

A critical look at the role of the
Muslim Judicial Council
in the struggle for liberation in
South Africa from 1960 to 1994

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An Extended Research Paper presented in
partial fulfilment of the requirements for
B.A. (Honours) Degree in History
at the University of Cape Town.

1994

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ABBREVIATIONS

AMP	African Muslim Party
ANC	African National Congress
CODESA	Convention for a Democratic South Africa
CDF	Conference for a Democratic Future
COMMTRA	Chamber of Muslim Meat Traders Association
ECC	End Conscription Campaign
ICSA	Islamic Council of South Africa
IDM	Islamic Da'wah Movement
IMA	Islamic Medical Association
IP	Islamic Party
ISRA	Islamic Relief Association
MJC	Muslim Judicial Council
MPL	Muslim Personal Law

ABBREVIATIONS cont.

MSA	Muslim Student Association
MUS	Muslim Unity Society
MYM	Muslim Youth Movement of South Africa
NSC	National Sports Congress
PAC	Pan African Congress
QIBLA	Qibla Mass Movement
SACC	South African Council of Churches
SACP	South African Communist Party
SANZAF	South African National Zakaah Fund
SASA	South African Students' Association
UDF	United Democratic Front
UP	United Party
WCRP	World Council on Religion and Peace
WCTA	Western Cape Traders' Association
WPCC	Western Province Council of Churches

PREFACE

My interest in examining the role of the Muslim Judicial Council (MJC) is influenced by my personal experiences with the organisation whilst my sister and brother-in-law were both detained for their involvement in African National Congress (ANC) activities. My sister, Yasmina Pandy was subsequently acquitted, after spending more than 18 months in detention and on trial. Ashley Forbes was, however, found guilty of terrorism and was sentenced to 25 years imprisonment, of which 10 years was suspended. The MJC played a role of support and politicising the Muslim community about their plight and rallying support for their release. The President of the MJC, Sheikh Nazeem Mohamed, who is incidently the Iman of the mosque of which my family are members, married my sister - Yasmina Pandy and Ashley Forbes, whilst both were imprisoned.

It is the support and guidance provided by Sheikh Nazeem Mohamed in a time of distress for my family which in retrospect served as the initial motivator for conducting this study. Other factors influencing my decision to conduct this study include:

1. The growing interest in and analysis of Islam internationally. Islam has come to occupy an important place in the international arena not only as a religion, but also as a political force. This is borne out by events in Algeria, the Middle East and some of the former Soviet Republics;
2. The new political dispensation in South Africa has stimulated much debate about the role and status of Islam in our country;
3. The status of women in Islam is a highly contentious issue presently being debated in the Muslim community, and as a Muslim woman my involvement in the struggle for democracy and the equality of women, served as an additional motivation.

A WORD OF THANKS...

I would like to extend a word of thanks to the following people without which this study would not have been possible. Firstly I thank my Supervisor and the History Co-ordinator who provided me with guidance and support throughout this process. The support and interest of the MJC proved invaluable to the completion of the study. This offering of thanks would not be complete without acknowledging the ongoing encouragement and support provided by my mother and sisters: Fatima, Yasmina and Thoraya, who believes that I would succeed.

Furthermore, I would like to thank my friends, Toyer, Ekhsaan, Fuad, David and particularly Mahomed for their valuable input. Finally, I would again like to thank my sister Fatima for the typing and design of this paper.

I dedicate this paper to the working class spirit of my mother, Begum Pandy, whom I regard as the Rosa Luxemborg of Wynberg.

1. INTRODUCTION

The aim of this essay is to examine the role of the Muslim Judicial Council (MJC) in the struggle against Apartheid in South Africa. It will firstly place the study in a theoretical frame which will be followed by a historical tour into the background and formation of the Muslim Judicial Council, its aims, objectives, policy and programme. A section on the MJC's involvement and its responses to Apartheid policies will then follow. The MJC's alignment into the political spectrum will be investigated. The remaining chapters will look at the main objective of this study - to examine the MJC's role in the various stages of the struggle against Apartheid in South Africa emphasising highly politicised events such as the 1976 Uprising, 1985-1986 Mass Mobilisation, 1989 - 1990 Defiance Campaign, inter alia. The events will be chronologically explored. The final chapter will draw on the findings and will conclude with the writer's impression and understanding of the events examined. The writer will also make recommendations based on this understanding.

2. RESEARCH METHODOLOGY

Although the paper relies heavily on primary sources, personal interviews were also held with members of the Executive Committee of the MJC and members of the Muslim community.

2.1 Primary Sources

A literary search in various newspapers was done. The information found in the newspaper, Muslim News (later Muslim Views) was central to the substance of the paper. Other newspapers, The Argus and Cape Times also presented valuable information on the MJC's involvement in the political arena. The official minutes of the MJC was made available to the writer for scrutiny. This proved to be a valuable source and gave much insight into the work of the organisation.

2.2 Secondary Sources

A previous study conducted by Gerrie Lubbe presented the writer with an overall insight into the organisation. The book by Barney Desai and Cardiff Marney, The Killing of the Imam, presented information on the life of Imam Abdullah Haron, an Executive member of the MJC, who died in detention in 1969. Pamphlets, booklets and newsletters were used extensively. Publications of The Call of Islam was particularly useful.

2.3 Personal Interviews

One to one, partially structured interviews were held with 3 members of the Executive Committee of the MJC. The persons selected either played a central role historically in the organisation's involvement in politics and/or is presently playing this role. The interviews therefore focussed on the interviewee's personal involvement in political events. An interview with a woman currently serving on the Muslim Personal Law Board was held to provide information on the role and status of Muslim women in a post-apartheid South Africa.

Informal talks were also held with members of the Muslim community about their understanding and impression of the MJC and its involvement in the struggle against Apartheid.

2.4 Limitations to the research

The time constraints of the Executive members of the MJC as well as other members of the Muslim Personal Board limited the numbers of persons interviewed. All Executive members are men thus it was not possible to illicit a woman's perspective of the issues examined.

The information in newspapers and other forms of print media used emerges in an era when limitations were imposed on freedom of speech thus information was often vague to bypass the strict censorship laws imposed by the Apartheid government.

3. THEORETICAL FRAMEWORK - BASE, SUPERSTRUCTURE AND CIVIL SOCIETY

The course of history and all historic events seek their impetus from the economic development of society, in the changes in the modes of production (refers to the technical manner of producing) and exchanges¹. This perspective argues that the economic structures of society, constituted by its relations of production, is the real foundation of society. The relations of production correspond to society's productive level and links productive forces and human beings in the process of production. The productive forces, however, include not just the means of production (tools, machines and factories) but labour -the skills, knowledge, experience and other human faculties at work. In other words, the productive forces represent the society's capacity to produce commodities.

As society's productive forces develop they clash with existing production relations and consequently impede their growth. This conflict gives rise to an epoch in social history. The growth of the productive forces thus explains the general course in human history. The conflict is resolved in favour of the productive forces and, new, higher relations of production emerge which adapt better to the new productive forces². The resulting economic structure shapes the legal and political superstructures. Thus, the productive forces do not fashion the world directly. The relations of production can influence the momentum and qualitative direction of the productive forces. More contemporary viewpoints deny the dominant role of the

¹Battimore, T, et al, A Dictionary of Marxist Thought, p.236

²Ibid., p.235

productive forces and argue instead that changes in social history occur as a result of the interaction and contradiction between forces and relations of production and economic bases and superstructure. The interaction and contradiction between forces and relations of production explain the trajectory of economic structures. The interaction and contradiction between economic structures and superstructures explain the trajectory of the superstructure.

The conventional understanding of the base and superstructure relationship is described as a building-like metaphor . This implies that the economic structure of society (the base) conditions and determines the social consciousness (the superstructure). Social consciousness refers to the world view of a class' on different forms of property, modes of thoughts and view of life'.³ The State, political organisations and culture are examples of superstructure. The metaphor is used to explain that the superstructure is a function of the base implying that the superstructure is not autonomous, that it does not emerge out of itself, but has a foundation in the social relations of production. The superstructures are viewed as secondary phenomena, whose form and content is found in the production relations.

This logically implies that any particular set of economic relations determines the existence of specific forms of state and social consciousness and changes in the economic foundation of a society will lead to an altered superstructure. The conventional understanding of the base -superstructure relationship is appropriately

³Marx, .K, Preface to a Contribution to the Critique of Political Economy, p.166

termed 'economic reductionism' where the superstructure responds passively to the base. The essential purpose of the base - superstructure concept is to explain how political, social and the legal institutions of the state are determined by the relations of production in the base. This has been criticised as being a deterministic formulation. The question raised is: does the political, social and legal structure and institutions of the superstructure not affect the base ?If not then the notion of political struggle in the superstructure becomes meaningless.

With the belief that the inherent contradictions within capitalism will produce its own downfall not materialising, and the collapse of Eastern Europe in the late eighties, the more orthodox understanding of the base - superstructure relationship is challenged. Recent debates, inspired by the ideas of Gramsci, put forward the idea that the superstructure is capable of some effects and is no longer perceived to be a mere passive reflection of the base. A 'shift' in understanding implies that the mechanical relations between base and superstructure is rejected. The superstructures are perceived to be 'relatively autonomous'. This view argues that the base does not reduce politics and ideas to economic phenomena. In order to understand this, we have to recognize the independent development of the forms of social consciousness. The various elements of superstructure enter into complex relationship with each other and with the base. There exists certain relatively independent developments of the forms of social consciousness. Social consciousness functions jointly with the social institutions through which it takes the forms of actual ideological relations.

In addition, the various components of superstructures are at loggerheads or engage

in dialogue with each other. In other words, the various components of superstructures interact between themselves and the base. The collapse of Eastern Europe is as a result of the superstructures being weak or marginalised and therefore unable to sustain the economic foundation. The State it is argued is not a mirror image of the production relation because it is an outcome of a variety of variables. It is acknowledged that a hegemonic force may dominate the state but it cannot impose its agenda on the other forces. The 'life of the State' has a relative autonomy from the base.⁴ Similarly, culture is not seen as a reflection of the independent base but a phenomenon that deserves its own enquiry.

The new approach to an understanding of base - superstructure relationship also include the notion of civil society, first put forward by Gramsci in his Prison Notebooks, as an important component of superstructure. Civil society includes 'all the so-called private organisations such as churches, trade unions, political parties, religious and women's organisations which are distinct from the process of production and the public apparatus of the state'⁵ . Civil society is the terrain of popular-democratic struggle where the major players engage in political and ideological struggles. It is in civil society where religious organisations, political parties, local community and associations interact and where balance of forces is determined. Civil society will engage the State when different interests are held. In the orthodox interpretation of the base-superstructure relationship, civil society was located in the

⁴Simon, R, "Civil Society, the State and the Nature of Power", p.67

⁵Ibid., pp.67-69

base as a form of class struggle between capital and labour. Gramsci extended the understanding of civil society to include both class and popular struggles based on the ways in which people are grouped together such as religious, race, and sex. Gramsci's therefore placed civil society in the category of superstructures.

An understanding of power relation becomes necessary in our discourse. Power is obtained when a hegemonic class obtain supremacy both in civil society and the state. Power is in a sense shared, not necessarily evenly, between state and civil society. The absence or marginalisation of civil society is viewed as central to the collapse of the Eastern European society. The 'weak' superstructures were seen as being incapable of sustaining the economic foundation. This, together with the concept of civil society has greatly extended the sphere of politics. Politics was no longer seen in the corridor of parliament and in bloated government bureaucracy but in organisations that built-up the civil societies as well.

Locating the MJC within the National Democratic Struggle in South Africa

The MJC as an instrument of civil society operates as part of a broader society involved in a project to establish a democratic society in South Africa. The South African struggle is a national democratic one, with the objective to eradicate Apartheid colonialism and to establish in it's place a democratic, non-racial and non-sexist society.

The National Democratic Struggle galvanises a broad range of social forces into a united front for change. South Africa has a strong and vibrant civil society, which amongst others, include a powerful trade union movement, civic, student, youth,

women's and religious organisations.

South Africans are very religious people thus religious organisations exercise tremendous moral and political power in our society. During the anti-apartheid era, religious organisations like the MJC, the South African Council of Churches(SACC) and the Southern African Catholic Bishop's Conference, inter alia, played a prominent role in the mobilisation of the oppressed. The banning of political organisations and repression of their activities propelled religious bodies to the forefront of the resistance movement. They provided a platform through which the oppressed could express their opposition to the racist policies of the government. The successful completion of the national democratic struggle presupposes the active participation of all actors in the process of reconstruction and nation building. The MJC supports this process and therefore occupies a particular place in the national democratic struggle.

The history and role of the MJC cannot be analysed as an isolated phenomenon, but instead has to be seen as part of a dialectical process involving the destruction of Apartheid, the establishment of a non-racial democracy and the consolidation of this newly won democracy.

It is within this broad theoretical framework that this essay will examine the role of the Muslim Judicial Council (MJC). The MJC in reference to our framework will be a component of civil society located in the superstructure. Since we have transgressed the mechanical interpretations of the base-superstructure relationship where the superstructure is assumed to be static, the essay will examine a small component of

a dynamic superstructure. It is understood that other similar Islamic religious organisations such as The Call of Islam, Qibla Mass Movement(Qibla), Muslim Youth Movement of South Africa(MYM), and Muslim Student Association(MSA) co-exist within the dynamic civil society but a vigorous examination of each would be cumbersome under one paper, thus the paper will focus on the MJC.

4. BACKGROUND OF THE MJC

Having outlined the theoretical framework of the essay, we will now look at the establishment of the MJC, its membership, organisational structure and objectives.

The MJC was established on 10 February 1945 at a meeting of the Muslim Progressive Society, held in the Cathedral Hall, in Cape Town. The MJC was established at this meeting, following a decision to elect a Judicial Council from among those present, to which all religious matters could be referred to for solution. An Executive Committee comprising 18 members was elected, with Sheikh M.S. Gamieldien as Chairman and H. Edross as Honorary Secretary⁶. The MJC was formed because the Muslim community in the Cape needed an organisation that would represent them and speak on their behalf.

The MJC is the leading body of Muslim jurists in the Cape Province, comprising between 90% to 95% of the religious leadership, i.e. both the Ulama(theologians) and Imams(leaders) of Mosques and other Islamic Religious Institutions.

The MJC is organised into three structures - the Imaarah, a body of guardians; an Executive Committee; and the general Majlis(membership) of the Council.

⁶Lubbe, G., The Muslim Judicial Council - A Descriptive and Analytical Investigation, pp. 64 -65

The Executive Committee

The Executive Committee comprises of a President, Vice-President, Chairman, Vice-Chairman, Secretary, Assistant-Secretary, Treasurer, Assistant-Treasurer, and Administrator. At present Sheikh Nazeem Mohamed is the President of the Council. These officials are elected by the general Majlis. This committee is responsible for the administration of the organisation and for implementing decisions of the general Majlis.

The Imaarah

The President is the Head of the Imaarah and this organ provides the MJC with overall guidance and oversees key portfolios like Fatwa, Ethics, Discipline and Arbitration⁷.

General Majlis

This is the general assembly of the MJC consisting of all its members as stated.

Specialist Departments

The MJC has the following departments:

Fatwa Department

This department comprises the most senior and knowledgeable Uláma. The Head of the Fatwa department is Moulana Yusuf Keraan. This department conducts research and issues decrees on all Islamic matters.

⁷Interview with Imam Gassan Solomon

Education Department

This department deals with Islamic training and education. The Darul Arqam Islamic College is controlled by this department. The department is negotiating with government educational authorities for the introduction of Islamic studies in secular schools.

Halaal Trust

This department operates separately from the MJC but is being run by members of the MJC. The Trust controls all abattoirs and poultry farms in the Cape Province. The Halaal Trust is recognised by Muslims in South Africa. The Trust sells Halaal certificates to food manufacturers on inspection.

Muslim Personal Law Department

This department provides the Muslim community with a marriage counselling service. An Islamic court deals with divorce proceedings and related Muslim Personal Law issues in accordance with the Shariah. An average of 20 cases are handled a day.

Arbitration Committee

The MJC advises that Muslims resolve their disputes by mutual consultation outside the secular courts. An Arbitration Committee comprising of Ulama handles disputes amongst Islamic organisations⁸.

⁸Information Brochure on MJC

Da'wah

This department is responsible for propagating Islam. Through its efforts, mosques are being built in underprivileged communities from which charitable work is also conducted.

Internal Affairs

This department is run by Sheikh Abdul Gamied Gabier. This department has been established recently as a result of the change in South Africa, which led to more and more Muslim countries opening up embassies in South Africa. The department is at the moment very busy liaising with Muslim embassies like that of Egypt and Jordan.

The composition of the MJC executive is a reflection of our patriarchal society. This reproduces itself in other structures of the organisation. There are no women on its Executive Committee and women do not form part of its general membership.

The primary objective of the MJC is to preserve and strengthen Islam in South Africa. Other objectives include: making decisions on the religious affairs of the community in accordance with the Shariah⁹; working for the unity of all Muslims; co-operating with others whose objectives coincide with that of the MJC; and working with other religious organisations for the achievement of common goals.

Although the MJC has been in existence since 1945, it has only been fully operational

⁹Shariah: Literally "the way". It refers to the way of Allah (God) as is often used to mean Islamic Law

for the last twelve years. The MJC only opened an office in 1982, from where it conducted its affairs.

5. THE MJC's RESPONSE TO POLITICAL REPRESSION IN THE 1960's

A discussion of the MJC's response to the State's repressive actions against progressive organisations and individuals, the Group Areas Act, 1950, and the death of Imam Abdullah Haron, an executive member of the Council will now take place. In the 1960's the MJC issued statements in which they made clear their opposition to the Group Areas Act, and in March 1964 sent a letter to the regional Under Secretary of the Department of Community Development to protest against District Six being declared a white group area. The MJC's silence with the detention and later the death in detention of Imam Haron on 27 September 1969 was indicative of the Council's political inconsistency and passivity.

The Sharpeville massacre of 21 March 1960 had the effect of politically conscientising the Muslim community. The Sharpeville massacre was followed by the banning of the ANC, Pan African Congress(PAC) and other political organisations. The government also imposed other draconian security legislation such as the 90 day detention Act, and later the 180 day detention Act.

In March 1960, the MJC issued a statement in which it declared apartheid to be unjust, a system which could not be condoned by Islam. This statement drawn up the MYM and the Claremont Muslim Youth Association in March 1961, known as the "Call of Islam". The statement attacked the Group Areas Act, referring to it as an act of tyranny as it deprived Muslims of their homes and places of worship¹⁰. In the statement, it argued that the right to earn according to capabilities in areas where it was most convenient was snatched away by inhuman Acts, such as job reservation, Urban Areas Act, Pass Laws and Group Areas Act. Furthermore the statement stated that it was the "birthright of all human beings, irrespective of the narrow concept of colour or creed, to live freely according to the Divine Dictates of

¹⁰Muslim News, 28.05.1961

the Supreme Being".¹¹ The statement concluded by called upon all Muslims and fellow-sufferers to unite to rid South Africa of Apartheid.

The Group Areas Act, which became law in 1950, threatened blacks and Cape Coloureds in particular with mass removals. Homes, mosques, churches, schools, businesses and recreation facilities were, under the terms of this law to be moved into the appropriate "Bantu", "Coloured" "Malay" or "Indian" group areas. Inquiries into the proposals were formally conducted by a Group Areas Board. Those people affected by the Act could submit petitions and memoranda protesting against the Act but to no avail. Fearing reprisals, most people moved where they were told. Some fought in the courts but this was unsuccessful¹².

Muslims especially were affected by the Group Areas Act, since their homes as well as their place of worship, their mosques were in the affected areas. At a gathering of the MJC held on 17 June 1962 in the Old Drill Hall in Cape Town, close to 1,000 Muslims were told that the Group Areas Act conflicted with the laws of the Holy Quran¹³. Sheikh Nazeem Mohamed and Imam Abdullah Haron, an executive member of the MJC, spoke out strongly against the Act. Muslims voiced their protest by resolving never to move away from their mosques.

Muslims saw the Group Areas Act as a threat to their mosques. There were 20 mosques in the Cape Peninsula earmarked for white occupation alone. An official of the Department of Community Development confirmed that mosques in these areas were regarded as "affected properties"¹⁴. He added that the law did not compel the owners of the mosques to sell them and that Muslims were not prevented by law from worshipping in them. The law, however, required that Muslims living in these areas should eventually move to their own group areas.

¹¹Lubbe, G., The Muslim Judicial Council - A Descriptive and Analytical Investigation, pp.94 - 95

¹²Desai, B. and Marney, C., The Killing of the Imam, p.14

¹³Cape Times, 18.06.1962

¹⁴Ibid., 20.06.1962

Muslims could not take their mosques with them, but they could worship in them. This was precisely what Muslims feared, explained Imam Haron:

"To force people to move away from mosques is the same as taking the mosques away from the people. We cannot move from the place we live and leave our mosques behind. This would be contrary to Islamic law. The mosque is the heart and soul of a Muslim community. Its place is in the centre of the community, not somewhere outside it. The mosque is where people meet and share their spiritual lives, traditionally it is where the laws are made and where knowledge is spread. This fundamental principle of our faith will be shattered whether you take the mosques away from the people or the people away from the mosques. It is something every Muslim will firmly resist¹⁵."

Whereas individuals within the MJC like Sheikh Mohamed and Imam Haron were prepared to fight the Group Areas Act, the MJC as an organisation was not prepared to go much further than making statements opposing the Act. The MJC had not even attended Group Areas hearings and had to be asked by deputations of concerned Muslims to support these hearings.

¹⁵Ibid.

On 5 April 1963, the MJC issued a statement on the Group Areas, in response to the request in a letter by the Strand Muslim community for guidance on the issue¹⁶. In the statement the MJC, in accordance with the Shariah stressed that a mosque could not be sold, with the intention of building other mosques in new areas. The MJC went on to say that it has always been and will remain the policy of the MJC to follow the Shariah, that no mosque can be sold or exchanged no matter who opposes them on this issue.

In 1964, the Government declared District Six a white group area. The fear which resulted in the 1963 statement became a reality with mosques in the area being affected. On 7 March 1964, the MJC called an urgent general meeting. At the meeting a letter to the regional Under Secretary of the Department of Community Development was drafted. The letter stated that the mosque is a sacred institution, which cannot be sold or demolished. The letter questioned the relevance of the sacredness of the mosque being respected by the Government, when the people who had to use it were to be removed from it. The MJC condemned the preferential treatment of whites in allocating land at the expense of "non-whites"¹⁷.

On 29 March 1964, the MJC called a Conference of Muslims to discuss the effects of the Group Areas Act. Muslim News criticised those organisations

¹⁶Muslim News, 05.04.1963

¹⁷Lubbe, G., The Muslim Judicial Council-A Descriptive and Analytical Investigation, p.96

not present at the Conference for not sending delegates¹⁸. The resolutions adopted at the conference included the following: that Muslims should never abandon their mosques; where Muslims are resettled and new mosques are built, the mosque should continue to be used for Jumah¹⁹ as well as daily prayers; Muslims should never apply to the Government for a permit to perform prayers in the Mosques in proclaimed white areas; and that mosques in these areas should never be allowed to fall in disrepair or to become derelict.

On 8 June 1965 at the Annual General Meeting of the MJC, Sheikh Mohamed expressed his disappointment that the MJC was not taking an active part in opposing the Group Areas Act. He felt that since a number of mosques have definitely been affected by the Act, the MJC should at least have sent a letter stating its opposition of the Act to the responsible minister. Some members, however, felt that the MJC had already made a number of public statements on the matter²⁰.

A deputation of the District Six Association approached the MJC, as the largest representative body of Muslims to request a meeting with the Government to ask them to retain the area for "Coloureds". The MJC failed to take up the deputation's suggestion. However, a letter on the matter was

¹⁸Muslim News, 03.04.1964

¹⁹Jumah: Friday prayer is an an obligatory prayer for Muslims.

²⁰Minutes of the Annual General Meeting of MJC, 08.06.1965

sent to the Prime Minister. In response, the MJC received a letter from the Secretary of the Prime Minister, stating that the Government had no intention of expropriating mosques and assured Muslims that it was not their intention to acquire the mosques²¹. The mosques, but not the homes of the Muslims, were thus to be exempted from the Group Areas Act.

Imam Abdullah Haron had been one of the few Muslim leaders who had taken a strong stand in opposing the Group Areas Act. The enforcement of the Act had caused great suffering to people by separating them from their homes, mosques and by breaking up communities. He had personal experience in this suffering, having been forced to move himself to a "Coloured" area. This convinced him to become more involved in politics and he became more and more outspoken about the evils of Apartheid.

On 28 May 1969, Imam Haron, was detained under Section 6 of Act 83 of 1967, the so-called Terrorism Act. Imam Haron was arrested on one of the great days in the Islamic calendar, the anniversary of the birthday of the prophet Muhammad²². It was also the 13th anniversary of his appointment as Imam of Al-Jaamia mosque. Leaders of the Muslim community expressed bitterness and disappointment that he was arrested on the anniversary of the Prophet's birthday. This was to them an indication of the Government's contempt for Islam.

²¹Minutes of the General Council meeting of MJC, 19.02.1969

²²Cape Times, 28.05.1969

Soon after Imam Haron's arrest, a group of people led by Sheikh Mohamed a good friend and religious colleague, visited Caledon Square to ask about his well-being. Sheikh Mohamed approached the police officer in the charge-office, only to be told that it was none of his business and "if you're troublesome we'll lock up the lot of you, too!"²³. The group then left.

On 30 May 1969, a spokesperson of Al-Jaamia mosque told the Cape Times that they strongly condemned the detention of Imam Haron²⁴. The MJC, an organisation he was an executive member of, released no statement condemning his detention. Imam Haron had become extremely unpopular with some members of the MJC because of his strong political stand.

On 6 June 1969, Muslim News ran a brief editorial on Imam Haron under the caption, "Editor Detained":

"It is safe to assume that Imam Haron is not being detained for his religious views. If Imam Haron is being held because of his political views, then there is nothing 'Muslim News' can do about the situation, as Imam Haron's position as Editor was to express the religious aspects of the community"²⁵.

The continued detention of Imam Haron caused much concern. On 10 June 1969, the question of his detention under the so-called Terrorism Act was

²³Desai, B. and Marney, C., The Killing of the Imam, p51

²⁴Cape Times, 30.05.1969

²⁵Muslim News, 06.06.1969

raised in Parliament by Mrs Catherine Taylor, the United Party (UP) M.P. for Wynberg²⁶. On 25 June 1969, a letter to the Editor, sent by Barbara Wilks, Chairman of the Black Sash Claremont Branch, was published in the Argus. The letter called on the Government to either charge Imam Haron or to release him²⁷. Thus whilst other organisations were protesting the detention of Imam Haron, the MJC was silent.

Imam Abdullah Haron died in detention on the morning of Saturday, 27 September 1969. Imam Haron had spent 133 days in detention. His death was said to be the result of an accidental fall down a flight of stone steps. Imam Haron was buried Monday, 29 September 1969. To accommodate the large crowd of 4,000 mourners, the funeral ceremony had to be held at the City Park rugby field²⁸. The route taken by the mourners were lined with thousands of people, many of whom joined the procession. . At the end of the funeral ceremony, Sheikh Mohamed thanked all the mourners for their attendance²⁹.

Whilst the MJC followed a policy of official silence on the death of Imam Haron, others were very vocal. In March 1970, Mrs Catherine Taylor of the UP called for an enquiry into the death of Imam Haron. The Reverend Bernie Wrankmore starved for 67 days at the Muslim shrine on Signal Hill in

²⁶Cape Times, 29.09.1969

²⁷The Argus, 25.06.1969

²⁸Desai, B. and Marney, C., The Killing of the Imam, p.126

²⁹Cape Times, 30.09.1969

September 1971, in protest of the death of Imam Haron. He called for a Judicial inquiry to be held on the death of Imam Haron. Reverend Wrankmore had hoped to "awaken people's consciousness by bringing home to them their lack of commitment³⁰." He received a letter from the Prime Minister, B.J. Vorster on 1 October 1971, refusing an inquiry, saying that the Imam Haron affair was officially "closed." Reverend Wrankmore responded by calling on those people concerned about Imam Haron's death to make their feelings known, since they had done nothing since his fast³¹.

The MJC's inconsistent political approach is seen in its failure to voice any protest at Imam Haron's detention and later his death whilst still in captivity. Although the MJC responded to the implementation of the Group Areas Act, its failure to respond to the detention and death of Imam Haron resulted in the MJC losing credibility. Throughout his detention the MJC remained silent whilst other organisations actively campaigned for his release. It is obvious that Imam Haron's radical political views was not shared by some of the more conservative members of the MJC. Imam Haron's detention and subsequent death took place in a period when fear of government repression paralysed the response of the Muslim community to the crisis brought about by his detention and death. The fact that Imam Haron was a respected leader in the Muslim community and his detention evoked no significant response

³⁰Qibla, Justice Before Peace: Imam Haron Commemoration, p.22

³¹Ibid., p.23

from either the MJC or the broader Muslim community is a clear indicator of the weaknesses and fear of people.

6. THE 1976 UPRISING AND ITS AFTERMATH

The MJC's response to the uprising in 1976, the death of the student leader Steven Bantu Biko in detention, and the student boycotts in 1980 will be examined in this section. The years 1976 -1982 saw significant changes in the leadership the MJC . In 1976, a leading conservative, Sheikh Shakier Gamiieldien who disagreed with the political stance taken by progressives in the organisation, resigned from the MJC. The leadership struggle within the MJC reached a climax in 1982 with the election of the more progressive Sheikh Nazeem Mohamed to the presidency of the MJC. Sheikh Mohamed defeated the more conservative Sheikh Najaar in the race for presidency of the MJC. It was under the leadership of Sheikh Mohamed that the MJC became more active in the anti-apartheid struggle.

On 6 September 1976, at a meeting of prominent leaders and representatives of Muslim organisations in the Cape, it was unanimously decided that the MJC should issue a statement on behalf of the Muslim community. In its preamble the statement acknowledges that:

"sovereignty is vested in the Almighty alone and recognised as such by all Revealed Religions (and) Islam stands for the dignity and freedom of all people"³².

The statement strongly condemned the violence and brutality unleashed by police and riot squads against the youth in their peaceful demonstrations. It

³²Lubbe, G., The Muslim Judicial Council- A Descriptive and Analytical Investigation, p.79

stated that the MJC as "part and parcel of the oppressed" pledges solidarity with the youth and all the oppressed in their struggle for freedom. The statement blames the denial of fundamental human rights as the major cause for unrest and conflict in South Africa and concludes with a demand for full political, economic and social justice for all people. The MJC called for a public inquiry into police conduct and the way in which law was enforced during the unrest in the Cape Peninsula³³.

On 9 September 1977 the MJC issued a statement declaring its rejection of the action taken against squatters in the Western Cape. The statement proceeded to protest against this action which it perceived as unjust and inhumane. This statement came at a time when there was increasing concern over the removal of squatter communities in the Western Cape³⁴.

The MJC responded to the death of Steve Bantu Biko on 12 September 1977 by releasing a statement to the media. In the statement it says that Islam upholds the rule of law and that a person is not guilty until proven guilty, and expressed its anger at Steve Biko's death. The statement proceeded to appeal for the release or bringing to court of detainees, saying that:

"We, the Muslim Judicial Council can at this stage only pray that the rule of law in this country must be restored"³⁵.

³³Cape Times, 10.09.1976

³⁴Muslim News, 09.09.1977

³⁵Ibid., 23.09.1977

In September 1978, Sheikh Allie Gierdien, a member of the MJC spoke at the "Day of Solidarity with the People of Crossroads." The riot police had teargassed a group of residents, arrested hundreds of people and killed one person, Sindile Ndlela. Sheikh Allie attacked the police for their callous action, arguing that the Government would have to accept full responsibility for its action. As a Judiciary, he believed it was the MJC's duty to protect family life and called on the Government to respect family life. He concluded with a call to policemen to think carefully of what they were doing³⁶.

Other than making statements, like the above, the MJC was passive about apartheid. This view was expressed by Dr Muhammad Khalid, a representative of the Muslim Institute and a member of the Commission of Racial Equality in Britain. Dr Khalid, a host of the MJC, was appalled by the docile attitude of South African Muslims towards apartheid. In an interview with Muslim News, he said that Muslims in the Cape had very little impact on society.

When asked how Muslims in South Africa were coping with racial discrimination, Dr Khalid replied:

"They don't seem to be kicking up a fuss about it. Whether it is because they are frightened, I do not know"³⁷

This attitude of the Muslim community was as a result of the State's 'divide-and-rule' strategy, which exacerbated divisions between the different cultural

³⁶Ibid., 15.09.1978

³⁷Ibid., 06.04.1979

and religious groups amongst the oppressed in order to maintain its rule.

The MJC, in an attempt to generate public participation in its affairs, called a symposium to discuss the socio-economic situation in South Africa, as well as issues such as education and the state of Muslim institutions. The symposium was held at the Muslim Assembly Centre on 24 February 1980³⁸. At the symposium, the South African Students' Association (SASA), criticised the MJC for its failure to give direction to the oppressed people. SASA, reflecting the view of a large section of the youth in Cape Town, said that the MJC symposium came at the right time, when the position of the Muslims in South Africa was both critical and important. SASA warned that it was critical for Muslims to state their position because:

"if Muslims remain mere spectators to the social conflict that is brewing into enormous proportion, then Muslims will have to face the consequences of being active in their communal sphere only"³⁹.

With the 1980 school boycotts, the MJC again only released a statement supporting the students. Black students in the Cape Peninsula boycotted against "gutter-education", lack of text books and dilapidated school buildings. The issue of students boycotting school was raised in a General Council meeting by Sheikh Abdul Gamied Gabier. Sheikh Gabier emphasised the importance of the MJC releasing a statement to make its stand on the issue

³⁸Ibid., 08.02.1980

³⁹Ibid., 22.02.1980

clear. Sheikh Abubakr Najaar, the President of the MJC, agreed with him, saying that the students had thus far acted responsibly and were well-organised⁴⁰. He said that whatever protest the students embarked on should, however, be within the limits of what is legally permissible, as a repetition of 1976 should be avoided. Sheikh Najaar argued therefore that any statement the MJC released on the issue, should be in broad terms only.

Subsequently, the MJC released a statement expressing their support of the student's boycotting classes. In the statement, Sheikh Najaar said that the Imams of the Cape, who are members of the MJC, made the stand of Muslims clear in their Friday Khutbah(lecture). The Muslims, he said supported all the demands of the students and their boycott of classes. Sheikh Najaar concluded by saying that the MJC hoped that the Government would meet the demands of the students⁴¹.

Although the statement was of a general nature, it also clearly aligned the MJC with the students and their demands.

A few members of the MJC expressed disappointment in the statement Sheikh Najaar gave on behalf of the MJC, arguing that the MJC should at least have called for one education system in South Africa. Sheikh Najaar responded to this criticism by saying that he had warned members that they should not become too involved with the students' boycott. He argued that the statement

⁴⁰Minutes of the General Council meeting, 30.04.1980

⁴¹Muslim News, 08.05.1980

he had made was in line with what had been agreed upon in the meeting⁴².

The above is indicative of disagreements within the leadership of the MJC, between the conservative and the more progressive sections of the MJC. A month later the MJC released another statement, demanding human rights for all and called for one education system Sheikh Najaar said that:

"there should be no first and second class educational system, dependant on ethnicity and colour"⁴³

He called on Muslims to join the struggle to fight against this. This statement reflected the growing strength and influence of progressives within the MJC.

Following the detention of Zubeida Jaffer on 26 August 1980, the MJC condemned detention without trial and demanded that all detainees be brought to trail immediately and fairly judged. She was released on bail on 15 October 1989 and only then charged. The MJC expressed its concern that she had been detained for so long without being charged for committing any crime⁴⁴.

The struggle over the leadership of the MJC came to a head at the MJC's Annual General Meeting in 1982, when both Sheikh Najaar and Sheikh Mohamed stood for President. Sheikh Mohamed won the Presidency from Sheikh Najaar. This signalled a shift in the MJC. On 8 December 1982,

⁴²Minutes of the General Council meeting, 28.05.1980

⁴³Muslim News, 06.06.1980

⁴⁴Ibid., 17.10.1980

Moulana Farid Esack and Imam Gassan Solomon, were formally accepted as members of the MJC. They represented a progressive sector of the Muslim community.

On being elected President, Sheikh Mohamed promised to strive towards achieving the much-needed unity of the Muslims of South Africa as one of his major objectives⁴⁵. Sheikh Mohamed had been a member of the MJC for the past 27 years and had been Chairman for the last 15 years. It was under the leadership of Sheikh Mohamed that the MJC would become involved in the struggle against Apartheid.

On 5th June 1983 the MJC held a public meeting at the Masjidus Salaam in Athlone. The idea of a public meeting had first come up in August 1981, at the suggestion of Sheikh M.G. Booley. The public meeting was called by the MJC so that they could report back to the Muslim community on issues confronting them. The MJC's decision to call a public meeting, aroused great public interest, many feeling that a meeting of this nature was long overdue. More than 2,000 people attended the meeting⁴⁶. The MJC's attempt to involve the Muslim community in its affairs and to live up to its being a representative body for the Muslim community failed because they refused to allow the public to ask any questions and no resolutions mapping a way forward for the Muslim community were adopted. Many people were angry and disappointed.

⁴⁵Ibid., 10.11.1982

⁴⁶ibid., 20.05.1983

The MJC did not address the people's grievances. It just concluded that the meeting was successful and had been well supported by the Muslim public. Although the initiative to call a meeting with its constituency was a positive step, the unpreparedness of the MJC leadership to accept any input or resolutions from the public neutralised any positive effects and influence the meeting could have had.

The post-1976 period saw significant developments on the South African political scene. The MJC began to see itself as part of the oppressed community, and started its active participation in the anti-apartheid struggle. Its participation did, however, not go beyond making statements when it was deemed necessary.

7. THE MJC's INVOLVEMENT IN THE UDF AND ITS FIGHT AGAINST THE TRICAMERAL PARLIAMENT

The 1983-1984 saw the MJC become involved in the struggle for freedom and justice in South Africa. When the United Democratic Front(UDF) was formed in 1983 to spearhead opposition to the Government's new constitutional proposals, the MJC decided to affiliate to the UDF. Since the formation of the UDF, a number of leading Muslims within the MJC participated in its activities, and some occupied prominent positions in the organisation. By affiliating to the UDF, the MJC moved beyond the phase of passive politics, and took a definite stand on political matters affecting its constituency in particular and oppressed South Africans in general. The MJC was vehement in its opposition to the Tricameral elections, and called on the Muslim community to boycott the elections held on 22 and 28 August 1984.

According to Sheikh Abdul Gamied Gabier, the MJC was involved in the initial stages of establishing the UDF. In an interview with him, he said that he had been approached to contact other Muslim organisations, which he did. At a meeting, representatives of a number of Muslim organisation were informed about the idea to form the UDF⁴⁷. The idea at that time was to get as many influential individuals and organisations involved. The MJC decided to become an affiliate of the UDF, and on 24 July 1983, the MJC and other organisations met to form the UDF in the Western Cape. The UDF was formed to unite all freedom-loving people who rejected apartheid.

⁴⁷Interview with Sheikh Abdul Gamied Gabier

In a statement the MJC justified its decision to affiliate to the UDF, saying:
"The Muslim community is part and parcel of the oppressed, and has a common struggle with the oppressed. The MJC believes that it cannot divorce itself from the rest of the oppressed and those with the same ideals in the formation of a United Democratic Front to oppose the system of Apartheid in South Africa⁴⁸".

Oscar Mpetha, President of the UDF Western Cape, Sheikh Mohamed, President of the MJC, Dr Allan Boesak, president of the World Council of Reformed Churches; and Hassan Howa, patron of the UDF called on the people of the Western Cape and the whole country to join them at the national launch of the UDF. They emphasised the importance at the time for unity⁴⁹.

During the National Inauguration conference, Sheikh Mohamed was elected as one of the national patrons of the UDF. In a special edition of UDF News, distributed at all mosques it was reported that at the national launch of the UDF, the MJC and ICOSA (Islamic Council of South Africa) will officially represent the 800,000 Muslims in South Africa⁵⁰.

Sheikh Gabier, Chairman of the MJC, was one of the religious leaders that spoke at the UDF national launch rally held at Rocklands Civic, Mitchells Plain on 20 August 1983. In an interview with Sheikh Gabier, he said that he

⁴⁸Muslim News, 12.08.1983

⁴⁹UDF News: Newsletter of the Western Cape Region, August 1983, Vol. 1 No. 3

⁵⁰Ibid., 26.08.1983

considered it to have been:

"an honour to be given the opportunity to speak on behalf of the Muslims."⁵¹

The MJC's decision to affiliate to the UDF was strongly criticised by some Muslim organisations like Qibla, MSA and MYM. They argued that even though the MJC represents most mosques in the Western Cape, it couldn't claim that all of them supported the UDF because they were not consulted or informed of the MJC's decision to join the UDF. The Muslim community was informed, through the press, only after the MJC's decision had already been taken⁵². Much of the criticism of the MJC's decision was emotional ranging from a dislike of non-Muslims to a governmental-like fear of communists.

The MJC responded to the criticism raised by many Muslims of the correctness of an alliance with non-Muslims by releasing a statement wherein it said:

" An alliance based on broad common principles against injustice is not unprecedented in the early history of Islam. Involvement in the UDF, however, does not deviate us from the ideal of establishing Islam as an alternative in South Africa. It is part of the process of Islamisation in this part of the world."⁵³

⁵¹Interview with Sheikh Abdul Gamied Gabier

⁵²Muslim News, 26.08.1983

⁵³Ibid., 12.08.1983

The 1983-84 the MJC worked alongside the UDF to ensure that the Tricameral parliament was a total failure. The failure of the Tricameral parliament was the first task that the UDF had to tackle. In August 1983, the Government tried to pass a new constitution and Koornhof laws, aimed at further dividing the oppressed people of South Africa⁵⁴. The Government said that the new constitution would give Coloured and Indian people a say in the running of the country. The Government planned to introduce two new dummy parliaments for Coloureds and Indians, while excluding the African majority in South Africa from having any say. The new parliament would consist of a strong whites-only parliament and two separate parliaments for Coloureds and Indians. For every four white people in parliament, there would be two Coloureds and one Indian. The new constitution tried to divide the oppressed people along racial lines. Apartheid would continue, for the benefit of a few.

The success of the Tricameral elections would have meant endorsement of apartheid, as Coloured and Indian people would have associated themselves with apartheid. The message that would be given across to the Government was that apartheid and its bantustan policy was acceptable. It was therefore crucial that the Tricameral elections be a total failure.

A public statement was issued by Muslim leaders in South Africa in response

⁵⁴UDF News: National Newsletter of the United Democratic Front, August 1983, Vol. 1 No. 1

to the Tricameral elections. Although the MJC did not officially endorse the document, it was signed by prominent members of the MJC. In the Cape Province, 61 Imams signed the document asking people not to vote in the elections⁵⁵.

The MJC condemned attempts by a few people to use fear tactics to gain the support of Muslims for the Tricameral parliament. Apartheid apologists, in order to gain support of some Muslims, had argued that if Muslims did not participate in the Tricameral parliament, non-Muslims would be in power and would suppress Muslims. The MJC responded with a strongly worded statement, saying that:

"Any type of support for the racist Tricameral system of government is a blatant violation and denial of the Kalimah or Tauheed⁵⁶ and thus an outright denial of Islam. The argument used by those ignorant Muslims that there are many material benefits to be gained by participation in this evil system has no base whatsoever in Islam. To support materially, verbally or by voting for the Tricameral racist system on 22 August is an act of Haraam."⁵⁷

Most Muslim organisations like the MJC, The Call of Islam and the MYM had urged people not to vote in the Tricameral elections. Despite this, a few

⁵⁵Interview with Sheikh Nazeem Mohamed

⁵⁶Tauheed: The divine unity of Allah (God)

⁵⁷ Haraam: Actions, speech and general behaviour which is not in accordance with Islam.
Muslim News, 23.03.1984

Muslims were standing as candidates for the Tricameral parliament. The MJC issued a statement condemning the actions of these Muslim candidates. The statement said that Islam totally rejected any system based on the division of human beings on the grounds of race or colour, and that Muslims supporting the Tricameral parliament was violating the laws of Islam. The argument that Muslims can benefit by joining the Tricameral parliament has no basis in Islam, and no true Muslim can consider apartheid, oppression and exploitation as good. In conclusion, the statement said that every Muslim who values Islam, who fears Allah (God) and who follows the example of the prophet Mohammed should totally reject the Tricameral parliament, as well as those who support it⁵⁸.

A group of concerned Muslims organised mass rallies in order to mobilise the Muslim community to reject the Tricameral parliament. On 24 June 1984, at a mass rally held at Habibia mosque, Primrose Park, Sheikh Gabier. Imam Solomon and Moulana Esack of the MJC asked Muslims to boycott the elections.⁵⁹

The MJC and other Muslim organisations like The Call of Islam worked hard amongst the Muslims. Consequently, in most of the areas where Muslims are dominant, the percentage of voting was very low. Since the vast majority of people boycotted the elections, the Tricameral election was a total failure.

⁵⁸Ibid., 18.05.1984

⁵⁹Ibid., 01.06.1984

Some members of the MJC had a problem with the MJC being an affiliate of the UDF, a political organisation. They felt that the MJC could continue to support the UDF without being an affiliate. After discussing the issue at length, it was agreed that the MJC could not be an affiliate of the UDF because it is a Judiciary. A Judiciary cannot be affiliated to UDF because it has judicial matters to attend to, that is contrary to the policy of the UDF. The fact that Sheikh Mohamed was one of the national patrons of the UDF was also discussed. It was felt that as President of the MJC, Sheikh Mohamed could not continue as a patron, as this would compromise his position as President. He did, however, not formally withdraw as a national patron. It was proposed that the MJC write a letter to the UDF, making it clear that the MJC could not be an affiliate of the UDF because it is a Judiciary, but nonetheless supports the broad principles of the UDF in its opposition to Apartheid⁶⁰. Consequently a letter was sent to the UDF, clearly stating the MJC's position. In the letter the MJC asked the UDF not to make the letter of the MJC's withdrawal from the UDF public.

It was, however, agreed that individual members could participate in the UDF, as long as they do not go against the principles of Islam and MJC policy.

In September 1984, workers at Grand Bazaars warehouse in Epping went on strike, following the unfair dismissal of two workers: Shahieda Isaacs and

⁶⁰Minutes of the General Council meeting of MJC, 11.07.1984

Anthony February. Grand Bazaars management refused to speak to a support committee and fired all those workers who were on strike. 25 organisations, amongst them, the UDF, MJC, The Call of Islam, MSA and the South African National Zakaah Fund (SANZAF), called on the community to boycott Grand Bazaars supermarkets. About one-third of Grand Bazaars workers were Muslim.⁶¹

Imam Solomon of the MJC spoke at a meeting on 30 September, which was called by the UDF to express solidarity with the Grand Bazaars workers on strike. Imam Solomon introduced his speech with a tribute to Imam Abdullah Haron, saying:

"15 years ago this month, on 27 September, one of our most eminent Muslim leaders gave his life so that justice would prevail in South Africa. If he was around he would have stood by the workers."⁶²

Approximately, 20,000 pamphlets were distributed at all mosques on 30 November to encourage the community to continue the boycott of Grand Bazaars Supermarkets. Many mosques had collected money and foodstuffs for the striking workers.⁶³

⁶¹The Call of Islam, October 1984

⁶²Muslim News, 05.10.1984

⁶³The Call of Islam, October 1984

The MJC showed courage by publicising its affiliation to the UDF, knowing full well the criticism it would receive. It was severely criticised by sections of the Muslim community. The criticism levelled at the MJC was reflective of the low level of political consciousness in the Muslim community. The MJC's affiliation also came as a surprise to many people, as this step was not discussed in the Muslim community. Criticism against affiliation to the UDF, both from within the MJC as well as from other Muslim organisations like Qibla, MSA and MYM led to the MJC quietly withdrawing from the UDF in July 1984.

8. 1985 - 1986: MASS MOBILISATION

In 1985 political developments in the country came to a head, with communities openly defying Apartheid and destroying the Government's organs of power, such as local authorities and management committees. This period saw the increasing involvement of Muslims in the anti-apartheid struggle. Some prominent Muslim clergy led by example and occupied the forefront of struggle against the Apartheid government. On 26 October 1985, the government declared a partial state of emergency in the Western Cape, and imposed restrictions on the UDF and other political organisations. Religious organisations like the MJC and the Western Province Council of Churches(WPCC) provided a platform for the UDF to voice its ideas, through interfaith services, marches and funerals. Muslims and Christians united and fought the Apartheid government side by side. The cry of Allahu-Akbar(God is great) and Amandla(Power) was heard everywhere.

In 1984 the UDF virtually destroyed the Tricameral parliament when the majority of people boycotted the election. The government did, however, not accept that the people rejected the Tricameral parliament and tried to crush organisations like the UDF. Ever since the UDF's formation, it had been under constant attack from the government. From the beginning UDF leaders had been harassed, detained, assassinated and some even charged with treason. As the UDF grew stronger and stronger, state repression and violence against

it increased. Thousands were detained, restricted, or faced trial, others were assassinated or disappeared⁶⁴. However, the UDF continued to organise peaceful protests, but this was met with police violence - teargas, sjamboks and bullets. On 26 October 1985, the government declared a partial state of emergency in Cape Town and restricted the UDF from operating⁶⁵.

It is in this context that one sees the increasing involvement of religious organisations, such as the MJC and WPCC in the struggle. These religious organisations provided a platform for the UDF to voice its ideas, through inter faith services, marches, funerals.

On 21 March 1985 police opened fire on a group of people, killing about 50 people. The victims had been on their way to a memorial service in Uitenhage's Langa township in the Eastern Cape, to commemorate the 25th anniversary of the Sharpeville massacre⁶⁶. On 28 March 1985, the MJC drew up a Khutbah, which was to be delivered at most mosques in the Western Cape on Friday, 29 March. The Khutbah referred to police violence against peaceful protestors in South Africa, especially in the Eastern Cape and was aimed at making Muslims aware of this injustice.

The Khutbah demanded an end to the killing of innocent people. In the

⁶⁴64 News: National Newsletter of the United Democratic Front, August 1984,

⁶⁵ISIZWE (The Nation), November 1985, Vol. 1 No. 1

⁶⁶Muslim News, 29.03.1985

Khutbah, the MJC called upon the Muslims to not only support, but to become an integral part of the struggle for a just, non-racial and democratic South Africa, as it is only under such a society that Islamic values can be nurtured and protected⁶⁷.

On 28 March, Dr Boesak, Imam Solomon and others spoke at a UDF meeting in Hanover Park Civic, attended by about 2,000 people to mourn those who died in Uitenhage. Dr Boesak made a powerful speech, calling for the resignation of the State President, P.W. Botha, and dismissed P.W. Botha's condolences with those who did as "sanctimonious trivialities". Speaking on behalf of the MJC, Imam Solomon said that during the past month the world had witnessed widespread police brutality and violence. The government, he said, was guilty of one of the most evil crimes a person can commit:

"the termination of the life of innocent people without just cause whatsoever."⁶⁸

Referring to the Sharpeville massacre 25 years ago, Imam Solomon said that even with the government's so-called reforms, the situation in South Africa has worsened. Oppression and repression, together with police violence still continue as before. Life has become cheap for the oppressor but remains precious to the oppressed, and the killing of innocent people just makes the oppressed more determined to continue the fight for freedom and justice in South Africa. Imam Solomon concluded by calling on Muslims to stand

⁶⁷Minutes of the General Council meeting of MJC, 28.03.1985

⁶⁸Cape Times, 28.03.1985

together with all the oppressed in the struggle for freedom and justice for all⁶⁹.

The UDF had called on peace-loving South Africans to observe a national day of mourning on 29 March, for those who died in Uitenhage's Langa township. A number of memorial services, culminating in an all-night vigil in St. George's Cathedral was held in Cape Town as part of the national day of mourning called by the UDF. Imam Solomon spoke at two interfaith services, held at the University of Cape Town and the University of Western Cape.⁷⁰

In a statement to Muslim News, the MJC reiterated its position that apartheid is unjust. This has been shown repeatedly in the past and now recently by the army and police killed scores of people. The Muslims, as part of the oppressed have a duty to stand up and oppose apartheid and must continue the struggle until apartheid is destroyed. The MJC called upon all Imams to inform their congregation about the evils of apartheid and injustice.⁷¹

The year 1985 saw relations between Muslims and Christians improving. Muslims and Christians united in the struggle against apartheid. The best illustration of this is the incident which occurred on 10 August 1985 when Dr Boesak, Reverend Lionel Louw, Imam Solomon, Moulana Esack and 15 others were arrested on their way to attend a funeral in Guguletu. After their

⁶⁹Muslim News, 29.03.1985

⁷⁰Cape Times, 29.03.1985

⁷¹Muslim News, 09.08.1985

arrest they were taken to the Wynberg Magistrates Court, where they decided to have a worship service. Dr Boesak started with scripture reading, Reverend Louw led them in singing, Imam Solomon prayed and Moulana Esack preached "Nkosi Sikelele iAfrika" (Lord Bless Africa). At that point, one of them related afterwards,:

"we discovered each other, different faiths but comrades in struggle. We, nineteen little people in a cold room waiting for a magistrate, struck a blow for interfaith dialogue at the highest level and in a matter of hours, years of suspicion and mistrust were broken down."⁷²

On 28 August 1985, 4,000 people attempted to march to Pollsmoor Prison to demand the release of jailed ANC leader, Nelson Mandela. The protest march, commonly referred to as the 'Pollsmoor march' was banned in terms of a magisterial order. The protestors had not gone far when they were confronted by squads of police and Casspir armoured vehicles, and knelt down to pray. The police then ordered the protestors to disperse giving them only 2 minutes and then charged. Violent clashes then broke out between protestors and the police, resulting in a number of people being injured⁷³. The police detained 29 people, including the Chairman of the MJC, Sheikh Gabier, clergymen, as well as 2 nuns and 4 youths. On 30 August 1985 the 29 people detained on 28 August appeared at Wynberg Magistrate's Court on charges of

⁷²Lubbe, G. "Inter-faith Co-operation in South Africa", p.4

⁷³The Argus, 28.08.1985

attending an illegal gathering. The state prosecutor opposed bail,⁷⁴ with the result that the accused were held for several days.

On 30 August 1985, the MJC issued a statement condemning the "unjust detention" of Sheikh Gabier and others. The statement proceeded to condemn "The cruel, brutal and inhuman action" of the armed forces as well as their presence in black townships and declared that:

" the policy of Apartheid, segregation and oppression is unIslamic, abnormal and contrary to the laws of Allah."⁷⁵

The MJC demanded the unconditional release of detainees, the lifting of the state of emergency and the redress of the entire unjust and repressive system in South Africa. The statement concluded with a call to all Muslims to pray for peace and justice in South Africa.

By September 1985, the Government was going all out to crush the UDF. About two-thirds of the UDF's national and regional executive members was unable to carry out their duties due to death, detention or trial. At least 2,000 rank-and-file members of UDF affiliates were detained. On 28 August 1985 the Congress of South African Students, a major affiliate of the UDF was banned⁷⁶. The Government targeted the UDF, because since its formation on

74Ibid., 30.08.1985

75Minutes of the General Council meeting, 30.08.1985

76ISIZWE (The Nation), November 1985, Vol. 1 No. 1

20 August 1983, the UDF had won many victories, not least the collapse of the black local authorities system and the total rejection of the Tricameral parliament. A partial state of emergency was declared in September 1985, making it difficult for the UDF to operate.

The MJC and other religious organisations provided a platform for the restricted UDF to get its message across to the people. More and more Muslims joined the struggle and the cry of Allahu-Akbar and Amandla was heard everywhere.

In an interview, Sheikh Mohamed spoke about the MJC's response to the death of 3 youths and the wounding of 12 others at the hands of the security police in Athlone on Wednesday, 16 October 1985. This was referred to as the "Trojan Horse Killings." The MJC was one of the first organisations to respond to the incident. Having heard rumours that it was Muslims who had been shot, Sheikh Mohamed and Moulana Esack went to the mortuary to see if this was true. They were, however, denied access to the mortuary, and the police refused to hand over the bodies to the families. They were concerned because Islamic law states that a person must be buried as soon as possible, that is, usually on the same day the person has died⁷⁷.

The following evening, Thursday 17 October, the MJC called a public meeting at St. Athan's Road Mosque to discuss ways to get the bodies. The meeting was attended by +-5000 people. Sheikh Mohamed, Sheikh Dien, Moulana Esack and Advocate Dullah Omar were the speakers at the meeting. While the meeting was in progress, policemen in a police van provoked a group of people moving towards the mosque. The crowd retaliated and the police fled. About 30 minutes later Casspirs approached the mosque from all directions and fired 36 teargas canisters into the mosque and the courtyard. By the end of the meeting it was decided that if the MJC was not given access to the mortuary by noon the following day, they would march there to demand access.⁷⁸

77Interview with Sheikh Nazeem Mohamed

78The Call of Islam, November 1985, Vol. 2 No. 12

As people started to leave, they were fired at and one person, Abdul Karriem Friddie was fatally wounded and immediately taken to hospital. The police also wounded two other people. The siege of the mosque was only lifted at 1.20am when Casspirs started to withdraw from the area, following international pressure on the state to withdraw its security forces. At 1.30am people started to leave the mosque and at 2.00am there was confirmation that Abdul Karriem Friddie had died.⁷⁹

The following day, the MJC was given access to the mortuary and ascertained that there were no Muslim bodies in the mortuary. The state released the bodies without restriction. The planned march was therefore called off. A large crowd had gathered to march to the mortuary and was disappointed that the march would not go ahead as planned. They were angry at the siege of the mosque and the death of Abdul Karriem Friddie.

The MJC then issued a statement, referring to the siege of the mosque and said that 36 teargas canister marks were found on the carpets and walls of the mosque. The MJC denounced the violations of the sanctity of the mosque and called on Muslims to protect the sanctity of mosques at all costs. The statement was sent to all mosques, where it was read out.⁸⁰ The siege and

⁷⁹Ibid.

⁸⁰Interview with Sheikh Nazeem Mohamed

violation of the mosque finally destroyed the myth of religious freedom in South Africa.

On 19 October 1985, Sheikh Mohamed, Moulana Esack and others addressed a crowd of 3,000 mourners at the AME Church where the funeral service of the 3 "Trojan Horse" victims: Michael Miranda, Jonathan Claasen and Shaun Magmoet was being conducted.⁸¹

The MJC had difficulty getting the body of Abdul Karriem Friddie from the mortuary and he was therefore only buried on Saturday afternoon, 19 October 1985. About 40 000 people attended the funeral, one of the biggest funerals in South Africa. People of all faiths came from across the Western Cape to pay their last respects to Abdul Karriem Friddie and to express their anger at his death and police brutality in general. The MJC handled the funeral arrangements and most of its members attended the funeral. 20 Christian priests joined 30 Ulama to lead the funeral procession. The Reverend Louw, Chairman of the WPCC spoke at the funeral. Religious leaders of both the Muslim and Christian community expressed their disgust with Apartheid.⁸²

On 7 September 1985, the Muslim community once again came together to bury their dead. On 5 September, Ebrahim Carelse of Salt River was shot in the back of the head by a policeman following police action in the area. More

⁸¹The Call of Islam, November 1985, Vol. 2 No. 12

⁸²Ibid.

than 15,000 people attended the funeral. The funeral procession was disrupted at one point when police presence at the entrance of the cemetery was noted. The two policemen monitoring the funeral was asked to leave by some of the mourners but refused to.

A group of mourners moved towards them and one of the policemen fled, but the other policeman pulled out his revolver and shot into the crowd, seriously wounding Yusuf Lakay of Salt River. The fact that Ebrahim Carelse had been shot and died at the hands of a policeman and now another Muslim had been shot in front of their eyes, infuriated the already angry crowd. A small group of mourners disarmed the policeman and beat him to death. The funeral then went ahead as planned with no further police action.⁸³

Speakers at the funeral included Moulana Esack, Imam Solomon and Sheikh Gabier, Chairman of the MJC delivered the main speech at the funeral. He said that:

"we have allowed this system to live for too long."

He referred to Muslims serving as policemen and reservists, saying:

"It is haraam for you to be a policeman in South Africa. You share in whatever blood is spilt."⁸⁴

Sheikh Gabier challenged all Imams in South Africa to make their standpoint on apartheid clear.

⁸³Grassroots, October 1985

⁸⁴Muslim News, 27.09.1985

The MJC worked closely with the Detainees Parents Support Committee, a group formed to support the families of detainees. The MJC leadership regularly visited detainees and provided financial support to some of their families. On 27 September 1985, the MJC together with the WPCC placed a one page statement on detainees in the Cape Times calling for the release or the charging of those detained under Section 29 of the Internal Security Act, no. 74 of 1982. They demanded the immediate release of all detainees; that all detainees be allowed immediate access to their families and lawyers; and that all detainees be allowed food, reading material, a radio and other basic necessities. The statement was endorsed by numerous individuals and organisations.⁸⁵

In 1985 the MJC started a Relief Fund for victims of apartheid. The Relief Fund provided financial assistance for bail, funerals and families of detainees. In October 1985, the MJC appealed to the congregation of mosques to contribute to the Fund for the following two weeks. The collection was aimed specifically at providing the bail for the 3 accused of the death of a policeman at the funeral of Ebrahim Carelse. The Relief Fund also contributed to the legal costs in this case and other cases related to the struggle for a just South Africa.⁸⁶

⁸⁵Cape Times, 27.09.1985

⁸⁶Minutes of the General Council meeting of MJC, 02.10.1985

On 7 October 1985, the MJC wrote a letter of support to the End Conscription Campaign (ECC) Peace Rally, held in the City Hall, wherein it expressed its solidarity with the efforts of the ECC to bring peace to South Africa. The MJC saluted those South Africans who refused to serve in the South African armed forces. It stated that in terms of Islamic Law it is forbidden to join and/or be conscripted in the South African Defence Force.⁸⁷

The MJC came out in support of a call for a stayaway from work and a day of prayer on 9 October 1985. The call was made at a Conference of about 400 church leaders in Pietermaritzburg on 10-12 September. According to Sheikh Gabier, the MJC supported the call because it agreed with the demands put forward, i.e. that the state of emergency be lifted, all detainees be released, troops should leave the townships and the condemning of police brutality. He called on all Muslims to support the call.⁸⁸ This was an indication that the MJC aligned itself to the democratic movement.

In October 1985, Imam Solomon after being in hiding from the security forces for a number of weeks, left the country. Since the detention of Dr Boesak and fearing arrest himself, he had on a number of occasions spoken at religious and political rallies and services. The highlight of Imam Solomon's public appearance was at Guguletu, when he addressed a crowd of 25,000 in the Guguletu Stadium at the funeral of 18 slain comrades. Imam Solomon left

⁸⁷Ibid. , 07.10.1985

⁸⁸Grassroots, October 1985

South Africa by crossing into Botswana, then went to Zimbabwe from where he went to Saudi Arabia. In a message from Botswana, he told the people to remain committed in the struggle for a just South Africa. He said that:

"Even though I was forced to leave the borders of the oppressive and brutal South African regime for a while, I have not left the struggle. I shall most definitely continue the struggle, although for the time being, outside the borders of the fatherland. The struggle must continue.."⁸⁹

With the police clampdown on progressive leaders, Imam Solomon was one of those who were forced to leave the country. He was criticised by those sections of the Muslim community critical of the approach of the democratic movement, like Qibla, who described his actions as cowardly. Their emotional approach was the cause of Imam Solomon subsequently losing some credibility in the Muslim community and South Africa in general.

In 1985, as increasing numbers of Muslims joined the struggle against Apartheid, Islam was seen as a model of resistance to unjust rule. Muslims were therefore targeted by the security forces and their mosques violated. The Muslim community expressed outrage at the violation of the Park Road Mosque in Wynberg. It was at 9.00am on 28 November 1985, when several policemen stormed into the mosque with their boots on, looking for pamphlets. Muslims take off their shoes before entering the mosque and for the police to enter the mosque with their boots on was sacrilegious. Sheikh

⁸⁹Ibid.

Mohamed, President of the MJC, warned the police that their raid on the mosque was an act of sacrilege which could have "serious consequences". The fact that the police entered the prayer area wearing their boots was contrary to Islamic practice and a "gross violation and disrespect" of the mosque. Sheikh Mohamed said that the police raid was an insult to the Muslim community of over 200,000 people in the Western Cape, who were outraged by police:

"disrespect and total disregard for the sanctity of the mosque as a place of worship and guidance." ⁹⁰

Sheikh Mohamed concluded by saying that this type of behaviour from the police angers people and warned that the police must be prepared for the consequences that could follow. The Western Cape Traders Association(WCTA), the Chamber of Muslim Meat Traders' Association (COMMTRA) and the Cape Youth Congress (Wynberg branch) all condemned the police raid.

In an interview, Sheikh Gabier spoke about the funeral of Ebrahim Carelse, where he delivered the main speech. He said that a few days after the funeral, the police had visited him and said that they held him responsible for the death of the policeman at the funeral. Sheikh Gabier said they completely misquoted him, saying that he had said that "Allah wants blood", when he had actually said was:

"It is haraam for you to be a policeman in South Africa. You share in

⁹⁰Cape Times, 29.11.1985

whatever blood is spilt"⁹¹

According to him the police wanted him to identify the persons that had killed the policeman, which he refused to do.

The police then began to build up a case against him. According to Sheikh Gabier he had attended the first court hearing, but the case was postponed until the 14 February 1986. He refused to identify the person on the photographs who were responsible for the death of the policeman. He was subpoenaed by the court and not wanting to identify the persons, left the country 2 days before the hearing and went to Canada. Following his failure to appear in court to testify, a warrant for his arrest was issued. He went into exile and refused to return to South Africa.

Sheikh Gabier said that he was aware that if he refused to identify the persons in the photographs, he could be sentenced for a few years for refusing to testify. He spoke of his hatred of imprisonment. He had spent several days in jail, following the Pollsmoor March and had vowed never to be incarcerated again and that he would rather serve the struggle outside and not inside prison. Sheikh Gabier said that he had asked the Canadian government for political asylum and was granted this.⁹²

⁹¹Interview with Sheikh Abdul Gamied Gabier

⁹²Ibid.

The MJC was involved in providing shelter and relief to Crossroads residents in 1986. The Crossroads issue started in May 1986, when the 'witdoeke', a pro-government black vigilante group began destroying Crossroads, leaving thousands of people homeless. In 1984 the Botha government told Crossroads residents that they had to move to Khayelitsha. The majority of residents refused to move and aligned themselves to the UDF and its affiliates in the Western Cape. The government turned to the vigilantes to solve this problem.⁹³ After 3 weeks of intense fighting between state-aided 'witdoeke' and the community, Crossroads was razed to the ground. After their shacks were destroyed the people of Crossroads had to resettle in Khayelitsha.

In an executive meeting, Sheikh Mohamed reported that the MJC had received a letter from the Call of Islam, appealing to them to assist the residents of Crossroads. Other Muslim organisations such as the MYM, the Islamic Medical Association (IMA) and the SANZAF also appealed to the MJC to assist. The meeting consequently decided to assist Crossroads residents in any way possible.⁹⁴

The above organisations appealed to the Imams of mosques to ask their congregation to give whatever assistance they can. Muslims responded positively by donating blankets, clothes, food and money, showing their solidarity with Crossroads residents. At a meeting, held at the MJC office,

⁹³The Call of Islam, June 1986

⁹⁴Minutes of the Executive meeting of MJC, 25.06.1986

these organisation established the Islamic Relief Association (ISRA). ISRA was established to provide shelter and relief to Crossroads residents. Dr Gamieldien was made the MJC's representative on ISRA.⁹⁵

In a special general meeting called to discuss the Crossroads issue, Sheikh Mohamed reported that he had contacted a number of MJC members and consulted with them as to the feasibility of using the MJC premises to store goods received from mosques. They agreed that the MJC premises could be used for this purpose and it became the main depot. The MJC therefore assumed the responsibility for co-ordinating all aid efforts amongst Muslims for the Crossroads community. Sheikh Mohamed spoke about his surprise to find women and babies at the MJC office. Soon after hundreds of Crossroads residents converged on the MJC premises, seeking shelter. Many of them were placed with different organisations, mosques, Moslem schools, some however stayed on at the MJC premises and in the mobile unit brought by the IMA. The meeting agreed that from a humanitarian point of view, the MJC had to no choice but to provide shelter to those residents that had converged on the MJC premises.⁹⁶ The high levels of co-operation amongst Muslim organisations showed that unity between them is a feasible objective.

A press conference, held at the Vigilance Hall in Wynberg on 22 October 1986, focused on the emotional problems which were being experienced by

⁹⁵Ibid.

⁹⁶Minutes of a Special General Meeting, 02.07.1986

~~the families of those detained and called on people to remember those in detention. The MJC, COMMTRA, Black Sash and several other organisations were present and read out statements condemning detention without trial.⁹⁷~~

On 23 October 1986, the Dutch Reformed Church (NGK) general synod attacked Islam, calling it a "false religion", a threat to Christianity in South Africa and the world and leading blacks in jahaad⁹⁸ against Apartheid. The motion was proposed by Ds Stoffel Colyn, Chaplain - general of the South African police. Spokespersons for several Muslim organisations: MJC, The Call of Islam, MYM and Qibla expressed their outrage against the NGK synod's attack on Islam. Sheikh Mohamed, President of the MJC said:

"Islam can speak of a proud history of 300 years in South Africa with its hallmarks of freedom and justice to all people."

He added that:

"If the NGK finds that Islam attracts people and finds it to be a threat to its unjust, unChristian, and apartheid teachings which promotes racially separated churches then it is obvious with whom the problem lies."⁹⁹

⁹⁷Muslim News, September-October 1986

⁹⁸Jihaad: or holy war. Literally "to strive". It denotes a struggle which has a religious basis and - according to jurists - "is a struggle for the supremacy of Allah's (God's) word".

⁹⁹Cape Times, 24.10.1986

It was clear that the NGK synod wanted to damage relations between Muslims and Christians, which had strengthened during 1985-1986, when they united to fight Apartheid. In 1985-1986, Muslims and Christians marched together, were jailed together and died together. The NGK synod feared this relationship and attacked Islam in an attempt to damage relations and create religious divisions.

A number of clergymen such as Archbishop Tutu, Reverend Gerrie Lubbe, Dr Boesak and organisations, such as the UDF and SACC expressed their support for the Muslims and condemned the NGK resolution. On 29 October 1986, at a meeting of the Call of Islam held at Hanover Park Civic, Dr Boesak and Reverend Lubbe, President of the World Council for Religion and Peace (WCRP), expressed their anger against the NGK synod's attack. Dr Boesak and Moulana Esack appealed to Muslims and Christians fighting Apartheid not to allow the NGK to break their unity.¹⁰⁰

On 5 November 1986, 7 Muslim organisations: the MJC, The Call of Islam, MYM, Qibla, COMMTRA, IMA and Jaamie Limited issued a joint statement. In the statement they challenged those Muslims wanting to talk with the NGK to justify their stand on Islamic grounds. The statement said they believed the NGK synod's problem with Islam was with the increasing involvement of Muslims in the struggle against Apartheid and it was this that the NGK synod

¹⁰⁰The Argus, 30.10.1986

found threatening.¹⁰¹ The NGK controversy was another issue that united the various Muslim organisations, albeit for a short period and around a specific problem.

The year 1985 saw the increasing involvement of the MJC in the anti-apartheid struggle, focussing particularly on moral issues such as detention, killings and the Crossroads situation. The high levels of political activity brought the MJC closer to its brothers and sisters in other religious organisations.

The State responded aggressively to this realignment in the political sphere. They harassed and detained prominent members of the MJC. Some of them such as Imam Solomon and Sheikh Gabier had to leave the country in order to evade the security police.

The MJC was also targeted for sustained ideological attack. The 1986 NGK resolution was an attack not only on Muslims but on their leadership in the MJC and other progressive organisations.

The mass uprisings of 1985-1986 put the MJC firmly in the democratic fold, and dealt a big blow to the State's attempts at dividing the oppressed along cultural, ethnic or religious lines.

¹⁰¹Muslim Views, November 1986

9. THE MJC's RESPONSE TO THE MUNICIPAL ELECTIONS & INVOLVEMENT IN THE DEFIANCE CAMPAIGN

The 1985 - 1986 period was followed by a political lull in the country, largely as a result of the state's repressive measures against the democratic movement. However, the 1988 municipal elections would usher in an era of vigorous organisation and mobilisation by anti-apartheid forces. The MJC took a firm position against the October 1988 elections as well as the general elections of September 1989. It called on Muslims to boycott these elections, since it would only entrench racism and injustice in South Africa. The failure of the 1988 municipal elections and the 1989 general elections raised the morale and courage of the democratic movement. The 1989 - 1990 Defiance Campaign was aimed at consolidating the victories of the previous years and forcing the government to capitulate to the demands of the people. Religious organisations, including the MJC played an important role in the Defiance Campaign. The MJC held anti-apartheid rallies at mosques and some of its leaders led marches and protests against apartheid. The unprecedented unity displayed by religious bodies, of which the MJC was a part of, was critical to the success of the Defiance Campaign which ultimately led to the unbanning of the ANC, PAC and other proscribed organisations. This, in turn, forced the government to the negotiating table.

The MJC condemned the detention of people who opposed the Apartheid government. Dr Boesak, UDF patron and Sheikh Mohamed, President of the MJC, addressed a crowd of 15,000 at an Inter-Faith Service held at

Bonteheuwel Civic on 15 March 1986 to commemorate National Detainees Day.¹⁰² Nearly 30,000 people had been detained since the beginning of the second state of emergency, over 82 persons a day. Organisations throughout Cape Town held meetings around National Detainees Day, following a call by 16 organisations including the UDF, MJC and The Call of Islam to commemorate the day.¹⁰³

During the past 10 years the desire within the MJC for closer links with other 'Ulama' bodies in South Africa became noticeable. In an open letter to the MJC, Moulana Esack distanced himself from resolutions made by the MJC at a joint meeting of the Ulama bodies: Jamiatul Ulama Transvaal, Jamiatul Ulama Natal and the MJC in Johannesburg on 12 June 1988. Moulana Esack argued that the resolutions had never been discussed in the MJC and therefore the delegation present did not have a mandate to speak on these matters. Moulana Esack criticised the Ulama for supporting:

"every struggle under the sun, some of the struggles we do not know anything about- and yet is cruelly blind to our struggle here."¹⁰⁴

He argued that if the Ulama want to be involved in politics as they must be, then they must do so with courage and consistency.

102 Muslim Views, March 1987, Vol. 1 No. 4

103 Grassroots, March 1987

104 Open letter to the MJC from Moulana Farid Esack, 22.06.1988

At the end of the meeting, a statement was issued and distributed in pamphlet form to Muslims in the Cape Peninsula. In his open letter, Moulana Esack, as a member of the MJC, objected to being informed through a pamphlet about decisions reached at the meeting. According to him, the correct forum for this is the general council meeting and such a meeting must decide on the manner in which the community is to be informed.¹⁰⁵

The MJC was criticised for meeting with Ulama bodies, known to be politically conservative, and for not discussing the political situation in South Africa.

On 1 March 1988, police arrested 150 clergymen outside St. George's Cathedral, after they had attempted to march to Parliament. The group was trying to present a petition to the State President and members of parliament in protest against the banning of 17 organisations. The clergymen and some laymen were later released after a warning that charges against them were under investigation. The march was declared "an illegal procession". Archbishop Tutu, Moulana Esack and Dr Boesak were amongst the 150 arrested.¹⁰⁶

On 26 August 1988, a Ladysmith clergyman, Moulana Abdurrazak called on Muslim youth to join the army and police force, in order to protect Muslim interests in South Africa. He made the call during a Khutbah delivered at the

¹⁰⁵Ibid.

¹⁰⁶Cape Times, 01.03.1988

West Street Mosque(Durban). In a press statement a week later, he said he:
"will be campaigning for Muslims to participate in the forthcoming October municipal elections so that they can protect the rights of Muslims." ¹⁰⁷

Moulana Abdurrazak was severely criticised by many Muslim leaders and organisations. His pro-apartheid position, which he justified on the basis of so-called 'Muslim interests' and not on the basis of Islamic beliefs, was opposed in a resolution that was unanimously adopted at a Conference of Ulama from the Cape, held in Port Elizabeth and Uitenhage in August 1988. A number of Muslim individuals were standing as candidates in the October municipal elections. The resolution urged Muslims:

"to steer clear from and oppose apartheid and all its institutions."¹⁰⁸

On 11 October 1988, various religious leaders and adherents of different faiths in South Africa came together and signed a statement wherein they urged all South Africans to boycott the municipal elections on 26 October 1988. Sheikh Mohamed, President of the MJC, was one of the signatories, as was Moulana Esack. The statement said that the municipal elections meant to strengthen racial separation and work against freedom of association. Having witnessed the failure of the Tricameral parliament, they believed it would be disastrous to promote and support a system of local government based on the same principles, as oppression and dehumanisation of people would continue.¹⁰⁹

107Ibid., 14.09.1988

108The Call of Islam, October 1988, Vol. 5

109Anon., 11.10.1988

At a Muslim Conference, held in Johannesburg, the Ulama present urged Muslims not to vote in the municipal elections on 26 October 1988.¹¹⁰

The elections for new local government structures was a dismal failure and most South Africans, including Muslims, boycotted the elections.

Sheikh Mohamed regularly visited awaiting-trialists Ashley (Ashraf) Forbes, Nazeem Lowe, Yasmina Pandy and others at Pollsmoor Prison. On 24 October 1988 he married Ashley Forbes and Yasmina Pandy in a simple ceremony at Pollsmoor Prison.¹¹¹ Sheikh Mohamed became involved because both Ashley and Yasmina are from the Wynberg area and Yasmina is a member of Sheikh Mohamed's mosque. It was, however, not just a religious duty he performed but a gesture of far greater political significance, an identification with their struggle for freedom and justice.

The MJC was centrally involved in providing financial assistance and support to families of political prisoners. This was experienced first-hand by my family. The MJC made an application to the prison authorities to provide food for Muslim prisoners on Robben Island during the month of Ramadaan (month of fasting). Much to the surprise of the families of the prisoners, the prison authorities agreed. My family was centrally involved in preparing and packaging food daily for the political prisoners. Although the MJC was co-

¹¹⁰The Call of Islam, October 1988, Vol. 5

¹¹¹South, 28 October - 02 November 1988 *

ordinating the fund to provide this food, Qibla members also contributed generously. Collections were made at mosques. The President of the MJC, Sheikh Mohamed, regularly visited my family and the families of other political prisoners to provide them with moral support. The MJC used the month of Ramadaan to rally support for the release of all political prisoners.

Muslim organisations such as the MJC, The Call Of Islam, MYM, MSA, and Qibla united against the general elections. The MJC argued that Muslim candidates, as well as those Muslims who vote in the general elections must be ostracised from the community. Muslim candidates and Muslims who were considering casting their vote were¹¹² urged by the above organisations to reconsider. These organisations argued, that to stand for the general elections or to vote is haraam because Allah says in the Quran:

"Whoever recommends and helps a good cause become a partner herein, and whoever recommends and helps an evil cause, shares in its burden and Allah has power over all things" (4:85)¹¹³

They felt that the few privileges promised by the government, such as recognition of Muslim marriages and the adhan¹¹⁴ was not worth it. These are Muslim rights not privileges. The MJC participated in an anti-election rally at Hanover Park Civic held on 30 August 1989.

112Adhan: A call to prayer for Muslims

113The Call of Islam, August 1989

114Adhan: A call to prayer for Muslims.

In a pamphlet issued by them, the MJC reiterated its rejection of apartheid and all its structures. The MJC said that the division of people along racial lines is the antithesis of Islam and to support Apartheid and Tricameralism is therefore equal to opposing Islam. The MJC denounced the underhand manner that candidates in the elections went about hoodwinking innocent people, especially pensioners, by empty promises, deceit, threats of the withdrawal of pensions and bullying to get people to vote. It challenged the candidates and those Muslims considering voting to prove the correctness of their decision to support the system on the basis of the Quran and Hadith.¹¹⁵

Referring to the Defiance Campaign, the MJC said that it supported the Campaign. The MJC said that the division of South Africans on racial lines was an evil sin and that all the suffering of the people was the result of the repression of the racist government. It denounced the brutality displayed by the police against innocent and unarmed people, committed to a peaceful and non-violent campaign of defiance. The MJC called upon people to join the struggle to destroy Apartheid and build a non-racial and undivided South Africa.¹¹⁶ Many Muslims participated against beach Apartheid at Bloubergstrand, a "Whites only" beach in August 1989. The MJC said it supported the struggle for freedom because it was just and was the only way that the future of Muslims was going to be guaranteed. They were proud that

115Hadith: Literally "saying" refers to the sayings of the prophet Muhammad.

116The MJC speaks on the General Elections and the Defiance Campaign, September-October 1989

the Muslim community had played a part in the struggle On 3 September 1989, the MJC held 4 rallies against Apartheid at different mosques: Chiappini Street, Yusufiyah , St. Athan's Road and Surrey Estate Mosque. The theme of the rallies were "Islam defies Apartheid". The panel of speakers included Sheikh Mohamed, Sheikh Faiq Gamildien and Imam Ali Gierdien.¹¹⁷

On 6 September 1989, only a minority of South Africans voted in the general elections, the majority boycotted the elections. That evening, the police killed 23 people. The mourning and anger at the killings and the defiance of Apartheid laws, all added to the mass pressure that forced F.W. de Klerk to allow the first legal mass protest in Cape Town's city centre for 30 years. On 13 September, 40,000 people marched through the streets of Cape Town. The march referred as the "Peace March" was led by religious leaders, such as Sheikh Mohamed and Archbishop Tutu.¹¹⁸

Muslim organisations welcomed the release of ANC Rivonia trialists: Walter Sisulu, Andrew Mlangeni, Raymond Mhlaba, Elias Matsoaledi, and Ahmed Kathrada and a few other political prisoners. Commenting on the releases, President of the MJC, Sheikh Mohamed said that the oppressed people would look to them to provide leadership and guidance. He said that the MJC believed that their just stand throughout the years was respected and honoured. In conclusion he said that it was unjust to have imprisoned them and that he

117Ibid.

118The Argus, 14.09.1989

would pray for their strength and health.¹¹⁹

In a statement issued to Muslim Views, Sheikh Mohamed stated that the MJC has undergone major structural and constitutional changes in a move to "gear itself for the future". He said it was necessary for the MJC to be prepared for anything, in view of the phase the country was passing through at the moment. He noted that the MJC was party to a strong mass movement and should be constituted in such a way that it could play a greater role in bringing about effective change in the country. Commenting on the results of the elections held at the MJC's recent AGM, Sheikh Mohamed said:

"The election results have been rewarding in that younger Ulama have been elected to very important positions. This signals that strides will be made administratively."¹²⁰

The President of the MJC, Sheikh Mohamed, reacting to the letter faxed to him by ANC leader, Nelson Mandela, said he was "proud and humbled" by the recognition Mr Mandela had given to the MJC's role in the struggle for freedom and justice in South Africa. In the letter, Mr Mandela refers to the MJC as one of the most powerful bodies in South Africa committed to fighting for human rights. According to Sheikh Mohamed, Mr Mandela had previously made contact with the MJC 3 years ago when he sent a hand-written note from Pollsmoor Prison. Mr Mandela's latest letter was seen as an attempt:

119 Muslim Views, October 1989, Vol. 2 No. 13

120 Ibid.

"to sound out the views of organisations and opinion-makers in the community regarding strategies to be adopted in working towards a common goal".¹²¹

Sheikh Mohamed said that Mr Mandela had indicated that he and his prison colleagues had been greatly inspired by the material and spiritual support of the MJC. Sheikh Mohamed proceeded to make clear the MJC's demand for the unconditional release of Mr Mandela and all other political prisoners and detainees. He said the MJC believed their imprisonment to be unjust and demanded that they be allowed to take their rightful place in society. He concluded by saying he welcomed Mr Mandela's letter and stressed that the MJC and other Muslim organisations must maintain contact with the leaders of the strongest political movements in South Africa.

Muslim scholars and Imams from the Cape Province attended a 2-day Conference in December 1989, hosted by the MJC. At the Conference, Muslim clergy pledged to intensify the struggle against Apartheid and to begin preparing for a post-apartheid South Africa. Delegates were urged to start discussing the ANC's constitutional guidelines and to determine under which circumstances and conditions the ANC should negotiate. Imam Solomon told the Conference the issue of negotiation had arisen because of the progress towards a free and democratic South Africa.¹²²

¹²¹Ibid., November 1989 Vol. 2 No. 14

¹²²Ibid.

In December 1989, the MJC hosted ANC leader Ahmed Kathrada in Cape Town. Clergymen of the MJC took Mr Kathrada to visit the grave of Imam Abdullah Haron and Tuan Guru. Mr Kathrada and other Rivonia trialists were released in October 1989. Mr Kathrada met with MJC executive members during his visit to Cape Town. He praised the MJC for its efforts in fighting for justice and the correct Islamic ideal for the dignity of all people.¹²³

The MJC participated in the Conference for a Democratic Future (CDF), which took place in Johannesburg in December 1989. The Vice-Chairman of the MJC, Imam Gierdien said Muslims were fairly well-represented at the Conference and described the CDF as a milestone in the history of the oppressed.¹²⁴

Sheikh Mohamed was one of the leaders that led the anti-apartheid march of several thousand people on 2 February 1990, through the streets of Cape Town to coincide with the opening of parliament.¹²⁵ F.W. de Klerk, in his opening of parliament speech, declared the ANC, PAC and other banned organisations unbanned and announced that ANC leader, Nelson Mandela would be released.

¹²³South, 14-19 December 1989

¹²⁴Muslim Views, January 1990, Vol. 3 No. 1

¹²⁵The Argus, 02.02.1990

The period 1988 - 1990 saw the MJC moving closer to the democratic movement in South Africa. It played a leading role in winning the support of the Muslim community for the election boycott. However, the MJC was still plagued by disunity in its own ranks, as well as with other Muslim organisations. Moulana Esack's critical response to the statement released by the MJC and other Ulama bodies on 12 June 1988 as evidence of this. So was the call by a conservative Ladysmith clergyman, Moulana Abdurrazak for Muslims to participate in the October 1988 municipal elections. The MJC tried to adapt to the rapidly changing political situation in our country in various ways, such as electing younger Ulama onto its structures, building Muslim unity and reacting to state violence and brutality. The reality, however, was that the MJC remained tied to its past as a conservative organisation. The progressive elements in the MJC, has been unable to break the influence of conservatives in the organisation. This impeded attempts by progressives within the MJC to bring the organisation and the Muslim community in general in line with the process of the democratic struggle waged by the oppressed.

10. THE MJC IN THE TRANSITION TO DEMOCRACY

The abrupt changes brought about by FW de Klerk's speech to parliament on 2 February 1990, changed the orientation of the entire spectrum of civil and political organisation in South Africa. The MJC had to adjust to new conditions in which the priority was to secure the transition to democracy and preparing for a future, democratic South Africa. The MJC was involved in several attempts at building unity amongst Muslims, as well as with other religious and political organisations. It applied pressure on the government to speed up the process of transition towards democracy. For the first time Muslims would have a say in the constitution and how it affects them. The MJC and other Muslim organisations established a task team on MPL, in unison with the ANC. This was a historic step in the struggle for recognition of the rights of Muslims in South Africa. The MJC called on Muslims to participate in the April 1994 elections and vote for the liberation movements. Leading members of the MJC expressed public support for the ANC. The opportunities opened up by the April elections, particularly with regard to Muslim Personal Law(MPL) have created renewed controversy around the status of women in Islam. The Wadud-Muhsin affair shows that the Muslim community, and indeed the MJC, is seriously divided on this sensitive issue.

On 11 February 1990, Mr Nelson Mandela was released from Victor Verster Prison. The release of Mr Mandela was welcomed by extra-parliamentary organisations.

The MJC welcomed the release of Mr Mandela saying:

"The contribution of the Muslims towards the struggle for justice in this country is not unknown to Mr Mandela. We look forward to working together on this hard part of this struggle to make South Africa a better country. The MJC wishes Mandela well for the future."¹²⁶

According to the MJC, FW de Klerk's speech at the opening of parliament did not address the bedrock of apartheid and the Group Areas Act, Population Registration Act, Separate Education Act and the Land Act, which still remained intact. The MJC was part of the historic National Muslim Conference, held on 4 - 6 May at UWC, which brought together 600 delegates from all over the country. The conference, brought together Muslims with different political viewpoints to discuss and debate their future in South Africa. The conference was initiated by The Call of Islam, although a number of Muslim organisation like the MJC was part of the convening committee and fully supported the conference. The aim of the conference was to discuss how Muslims could play a more significant role in the struggle for a free South Africa.¹²⁷

In his welcoming address to the delegates present, Sheikh Mohamed said he welcomed the quest for unity by Muslims, in order to become a dynamic force in a future South Africa. One of the major topics discussed at the conference

¹²⁶Muslim Views, February 1990, Vol. 3 No. 2

¹²⁷Ibid., May 1990, Vol. 3 No. 5

was the question of negotiations.¹²⁸ The conference's final statement was predictable, with some delegates believing that negotiations are justified and others believing it is a waste of time.

Sheikh Mohamed was one of the participants at the National Inter-faith conference, held in Johannesburg on 2-4 December 1990. The conference organised by the WCRP(South Africa) discussed the relationship between organised religion and the democratic state in a future South Africa. The conference brought together 350 delegates from different religious organisations from all over South Africa, including 50 delegates from the Muslim community.¹²⁹

Papers delivered at the conference included the defining of religious freedom, women and religion, religion-state relationships, the spiritual reconstruction of South African society, and Africa in world politics. The Sixth Desmond Tutu Peace Lecture was delivered by Professor Ali Mazrui, a Kenyan Muslim and world-renowned expert on African politics, cultures and religions.¹³⁰

Sheikh Mohamed and Archbishop Tutu formed part of the leading group of marchers demanding a Constituent Assembly at the opening of parliament on

128Ibid.

129Ibid., November 1990. Vol. 3 No. 11

130Believers in the Future: National Inter-Faith Conference on Religion-State Relations, 02-04 December 1990

1 February 1991. The ANC and PAC joined hands to demand a Constituent Assembly.¹³¹ The march was the first serious attempt by the leaders of the major extra-parliamentary organisations to promote unity and tolerance amongst its rank-and-file membership.

In September 1991, the MJC was slandered in a mysterious pamphlet issued by the Congress of Muslim Youth. The pamphlet, which appeared at certain mosques, dragged up every dirty issue in the community from the moon issue, the 13 year-old "haraam beef" controversy, allegations that members of the Halaal Trust were a bunch of "thieves", and accused the MJC of political "evil and corruption". An investigation by the Muslim Views as to who the Congress of Muslim Youth were, drew blanks. It then came to the conclusion that the South African Muslim community was under an "intelligence siege" by the State. A further investigation by Muslim Views led to certain sources alleging that the State's network of Muslim informers, well-established since the days of Imam Haron in various mosques around South Africa was still functioning. According to these sources, the intelligence policy of the State was to keep the Muslims divided amongst themselves. The state did not want Muslims to be united. The pamphlet was issued at the time when the MJC was initiating unity talks in the Western Cape. Sheikh Mohamed said that whenever the MJC called for the unity of Muslims, as it was presently doing, pamphlets slandering the MJC would appear.¹³²

¹³¹Muslim Views, February 1991, Vol. 4 No. 2

¹³²Ibid.

Sheikh Mohamed attended the Peace Accord Conference in Johannesburg on behalf of the MJC. The MJC had been asked to participate in the opening ceremony and offer a prayer on behalf of the Muslims. Sheikh Mohamed read out a prayer for peace. The Peace Conference was attended by representatives from across the political and religious spectrum and was a great success.¹³³ As a sign of its commitment to peace, the MJC signed the National Peace Accord.

When asked by Muslim Views to give his impression of the Conference, Sheikh Mohamed said:

"It was most definitely the most representative conference of heads of organisations and leaders ever to be held in this country for the sake of peace. As Islam - our Deen- stands for peace and submission to the will of Allah, we felt that it was appropriate for us as Muslims to be part and parcel of this peace and to bear witness to the signing of the accord."¹³⁴

He added that it was important that Muslims were part of this process that it would benefit all South Africans.

Imam Solomon, represented the MJC at the launching of the book, "The Killing of the Imam" in commemoration of Imam Haron, organised by the Mustadhafih Foundation, said that the late Imam had indicated through his example that:

133Ibid.

134Ibid.

" the Muslim contribution was possible within the mainstream of the national liberation struggle without any distortion of the message of Islam. "¹³⁵

In October 1991, the MJC hosted a conference of Cape Ulama in George. The conference, attended by Ulama from the Western, Eastern and Northern Cape was successful. It marked the first phase of putting the MJC's ideal of unity into action. In a statement to Muslim Views, Sheikh Mohamed said the need for unity in the community was crucial at this stage in its history, and that the MJC regarded it as its special responsibility to foster unity and co-operation in the community.¹³⁶

Muslim organisations such as the MJC, The Call of Islam, Qibla, MYM and the MSA participated in the 3-day Patriotic United Front Conference held in Durban in November 1991. Close to 100 organisations, representing 15 million people, met at the conference to find common ground for a future democracy in South Africa. The MJC President, Sheikh Mohamed made an impassioned plea:

"For the oppressed to remain united and firmly committed, the existence of current parliamentary structures was no longer acceptable. The sooner they disband, the quicker we will move forward. The illegitimate parliament can make no contribution to a Constituent Assembly. "¹³⁷

135Ibid., October 1991, Vol. 4 No. 10

136Ibid., February 1992, Vol. 5 No. 1

137Ibid., November 1991 , Vol. 4 No. 11

At an historic meeting held at the Schotsche Kloof Civic on 19 March 1994, ANC President, Nelson Mandela reassured Muslims of the ANC's commitment to freedom of religion and paid tribute to the role of religious organisations in South Africa. Nelson Mandela cited examples from the ANC's history and the present run-up to elections which attested to the ANC's respect for Muslims and their religion. He paid tribute to Muslims in the liberation struggle, saying:

"We remember on occasions like this, men such as Imam Haron who suffered a brutal death for his commitment to justice. We recognise the contribution of the MJC, ICSA and The Call of Islam and their role in the struggle." ¹³⁸

He said that the gravest insult to the Muslim community was the non-recognition of their marriages by the present government and pledged itself to recognise MPL. Mr Mandela said an ANC government would recognise MPL. Marriages conducted under Muslim rites are presently not legal under South African law. ¹³⁹

The MJC supported the call by the ANC for mass action and a 2-day stay-away as a means to persuade the government to break the deadlock in the negotiating process. In a statement sent to the ANC, the MJC expressed its concern at the escalating violence in the country resulting from the government's refusal to accede to the demands of the democratic movement. ¹⁴⁰

138Ibid., March 1992, Vol. 5 No. 2

139The Argus, 20.03.1992

140Minutes of the General Council meeting, 30.07.1992

On 22 - 24 November representatives of the MJC, Imam Solomon and Sheikh Gabier, attended the National Inter-faith Conference held in Pretoria. The conference was called to discuss the draft of the Declaration of the Rights and Responses of Religious People.¹⁴¹

In May 1992 at the Convention for a Democratic South Africa (CODESA), the National Party protested against multi-faith prayers. The ANC had demanded that a person from all major religions deliver a prayer. When Sheikh Mohamrd delivered a prayer on behalf of Muslims, FW de Klerk walked out.

On 19 April 1993 at the funeral of the South African Communist Party(SACP)leader, Chris Hani, Imam Solomon delivered a prayer. Chris Hani was assassinated on 10 April 1993.

In mid 1993, 30 Muslim organisations came together to discuss Muslims response to the April 1994 elections. Months of consultation ended in a declaration referred to as the "Muslim Forum Declaration on the April Elections." Organisations that had supported the process of consultation and endorsed this declaration include:

the MJC, The Call of Islam, MYM, ICSA, MSA, IMA, SANZAF and various mosques jamaats. The declaration called on all South Africans, particularly Muslims to vote and to participate fully in the forthcoming

¹⁴¹Muslim Views, December 1992, Vol. 5 No. 10

elections. The declaration called on South Africans to support those organisations/parties who have a history of struggle for justice. These organisations/parties should have a history of commitment to, and support Islamic principles such as the right to religious freedom, freedom of association and upholding the dignity of all human beings, irrespective of race, gender or creed.¹⁴²

In February 1994, the Jamiatul Ulama Transvaal and Natal and the MJC met with representatives of the ANC. The purpose of the meeting was to give Muslim expectations of the new South Africa, especially on the question of freedom of religion and the recognition of Muslim Personal Law (MPL). At the meeting the MJC forwarded the demand that Islam be recognised as a divine religion. Also that South Africa be recognised as a multi-religious country. Thus demanding that MPL be constitutionally justifiable and enforceable. This view was expressed in a memorandum that was sent to the Constitutional Technical Committee of the Multi-Party negotiations last year. The ANC welcomed the meeting and reassured the Ulama bodies of their support for religious freedom and emphasised their support for the recognition of MPL. The Ulama bodies indicated to the ANC the contribution Muslims could make to the ANC slogan "A Better Life for All", particularly the moral aspects of South African society. A spokesperson for the Ulama bodies said they were well-satisfied with the outcome of the meeting.¹⁴³

142 Al - Qalam (The Pen), March 1994, Vol. 20 No. 3

143 Ad-Da'wah: Muslim Judicial Council, March 1994, Vol. 2 NO. 2

In a statement, the MJC urged Muslims to vote in the forthcoming elections and to become involved in the decision-making process in the country. The statement said that it would lobby for the recognition of MPL, to ensure legal recognition of Islamic marriages, divorce, inheritance and laws of succession. The MJC will not be aligned to any political organisation/party, but its individual members are free to do so. It encouraged Muslims to vote for the liberation organisations. The MJC pledged that it would make facilities available for voter education and assist voters to get the necessary documentation required for voting in the forthcoming elections.¹⁴⁴

In an attempt to unite the Muslim community in South Africa, a Unity Convention was held in Cape Town in March 1994. The Unity Convention was organised by the Muslim Unity Society(MUS). As with previous attempts at unity, it was met with a divided response. The MJC and the Muslim Front in the Western Cape issued statements which explained their refusal to participate in the Unity Convention. In his opening address, the Chairman of the MUS, Hamza Esack blamed the failure of previous attempts at unity on the fact that they had been convened by only one organisation which was not "neutral." He argued that the convention was different because every organisation would be a convenor and that the convention was initiated by a neutral organisation. This was, however, not the only reason previous unity attempts failed. Organisations such as the MJC and The Call of Islam and individuals felt that the Unity Convention was a Qibla initiative, since all the

144Ibid.

MUS meetings that occurred before the convention were really lectures on the need for unity by Achmat Cassiem, the leader of Qibla. This was denied despite evidence to the contrary and led some to believe that the convention had a "hidden agenda."¹⁴⁵

The Unity Convention ended in a unanimous call to all Muslims and Islamic bodies and organisations to unite so that the needs and concerns of the Muslim community could be addressed. Sheikh Abdul Karriem Toffar was unanimously elected as Chairman of the convention. According to him, the convention would speak on behalf of Muslims in a changing South Africa and would coordinate judicial, education, social and economic affairs on a local, regional and national level. Sheikh Toffar said that the main task of the convention was to incorporate major organisations such as the MJC, who were not present. He argued that Muslim organisations must unite so as to relieve itself from the pressures of duplication and disorganisation.¹⁴⁶

During the run-up to the April elections, 2 Muslim parties: the Islamic Party (IP) and later the Africa Muslim Party (AMP) was formed. The IP was a regional political party based in the Western Cape and the AMP was a national political party. Muslim organisations such as th MJC and The Call of Islam expressed disquiet over the formation of the AMP and IP. Sheikh Gabier, Vice-President of the MJC, said that although it was anyone's

¹⁴⁵Al - Qalam (The Pen), March 1994, Vol. 20 No. 3

¹⁴⁶Muslim Views, April 1994, Vol. 7 No. 3

democratic right to form a political party, the issue was whether it was in the interest of Muslims to form a party at this time. He argued that:

"The Muslim parties is not in a position to deliver those demands denied to the people under Apartheid, like housing, education, health and welfare, etc. To split the vote now on a religious or ethnic basis is to give the main enemy- the NP- a better chance , particularly in the Western Cape".¹⁴⁷

Before the April elections, the 2 Muslim parties signed an agreement to merge after the elections. However, both the AMP and the IP did not obtain any seats nationally or regionally. In September 1994, the IP and AMP merged into one party under the interim name, Africa Muslim Party.

The ANC guaranteed Muslims religious freedom and equality, recognition of MPL and religious tolerance. In addition the ANC pledged its commitment to a multi-religious state. This was included in the constitutional framework and Bill of Rights. Prominent figures in the MJC came out publicly in support of the ANC. They include: Sheikh Mohamed (President of the MJC); Sheikh Gabier (Vice-President); Imam Solomon (Administrator and also on the National list of the ANC); Imam Saban (Executive member); Imam Simon (Head- Halaal Division); Imam Sadien (Secretary) and Sheikh Carloo (Executive member). Sheikh Mohamed, Sheikh Gabier, Imam Solomon and other speakers delivered opening prayers at a number of ANC meetings, pledging their support for the ANC and stating that they would vote for the ANC. At these meetings they called on all Muslims to vote for the ANC.

147 Al-Qalam (The Pen), March 1994, Vol. 20 No.3

When Sheikh Mohamed was asked about why he would vote for the ANC, he replied:

" I will vote for the ANC. I have great admiration for (the) ANC President Nelson Mandela. He is a strong leader of a strong party and I believe that the ANC has the necessary clout and support to bring about change in South Africa - the change we all need, and to bring about justice, freedom and democracy in this country. As Muslims, we have spoken to ANC members and have been given the undertaking that Muslims will be respected as part of the Islamic religion. The ANC stands for freedom of religion and will protect the religious rights of Muslims and secure a right to exercise our religion."¹⁴⁸

On 2 April 1994, ANC President, Nelson Mandela addressed the inauguration of the Muslim Tricentenary at the Good Hope Centre. Nelson Mandela was warmly greeted by representatives from the Malaysian Government and Sheikh Mohamed. Mr Mandela received a warm response from the 10,000- strong crowd. He told the crowd that it was disgraceful that Muslim marriages were not recognised in South Africa and that children borne out of these marriages were regarded as illegitimate. He promised that: " a democratic South Africa shall remove all discriminations and liberate Muslims to practice their religion." ¹⁴⁹

148The Call of Islam, March 1994, Vol. 11 No. 6

149The Argus, 02.04.1994

Sheikh Mohamed also addressed the crowd and expressed his support for the ANC..

On 21 April 1994, a special task force on MPL comprising of 7 Muslim organisations and the ANC was set up to develop concrete proposals for the inclusion and implementation of MPL within the South African legal system. There was general agreement that aspects covered under Muslim Personal Law should be: marriage, divorce, matrimonial property, law and succession, guardianship, custody and public trusts. The task force consist of a team of Ulama and legal experts in Muslim Personal Law. It has representatives from the ANC, MJC, Jamiatul Ulama Natal and Transvaal, ICSA, MYM and The Call of Islam. These organisations accepted that the MJC be responsible for co-ordinating the task force.¹⁵⁰ It was agreed that these organisations would consult other organisations and groups and include them in the process, for example Muslim women's organisation to highlight women's issues.

Presently there are few women representatives on the MPL Board, with only 2 women serving on the Executive. One of the women, Ms Fatima Hujaij holds the key portfolio of Vice-President. This position was only obtained after much consultation as some members of the MPL Board objected to having a woman on the Executive. There are currently two positions around the MPL debate. The first being that MPL must be part of South African Civil Law, implying that Muslim marriages, divorces and succession be recognised

¹⁵⁰Ad-Da'wah: Muslim Judicial Council, May 1994, Vol.2 No. 3

by the South African courts. The second position proposes that Muslims be exempted from South African Civil Law and that independent Islamic Shariah courts be established.¹⁵¹

The first position seems more feasible and practical since Muslims do not have a clergy body equipped to run Islamic Shariah courts. There seem to be no move to involve more women on the MPL Board or to seek the opinion of women concerning MPL. The opinions of women has traditionally been neglected. It seems that, despite the progress being made by the MPL, the opinion of women is still not formally being taken into consideration. The contentious issue of women's rights in Islam has not yet been discussed by the MPL Board. It is important that present practices oppressing Muslim women be eradicated and that the rights as guaranteed by the present constitution, be implemented.

According to Iman Solomon, Chairman of the MPL Commission, the final proposal will be taken to the Muslim public for approval and that workshops on MPL will be held to familiarise Muslims on MPL. Imam Solomon said he believed the definition of marriage and equality of women are creating problems in the drawing up of these proposals. Since Roman Dutch Law only recognises marriage as being monogamous they have to look at ways to expand this definition to include polygamous marriages. On the position of

⁵¹Interview with Ms. Rashieda Shabodien

Muslim women, he said; "that at present inheritance favours men".¹⁵² The incorporation of MPL into the South African Legal system will certainly be advantageous to Muslims, however, an contentious issue is that of polygamy, where Muslim men are allowed to marry more than one woman. This is in direct conflict with the spirit of the constitution as the rights of women are guaranteed.

On 26 - 28 April 1994, millions of South Africans voted for the first time in a truly democratic election. The ANC won 62% of the votes casted. Although there was a period of delay with the processing of the results, it was accepted by all the parties.

On 9 May 1994, Sheikh Gabier, the Vice President of the MJC prayed for peace and reconciliation on behalf of all Muslims at the opening of Parliament, where Nelson Mandela was formally elected as the President.¹⁵³ It was the first time that a Muslim was given this honour.

On 10 May 1994, at the inauguration of the President Nelson Mandela at the Union Buildings in Pretoria, Sheikh Mohamed, the President of the MJC prayed for peace and national unity. Sheikh Mohamed delivered the prayer on behalf of Muslims on worldwide television.¹⁵⁴ Representatives from other

152 Ad-Da'wah: Muslim Judicial Council, May 1994, Vol. 2 No. 3

153 Ibid.

154 Ibid.

religious groupings also participated in the proceedings. This signifies an elevation of Islam's status onto an equal footing with other religions.

Status of women in Islam - a never ending saga

On 12 August 1994, visiting theologian Professor Amina Wadud-Muhsin caused furor in the Muslim community because she delivered the pre-Jumah lecture, usually an exclusively male domain. Professor Wadud-Muhsin, an Islamic theologian at Virginia University and author of *Quran and Women* was invited by the Claremont Main Road mosque to deliver the weekly lecture, the first woman to be invited to do so. Her visit was hosted by the Islamic Da'wah Movement (IDM). Professor Wadud-Muhsin's lecture focussed on her understanding of Islam and how this understanding impacted on her identity. Her lecture took place before the Jumah prayer and women were allowed to join men on the the ground floor, separated by wooden benches.¹⁵⁵

Professor Wadud-Muhsin's lecture provoked an outcry from certain quarters of the Muslim community. The Imam of Claremont mosque, Rashied Omar, received death threats. Organisations such as the MJC condemned the invitation. A spokesperson for the MJC said that no-where in the history of Islam was a woman allowed to address a mixed gathering of this nature. He added that:

"It is unprecedented and I am a afraid that this is another ploy by the

¹⁵⁵Muslim Views, August 1994, Vol. 7 No. 7

organisers to cause dissent in the community."¹⁵⁶

On 14 August 1994, Professor Wadud-Muhsin's lecture at Masjid-ul-Quds in Gatesville was disrupted, when about 300 people hurled abuse at, and physically threatened her. This disruption believed to be instigated by MJC members was condemned by a number of Muslim organisations like the MYM, MSA and The Call of Islam. A number of Muslims such as Ebrahim Ismail (Director of the Cape Town office of IDM and a co-organiser of Professor Wadud-Muhsin's visit), Sheikh Sa'dullah Khan (Imam at Masjid-ul-Quds) and A. Samie (Chairman of the Claremont Main Road mosque) also condemned the disruption.¹⁵⁷

Although the MJC claimed that the majority of Muslims were opposed to the break with tradition, Muslims were divided over the issue. A number of Muslims and Muslim organisations came out in support of Professor Wadud-Muhsin. Prominent Muslim women such as Ms. Fatima Hujaij (ANC M.P. and National Executive member of The Call of Islam) and Ms. Rashieda Shabodien (member of The Call of Islam) supported Professor Wadud-Muhsin's address and condemned the action at Gatesville and a rumoured protest to overthrow Imam Omar of Claremont mosque.¹⁵⁸

156Ibid.

157Ibid.

158Cape Times, 19.08.1994

MJC President, Sheikh Mohamed criticised the address and said he heard rumours of a planned protest at Claremont mosque, where there may be an attempt to overthrow Imam Omar. Responding to the death threats received by Imam Omar, MJC spokesperson Sheikh Irafaan Abrahams said:

"He has brought it onto himself. I have no sympathy for him."¹⁵⁹

This very harsh statement was reflective of the official position of the MJC.

Meanwhile, Claremont Mosque's Board has decided to continue the practice of allowing women to join men on the ground floor.¹⁶⁰ Their brave stand in the face of much criticism must be commended.

The Wadud-Muhsin affair saw the emotional and intolerant attitude of the MJC and other sections of the Muslim community. It is clear that some Muslims need to be educated on the importance of tolerance and freedom of expression. It is my firm belief that anyone be allowed opportunity to express themselves without fear of intimidation. The disruption of Professor Wadud-Muhsin's lecture at Gatesville contradicted the Islamic teachings of tolerance. Many Muslim women supported her in giving voice to the experience of women. The high point of the affair was that it generated debate on the gender

159Ibid.

160Ibid.

issue in Islam and put the question of women's rights in Islam on the agenda.

The MJC has taken upon its shoulders the responsibility of representing the interests of Muslims in South Africa in general, and the Cape in particular. In the new constitutional dispensation this means protecting the interests of all its constituents - men and women. This has particular relevance to the process of integrating MPL with the constitutional and legal system. The MJC has shown a lack of ability to tackle this issue head on in a progressive way. Instead it has continued to play to the sentiments of conservatives in the Muslim community. The growing participation of the MJC in the political and constitutional processes in the transition period provides the MJC with the opportunity to establish itself as a credible force fighting for the interests of Muslims. However, thus far it has not made full use of this potential.

11. CONCLUSION

An objective analysis of the MJC requires an understanding of the organisation's background, historical development and character. The MJC is an organisation of Muslim clergy and theologians, ie. it is essentially a religious organisation seeing to the material and moral well-being of the Muslim community.

Although the MJC has inevitably been drawn into the political life of the country, it is not a political organisation. The religious nature of the organisation predetermines its membership which is largely conservative Muslim clergy who prefers to remain aloof of politics.

The MJC is a hierarchial structure with the leadership holding tremendous power. The status of clergy in the Muslim community result in them exercising immense influence over their membership and supporters. Thus the MJC's political involvement and commitment was heavily influenced by who occupied the leadership. The MJC's political involvement constantly vacillated with the changes in leadership. At times a high level of political activism took place and other times the MJC appeared paralysed and removed from the political struggles of the South African people. The constant conflict amongst the "conservatives" and "progressives" within the organisations contributed to the either overt involvement in political events or the disengagement from politics.

South African Muslims are a minority group in a predominantly Christian community. This factor coupled with the previous government's refusal to acknowledge Islam as a legitimate religion in South Africa, has led to the highly conservative and isolationist attitude of South African Muslims. The MJC had to consider these factors which imposed limitations on the extent to which the organisation could support the democratic movement. Despite all the factors impeding the MJC's involvement in political activity, the increasing involvement of the organisation in the political strata bears testimony to the organisations ability to attract true leadership who portrayed an interest in "bringing Apartheid to its knees". The contrast between the MJC's past policy of "official silence", on the death of Imam Haron in detention in 1969, to the high profile political involvement post-1985 portrays the MJC as a component of a vibrant civil society in South Africa intent on fighting for justice, peace and freedom.

The democratic transformation currently taking place in South Africa profess an inclusive policy in decision making in governing the country. Civil society has started to play a important role in the process of reconstruction, development and reconciliation in our country. Muslim organisations, particularly the MJC, have already made a start with the establishment with the MPL Board which has been mandated to make recommendations on the incorporation of Islamic Law into the legislation. This will be crucial in the realisation of Muslim people's religious and social rights.

The challenge facing the MJC is leading the Muslim community in our country toward active participation in the epoch-making process of reconstruction and development in South Africa. This will demand dynamic leadership with courage and foresight. The MJC should become a pro-active organisation and develop a progressive vision of how it sees the new South Africa.

In the end, the MJC should work actively in achieving the noble objectives for which Islam has become known, and by which it is guided.

Recommendations

1. For the MJC to remain a viable organisation, capable of making a meaningful contribution to national development, it has to abandon some of its past approaches. The Council must begin to practise democracy, since the principle of democracy is usually ignored. Decisions are made unilaterally by the senior leadership of the Council and imposed on the Council.
2. The MJC must become a more representative organisation if it wishes to represent the interests of its constituency. The top-down structure of the MJC, together with its authoritarian attitude should be abandoned for a more democratic and inclusive approach. Regular report and feedback meetings with the Muslim community is one way of doing this. The MJC should open its Annual General Meeting to the community so that it could be held accountable to the community and receive suggestions from its constituency.
3. The MJC, as an institution of civil society, should act as a watchdog in the interests of its constituency and human rights in general. The MJC should continue to fight against any vestiges of social injustice and religious intolerance in the government of National Unity.

4. The MJC should become a pressure group and engage in campaigns on moral issues such as the role of the family, sex, education and broadcasting.
5. The MJC needs to strengthen its relationship with other religious organisations and co-operate on issues of mutual concern. Inter-faith dialogue on issues such as education should be promoted, thereby contributing to the creation of a better society.
6. The MJC need to become agents for social change and can play a role by keeping communities abreast of the political and constitutional developments. The MJC must prepare Muslims for accomodation in the new South Africa. Friday Khutbahs could be one way of starting this process. It could also use its newspaper, Ad-Da'wah.
7. As the leading Muslim organisation, the MJC should make it a priority to strive for the unity of Muslims. If any intervention is made, it should be sustained to achieve this unity. The MJC should always try to build good working relationships with other Muslim organisations, through a process of consultation and not unilaterally deciding on behalf of 'all' the Muslims. The organisation should refrain from fighting over petty issues like the moon and Eid, and rather work with other organisations to resolve the issue.

8. The issue of women participating in the structures of the MJC should be addressed. This should not just be a tokenistic gesture, but should strive to make real changes with a clear strategy of how to achieve this. Women should be freed from the oppression that is being passed as Islamic legislation. Islam does not oppress women, yet women feel oppressed because of the uncertainty of their position in marriage, death, divorce and in their community. The MJC should embark on educational programmes clarifying the rights of women in society so that misconceptions can be alleviated. Women and equally important men should be a target for these programmes. The principle of gender equality should be instilled at early ages of Muslim children's lives, through Islamic studies, as part of the curriculum. Muslim women's organisations should be consulted regarding this process.

9. The contentious issue of polygamy should be addressed and the opinion of women must be sought to find solutions to the problem. This matter is to be addressed in the formulation of a policy that would not contradict the rights of women as laid down in the constitution.

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