrating its impact in key African nations. The historical background and evolution of Islamic law in Africa are critical to illustrating the law's considerable yet diverse influence throughout the continent. Islamic law has had a wide range of influences on social values, legal procedures and government since its early arrival and incorporation into contemporary legal systems. We can understand the intricate interactions between Islamic law and other legal and cultural factors that shape the political and legal environments of African nations by looking closely at the particular situations of Nigeria, Somalia, Sudan and Morocco.

Various routes, chiefly via North Africa, brought Islamic law to Africa following the Arab conquests of the seventh century. Later, trade and migration routes reached Sub-Saharan Africa. Islam's theological and sociopolitical growth throughout Africa impacted prevailing social and legal standards. For instance, it happened quickly in North Africa after the Arabs, led by Amr ibn al-As, conquered Egypt in 642 CE. This was an extension of the Muslim conquests that took place after the Prophet Muhammad died. By the end of the eighth century, most of North Africa was under Islamic rule, using Arabic as the administrative language and incorporating Islamic law into day-to-day operations. This area swiftly developed into a centre for Islamic scholarship and jurisprudence.[19] It took on various paths in Sub-Saharan Africa, including the Trans-Saharan trade route, which promoted the dissemination of Islamic doctrine and customs among the trading groups and native inhabitants. Islam gained traction by the eleventh century in powerful kingdoms such as the Ghana Empire, especially among elites who utilised the faith to strengthen their political connections with Muslim commerce in North Africa.[20]

Islamic law interacted with native legal systems and practices as it expanded throughout the continent, adapting to a range of local situations. The creation of Islamic courts and the modification of *sharia* law to suit regional requirements are indicative of this evolution. in many African countries, Islamic jurisprudence blended seamlessly with pre-existing legal systems, rather than replacing them. Frequently, this integration resulted in a pluralistic legal system where Islamic, customary and later colonial laws coexisted. Islamic law, for example, affected local government and judicial systems in places like Mali and northern Nigeria, adjusting to local circumstances while upholding fundamental Islamic principles.[21] European colonial powers implemented new legal frameworks, often based on European laws, alongside Islamic and customary laws. Following their independence, many African countries struggled with the inclusion of *sharia* in their legal frameworks. Though with differing degrees of execution and acceptability, nations such as

19 Hitti PK. 1970. *History of the Arabs.* Tenth Edition. London/New York: Macmillan, 123-145.

20 Levtzion N. 1973. *Ancient Ghana and Mali.* London: Methuen & Co Ltd, 78-102.

21 Sanankoua B. 1996. *A History of Islam in West Africa.* Oxford: Oxford University Press, 115-130.

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Nigeria, Somalia, Sudan and Morocco enacted constitutions that recognised *sharia* as a source of law.[22]

Muslim populations in Nigeria's northern states have notably implemented *sharia* law, using it as the foundation for both civil and criminal law. The reintroduction of *sharia* in these states in the late 1990s and early 2000s highlighted the complex relationship between religion and state law in a multiethnic and multireligious society, leading to significant national debates and conflicts.[23] Another intriguing example is Sudan, where President Jaafar Nimeiry's 1983 national Islamisation program led to the declaration of Islamic law as the supreme law. This action affected Sudan's legal system significantly and was a contributing factor to the protracted civil war between the predominantly Muslim north and the mainly non-Muslim south, which ultimately resulted in South Sudan's secession in 2011.[24] In contrast to Nigeria and Sudan, Morocco has approached Islamic law more as a means of integration than as a source of conflict. The Moroccan legal system combines modern changes that comply with international human rights norms with Islamic law, especially in areas pertaining to personal status such as marriage, divorce and inheritance. The Moroccan model demonstrates an approach to reconcile Islamic customs with modern legal systems.[25]

ISLAMIC LAW AND LEGAL FRAMEWORKS

In several Muslim-majority countries in Africa, such as Nigeria, Somalia, Sudan and Morocco, the link between the Islamic and secular legal systems is a complex and dynamic area of study. Historical, cultural and political reasons have played a vital role in the various ways that national judicial systems across the continent have adopted *sharia* law. Despite these and many other Muslim-majority countries' societal goals reflecting this integration, safeguarding basic human rights and maintaining legal coherence remain significant challenges. Examples from Algeria, Egypt, Sudan, Morocco, Nigeria and other nations underscore the diversity and complexity of legal pluralism in Africa, shedding light on the various ways in which legal systems can integrate Islamic ideals. These African nations' integration of Islamic law with secular legal systems provides a distinctive prism through which to examine the more general consequences of legal plurality. This section provides a comprehensive analysis of the interactions between Islamic law and secular jurisdictions, its incorporation into national legislation and its impact on national legal policy and constitutional law across various African nations.

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22 Anderson JND. 1954. *Islamic Law in Africa*. London: Routledge, 209-234.

23 Peters R. 2003. *Islamic Criminal Law in Nigeria*. Ibadan: University of Ibadan Press, 142-165.

24 Fluehr-Lobban C. 1987. *Islamic Law and Society in the Sudan.* London: Frank Cass. This publication examines Sudan's complex relationship with Islamic law, especially in the context of national conflicts and Islamicization policies. Key sections are in chapters 4 and 5, pages 88-110.

25 Ennaji M. 2014. *Multiculturalism and Democracy in North Africa*. London: Routledge, 73-90.

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Sharia, or Islamic law, is based on the Quran and *hadith* and places a strong emphasis on moral principles and Muslim religious obligations. The secular legal systems predominantly derived from civil law or common law traditions, sometimes trace back to colonial legal codes. The coexistence of these two systems can lead to legal pluralism, where multiple legal systems operate within the same region and legal jurisdiction. Typically, at this juncture, issues with jurisdiction, legal coherence and legal harmonisation arise. In Nigeria, for example, the application of *sharia* in the northern states has periodically resulted in disputes with the federal constitution, which is secular in nature, particularly in disputes that concern criminal law and human rights.[26] Secular laws encompass criminal and commercial law in Sudan, Morocco, Nigeria and many other African countries, while Islamic law primarily handles matters of personal status among Muslims, such as marriage, divorce and inheritance. Yet there are times when there are conflicts between the various systems, particularly when the results vary much.[27]

In many African nations, *sharia* not only parallels secular law but is also integrated into the national legal system. This fusion frequently reflects the demographic and cultural importance of Islam in these societies. For instance, Algeria and Egypt have constitutional clauses explicitly acknowledging *sharia* as the primary source of law, reflecting the deep-rooted influence of Islamic jurisprudence in their legal and political systems. In Algeria, Article 222 of the 2020 Constitution states that "Islam is the religion of the State," while Article 224 affirms that "the provisions of the Constitution are drafted in accordance with the constants of Islam." These clauses underscore the centrality of Islamic principles in shaping Algeria's legal framework, particularly in areas such as family law, inheritance and personal status. For instance, the Algerian Family Code (*Code de la Famille*) draws heavily on Maliki jurisprudence, though recent reforms have sought to modernise certain provisions to align with contemporary human rights standards, such as granting women greater rights in divorce and child custody.

Similarly, in Egypt, Article 2 of the 2014 Constitution declares that "the principles of Islamic sharia are the principal source of legislation."[28] This article has been a cornerstone of Egypt's legal system since its introduction in the 1971 Constitution, and its interpretation by the judiciary has significant implications for legislation and governance. The Egyptian Supreme Constitutional Court has played a pivotal role in defining the scope of Article 2, often balancing *sharia* principles with modern legal needs. For example, in cases involving gender equality, the court has upheld women's rights to divorce (*khula*) and child custody while maintaining alignment with *sharia p*rinciples. However, challenges remain in reconciling *sharia* with

26 Peters , *Islamic Criminal Law in Nigeria*, 142-165.

27 Bowen JR. 2003. *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning*. Cambridge: Cambridge University Press, 98-124. Though focused on Indonesia, this book provides useful comparative insights into how Islamic law interacts with secular legal norms, relevant to understanding similar dynamics in Africa.

28 Constitution of Egypt, 2014, art 2.

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international human rights norms, particularly in areas such as freedom of religion and the rights of religious minorities. For instance, in his book, Abdullahi Ahmed An-Na'im, a renowned Islamic scholar and human rights advocate, discusses the tensions between Sharia (Islamic law) and international human rights norms. He argues that while Islamic principles can be compatible with human rights, certain interpretations of Sharia pose challenges, particularly in areas such as freedom of religion, gender equality and the rights of religious minorities. An-Na'im emphasises the need for an internal reform within Islamic jurisprudence to align it with contemporary human rights standards.[29]

Recent scholarship provides valuable insights into the evolving role of *sharia* in these nations. In Algeria, Dalia Ganem, a scholar specialising in Middle Eastern and North African politics, highlights how the state navigates the tension between Islamic principles and the demands of modern governance, particularly in the context of political reforms and societal change.[30] Ganem notes that while *sharia* remains a foundational element of Algeria's legal identity, there is growing pressure to adapt its interpretation to address contemporary issues such as gender equality and minority rights. In Egypt, Middle Eastern law and politics scholar Nathan Brown examines the judicial interpretation of Article 2, emphasising the dynamic interplay between *sharia* and constitutional law.[31] Brown argues that Egypt's judiciary has often acted as a mediator between traditional Islamic jurisprudence and modern legal frameworks, particularly in cases involving family law and civil liberties. For instance, the 2000 introduction of *khula* (a woman's right to seek divorce without her husband's consent) marked a significant step toward gender equality while remaining grounded in *sharia* principles. However, Brown also points out that the application of Article 2 can sometimes lead to restrictive outcomes, particularly for religious minorities and women, highlighting the ongoing challenges of harmonising *sharia* with universal human rights standards. These examples illustrate how Algeria and Egypt have sought to integrate *sharia* into their legal systems while addressing the complexities of modern governance. The constitutional clauses in both countries not only affirm the primacy of Islamic principles but also reflect the ongoing negotiation between tradition and modernity in the Muslim world.

This constitutional recognition, which profoundly impacts the legislative landscape, prevents the passing of any law that contradicts the core tenets of Islam.[32] A second illustration is integration, which frequently entails creating national laws

29 An-Na'im AA. 1990. *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law*. Syracuse University Press.

30 Ganem D. 2019. "The Shifting Foundations of Political Islam in Algeria", CarnegieEndowment.org. Washington, DC: *Carnegie Endowment for International Peace*, 2 May.

31 Brown NJ. 2013. "Islam and Politics in the New Egypt", CarnegieEndowment.org. Washington, DC: *Carnegie Endowment for International Peace*, 23 April.

32 Brown NJ. 2002 *Constitutions in a Nonconstitutional World: Arab Basic Laws and the Prospects for Accountable Government.* Albany, NY: SUNY Press, 45-67. This text discusses the

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that respect Islamic principles while attending to the interests and rights of a multicultural populace. For example, Morocco has made substantial changes to its family law (the *Mudawana*) to better protect the rights of women and children by combining *sharia* principles with contemporary human rights norms. Key reforms include raising the minimum age of marriage to 18 under Article 19. *Mudawana*, which aims to combat child marriage and promote education for girls. Additionally, Article 40 grants women the right to self-guardianship, allowing them to marry without the consent of a male guardian, thereby enhancing their autonomy.

The law also introduced no-fault divorce (*talaq*) under Article 89, enabling women to initiate divorce proceedings without having to prove harm or wrongdoing, a significant shift from previous restrictions. Furthermore, Article 171 ensures equal rights in child custody, prioritising the best interests of the child and granting mothers greater legal standing in custody disputes. These reforms, enacted in 2004, reflect a progressive integration of Islamic jurisprudence with international human rights standards, marking a transformative step toward gender equality in Morocco.[33]

Sharia law's influence on national policy and constitutional legislation may have a significant impact on civil liberties and government. One of the most contentious aspects of *sharia* law adoption in many countries, for example, is how it affects human rights, particularly those related to freedom of religion and gender. The interpretation and application of Islamic law can occasionally clash with international human rights standards, even while it guarantees rights within a particular religious context.[34] Furthermore, *sharia* impacts policy domains such as criminal justice, public morality and education. For instance, Somalia is incorporating *sharia* into its national legal system to enhance its legitimacy among the populace. This influences the development and enforcement of policies across various sectors.[35]

LEADERSHIP STYLES INFLUENCED BY ISLAMIC LAW

Islamic law has a significant and wide-ranging influence on leadership philosophies in African politics and beyond. Aligning their political acts with the moral requirements of their faith, leaders that incorporate Islamic values into their models of administration typically place a strong emphasis on fairness, consultation and moral governance. In many Islamic societies, spiritual authority and political power

constitutional role of *sharia* in Arab nations, which is applicable to similar contexts in North African countries.

33 Sadiqi F. 2010. Kelly S and Breslin J (eds) "Morocco", in *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*. Washington, DC: Freedom House; Lanham, MD: Rowman & Littlefield.

34 An-Na'im AA. 2010. *Islam and Human Rights: Selected Essays of Abdullahi An-Na'im*. Farnham, Surrey: Ashgate, 35-58.

35 Menkhaus K. 2004. *Somalia: State Collapse and the Threat of Terrorism*. London: Routledge, 89-107.

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significantly intersect, as demonstrated by the roles played by religious leaders. This suggests that Islamic law, or *sharia*, impacts the leadership and governance practices in many nations with a majority of Muslims, in addition to the legal system and legislative frameworks. Religious leaders' participation in politics and the incorporation of Islamic ideas into political leadership demonstrate this effect. In addition to examining these processes, this section offers case studies of well-known leaders whose leadership philosophies best demonstrate this influence.

The Quran and *hadith* teach values of Islamic leadership, emphasising virtues such as stewardship (*khalifah*), fairness and consultation (*shura*). These tenets direct leaders in making choices that both adhere to Islamic law and safeguard the well-being of their constituents. For instance, Islamic traditions dictate that a leader must treat everyone equally and fairly, regardless of their gender, colour or religion. The Quran's verse, "Indeed, Allah commands you to render trusts to whom they are due, and when you judge between people, judge with justice", serves as an example of this.[36] Islamic states should base their legal and administrative judgments on these kinds of principles. Another example is the practice of *shura* consultation on governance issues. This is an important aspect of Islamic administration that promotes democratic engagement within Islam's confines. Before making choices, leaders are recommended to confer with their advisers or constituents; this is a kind of governance that values community perspectives.[37]

Religious leaders, or *ulama*, play a crucial role in the governance of many Islamic societies. They are not only spiritual guides but often also serve as advisors to political leaders or as mediators in political conflicts. In the first instance, in many Islamic countries, religious scholars are part of the governance structure. They may serve on religious councils that oversee the implementation of Islamic law, or they may be directly involved in government, providing guidance on religious matters that pertain to state policies. Their influence ensures that the governance adheres to Islamic ethical and legal standards.[38] A second role is in the area of mediation and conflict resolution, leveraging their authority and respect within the community to negotiate peace and reconciliation in areas affected by conflict. This role is particularly significant in societies where the state structure is weak, and the religious institutions hold substantial moral and social influence.[39]

Moroccan King Mohammed VI's approach to governance illustrates how a modern leader can integrate Islamic principles with contemporary statecraft. Since his accession in 1999, he has pursued a policy of moderate Islam, emphasising human development, economic liberalisation and increased political participation, while

36 Quran 4:58.

37 Vikør KS. 2005. *Between God and the Sultan: A History of Islamic Law*. Oxford: Oxford University Press, 234-255.

38 Nasr SH. 2004. San Francisco *The Heart of Islam: Enduring Values for Humanity*. Harper, 180-202.

39 Hefner RW. 2000. *Civil Islam: Muslims and Democratization in Indonesia*. Princeton NJ: Princeton University Press, 76-100.

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ensuring that these reforms are compatible with Islamic values. His leadership style reflects a blend of traditional monarchical authority with a progressive agenda that includes significant reforms, such as the aforementioned *Mudawana* (Family Code), which underwent groundbreaking reforms in 2004 to enhance women's rights while remaining firmly rooted in Islamic principles.[40] These reforms were the result of extensive dialogue between religious scholars, women's rights activists, and legal experts, aiming to reconcile *sharia* with contemporary human rights standards.[41]

CHALLENGES AND COMPLEXITIES: ISLAMIC LAW AND GOVERNANCE IN AFRICA

The integration of Islamic law within the diverse political and cultural landscapes of African countries presents various challenges and complexities. These issues range from cultural clashes and the implementation of secularism to the nuances of gender equality and broader human rights under Islamic law. The broader issue of human rights under Islamic law is exemplified by the treatment of religious minorities in varous countries. For example, in Egypt, while the constitution guarantees equality for all citizens, Coptic Christians and other minorities often face discrimination and violence, highlighting the challenges of reconciling Islamic law with universal human rights standards.

Scholars have analyzed these issues extensively. For example, Abdullahi Ahmed An-Na'im argues in his book *Islam and the Secular State* that the separation of religion and state is essential for protecting human rights in Muslim-majority countries.[42] Similarly, Ziba Mir-Hosseini explores the potential for gender equality within Islamic legal frameworks, emphasising the importance of reinterpretation (ijtihad) to address contemporary challenges.[43] These perspectives underscore the complexity of navigating cultural, religious and legal norms in societies where Islamic law plays a central role.

Additionally, the presence of *sharia* can complicate political stability and inter-religious relations, particularly in multi-religious societies. Addressing these challenges requires a nuanced approach that respects Islamic principles while also embracing the pluralistic and secular needs of modern states. This section explores the intricate issues of cultural clashes and secularism, gender equality and human rights under Islamic law, and political stability and conflict in multi-religious societies.

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40 Sadiqi, "Morocco".

41 Buskens L. 2010. Sharia and the Moroccan Family Code", in Otto JMO (ed) *Sharia Incorporated, A Comparative Overview of the Legal System of the Legal System of Twelve Muslim Countries in Past and Present*. Leiden: Leiden University, 89-138.

42 An-Na'im AA. 2008. *Islam and the Secular State: Negotiating the Future of Sharia*. Cambridge, MA: Harvard University Press.

43 Mir-Hosseini Z. 2006. "Muslim Women's Quest for Equality: Between Islamic Law and Feminism", *Critical Inquiry* 32(4):629-645.

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In many African countries where Islamic law is prominent, there is a continuous tension between traditional Islamic values and the principles of modern secular governance. This tension often manifests in cultural clashes that can influence national identity and unity. For instance, in countries like Nigeria, the coexistence of *sharia* law in northern states with a secular federal system has led to significant legal and cultural conflicts. The implementation of *sharia* has sometimes resulted in public debates and even violence, reflecting the broader struggle between religious conservatism and secular modernity.[44] The challenge for many governments is balancing respect for Islamic traditions with the commitment to a secular state. This balance is crucial in avoiding alienation of any religious or cultural group within the nation. For instance, in Tunisia, the post-Arab Spring era has seen intense debate over the role of Islam in public life, challenging the country's secular traditions but also invoking a stronger sense of Islamic identity.[45]

The application of *sharia* in matters of gender rights and broader human rights often leads to complex legal and social issues, particularly in relation to gender equality and international human rights standards. Islamic law has specific provisions regarding the rights and roles of women, which can differ significantly from the concepts of gender equality prevalent in Western legal systems. In Sudan, the implementation of Islamic law has significantly shaped women's rights, particularly in the areas of marriage, divorce, and public participation. The 1991 Personal Status Law and the 1991 Criminal Code, both grounded in interpretations of *sharia*, have been central to this legal framework.[46] While recent reforms have sought to address some of the most egregious inequalities, the legacy of these laws continues to affect women's lives profoundly.

The Sudanese Personal Status Law governs family matters, but it has been criticised for perpetuating gender inequality. For instance, Article 40 requires a woman's consent to marriage, but in practice, male guardians often dominate the process, particularly in rural areas. This undermines women's autonomy and reinforces patriarchal structures. Additionally, Article 43 permits polygamy without requiring the consent of the first wife, leaving women vulnerable to economic and emotional insecurity within marriage. In matters of divorce, Article 130 grants men the unilateral right to divorce (talaq), while women must seek judicial dissolution (*khula*), often under restrictive conditions. Article 133 requires women to forfeit their financial rights, including the dowry (*mahr*), to obtain a *khula* divorce. This places a significant burden on women seeking to end an unhappy marriage and reflects broader systemic inequalities.

In addition, the 1991 Criminal Code of Sudan further restricted women's rights, particularly through Article 152, which criminalises "indecent or immoral acts." This vague provision has been used to enforce public order laws targeting women's

44 Last M. 1967. *The Sokoto Caliphate*. New York: Humanities Press, 191-208.

45 Perkins K. 2014. A *History of Modern Tunisia*. Cambridge: Cambridge University Press, 229-254.

46 Muslims (Personal Status) Act, 1991 (24/7/1991); Criminal Act of 1991 (31/1/1991).

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dress and behaviour, limiting their freedom of movement and participation in public life. For example, women wearing trousers or deemed to be behaving "immodestly" could face arrest, fines or even flogging. These laws reinforced societal norms that marginalised women and curtailed their public roles.

The case of Noura Hussein, a Sudanese woman sentenced to death in 2018 for killing her husband in self-defence after being forced into a child marriage, starkly illustrates the consequences of these legal frameworks. Hussein was married at 16 and subjected to abuse, including rape by her husband and his male relatives. Her case drew international attention and highlighted the lack of legal protections for women in abusive marriages. Although her death sentence was eventually commuted to five years in prison following global outcry, the case underscored the urgent need for legal reforms.

In recent years, Sudan has taken steps toward greater gender equality. In 2019, Article 152 of the Criminal Code was repealed, marking a significant victory for women's rights activists. Additionally, in 2020, Sudan criminalised female genital mutilation (FGM), a practice that affects nearly 87% of women and girls in the country. These reforms signal a shift toward aligning Sudan's legal system with international human rights norms. However, challenges remain in fully implementing these changes and addressing the broader structural inequalities embedded in the legal system.

The laws often favor patriarchal values, which has been a point of contention with international human rights groups.[47] Furthermore, the application of *sharia* can also impact the broader spectrum of human rights, including freedom of speech and religious freedom. In some instances, blasphemy laws under *sharia* can conflict with the freedom of expression guaranteed under international human rights law. Countries like Somalia have struggled to align their national legislation with *sharia* while also trying to adhere to international human rights treaties. This tension is particularly evident in areas such as gender equality, freedom of expression and the rights of minorities. For example, Somalia's provisional constitution, adopted in 2012, recognises Islam as the state religion under Article 2 and states that no law can be enacted that is contrary to the principles of *sharia*. However, this provision has created challenges in reconciling Islamic law with international human rights standards, particularly in matters such as women's rights and freedom of religion.

One of the most contentious issues is the treatment of women under Somalia's legal system. The country's draft Sexual Offences Bill, which aimed to criminalise sexual violence and provide protections for survivors, has faced significant opposition from conservative groups who argue that it contradicts *sharia* principles. For instance, provisions criminalising marital rape and female genital mutilation (FGM) have been met with resistance, as some interpretations of Islamic law do not recognise these practices as violations of women's rights. Despite Somalia's ratification of international treaties such as the Convention on the Elimination of

47 Fluehr-Lobban, *Islamic Law and Society in the Sudan*, 112-130.

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All Forms of Discrimination Against Women (CEDAW)[48], implementation remains weak due to cultural and religious opposition.

Another critical issue is the treatment of religious minorities and freedom of expression. Somalia's blasphemy laws, which are grounded in *sharia*, have been used to suppress dissent and target minority groups. For example, in 2020, a court in Mogadishu sentenced a young woman to death for blasphemy after she was accused of insulting the Prophet Muhammad. The case drew international condemnation and highlighted the challenges of protecting freedom of expression and religion in a legal system heavily influenced by *sharia*.

The lack of a centralised legal framework further complicates these issues. In the absence of a strong federal government, regional administrations and local authorities often implement *sharia*-based laws inconsistently, leading to widespread human rights violations. For instance, in areas controlled by the militant group Al-Shabaab, strict interpretations of *sharia* are enforced, including public executions, amputations and restrictions on women's mobility and education. These practices starkly contrast with Somalia's obligations under international human rights treaties.

Efforts to address these challenges have been slow and fraught with difficulty. The Somali government, with support from international organisations, has attempted to reform the legal system to better align with human rights standards. For example, the 2018 National Action Plan on Ending Sexual Violence in Conflict represents a step toward addressing gender-based violence. However, the lack of political will, ongoing conflict and deep-seated cultural and religious norms continue to hinder progress.

Scholars and human rights organisations have documented these challenges extensively. Markus Hoehne, a scholar of Somali studies, notes in his work that the lack of a unified legal system and the influence of local customs and *sharia* create significant obstacles to human rights implementation.[49] Similarly, Ladan Affi, a Somali human rights advocate, highlights in her research the need for culturally sensitive approaches to legal reform that respect Islamic principles while promoting gender equality and minority rights. [50]

POLITICAL STABILITY AND CONFLICT IN MULTI-RELIGIOUS SOCIETIES

The presence of *sharia* can influence the political landscape, especially in countries with significant religious diversity. The enforcement of Islamic law can exacerbate

48 Convention on the Elimination of All Forms of Discrimination against Women, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force Sept. 3, 1981.

49 Hoehne M. 2015. *Between Somaliland and Puntland: Marginalization, Militarization, and Conflicting Political Visions*. London, Nairobi: The Rift Valley Institute.

50 Ahmed AA. 2021. "The Case of Somali Socialist Family Law Reforms towards Women's Rights." *Journal of Somali Studies* 8(1):35–46.

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tensions in multi-religious societies, impacting political stability and conflict. In multi-religious societies like Nigeria, the enforcement of *sharia* in certain states has sometimes heightened tensions between Muslim and non-Muslim communities, leading to religious conflicts and violence. Nigeria's federal structure allows states in the predominantly Muslim north to implement *sharia*-based penal and civil codes, while the predominantly Christian south follows secular laws. This dual legal system has often exacerbated religious and ethnic divisions, particularly in states like Kaduna, Kano and Zamfara, where *sharia* has been enforced more strictly.

One of the most contentious issues has been the application of *hudud* punishments, such as amputation for theft and stoning for adultery, under *sharia* penal codes. For example, in 2002, Amina Lawal, a woman from Katsina State, was sentenced to death by stoning for adultery, sparking international outrage and highlighting the tensions between *sharia* and human rights norms. Although her sentence was eventually overturned, the case underscored the precarious position of non-Muslims and even Muslims who oppose strict interpretations of *sharia* in these states. Religious conflicts have also erupted over issues such as blasphemy and conversion. In 2020, the killing of Deborah Yakubu, a Christian student in Sokoto State, by a mob accusing her of blasphemy against the Prophet Muhammad, ignited widespread violence and protests. This incident highlighted the dangers of enforcing *sharia*-based blasphemy laws in a multi-religious society, where accusations can quickly escalate into communal violence.

Scholars have extensively analyzed these tensions. Philip Ostien, a legal scholar and researcher who has extensively documented the implementation of *sharia* in northern Nigeria, documents the complexities of *sharia* enforcement in Nigeria's northern states.[51] Ostien notes that while *sharia* was reintroduced in 1999 to address moral and social decay, its implementation has often marginalised non-Muslims and fuelled interreligious conflicts. His work provides a detailed account of how *sharia* courts operate and their impact on religious minorities. Similarly, Sarah Eltantawi, a scholar of Islamic studies and comparative religion, focusing on the political and social dynamics of *sharia* implementation in Nigeria, in her book *Shari'ah on Trial: Northern Nigeria's Islamic Revolution*, Eltantawi examines the political and social dynamics behind the reintroduction of *sharia* in northern Nigeria.[52] Eltantawi argues that the enforcement of *sharia* has been used as a tool for political mobilisation, often at the expense of religious harmony and human rights. Her analysis highlights the challenges of reconciling *sharia* with the pluralistic nature of Nigerian society.

The challenge is for the state to ensure a balanced approach that respects religious differences while maintaining national unity.[53] The challenge extends

51 Ostien P. 2007. *Sharia Implementation in Northern Nigeria 1999-2006: A Sourcebook*. Ibadan: Spectrum Books.

52 Eltantawi S. 2017. *Shari'ah on Trial: Northern Nigeria's Islamic Revolution.* Berkeley, CA and London: University of California Press.

53 Paden J. 1973. *Religion and Political Culture in Kano*. Berkeley, CA and London: University of California Press, 289-310

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to policymaking, where governments must integrate Islamic principles with the secular policies necessary for national development. This integration must be managed carefully to avoid alienating any segment of the population and to foster long-term stability and development.[54]

STRATEGIES FOR INCLUSIVE GOVERNANCE AND SOCIETAL COHESION

To ensure societal cohesion and effective governance in diverse societies, particularly those influenced by Islamic principles, it is crucial to develop strategies that promote pluralism, tolerance and inclusive participation. This section explores strategies aimed at strengthening legislative frameworks, nurturing leadership styles that foster religious tolerance and enhancing the role of religious authorities in governance.

For nations with diverse religious and ethnic populations, legislative frameworks must be designed to ensure equal rights and participation for all groups. This involves creating laws that not only respect religious traditions but also uphold universal human rights and civil liberties. In countries like South Africa, the constitution is designed to protect the rights of all citizens irrespective of their religious beliefs, thereby promoting a pluralistic society. Adopting a similar approach in Islamic-influenced countries involves ensuring that *sharia* is applied in ways that do not infringe on the rights of non-Muslims and that there are legal provisions for both religious and secular courts.[55] In addition, ensuring that minority rights are protected under the law is crucial for societal cohesion.[56]

Leadership plays a pivotal role in shaping the social and political climate of a country. In multi-religious societies, leaders must promote religious tolerance and interfaith dialogue to foster unity and prevent conflict. Leaders can initiate and support interfaith dialogue programs that bring together religious leaders from various communities to discuss and understand each other's beliefs. This promotes mutual respect and reduces misconceptions. Examples include the initiatives in Kenya, where interfaith councils have effectively reduced religious tensions.[57] Education systems can be leveraged to teach values of tolerance and coexistence from an early age. Including curricula that educate students about different religions and cultures can foster an atmosphere of respect and understanding. In

54 Kane, *Muslim Modernity in Postcolonial Nigeria*, 159-181.

55 Ackerman P and DuVall J. 2000. *A Force More Powerful: A Century of Non-violent Conflict*. New York: Palgrave, 312-335

56 In Indonesia, for example, despite its Muslim-majority population, laws have been reformed to ensure that religious minorities are protected, promoting societal peace and cohesion. See Hefner, *Civil Islam: Muslims and Democratization in Indonesia*, 76-100.

57 Bekoe DA and Omach P. 2003. "Building Peace in Eastern Africa", International Peace Institute.org. Entebbe: International Peace Academy, December.

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Morocco, educational reforms have included lessons on religious tolerance as part of the curriculum.[58]

Religious authorities often hold significant influence in societies governed by Islamic principles. Their involvement in governance can be pivotal in promoting ethical leadership and ensuring that governmental policies reflect the moral values of the population. In Jordan, religious leaders serve on advisory councils that consult with the government on policy issues related to social and ethical matters. Their insights help ensure that policies align with the cultural and religious values of the community.[59] Furthermore, religious leaders can play a crucial role in promoting transparency and accountability in governance. By advocating for ethical practices and condemning corruption, they can enhance the integrity of governmental institutions.[60]

CONCLUSION

This study's focus on Nigeria, Somalia, Sudan and Morocco illustrates the varied impacts of Islamic law on national governance, societal cohesion and identity in African nations. Each country's experience provides valuable insights into the challenges and opportunities of integrating Islamic law within diverse and changing societies. It also shows that the integration of Islamic law into the governance of African nations presents both challenges and opportunities. The exploration of this intricate relationship reveals profound implications for policy, governance and societal cohesion.

The findings are fivefold. First, Islamic law has a rich history in Africa, introduced through early conquests and trade, and has significantly influenced various legal systems across the continent. The evolution of Islamic jurisprudence reflects a blend of traditional *sharia* with local customs and colonial legacies, leading to a complex legal landscape. Second, Islamic law significantly impacts the legal frameworks and leadership styles within African politics. Countries like Nigeria and Sudan show how *sharia* can shape governance and public administration, often reflecting a balance between religious laws and modern state requirements. Third, the integration of Islamic principles into decision-making processes highlights the role of *sharia* in both enhancing and complicating governance. Advisory bodies and religious authorities play crucial roles in shaping policies that align with Islamic teachings while addressing the needs of diverse populations. Fourth, the application of *sharia* intersects with issues of cultural clashes, secularism, gender equality and human rights.

Countries like Morocco have made strides in modernising *sharia* to better align with international human rights standards, though challenges remain in balancing

58 Maghraoui, *Reforms and Political Change in Morocco*, 142-168.

59 Wiktorowicz Q. 2004 *Islamic Activism: A Social Movement Theory Approach*. Bloomington, IN: Indiana University Press, 114-138.

60 Lewis IM. 1966. *Islam in Tropical Africa*. Bloomington, IN: Indiana University Press, 185-207.

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tradition and modernity. Fifth, the case studies from Nigeria, Somalia, Sudan and Morocco demonstrate various strategies for managing the influence of Islamic law on national identity and governance. These include legal reforms, education programs and the involvement of religious leaders in governance to promote societal cohesion.

There are further implications for policy and practice, underscoring the need for nuanced policies that respect religious traditions while promoting national unity and adhering to international standards. Policymakers should consider the following factors. First, embrace legal pluralism by ensuring that *sharia* complements rather than conflicts with secular laws. This approach can help manage diversity and reduce tensions in multi-religious and multi-ethnic societies. Second, implement reforms in *sharia* application to enhance gender equality and protect human rights, drawing from successful models like Morocco's *Mudawana*. Third, foster interfaith dialogue and education to promote understanding and tolerance among different religious communities, reducing the potential for conflict and enhancing social cohesion.

In conclusion, the integration of Islamic law into the governance of African nations presents both challenges and opportunities, requiring a delicate balance between respecting religious traditions and promoting universal human rights, gender equality and social cohesion. By embracing legal pluralism, fostering interfaith dialogue and implementing inclusive reforms, African nations can navigate the complexities of *sharia* while building more equitable and harmonious societies for all citizens.

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