

Women living under muslim laws  
النساء في ظل قوانين المسلمين  
Femmes sous lois musulmanes

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**Muslim Conservatism in South Africa**

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Nineteen eighty-four was a highwater mark for popular and radical politics in South Africa. It also coincided with the rejuvenation of conservative forces in the country. The upsurge in popular struggle was precipitated by the advent of the National Party-inspired tricameral parliament. In this resistance against apartheid several religious denominations (including Muslims) joined the democratic movement. Throughout the country, especially the Western Cape region, Muslims were seen to be more politically organised than during any other period of political insurrection in the history of modern South Africa. A range of Islamic symbols become increasingly visible as an indication of active Muslim presence in the popular struggle. Nevertheless, a rigid conservatism remains grounded in the Muslim community.

The main Muslim actors articulating a conservative political discourse are the 'ulama-groups, chiefly represented by the Muslim Judicial Council (MJC), the Jamiatul 'Ulama (Council of Theologians) of Transvaal, the Jamiatul 'Ulama of Natal and The Majlisul 'Ulama (Council of Theologians) of South Africa. In addition, there are organisations such as the Islamic Council of South Africa (ICSA), and The Majlis-as-Shura which are not strictly theological councils. There are also 'ulama who belong to the Sunni Jamiat al-Ulama. This group has a separate administration because of its allegiance to the Barewli theological school. Although the focus of this paper is on the larger institutions, many of the assumptions and conclusions are also applicable to the Sunni Jamiat and other conservative bodies.

**The 'Ulama: The Mediators of the Tradition**

It is the 'ulama who largely mediate the variety of theological traditions of Islam. They are to some extent the prototype of the intellectual in Muslim communities. In practice the interpretation of the law, ethics, morality and religious values of Islam is largely the responsibility of the 'ulama. As such, they have the authority and power over the religious symbols.

The radical critique of the 'ulama regards the latter's tradition as static and conservative. The 'ulama stand accused of abdicating their duty to set polity and society right. This raises a more contentious question, which is whether normative Islam prescribes any specific function for the 'ulama. Theoretically, Islam has no ecclesia, with the result that its counterpart, the saeculum, becomes redundant. 'In a sense', writes Ishtiaq Husain Qureshi, 'Islam is a secular religion, because it has no church'. To concede this assertion would be an oversimplification. A de facto separation between the realm of the ruler and that of the 'ulama has historically always existed. It would not be incorrect to assert that the 'ulama did, and still do, function in a sort of ecclesiastic capacity. Direct 'ulama involvement in politics, with the exception of some isolated periods in Islamic history, has been minimal. However certain 'ulama did participate in the anti-colonial struggles of the nineteenth and twentieth centuries, in the form of Ben Badis in Algeria, Al-Afghani in Egypt and Mahmud al-Hassan in India. However, this does not characterise a general practice where the 'ulama provide secular and religious leadership. Yet to use Geertz's terminology, there is no single 'model of' and a 'model for' the 'ulama in Muslim society.

The absence of a central politico-religious authority further exacerbates the situation. The demise of the Ottoman caliphate in 1924 signalled the end of what remained of a token politico-cum-religious authority. Now that the 'ulama have assumed the mantle of the caliphate, the question is debated whether they ought to provide both secular and religious leadership as the caliph did or whether they are only restricted to religious guidance. The advent of new political structures, such as the nation-state and the attendant political and cultural pluralism has also seriously challenged the traditional authority structures of Muslims.

Qurieshi captures the paradoxes of the 'ulama in Muslim society that have made them sociologically mystifying. He attributes their conservatism to their legalistic training. In other words, they are victims of a tradition which legitimates itself by invoking the immutable authority of the past which only adds to their conservatism. On the other hand, he believes that they have made their conservatism 'convincing' because of their loyalty and passionate devotion to Islam.

It is within the stated problematic of the role and function of the 'ulama in Muslim society that certain ambiguous and conservative tendencies appear within the South African context of Islam. Three recent events will be examined in order to locate and explore the conservative discourse. These are the response of the 'ulama to first, the 1984 tricameral elections; second, the charges of heresy made against radical groups; and, third, the condemnation of participants in anti-apartheid politics.

### **Tricameral Elections**

During the tricameral elections of 1984, the Jamiats in the Transvaal and Natal were conspicuously reluctant to criticise the apartheid state. Pressure by radical groups and a wide range of organisations eventually succeeded in that the Natal Jamiat issued a statement on the eve of the 'Indian' elections. In what turned out to be an extraordinary occasion in its history, the Jamiat said that the elections were unacceptable because they perpetuated racism and segregation. On the other hand, the Transvaal Jamiat was consistent in its silence, cautious not to make any political statement on the tricameral parliamentary system. The last mentioned Jamiat has since maintained a record silence on any political issue which would appear to be anti-state. Spokespersons for the Sunni Jamiat, in their turn, joined the radical Muslim groups in opposing the elections. In fact, a representative of the Natal Sunni Jamiat described apartheid and the August 1984 elections as 'Satanic and un-Islamic and an insult to human dignity and prestige'.

The MJC, prodded by the nouveaux 'ulama from the Call of Islam, declared participation in the tricameral election to be juridicially forbidden - haraam. Its theological reasoning stressed the primacy of 'adl (justice) and a condemnation of racism since the only criterion valid in the eyes of God was the believer's taqwa - (fear or consciousness of God). Indeed the MJC's political stand received popular applause. To a large extent the dynamic of the political struggle and the intensity of the popular insurrection which engulfed the entire Cape Peninsula left few institutions untouched, the MJC being no exception. Thus, while the theologians in the Transvaal and Natal were either cautious or even reactionary, the MJC made a brave political stand and affiliated itself to the popular United Democratic Front (UDF). However, under pressure from the conservatives in its ranks, the leadership was forced to withdraw its affiliation from the UDF. The conservatives, in seizing the initiative through a range of tactical manoeuvres, effectively distanced the Council from any committed political position. In other words, the MJC would protest against injustices without necessarily doing anything about it.

Press statements during the political unrest of the mid-1980s form another index by which to measure the conservatism of some 'ulama in the Western Cape. In a two-part series of articles, the pro-Nationalist Cape Town daily, Die Burger, published the views of certain 'ulama who were termed to be 'moderates' (gematigdes). The Burger said:

Moderate Muslim theologians (geestelikes) in the Peninsula are of the opinion that not even civil disobedience is permissible for the minority of the Muslims in South Africa where they are to obey the law and are under obligation to negotiate if they consider the political system to be unjust or oppressive.

Conservative spokespersons argued that if the government allowed Muslims the religious liberty to pray, build mosques and go for pilgrimage they could not engage in jihad (struggle) against such an authority. To invoke jihad while co-operating with non-Muslims, as the radicals did, was not religiously acceptable, they said. An unnamed theologian told the paper that: 'Islam strongly rejects anarchy and advocates non-confrontation'. Muslims who were unhappy with the status quo should emigrate or undertake hijra (exodus) to a safer haven.

The above arguments favouring political passivism are neither unauthentic nor inaccurate in terms of the mainstream Muslim tradition. A brief digression is in order at this point. The central ideas of medieval Muslim politics are derived from a Persian-inspired genre of writings, known as the 'mirrors for princes'. These tracts were produced by the medieval Muslim jurists and constitutional theorists as advisory notes for the caliph or sultan. Contemporary 'ulama who uncritically restate these views run the risk of ignoring the ideological frame in which each of these texts were written. Being mainly a court genre, these 'mirrors' were captive to the ideas and political interests of the ruling powers. They rarely addressed issues affecting the legitimacy and illegitimacy of political authority.

The aim of this type of political theology was to promote a policy of moderation and cohesion against lawlessness and chaos. The fear of anarchy can be traced to the early Muslim community's nightmarish experience of the Fitnah or civil war after 648 C. E. Sami Zubeida neatly summarises the effect this history had on Muslim realpolitik:

Historically the attitudes of the 'ulama, jurists and philosophers have displayed a characteristic ambivalence between prudence and legitimacy. Prudence is recognising the realities of politico-military powers and anxiety to maintain the integrity and peace of the Islamic community under a Muslim ruler, however nominal his Islam and oppressive his rule. Legitimacy is still insisting in theory on the correct qualifications of an Islamic ruler and the proper procedures of managing the affairs of the community. But for the most part they kept silent on the gap between theory and practice: prudence prevailed.

In the wake of the civil war in the seventh century, the extremist Khawarij (Seceders) called for the removal of any political authority if it committed a single mistake. Their opponents, the Shi'is, considered all temporal authority to be illegitimate until the legitimate candidate from the house of the Prophet (Ahlul Bayt) was installed. In the eyes of the dominant tradition the Shi'i position was an anathema. The sectarian division which later polarised into Sunni and Shi'i schisms was in itself considered to be a product of the fitnah. And, from the point of view of Sunni orthodoxy, there remains an unbridgeable chasm between the two parallel orthodox Sunni-Shi'i perspectives. For the Sunnis, says Enayat, 'the course of history ... has been a movement away from the ideal state, for the Shi'is it is a movement towards it'. These two movements, away and towards the ideal, as well as the notion of fitnah, have symbolically far-reaching consequences on the Muslim world-view. Subsequent political thought abstracted these ideals from their historical realities and transformed them into powerful mythological 'truths' which shape the thought and practice of its adherents.

### **Politics of Deviance or Heresy?**

Conservative interpretations also attribute the impetus for 'radical' Islam to the revolutionary zeal of the 1979 Iranian revolution whose impact on groups of local Muslims cannot be ignored. At this point the sectarian polemics between Sunnis and Shi'is surface in the South African context. The Shi'i ethos provides a messianic view of history which moves towards an ideal. The power of this 'mythos' enthralls the devout to believe that triumph is the inevitable outcome of the divine scheme of things.

Against the background of the age-old Sunni-Shi'i hostilities, it took little imagination to kindle the flames of sectarian dogmatism against those Sunnis who had 'politically' converted to Shi'ism in espousing radical Islam. Heightened militancy and pro-Iranian fervour among local activists were interpreted as acts of theological deviancy or heresy in the eyes of the conservatives. But, the deepening animosity between radicals and conservatives disguised itself in a controversy over the

legitimacy of Shi'ism. This led to conservative accusations of heresy or unbelief (kufr) against activists and the consequent attempt to disqualify them from membership of the community.

During the height of the political unrest in 1985, Qiblah activists were specifically singled out and assaulted by a vigilante group, known as the 'A-team'. These Muslim vigilantes accused the Qiblah activists of being Shi'is due to the latter's open support for revolutionary Iran. The victimisation of these activists was carefully orchestrated. Several confrontations between the 'A-team' and their Qiblah opponents took place and even led to a shoot-out. To a rationalistic and materialistic generation it is inconceivable that these conflicts 'merely' involved religious issues. It is not difficult to discern a pattern in the vigilante action. The Muslim vigilante action coincided with the vigilante action which killed scores of Crossroads/ KTC squatters in which the state is suspected to have had a hand. With the exception of a few politically aware individuals, the 'official' 'ulama were silent about the brutality metered out to the Qiblah activists.

In another separate incident the conservative discourse is even more transparent. In 1988 a joint pamphlet was issued by the three main 'ulama bodies of South Africa, namely the Transvaal and Natal Jamiats and the MJC. The pamphlet ostensibly announced an agreement between the participants for the establishment of a National Hilaal (Crescent) Committee in order to regulate the controversial Islamic lunar calendar. However, on the reverse side of the pamphlet three carefully worded resolutions were documented. The first resolution warned of the:

...avowed threat of the Shias of taking over the Haramayan (Makkah and Madina), and condemn the exportation of the Khomeini revolution to the Muslim world of the Ahlus Sunnah wal Jamaah (the Sunnis).

The second resolution opposed the 'efforts of genocide against the valiant Muslims of Palestine... the large numbers of Muslims killed, murdered, maimed and crippled by Jewish Zionist oppressors ...'and expressed 'full support for the Palestinian Muslims in their jihad against the Israelis...'. The third resolution expressed 'sincere admiration for the Mujahideen of Afghanistan' in their Jihad against the 'invading Russian Imperialists'. The last resolution stated that:

We also express our support and sympathy for the struggling, striving and suffering Muslims of Russia, China, Lebanon, Ethiopia, India, Burma, Philippines, Syria etc. and all those areas where Muslims are striving against Anti-Islamic forces, atheistic or Communist forces for survival and self-preservation.

A close examination of these texts reveal a concealed discourse. The noticeable absence of any condemnation of racism and the economic exploitation of black people in South Africa is striking. The pamphlet reflects an acute awareness of world events, ranging from Zionism and Soviet imperialism to repression in Burma, but fails to take account of apartheid.

What is evident is the selective use of sectarian polemics in order to theologically discredit groups hostile to the political interests of the conservative 'ulama. The 'ulama's discourse is exclusivist, in other words, only concerned with Muslims. Exclusivism is a familiar trademark of reactionary and conservative ideologies. Given the exclusivist discourse, there was no mention of any 'Muslim' prisoners of apartheid, such as Achmat Cassiem, Yusuf Patel, Ebrahim Ebrahim, Ahmad Kathrada, Ashley (Ashraf) Forbes and Nazeem Dramat, to mention but a few.

But, there is also a new spirit among conservatives to create alliances with other conservatives of whatever religious background to the point that such ties would service their common interests. Without having to press the text it is obvious that atheism, communism and Soviet Imperialism are demonised, while American Imperialism and Capitalism are implicitly condoned. The class position of the 'ulama, as middle-class and merchant-class actors, has a significant influence in their predisposition towards right wing ideologies.

### **Outrage Against Kuffaar (Infidel) Politics**

An outspoken champion of conservative Islam is the Port Elizabeth-based tabloid, The Majlis - 'Voice of Islam'. As a representative of a trend which has a significant following, especially in the

Transvaal and Natal, it is also an index of Muslim self-understanding in South Africa. Recently, the tabloid attacked Muslim anti-apartheid activists for participating in what it described as kufr (infidel) politics. A mélange of theological and political ideas is invoked to demonstrate that political co-operation between non-Muslims and Muslims is un-Islamic. Its general view is that both left and right wing Muslim groups may be 'sincere' in their efforts, but are 'misguided'.

To begin with we will look at the following statement where The Majlis warns that co-operation with non-Muslims meant to be:

... under guidance and instructions of mushrik (polytheist) priests and godless communists; mingling with kuffaar men and women in gatherings where the nafs (passions) find free scope to assert all its baneful domination; dancing hand in hand with kuffaar, bible-wielding priests.

It is evident that the paper takes a very dim view of the humanity of non-Muslims, whose status is theologically determined as polytheists, Christians and communists. Sexually, women have the limitation of only being the object of sexual passion and desire. The involvement of 'unbelievers' and women sublimates a fear that the pristine character of Islam will be polluted. The cumulative effect of this inclusivism enhances the potential for fitnah, in other words the prospect of change which is reprehensible to the conservative psyche. Perhaps the following statement epitomises this conservative fear more plainly:

The methods employed by kuffaar (infidel) political organisations on the left envisage the total destruction of Islamic belief, Islamic practice, Islamic morality and Islamic values. These movements of baatil only culminate in liberal assertion of all the lowly traits in man's nafs (lower self). Audacity, disrespect for even parental authority and Shar'ia authority are among the baneful consequences of participating in politics under the guidance and instructions of the kuffaar.

The implicit hermeneutical keys of fitnah in the above text are terms such as 'destruction', 'disrespect', 'baatil', 'nafs', 'baneful consequences' and the vilification of the 'kuffaar'. A deconstruction of the discourse reveals an inherent fear of the dislocation of existing socio-moral structures and the deterioration of Shar'i (religious) authority; and second, the breakdown in parental authority. The enormity of the moral and cultural disjuncture caused by socio-political upheaval is a paramount fear precisely because it will generate an unknown quantity and quality of change. As a consequence, conservatives mount a moral crusade in order to blame radical activists for the breakdown in family and religious morality and hope thereby to redress what they consider to be the social ills.

Implicit in the above text, the case is made that irrespective of the level of oppression and injustice, any disturbance of the existing socio-political and moral structures will in Enayat's words be a movement away from the ideal towards perpetual disintegration and deterioration of society. A fact that has eluded Muslim conservatives thus far, is that when the Prophet Muhammad started his prophetic mission in Makkah he was also accused of disrupting and being the cause of dislocating the society.

In a bid to rationalise their political views, conservatives impute certain negative theological and moral values to terms like 'leftists', 'atheists' and 'bible-wielding priests' as shorthand for heresy and deviance. This new theological grammar is the modern-day equivalent of the medieval demonology of Islam.

Another statement will place The Majlis' own political proclivities in perspective:

While the group on the right of kuffaar politics collaborate primarily for pecuniary gain, the left collaborate with communists and Christian priests for nafsaani (carnal) gains of riya (show) and takabbur (pride). Both groups are plodding the trail of baatil (falsehood) and dhalaal (deviance). But, the collaboration of those on the left is fraught (sic) with graver dangers for Imaan (faith) and the moral life of Muslims. The evil of the collaboration of those on the right is largely confined to the participants themselves ... they neither represent Islam nor the Muslims ... there is not much to worry about them. But, the real danger to the Islamic way of life is posed by the collaborators with kuffaar political organisations on the left ... It must be reiterated that non-participation in

kuffaar politics means abstention from all forms of kuffaar politics, be it on the left or the right.

The invective against the left and its Muslim allies is extremely belligerent. However, if one examines the text on a comparative basis, the discourse is less opprobrious towards the 'right wing' than the 'left wing'. There is a rationalisation as to why one group is less dangerous than the other. Right wing evil is described as being 'confined to the participants themselves'. The evil of the left poses 'graver dangers' (sic) and 'real dangers'. The text explicitly cautions that the left wing can ultimately bring about the demise of Islam. From the point of view of interpretative theory there is a distinct privilege for the right wing in the discourse of The Majlis.

Exclusivism is forcefully evident in the latter statements of The Majlis. New categories are invented to impute heresy and deviance in order to disqualify those who threaten and challenge conservatism. In fact, the predisposition of The Majlis towards the 'right wing' is discursively more explicit than any of the other 'ulama groups. It attempts to defend, and by implication preserve, existing moral codes, forms of authority and centres of power within the Muslim community and outside. It prefers the status quo as opposed to the uncertainty of change. When some 'ulama joined the UDF, The Majlis described it as the Day of Judgement drawing near. This only confirms the hypothesis that for the conservatives all change leads away from the ideal towards deterioration.

### **Conclusion**

As South Africa inches towards political and socio-economic change it becomes apparent that conservatism will not retreat. On the contrary, there is less certainty about its demise. While one is hesitant to predict the future, it is not inconceivable that conservative Islam is capable of shaping Islam's destiny in this country for a long time to come. Even though the conservatives may lose the political battle to the radicals, there is no perceived gap between their conservative views and that of the religious constituencies they serve.

It is deceptive to believe that conservatism does not have a political posture. Beneath the veneer of civic apathy is a benign and paradoxical political posture. The prevailing opinion that it is narrow, sectarian and exclusivist does not mean it cannot rejuvenate itself to become a force to be reckoned with. In fact, it does from time to time make a forceful public appearance if the issue(s) justify such presence.

In the eyes of the conservative 'ulama, Islam is at stake in the political vicissitudes of South Africa. For that reason, as Qureshi observed, they would want to keep the values of the past intact and avoid the destructive effects of fitnah. There is a pronounced desire to preserve the pre-modern religious discourse, especially its order and authority structures. This takes precedence over creative thinking and the adaptation of Islam to modern circumstances. Issues such as apartheid and racism are of secondary importance compared to the preservation of Islam. Such preservation could mean passivism or co-operation with repressive regimes and a shift towards anachronistic and sectarian dogma.

While war is waged with the prevailing political culture of the left and its Muslim allies, the conservatives themselves can hardly be described as alienated from modernity. Conservatives enter universities and flourish in the top professions of medicine, law and business. In other words their resistance to change is selective. Perhaps the most significant observation is the upward shift in the socio-economic status of conservatives. Capitalism and free enterprise are freely embraced, which is a reflection of their class positions. The central thrust of their opposition is socialism, communism, atheism and the morality of modernity.

Trapped within the ideological discourse of conservatism, the 'ulama do on rare occasions protest against the immorality of apartheid without offering any form of meaningful resistance. Islam, as understood by the conservative 'ulama, is captive to an unchanging symbolic and semiotic universe which fosters preservation by resisting change.

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