South African Muslims and Political Engagement in a Post-Apartheid Context with particular reference to Durban

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Introduction

It is well chronicled that though Islam and Muslims were imported to South Africa by colonial design, large numbers of Muslims made their adopted country "home" and have essentially existed as part of a broader multi-religious and multi-racial community.[1] Democracy and the demands of a new dispensation have meant that a new set of struggles have emerged in the post-apartheid period, with Muslims facing critical questions around the emerging politics of class, race, culture and, of course, religion. These challenges are not unique to Muslims, but what is unique is that Muslims, as part of a global faith group, Islam, have come under intense scrutiny over the last few years, largely because of the emergence of political violence that is seen in some quarters as being predominantly perpetrated by Muslims from various parts of the globe as a response to state terror and a range of structural oppressions. One of the domestic ramifications has been intense contestation over how Muslims are supposed to react to these political issues. For example, there are theological disputes over whether violence is a justifiable response to the challenges faced by Muslims.

Muslims have struggled to find a common position on many of these issues. This is understandable given that divisions created during the apartheid era entrenched peculiar cultural, religious and sectarian dynamics among Muslims. Despite the fact that many Muslim activists were united on a common platform in the struggle against apartheid, the post-apartheid period has revealed that there is no homogenous Muslim community that can articulate a common position on "Muslim issues".[2] In fact, given that the last decade has given space to religious leadership (Ulema) to emerge as a stronger force among Muslims, alternative radical, secular and progressive approaches to emerging challenges have often been frowned upon because they are seen as a threat to the established hegemony of religious leaders and their followers. While the Ulema are considered an important part of the social and religious fabric of the Muslim community, very few have articulated a clear or constructive political position on issues, whether domestic or international.[3] This paper is concerned with the ramifications of the lack of a clear political vision, especially given that few are able or willing to unite outside of a religious framework to, for example, tackle socio-economic issues such as HIV Aids, poverty, and so on.

Democracy and new opportunities

The past fourteen years of democracy have brought about numerous changes and reforms to the society at large. The plethora of newly democratized institutions and structures at various levels, the establishment of an independent judiciary, and a burgeoning civil society are all indications of a society engaged in transformation.[4] However, despite the

progress, the legacy of apartheid has not disappeared with the introduction of democratic reform.[5] The challenge of transition has arguably been largely informed by an over-arching paradigm of race, which defined South Africans during the apartheid years to such an extent that even now, South Africans continue to use it as a frame of reference.[6] It has become so much a part of the historical legacy and lexicon that it is proving hard to shed. Even the census continues to separate the South African demographic by race. What began as a political exercise for separate development has become the foundation for defining the major race groups in present-day South Africa. The difference is that while the terms, African, Coloured (or Malay), White and Indian, are still used to identify people, the 1996 constitution protects them against discrimination, unlike the previous racist regime.[7] This has created space for communities to transform not just within a racial context but within a range of significant demographic categories, such as religion, language, class, rituals, tradition, and culture, which were also important, historically. The existence of these multiple layers of identification has resulted, in some cases, in the development of what one might term a "minority sub-culture" that exercises its own particular brand of identification of particular sub-groups and religious / cultural imperatives, based on a range of defining characteristics which might be peculiar to those groups.

This is arguably the case for the approximately 600,000 to 1 million Muslim South Africans.[8] While the majority comprise of Indo-Pak descent or ancestry (commonly referred to as Indian Muslims) and Coloureds (commonly referred to as "Malay"), Africans and Whites are also represented nationally.[9] In Durban (and in broader KZN and Gauteng), Indian Muslims constitute the majority of Muslims. Despite the diverse representation, it can be argued that Indian Muslims have effectively been responsible for shaping and articulating the culture and character of Islam in this region to a significant degree, and in many ways this has come to also represent the dominant discourse.[10] This has had important ramifications, both in terms of strengthening the Muslim community as well as making it increasingly vulnerable through articulating complex racial and ethnic identity formations and interactions between Muslims of Indian origin and those from other race backgrounds.

The hegemony of Indian Muslims is contested in other parts of the country. The Muslim community of the Western Cape region (consisting largely of Coloured and Malay ancestry) has played a huge role in creating a particular discursive space in Islamic thought.[11] This discursive space has arguably also been the more progressive in terms of political engagement, even though it has sometimes assumed a militant dimension, as is evidenced by the rise of PAGAD in the mid-1990s.[12] There has also been a growing population of African Muslims, particularly within the last few decades.[13] This could be attributed to both an increase in Dawah-related activity, as well as trends in migrant labor patterns during this period.[14]

The question of why religion plays such an important role for South African Muslims, despite the historical legacy of race, can perhaps be addressed by understanding the role that the global Islamic Resurgence movement has played in locating the social identity of Muslims since the turn of the twentieth century. Abdulkader Tayob, in tracing the

influence of Islamic resurgence in South Africa, argues that the rise of a class of educated elites among South African Muslims was highly influential in ensuring that Muslim civic organizations played a central role in Muslim public life, despite being denied crucial political rights.[15] These civic groups were constituted by teacher's associations, trading associations, burial societies, youth groups, such as the Muslim Youth Movement, and a whole host of other civic bodies. Global events such as the Iranian revolution of 1979 lent ideological vigor to energizing the project of ensuring that Islam as a religious ideology remained central to the lives of South African Muslims. In addition, there were numerous Muslim religious councils that maintained some degree of theological hegemony over the socio-economic life of Muslims. Inevitably this led to an ideological contestation between those educated elites seeking a more progressive understanding of Islam as an anti-imperialist agent that could challenge a colonial and apartheid dispensation, and those traditional sectors, who preferred to not challenge the state, fearing even further political marginalisation. Hence the Islamic resurgence became something of a contested terrain between what could be referred to, on the one hand, as a progressive political movement and, on the other, a conservative religious establishment, each bound to its own exclusivist interpretation of what constituted Islam and Islamic practice.

In analyzing these historical trends, we have to factor in religious faith, which most Muslims continue to prioritize over other aspects of secular socio-political and economic life. In some ways the international contestation between progressive Muslim forces and the conservative theological establishment of the post World War II era has spilled over into the post-apartheid context, raising perhaps the central dilemma faced by Muslims in South Africa. The conflation of the dictates of religion (shaped pre-dominantly by theological injunctions) as a means to tackle broader socio-political challenges, with more secular notions of political strategy, has to some degree resulted in the Muslim community being left in a somewhat difficult position. Conventional political strategy has often been shaped by injunctions issued by theological leadership that often does not equip Muslims to deal with the substantive nature of the challenges they face. These complex dilemmas are often reduced to religious pronouncements (fatwahs) on whether Muslims can participate in elections, in a secular democracy, or whether they should only vote for Muslim politicians, and so on.[16] The lack of articulation of a lucid and resolute political strategy to address contemporary challenges is not confined to South African Muslims, but has been a common criticism leveled at Muslims globally, and has come to represent the hallmark of increasing fragmentation of such societies. While the Quran provides broad guidelines around social justice and redress concerns, intellectuals like Ziauddin Sardar feel that these are often theologically misinterpreted by ulema, and that such misinterpretations are often not conducive to the substantial application of the essence of the guidelines contained in the Quran. [17]

South African Muslims in the Post-Apartheid period

Since the advent of a democratic dispensation in South Africa, Muslims have struggled to define themselves politically and ideologically, as can be evidenced by the many "schools of thought" that have emerged within the various theological councils that have emerged to serve the religious needs of Muslims. It could be argued that this is the result of racial,

ethnic and cultural conditioning under apartheid which resulted in Islam, particularly among Indians, developing largely within a conservative context dominated by the monied classes and concerned primarily with the rudiments of religious practice. The nature of this discourse, with its focus on fulfilling religious practices, this paper suggests, has left Muslims unprepared to confront the challenges of the post-apartheid period, where greater involvement is required to substantively addressing the key social needs of broader society.[18]

Given the turn of global events post the 11 September 2001 bombing of the World Trade Centre in the US, South African Muslims, like Muslim communities elsewhere, have been faced with an increasing number of socio-political dilemmas. In some instances they have managed to engage with these in a constructive manner, for example, around the issue of the anti-terrorism legislation proposed by the ANC government. But on other issues, domestic and global, they remain deeply divided, strategically unprepared to meet the challenges, and oftentimes politically obtuse. The resources to rectify these gaps do exist, but there needs to be a constructive harnessing of such resources, to create the space for reasoned dialogue and responses to issues affecting Muslims.

While the new South African dispensation promotes a non-sectarian, non-racial ethos, minorities do want to exercise their right to express their unique identities. Indeed this is the strength of the country's growing democracy, some would argue, as it advances equality, unity and diversity as essential components for nation-building. South African Muslims, diverse as they are, are a crucial component of this democracy. However, they are faced with challenges that require radically alternative approaches to those that have up to now defined their responses to these challenges, in order to ensure that they do not become denuded as a community.

Muslims in eThekwini (Durban)

One of the largest Muslim communities in South Africa is located in the coastal city of eThekwini (located in the province of Kwa-Zulu Natal), more popularly known as Durban, which constitutes the case study for this paper. The issues articulated above will be explored and contextualised in greater detail within a broader exploration of how Muslims in Durban have responded to the political challenges post-1994. In so far as many of the areas referred to, also include participation by South African Muslims at a broader national level, the paper will attempt to highlight unique aspects of engagement by Muslims residing in Durban.

Muslims in KZN, including the eThekwini (Durban) metro, are fairly diverse in terms of race and class. Indian Muslims predominate, as can be evidenced below.[19] Coloured, African and White Muslims are in the minority. Muslims constitute approximately 3.25 percent of the total population of eThekwini, which was roughly 3,090,121 in 2001. This is subject to fluctuations based on birth and mortality rates as well as residential migration patterns.[20]

Table 1 : Population of KZN (Overall and Muslim) : Census Data 2001[21]

	African	White	Indian	Coloured	Total
KwaZulu-Natal	8002407	483448	798275	141887	9426017
Muslims in KZN	2987	1036	117424	6143	142460
Percentage Muslims in KZN	0.037	0.2	14.7	4.3	1.5

As far as Durban is concerned, the overall racial demographic of the city is as follows:

Table 2 : Population of Durban[22]

Race	African	Coloured	Indian	White
Population	2 110 581	87 277	614 835	277 428

These figures are from a fairly recent set of data for the period 2004 – 2006. Approximately 40 percent of households in Durban were classified as poor, or ultra poor, and an estimated 23% of households have no income at all. Further, 67 percent of Africans are classified as poor.[23] While these statistics cannot be generalized to reflect on the Muslim minority community in any substantive way, one is able to extrapolate some class dynamics that relate to specific race groups, and these in themselves have relevance in terms of articulating conclusions around Muslim participation in the broader socio-economic and political life of the city.

The transition to democracy in 1994 thrust South Africans into a new historical epoch, one shaped by a new set of political realities, which included both a post-apartheid dispensation and the demands of a globalizing world order.[24] Muslim South Africans, along with the rest of the country, had to acclimatize to the numerous changes and in so doing, embarked on a new chapter in their collective history. This meant responding to a variety of political, social, economic and cultural transformations which in some instances required entering previously un-chartered territory. The following section attempts to document some aspects of this engagement, particularly those instances where Durban's Muslims were central to participation.

i) *Political Campaigning and Participation in Elections*

The prospect of a new democratic government in 1994 after decades of white minority rule, led to some South African Muslims mobilizing along religious lines to create a political party to contest the national elections and have a voice in parliament, to address issues relating to Muslims. The Africa Muslim Party was created with the express purpose of contesting the 1994 elections and did not have a track record which voters

could identify with. It is not surprising that it did not gain representation in parliament. Interestingly, virtually all the Muslim politicians and MPs who gained seats in Parliament in the first democratic election, belonged to the ANC, which won the national election with a 63 % majority.[25] Muslim Ministers have held key positions in the Cabinet and National Assembly since 1994.[26] The fact that a political party that articulated itself along secular lines, viz the ANC, brought into power more Muslims than a Muslim political party sent a significant political message; that appealing to religious sentiment would not necessarily secure political support. It was precisely the ANC's guarantee of freedom of religious expression that made it arguably more popular amongst even Muslim voters, albeit largely the Muslim middle class.

Ten years after the first national election, the ANC in 2004, realizing that the Indian community, including its Muslim component, constituted an important minority vote, campaigned heavily within this community, with President Mbeki meeting with various Muslim leaders, including business sector and religious leaders, in an attempt to secure their vote. In Durban, a meeting with the President was set up, inviting in particular, prominent members of the middle class Muslim elite to a gathering at the City Hall.[27] In the weeks leading up to the 2004 elections, the ANC vigorously courted the religious, business and community leaders of minority groups nationally. This included Muslim organisations, some of whom subsequently paid for advertisements in the local newspapers calling on all Muslims to vote for the ANC.[28] They argued that because Muslims could freely practice their religion under an ANC government, and because this government had sent a representative to the International Court of Justice to make a presentation on the security wall (also referred to as the "apartheid wall") in Israel / Palestine, Muslims should vote to keep this party in power.

What was noteworthy was that there was virtually no critical debate within the Muslim middle class a decade into democracy around the failures of the ruling party to address key socio-economic issues, which affected the poorer, historically disadvantaged communities. The major opposition party in the country, the Democratic Alliance (DA), was not seen as a viable alternative as its party leader at that time, Tony Leon, was Jewish, and was married to an Israeli who had served in the Israeli army. It was not his being Jewish per se that was a problem, as there were Jewish members in the ANC (Ronnie Kasrils for example); rather it was Leon's assumed political connection to and support of Israel that was problematic. Palestine remains a political issue close to the hearts of many Muslims. This suggests that most Muslims chose to support the ruling party in order to engage in national political life, primarily as an exercise in self-preservation.

The key question is; would Muslims would have voted for the ANC if there had not been a call by religious leaders to do so, and if there had been a range of other parties who had directly addressed issues relating to Muslims, and had therefore endeared themselves to a Muslim electorate? The tactic of the ruling party engaging with religious and racial minorities as an electoral block suggests a somewhat innovative trend, one that allows for the development of a patron-client relationship between the moderate Muslim religious leadership and middle class and the ANC. This suggests that Muslims have, for the

foreseeable future, given up on the earlier tentative strategy of creating Muslim political parties to represent Muslim concerns. The ANC strategy paid-off. With the help of the minority vote, the ruling party captured nearly 70 percent of the votes.

A recent study of the Muslim vote in Durban in the 2006 local government elections suggests a similar pattern.[29] An analysis of five wards in the Durban metro region, with the highest Muslim demographic percentage, indicates that the ANC continues to remain the party of choice among Muslims, with the DA, IFP and MF trailing significantly. At local level, some of this popularity may be related to the fact that several ANC ward councillors, such as Fawzia Peer and Yakoob Baig, were Muslims. The ruling party has clearly found a loyal constituency among Muslims, both in Durban and more broadly.

ii)   *Social Activism and the Emergence of New Progressive Forces*

The Muslim leadership that government met with in 2004 was overwhelmingly middle class, and this dynamic has clearly played a role at the level of class politics, with emerging criticism among Muslims in poorer communities that their issues have not been addressed by the state, nor is the Muslim leadership, either religious or political, taking up their causes in any sustained manner, other than through relief and charitable support. Low-income Muslim residents in townships like Chatsworth and Phoenix, and indeed in other areas throughout South Africa, have become increasingly involved in social movement activities that are challenging the state regarding the delivery of social services and homes, as well as job creation. [30] This is clearly in response to growing disparities over the last decade in the living standards between those living along or below the poverty line and the middle classes. [31]

This social activism is conducted largely along class lines without distinction of race and religion, as common concerns force an alliance that transcend such barriers. While the majority of communities engaging the state around issues of social delivery are not Muslims, there are individual Muslims, who are outspoken on these issues. They include individuals from the academic, business or professional sector, who have joined national activist movements such as the Social Movements Indaba, as well as low-income or unemployed Muslims who have chosen to become fully active on issues around which their livelihood depends, such as members from the KZN Subsistence Fishermen's Coalition and the Street Traders Associations in Durban, whose recent struggles have been well documented in the national press.[32]

Vahed and Jeppie reflect that there are significant numbers of unemployed Muslims countrywide. This remains an issue which is part of a broader national question around social welfare and poverty alleviation.[33] Durban's Muslims have yet to become more fully involved in the campaign to address social disparities in broader South African society. There are exceptions of course. A small number of Muslim welfare organizations are engaging in relief and humanitarian work, rather than just "Dawah". Notable among these is the KZN-based Gift of the Givers, which was started in 1992, by a Muslim medical doctor, Dr. Imtiaaz Sooliman, and has become internationally renowned as an organization that does not just respond to natural disasters but has sustainable poverty

alleviation and social upliftment schemes which benefit all religious and race communities.[34] Another notable group which works among township and shack settlement youth is the World Assembly of Muslim Youth (WAMY), which has taken on the challenge of sustainable development programs targeting low income communities, primarily from the indigenous African community.[35] These two groups stand out as exceptions among the plethora of Muslim relief organizations that have a transformative activist agenda as central to their outreach strategy.

The post-apartheid period has also been witness to the rise of newly emerging civic groups, who have roots in minority religious communities and cater to local needs. In the case of Muslims, these civil society groups reflect the plight of "progressive" Muslim formations struggling to emerge in a post-apartheid context as alternatives to what might be regarded as conservative mainstream theological bodies.[36] This has often led to long, drawn-out campaigns between conservative establishments and younger bodies trying to define themselves in a hostile (Muslim) terrain. An example of this contestation has been the struggle by a fairly new movement in Durban called Taking Islam to the People (TIP), formed in 2003 to challenge the existing conservative and rigid interpretation of Islam. One of the key challenges faced by TIP centered around its efforts to hold a family Eidgah prayer on the beachfront.[37] Women have generally been barred from this public practice, whereas their counterparts in the Cape are able to attend. In the preparations leading up to the first such Eidgah, the conservative theological establishment in KZN issued pamphlets against the event and its organisers, describing it as the "Naked / Topless Eidgah," given that it was being held near the beach.[38] While this generated a huge controversy, the Eidgah was held, with a successful outcome in that it had both male and female speakers, and has now become a regular feature in the city calendar with numbers of participants increasing. TIP organisers felt that in accomplishing this, the group had won both a religious as well as a political victory.

TIP has also held open air midday prayers on the last Friday of each month outside the Durban City Hall, inviting progressive (male and female) speakers to address the congregation. Given that the prayers are held outside the usual confines of a mosque (under an open tent), this has meant that passersby of all backgrounds can observe Muslims praying, as well as listening to the religious sermons in both English and Arabic. This has had the effect of demystifying the performing of the prayer to non-Muslims, some of them being homeless people who live in the city centre, while both Muslims and non-Muslims who choose to listen have access to progressive speakers and social activists addressing issues of social justice, poverty alleviation and job creation, which are very close to the hearts of the city's many indigent people.

This group is one of a small number of groups emerging nationally, who are trying to tackle key socio-political issues from an alternative activist platform, which they see as very central to their Islamic faith. While they are slowly gaining a following among those Muslims who have grown tired of the one-dimensional rhetoric of traditional theological institutions, they continue to face an ongoing battle with the conservative elements who control most of the institutions of power and regularly pillory these progressives as "modernists", which is the ultimate "crime". [39]

iii)   *Muslim Personal Law*

One of the most intensely debated issues within both the Muslim community as well as the broader legal fraternity has been the possible implementation of Muslim Personal Law (MPL) as part of institutionalized customary law that would only apply to members of the Muslim community. This law would be based on compliancy and implementation according to Shariah (Islamic) Law. In effect this would mean the establishment of Shariah courts or similar institutions that would hear cases related to common personal law issues such as marriages, divorce and inheritance. MPL has become highly politicized, with Durban's Muslims central to many of the debates around this as yet unresolved matter.

In May 2000, a discussion paper produced by the South African Law Commission, titled "Issue Paper 15: Islamic Marriages and Related Matters" was put out into the public domain for discussion.[40] This was essentially a legal paper examining the merits of recognizing Muslim marriages, in accordance with Shariah Law. It comprised a set of proposals that requested public participation and responses regarding the feasibility of introducing a Bill that would legislate the functioning of matters related to marriages contracted under traditional Islamic custom ("Nikah"). The motivation was essentially to provide benefits for Muslims (especially female spouses and their children) that many were denied where Islamic law was applied on a de facto basis. The two main proposals were that couples contemplating marriage should have the right to choose a marital system (MPL or secular law) that was compatible with their religious beliefs and with the Constitution, and that such legislation could provide for both new and existing marriages.[41]

The most contentious issues were polygamous marriages and divorce, where there were differences between Islamic and secular law. After considering various responses, a second discussion paper (Discussion Paper 101: Islamic Marriages and Related Matters) was circulated for further comment in December 2001.[42] After intense consultation and debate, a report was presented by the Law Commission to Justice Minister Penuell Maduna in July 2003.[43] The report proposed a set of recommendations for a statute to be effected into law that would legislate all matters relating to Islamic marriages and related issues such as divorce, marital support and maintenance, child custody, and so on. The report, popularly known as the Draft Bill on Islamic Marriages, is yet to be ratified because of the high number of emotive and complex responses to it. Durban-based lawyers and academics like Saber Jazhbay and Suleman Dangor, were central players in some of these debates. The engagement around this draft bill exposed major fault lines within the Muslim community.

Engagement around Muslim Personal Law is of critical import as regards the Muslim community's relationship with the state post-1994. It was clearly evident throughout the process that the state took the religious beliefs of its Muslim citizens seriously given that the courts were being faced with cases that had arisen largely as a result of disputes emerging out of agreements or marriages contracted according to Islamic Law, which was technically not recognized by the South African judicial system. A case considered a

precedent was *Amod & Another v Multilateral Motor Vehicle Accidents Fund*, in which the court gave legal recognition to a Muslim marriage for purposes of the duty of support.[44] Customary practice cannot be ignored in a diverse society like South Africa. Debates around MPL paralleled those around customary practices within traditional African communities that contracted marriages according to specific cultural rituals, which while not religious per se, had a similar rationale in their execution. What is interesting about MPL is that Muslims, can choose to marry under secular or Muslim Personal Law. Clearly, there can be no legal compunction on Muslim women to force compliance with MPL though social pressures may exist.

Muslims remain deeply divided over MPL. The Ulema consider it too liberal, while women's rights groups feel that it gives too much leeway to men. However, this debate illustrated some fundamental principles related to the new democratic dispensation, particularly within the context of participation by Muslims. It suggested that freedom of religious belief needs to be protected through state institutional support in the form of legislation, that freedom of expression means that choices offered to citizens must allow them to follow either their own religio-cultural system or a secular legal system, and that where an issue concerned conservative elements directly, they were prepared to participate in the political process.

iv)   The Anti-Terrorism Bill

After 9/11, many governments across the globe came under increased pressure, some applied by the United States, to introduce extra anti-terrorism legislation as part of a global "war on terror". The South African government introduced a draft Anti-Terrorism Bill in September 2002. Many human rights organizations such as the Freedom of Expression Institute initially opposed the bill arguing that it would significantly curtail civil liberties guaranteed by the constitution. Government showed little sign of relenting. Detractors of the bill next sought to change technical aspects of the draft text of the bill. Muslims in particular would have preferred the bill to be completely abandoned as opposed to its being revised. Given that similar anti-terror legislation had been used elsewhere to detain Muslims without charging them or allowing them a trial, even subjecting them to torture in prison, South African Muslims were extremely nervous about the bill as it had been originally introduced. Muslims, instead of hoping that the bill would go away, sought to organize as part of a national lobby that made presentations to parliamentary committees regarding their objections. A key argument was that the state already had 22 pieces of legislation to deal with terrorism.[45]

Muslim representation constituted the involvement of a number of Muslim organizations, both religious and professional bodies who provided resources and capacity to engage with the bill. These included the Islamic Medical Association (IMA), Jamiatul Ulama (KZN), Muslim Judicial Council, Muslim Youth Movement (MYM), Association of Muslim Accountants and Lawyers (AMAL), Al Ansaar Foundation, South African National Zakaah Fund (SANZAF), Islamic Dawah Movement (IDM), Red Crescent Society of South Africa, and Media Review Network (MRN). Engagement was primarily driven by the perception that Muslim South Africans would be first in line as "targets",

given their involvement and support for resistance struggles and movements throughout the Muslim world, which could be construed as support of terrorist organizations. The secretariat for organizing a comprehensive Muslim community response to the proposed bill was based in Durban under the auspices of the Association of Muslim Accountants and Lawyers (AMAL), which provided its offices and logistical infrastructure to ensure a well coordinated infrastructure. Their 2003 submission to President Thabo Mbeki noted:

> Our government should be the first to OPPOSE a bill of this type because it goes against everything that the freedom struggle stood for. If the liberation movements, during the apartheid days, were judged today under this bill all would be condemned as terrorist organizations. If the ATB is passed here, no South African will be able to support in ANY way ANY of the liberation struggles presently being waged in many parts of the world. This is hugely ironical because virtually the entire world supported the South African freedom struggle. We are told that the ATB is needed here in order to deal with groups like Pagad and the Boeremag. Both these groups have been apprehended without the bill. It took good police work, not new laws to achieve this. However, we must emphasize that if measures are contemplated to tighten up domestic security we will certainly be supportive of such moves provided they don't infringe on civil liberties. [46]

It is significant that while the Muslim community's input was powerful, the submissions made by other sectors of civil society, particularly trade unions such as COSATU, was arguably the crucial factor that forced the government to revisit aspects of the bill. While a revised bill, taking into account COSATU's concerns, was eventually passed in November 2004, this foray by the Durban (and national) Muslim community into organised lobbying and participation over a national issue, albeit one that was of direct concern to Muslims, marked an important political shift in a post-apartheid context.[47] Even though the issue was largely based along group interest, it reflected the fact that Muslims were willing to seek a political voice on matters of concern to their broader interests, and were prepared to make this voice heard through civic structures. The challenge, of course, is to extend that participation into other aspects of life.

v) *International Solidarity Campaigns*

From around 2000 there was renewed interest within Muslim civil society, but also segments of the public at large, in political solidarity with international campaigns, initially in the Middle East region but subsequently the Muslim world in general. The breaking out of the second Palestinian Intifada in September 2000 was in many ways the catalyst for sustained involvement by Muslims, albeit by a small number of Muslims working in conjunction with broader based civil society. The events of 11 September, 2001, and the subsequent invasions of Afghanistan and Iraq by the United States and its coalition partners led to increased anger among Muslims locally, resulting in protests, marches and demonstrations. An Anti-war Coalition movement was launched, with the most intense activity concentrated in three main urban areas, viz, Johannesburg, Cape Town and Durban.

What was intriguing about the engagement of Muslim activists around these issues was that they were essentially divided into two discrete camps, a conservative element motivated primarily by religious factors, and including the religious leadership, and progressive liberal minded activists whose activism, while partly inspired by their faith, was not bound by constraining religious injunctions issued by the religious leadership around how the campaigns should be conducted. An example in Durban was a declaration by the clergy that men and women were to march separately.[48] This meant in effect that non-Muslim activists who wanted to participate would be forced to protest separately or accept gender segregation. The intervention of more liberal Muslim activists led to a choice being offered to men and women to either march separately or together. Most Muslim women, it should be noted, chose to march in a women's only section.

These dynamics were clearly indicative of a community struggling to define the nature of its engagement with international solidarity campaigns. While many Muslims were arguing for constructive engagement with the state regarding its foreign policy stance on the Middle East, some religious leaders advocated for the recruitment of Muslims to engage in military campaigns against the occupation armies of the United States. They also criticized individual activists for not being "Muslim" enough in terms of how they conducted their activism.[49] These kinds of tensions detract from building a unified coalition with broad based civil society in some instances, to take on the issues at a national level.

There were, however, various forms of activism that galvanized Muslims broadly into committing acts of solidarity that were recognized by the state as immensely courageous and worthy of national accolades. In early 2003, a group of 32 Muslims from across the country left South Africa to go to Iraq as human shields, and monitor and document the initial bombing campaign launched against Iraq by the United States government and its allies. This group was co-ordinated by a Durban based media activist, Abie Dawjee. While they performed an important task by providing first hand accounts of the bombings and its impact on ordinary Iraqis to media agencies back home, they were eventually pressured to return by families concerned about their safety, as they were clearly not in a position to stop the war. They returned to South Africa to a hero's welcome from the community and acknowledgement by the South African government.[50]

Political pressure was placed on the South African government, by a broad based coalition of activists which included a significant number of Muslims, in the form of petitions and memoranda that demanded that the government cease trade agreements with countries engaging in activities that broke international law. This was considered by many across the spectrum necessary to force the government into complying with measures that would ultimately make a powerful political statement. In addition, as a result of ongoing lobbying and advocacy around international solidarity, parliament engaged in a debate on the issue of its foreign policy towards Israel. The South African government was one of a handful of governments that delivered a presentation against the Security Wall being built by Israel, in support of an International Court of Justice ruling which had declared the wall illegal.[51]

It is significant that despite heightened emotional sentiments by local Muslims towards the United States and its allies, there have been no major incidences of political violence or terrorism directed at foreign embassies or public facilities to express anger. The exception has been those of isolated armed attacks by a fringe militant group in the Western Cape called People Against Gangterism and Drugs (PAGAD) in the late 1990s. This group pre-dated 9/11 and is now dormant and no longer active. The only major terrorist attack in post-apartheid South Africa was the work of right wing Afrikaner nationalists who attacked railway lines and mosques in Soweto in 2002 as an expression of dissent against the government.[52] The relatively peaceful approach of Muslims is significant in light of more militant engagement by Muslim groups elsewhere. It affirms the idea that South African Muslims have opted to exercise primarily civic modes of public protest and dissent.

vi)   Foreign Policy Engagement

The focus of South Africa's foreign policy in the immediate aftermath of the 1994 elections, and under the guidance of Nelson Mandela's presidency, was a commitment to advance and protect human rights. [53] Henwood points out that the early foreign policy agenda after April 1994 was representative of the perspective of the Government of National Unity (GNU), with the ANC having greater influence on foreign policy after the exit of the National Party from the GNU, and despite the continued presence of the Inkatha Freedom Party (IFP).[54] Henwood further argues that in the initial stages there was a strong link between the Reconstruction and Development programme (RDP) and the foreign policy agenda in light of a broader identification by the GNU of its responsibilities to its domestic economic context as well as the regional Southern African political context. [55]

It could be argued that the new South African government was defining a foreign policy agenda, literally from scratch. Mandela's stature was in many ways the stabilizing factor in creating deeper ties with the rest of the world, as has been argued by many analysts, and this is also clearly evident in the formal diplomatic relationships that the "new" South Africa opted to pursue with nations that were deemed "problematic" by the United States, such as Cuba, Libya, Iran, Syria and China.[56] This points to the very clear political position that South Africa was adopting from the beginning, which was to act in its own interests, and not be influenced by the US, which was no doubt keeping a very close eye on developments in this fledgling democracy. It was also Mandela's way of acknowledging the political support that these nations had provided to the ANC and the broader anti-apartheid movement during the most difficult years of its struggle against the former racist regime. The establishment of relationships with Muslim nations such as Iran and Libya was arguably the stimulus for nascent interaction between the country's Muslims and the government's foreign policy agenda.

During the early years of democratic rule Muslims were beginning to adjust to a transitional mode on two levels. They were, firstly, was seeking to contextualize their own role within the new South Africa, and, secondly, trying to come to terms with the high levels of diversity within their own ranks. This heterogeneity meant that they could

not speak with a single voice.[57] This latter dimension has since then been the cause of divisions largely due to sectarian disputes, theological differences , as well as differing political views between conservative sectors of the community and a growing group of moderates and progressive thinkers .[58] In addition, while there had been a whole sector of Muslims active in the anti-apartheid struggle, and indeed very central to many of its campaigns, the post-apartheid context raised a number of questions around the political role of Muslims in this new dispensation, both at domestic as well as foreign policy level.

Given also that some quarters of the religious leadership within South Africa had objected to Muslims participating in national political life, during the anti-apartheid struggle, and the fact that religious political parties had done very poorly in the election, a debate began among Muslims as to how they should participate within a predominantly secular political system that guaranteed rights to all, including those of a homosexual orientation, and permitted liquor and gambling, all of these aspects of the South African constitution being an anathema to Muslims in general.[59]

This debate was not necessarily centralized nor was it controlled by any one faction or grouping within the community, and was scattered across various sectors. Some of it occurred within intellectual and academic circles, while other aspects such as the NGO and Dawah sector formulated strategies to create greater awareness of the Islamic faith through outreach and charity work.[60] In the first GNU, there was a reliance by Muslim citizens on Muslim MPs, to take care of "Muslim" interests. However, there was soon a realization that these MPs were not primarily advancing a religious agenda but were focused on secular party political concerns. They toed a party political line and were not able to do much to influence policy processes. This raised questions as to where Muslim allegiance as a faith-based citizenry lay, and what options they could develop to take their collective interests forward within civil society circles in relation to a predominantly secular government.

The Mandela years were a period of transition on many levels. Internationally, South Africa was seeking a foothold within the international community as the newest member of the democratic family of nations.[61] Domestically, South Africans, including Muslims, were coming to terms with the country's racial past, within the context of national processes such as the Truth and Reconciliation Commission (TRC), and the move from the RDP to a new macro economic policy, viz Growth, Employment and Redistribution (GEAR). Muslim influence on foreign policy making from 1994 to 1999 was minimal, almost negligible, apart from occasional interactions between community leadership (religious and civic) and government figures on broader issues relating to overlapping domestic / foreign matters such as the Hajj (pilgrimage) period, which required occasional diplomatic intervention between the South African and Saudi authorities to secure South African travelers' interests to the region.

Given also the influx of immigrants from Muslim countries such as Pakistan to South Africa for economic opportunities, there was an increasing focus on dealing with the occasionally illegal status of some of these immigrants. This raised minimal debate among Muslims and it was left to the Department of Home Affairs and Department of

Foreign Affairs (DFA) to resolve. However, the growing Muslim immigrant population, both from within Africa and externally, is not only a challenge for the government, but this injection of new Muslims is changing the Muslim demographic and will become a broader issue for South African Muslims to address more comprehensively in coming years, particularly over issues of resources, marriage, and so on.

The election of Thabo Mbeki in 1999 ushered a new era of governance marked by a clear shift in both economic and foreign policy prescriptions, with the South African government coming to play a greater role in global affairs.[62] South Africa was beginning to solidify its diplomatic ties with many more nations in the world, in particular the Middle East and the broader Muslim world, which in many ways created greater impetus for Muslims to become more involved in foreign policy issues.

The more urgent task for Muslims, however, was to craft a cogent political agenda and vision, given their minority status. The experiment of getting Muslim political parties to contest elections having failed, as did reliance of Muslim MPs, there remained a need to identify a clearer political role by creating a structure that could operate both within and outside the parameters of government. In other words it became clear that a strong independent lobby group had to be created to exert pressure on government around issues affecting Muslims. To this end, a conference was hosted in 1999, by a Durban-based organization Vision 2020 / 1440, whose stated purpose was to encourage Muslims to be an "integral part of and contribute to the development of the nation as a whole".[63] Out of this and other processes emerged the beginnings of a more concerted effort by some Muslims to become involved in both domestic and foreign policy matters. Vision 2020 set up permanent offices to act as a conduit for engagement between Muslims, government and other stakeholders. Organizations like the Muslim Youth Movement (MYM) and Islamic Propagation Centre International (IPCI) continued to promote the Islamic faith within the broader community through a variety of socio-political, cultural and educational programs, which were both faith based as well as outreach oriented. The challenge of articulating a vision that would capture the imagination of all South African Muslims, given their diverse positions, was difficult, and remains unresolved. Debates continue over acceptable modes of political engagement within a secular society.

The impetus for Muslims to play a greater role in foreign policy affairs arguably began in 2000 with the second Palestinian Intifada. This, as pointed out, re-energized Muslim protest as well as that of the broader political left movement to revisit solidarity initiatives with Palestine. The 2001 World Conference Against Racism (WCAR) in Durban intensified mobilization around Palestine, given that many sectors of the conference were arguing that Israel was a racist apartheid state.[64] The NGO segment of the conference became the platform for an organic process of organizing a number of protest actions, including a march against racism both generally as well as the plight of Palestinians specifically. This protest action became one of the largest marches in the history of the city, and included massive participation from Muslims.[65] Within the formal segment of the conference, the South African government faced considerable local and international pressure to take a firmer stance towards Israel. Some of this pressure came from South African Muslim delegates at the conference who were already long term

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veterans of the anti-apartheid struggle, as well as a variety of other NGO representatives. In some ways this was part of the burgeoning culture of engagement with government structures by the Muslim activist fraternity, around issues of foreign policy, particularly South Africa's relation with Israel and its support for Palestine.[66]

WCAR had barely ended when one of the most momentous political events of the current century, the attacks on the United States on 11 September 2001, took place. Many commentators have argued that this marked a shift in attitude and treatment of the global Muslim community, which has since become the focus of much world attention.[67] South African Muslims are no exception. After the United States invaded Afghanistan in late 2001, Muslims in South Africa were galvanized into action in protest. While it did not have many political leaders amongst its ranks, it was arguably the Muslim activist fraternity that initially provided the political direction for much of the strategic vision during the campaigning and protest action. This eventually led to the emergence of the religious leadership, with Imams of mosques and seminary teachers (Alims and Maulanas) stepping in, perhaps to assume some control over how Muslims should respond , given that they were expected to provide guidance in all respects of the faith.

Critics have argued that religious leadership which is not schooled in the methodology of political engagement and international relations should not be providing strategic guidance to a vulnerable faith-based community, who is itself not generally *au fait* with matters relating to international politics.[68] Some of the criticism arises out of the observation that mosque spaces were during these early days of the US invasion of Muslim states such as Afghanistan, often being used by fiery religious clerics to mobilize for a military jihad, and to encourage ordinary community members to engage in military training to fight against the US army as part of their religious duty.[69] This was happening in mosques across the globe and signalled growing anger at what was unfolding in Afghanistan and subsequently in other Muslim countries. Apart from the moral questions this raises, clearly there are legal implications that present themselves if South African nationals, however pious and well intentioned, start engaging in mercenary activities outside the framework of the government's official position and indeed political mandate.[70]

The 2003 US led invasion of Iraq triggered global opposition as unprecedented numbers of protestors came out in their millions on the streets of major cities in protest. South Africa's major urban centers also saw many Muslims and non-Muslims, come out in significantly large numbers to protest, although this was nowhere near that of the figures in the United States and Europe. Activists and religious leaders combined to mobilize Muslims and the broader South African community. Letters of protest and petitions were sent by a range of groupings within South Africa to both the government as well as to the US Embassy and its consulates. The South African government's position was that it would not be part of the "Coalition of the Willing" which US president George W Bush was trying to create across the globe to join both this war and the Global War Against Terror (GWAT). The decision by the SA government not to join the Iraq war was considered by the majority of South Africans as the principled position to take and they applauded the government for its stance.

Another aspect of GWAT which was raising the ire of South African Muslims was the policy of "extraordinary renditions" employed by the United States government to effectively outsource interrogation and torture of abducted suspects of terrorist activities to third parties.[71] Muslims formally questioned the complicity of the South Africa government in this practice through government channels and the media. One particular case that caught the public headlines was the government's role in the apparent extraordinary rendition of Pakistani national Khalid Rashid, who was resident in Estcourt when he was arrested and handed over to Pakistani authorities in 2005, disappeared for two years, and resurfaced in a Pakistani court in 2007, where he was cleared of all charges.[72] The practice of renditions has been widely condemned in the international community as inhuman and against international law. There has been a similarly intense condemnation of the high security facility run by the US government at Guantanamo Bay. This issue remains an ongoing focus for lobbying by South African Muslims who have been demanding answers of their government around this most controversial of practices.[73]

South African Muslims, it may be argued, have become increasingly more politically conscientised and acclimatized to global concerns; however, their focus has arguably remained on Muslim regions such as the Middle East, Kashmir and Chechnya. While many other parts of the world competed for attention, such as the conflict in the DRC, the continuing repression in Myanmar and Chinese occupation of Tibet, these did not really feature within the political radar of the Muslim community. This may be a result of ignorance of other conflicts, but more likely reflects a preference for their activism and lobbying in regions where primarily Muslims are affected.

This tendency to concentrate on Muslim regions of conflict may serve to advantage certain foreign policy questions which Muslims were continuously lobbying government on. As pointed out, in 2004, South Africa was one of the few governments to deliver an argument against the 'Apartheid Wall' at the International Court of Justice at the Hague. The court's ruling that the wall was illegal according to international law was considered a victory within global and South African Palestinian solidarity circles. However contradictions have emerged in the government's foreign policy on Palestine over the past few years which has led to increased lobbying by South African Muslims and the broader Palestine solidarity movement. The first discrepancy was government encouragement of South African - Israeli businesses ties. This policy initiative was announced not long after the moral high ground that the government had won with its position on the wall. To this end trade and political delegations from Israel visited South Africa and vice versa.[74]

This sparked strong protests among the broader solidarity movement, expressed primarily through discussions and debates held within the movement and through engagement with government, and created greater impetus among Muslims to engage in direct discussions with the Ministry of Foreign Affairs, with an urgent demand for South Africa to cut off all diplomatic and trade ties with Israel, through both formal lobbying and popular protests and demonstrations. This was met with a flat refusal by the government which

argued that it wanted to keep channels of communication open between South Africa, Israel and Palestine in an effort to continue dialogue.[75] The 2006 war between Israel and the Lebanese-based Hezbollah once again brought into sharp focus the campaign by South Africans, in particular Muslims, to insist on the ending of diplomatic ties between South Africa and Israel. The campaign has taken on new sustenance through intensifying its call for a boycott, sanctions and divestment strategy to be implemented against Israel.[76]

Other issues too continue to anger and mobilize local Muslims. They include the publication of derogatory cartoons of the Prophet Muhammed in a Danish newspaper, replicated in some South African papers; comments about Islam considered controversial by Pope Benedict XVI at the University of Regensburg in Germany in September 2006; questions raised by British politician Jack Straw around the wearing of the veil by Muslim women; and the recent arrest of a British teacher in Sudan for naming a classroom teddy bear Muhammed.[77] While these issues do not relate directly to foreign policy engagement strategies, they are nevertheless significant because each in their own way caused a reaction among Muslims globally in response to international events and merit a brief discussion.

In South Africa, and especially in urban centers such as Durban, the cartoons sparked protest marches attended primarily by Muslims. The participation of Muslims, we should note, far outnumbered their attendance at protest marches against the Iraq war or invasion of Afghanistan. Also of note is that certain sectors of the Muslim community called for the boycotting of Danish products as well as the South African newspapers that had published some of the cartoons. This call was not consistent in that some religious authorities called for the boycott of the Sunday Times while others did not.[78] The Pope's comments and Jack Straws views were received with varying levels of rage, but this soon settled into an exasperated acceptance among most Muslims that such comments would continue to be made, and that not much could be done apart from engaging in a popular discourse around these issues through the print and electronic media.[79]

Conclusion

This paper has argued that most South African Muslims identify strongly with Islam, which tends to inform most of their political, economic, and social activity. Indeed even the state has acknowledged the important role that faith plays in communal life through its deliberations on MPL. The engagement by South African Muslims around political issues since the inception of a democratic regime in 1994 has been very selective, however. Domestically, much of the focus has been on issues directly related to Muslims, such as the ATB and MPL. With regard to foreign policy, Muslim participation has largely focused on regions where Muslims are in the majority; however, even this involvement has not been consistent nor has it been without its contradictions. For example, the Darfur region in Sudan is home to a significant Muslim population, and is experiencing an enormous humanitarian catastrophe, mostly at the hands of fellow Sudanese Muslims. Yet this issue has rarely been discussed within Muslim circles apart from the occasional op-ed article or letter in the press by Muslims aware of the gravity of

the situation.[80] Darfur has clearly not been deemed sufficiently important to merit a major march or protest action in the same way that tensions elsewhere have generated mass public sympathy among South African Muslims who have brought pressure to bear on government. International questions elsewhere, such as political repression in China and its relation to a broader South African foreign policy agenda also do not feature widely in Muslim popular discourse, either in relation to community discussions or more broad questions of international relations.

While Muslims are clearly a minority community of just around 2 percent of the population, and arguably cannot be expected to focus on every single national and international issue, this insular trend is worrying for some leaders because of international tensions surrounding Muslims and the many demands they make on the state to be able to live as Muslims.[81] What is not directly related to Muslims is quickly relegated to the margins of critical discussion. While it could be argued that Muslims are still attempting to develop a more rigorous political culture of engagement, this selective approach will be detrimental if Muslims want to continue to receive a favorable "government ear" and also continue to live in a conducive Islamic climate. Given the more general questions of global security and welfare, and the kinds of pressures that Muslim minorities are subject to in other parts of the world post 9/11, Muslim self-preservation, it may be argued, depends on becoming more involved in engaging government and the wider civic society far more comprehensively on both global and indeed domestic affairs.

Despite the clear separation between religion and state in South Africa, religion continues to play a significant role in political life. This is the case not just for Muslims, but for other faith groups as well.[82] Many Muslims have articulated that they consider themselves fortunate to be living in a country that is sympathetic to them, and has provided a safe space for them to practice their religion without fear of prosecution and harassment.[83] Given this, South Africa is in many ways an ideal society for Muslims to develop a stronger political identity, secure in the knowledge that both their political and religious rights will be protected. There are dangers, this paper would suggest, in Muslims remaining apathetic, and in a cocoon, and only engaging with government and the wider civic society when their direct interests are involved. Aside from religion, most Muslims, as "Malays" or "Indians", must also factor in general issues concerned with being a "racial" minority. They need to attempt to create structurally viable modes of engagement with government and civic society, instead of reacting in a knee-jerk manner on an issue by issue basis.

Muslim engagement with government on foreign policy has been mixed. Even on Palestine, where Muslims have enjoyed their greatest "success", in that government has focused on Palestinian problems, and increased bilateral meetings and initiatives, the jury is out as long as government maintains political and economic ties with Israel and Palestinian land remains occupied. Regardless of this "failure", the nature of Muslim engagement with the state and broader political issues, as articulated in this paper, illustrates that such engagement is taking place but is incoherent and inconsistent. South African Muslims, this paper suggests, need to construct an effective body to lobby government in formal ways. This will necessitate a process of deeper reflection and

introspection to ascertain how best to achieve this, instead of emotionally reacting to issues. And this is important, both because of the international geo-political situation, and because most Muslims have certain "needs" specific to them, like arrangements for pilgrimage, diet, Muslim Personal Law, where government will be required to intervene.

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[1] Robert Shell. 'Islam in Southern Africa : 1652-1998'. *The History of Islam in Africa*. Nehemia Levitzon and Randall Pouwells. eds. (Oxford: James Currey, 2000) 327-348

[2] Goolam Vahed and Shamiel Jeppie. "Multiple Communities: Muslims in post-apartheid South Africa". *State of the Nation : 2004 – 2005*. Daniel J et al ed. (Cape Town : HSRC Press, 2005) 252

[3] The term community is used very loosely here. Muslims are extremely diverse acrose a range of categories but do constitute a "community" in the sense that they are often seen as such by outsiders and face similar challenges over things like diet, dress, the "War on Terror", Islamophobia, Palestine, and so on.

[4] See J Barber. *South Africa in the 20th Century*. (Oxford : Blackwell, 1999)

[5] See Patrick Bond. *Elite Transition : From Apartheid to Neo-liberalism in South Africa*. (London : Pluto Press 2002) ; Ashwin Desai. *We are the Poors: Community Struggles in Post-Apartheid South Africa*. (New York: Monthly Review Press, 2002) and Nigel Gibson ed. *Challenging Hegemony : Social Movements and the Quest for a New Humanism in Post-Apartheid South Africa*. (Trenton : Africa World Press, 2006)

[6] See M Macdonald. *Why Race Matters in South Africa*. (Scottsville : UKZN Press, 2006)

[7] South African Constitution, 1996

[8] The estimate ranges from between 600 000 to 1 million. The last comprehensive South African national census was conducted in 2001, and this paper uses this data as a framework for the arguments presented

[9] While this might be the general description used to identify a particular ethnic group, ie, Indian, within a larger religious grouping, there are a number of other sub-identities within this category, eg, language and

caste. See also G Vahed. "Indian Islam and the meaning of South African Citizenship - A Question of Identities". *Transformation*, (2000, 43) 25-51

[10] Vahed. "Indian Islam and the meaning of South African Citizenship - A Question of Identities"

[11] Abdulkader Tayob. *Islamic Resurgence in South Africa. The Muslim Youth Movement.* (Cape Town: University of Cape Town Press, 1995) 39 - 54

[12] The Western Cape is notorious for giving rise to militant groups such as PAGAD (People against Gangsterism and Drugs). This group has also been implicated in certain past terrorist activities such as the bombing of public places in Cape Town. The group is currently inactive, as a result of police vigilance of its activities

[13] Vahed and Jeppie, "Multiple Communities: Muslims in post-apartheid South Africa"

[14] Dawah is generally understood as the conceptual framework within Islamic theology that advances the spreading of the religion amongst communities. It can be exercised through various means, ie, preaching, humanitarian initiatives such as the giving of charity, or the intellectual engagement of Islamic thought and philosophy. See CE Farah CE. *Islam : Beliefs and Observances*. (New York : Barrons, 2003)

[15] Tayob. *Islamic Resurgence in South Africa. The Muslim Youth Movement*

[16] There are various Muslim theological councils, such as the Sunni Jamiatul Ulema (with branches across the country, such as in KZN and Gauteng), that have become the spaces and institutions which issue on a regular basis, fatwahs or pronouncements on religious matters, either as a response to questions from the Muslim public or as part of their ongoing educational programmes

[17] See a collection of Ziauddin Sardar's critical writings, edited by S Inayatullah and G Boxwell. *Islam, Postmodernism and Other Futures : A Ziauddin Sardar Reader*. (London : Pluto Press, 2003)

[18] Dawah in the South African context has arguably been primarily religious and theologically conservative, in terms of its outreach strategy. It has therefore not necessarily transcended the boundaries of a strict orthodox understanding of the Islamic faith and practice

[19] Vahed and Jeppie "Multiple Communities: Muslims in post-apartheid South Africa" 260 – 267. Vahed and Jeppie point out that in KZN, the majority of the Muslim community is arguably constituted by Indian Muslims, with Coloured Muslims being the second most populous race group

[20] See R Plaatjie R. Ethekwini Municipal Profile http://newsnet/upload_research/research/politics/Local_government_elections_2006/municipalities/kwazul unatal/ethekwini.htm / *Gaffney's Local Government South Africa, 2004-6*, 2005

[21] Vahed and Jeppie "Multiple Communities: Muslims in post-apartheid South Africa" 253. See also http://www.statssa.gov.za/census01/html/KZNPrimary.pdf 12

[22] R Plaatjie. Ethekwini Municipal Profile

[23] R Plaatjie. Ethekwini Municipal Profile

[24] [24] See J Barber. South Africa in the 20th Century 312 and T Lodge. Politics in South Africa : From Mandela to Mbeki. (Cape Town : David Philip, 2002)

[25] See J Barber. *South Africa in the 20th Century* 312 and T Lodge. *Politics in South Africa : From Mandela to Mbeki*. (Cape Town : David Philip, 2002)

[26] One of the most important ministerial portfolios, ie Education, is held by a Muslim, viz, Naledi Pandor

[27] This meeting was held on the 20 March 2004, to which primarily the Muslim middle class and religious leaders were invited

[28] This included organisations such as the Islamic Forum, based in Durban

[29] Imraan Buccus and Lubna Nadvi. "Muslims, Participation and Local Government Elections in Durban". *Critical Dialogue*. (2007, 3:1) 38 – 46

[30] During interviews conducted with key Muslim activists in Durban such as Rassool Snyman, Ebrahim Bofelo and Mohamed Amra, for this paper, it emerged that this is a growing trend. See also, A Desai. *The Poors of Chatsworth*. (Durban : Madiba Publishers, 2000)

[31] See P Bond. *Elite Transition : From Apartheid to Neo-liberalism in South Africa*. (London : Pluto Press, 2002) and P Bond. *Looting Africa : The Economics of Exploitation*. (Scottsville : UKZN Press, 2006) 6

[32] See, K Ganpath, J Wicks & Sapa. *Durban police arrest 500 street traders*. Mercury. 2007 20 June; KZN Subsistence Fishermen's Coalition, 2007, Notice of Protest Flyer; Notes / Transcript from interview conducted with KZN Subsistence Fishermen representative Max Magnussen, 26 May 2007

[33] Vahed and Jeppie "Multiple Communities: Muslims in post-apartheid South Africa"

[34] Based on an Interview conducted with Dr. I. Sooliman on 14 November 2006. See also http://www.giftofthegivers.co.za/index.php?option=com_content&view=article&id=72&Itemid=79 . While

Dr. Sooliman originally started doing relief work in Muslim nations such as Bosnia, this focus has eventually shifted to the Gift of the Givers operating in all conflict areas, regardless of the demographics of the region

[35] Based on an Interview conducted with Mohammed Amra on 8 November 2006

[36] Progressive Islam has emerged as a fairly recent school of thought within the broader global Muslim community, over the last decade, and its primary focus is on embracing "pluralist" understandings of Islam. Scholars of this school of thought include Omid Safi and Farid Esack. See also, O Safi. *Progressive Muslims : On Justice, Gender and Pluralism*. (Oxford : Oneworld, 2003)

[37] The Eidgah is a mass prayer usually held on an open field on the morning of the Eid festival (Eid ul-Fitr and Eid ul-Adha)

[38] Majlis Newsletter, 2003

[39] See for example the The Majlis websites http://themajlis.net/name-Slkkllk.html and http://themajlis.net/Sections-article221-p1.html , which contains various condemnations of "modernist" thought and views

[40] See SA Law Commission, 2000, Issue Paper No 15, http://www.law.wits.ac.za/salc/issue/ip15.pdf . The issue paper is available in full.

[41] SA Law Commission, 2000, Issue Paper No 15 v

[42] See SA Law Commission, 2001, Discussion Paper 101
 http://wwwserver.law.wits.ac.za/salc/discussn/dp101.pdf

[43] See SA Law Commission Report, 2003, http://wwwserver.law.wits.ac.za/salc/report/pr59report.pdf

[44] SA Law Commission, 2000, vi

[45] See the Submission made by Saber Jhazbhay, a human rights lawyer, and COSATU.

[46] This was part of a letter submitted to President Mbeki, in November 2003, authored by Mr. A. Dawjee, a media personality based in Durban and written on behalf of the signatories

[47] I Buccus and L Nadvi "Resisting the Anti-Terrorism Bill : The role of Civil Society in Legislative Reform". *Critical Dialogue*. (2006, 2 : 1) 18-23. Portions of this section have appeared in another published piece on the anti-terrorism legislation

[48] Vahed and Jeppie "Multiple Communities: Muslims in post-apartheid South Africa" 273

[49] Very often the mosque pulpits became a space where the Imams of the mosque would in their sermons, refer to the ongoing war in Afghanistan and Iraq and argue for the necessity of SA Muslims becoming involved in various ways such as sending money to the region or even considering going to fight in the wars. Also, in the wake of an op-ed article entitled, *Enemies of the faith* (M&G, 6-12 August 2004) written by the author of this article, which ran in both the Mail and Guardian and Al-Qalam Newspapers, a heated public debate erupted around what was appropriate Muslim behaviour and response to these ongoing issues affecting Muslims in the Middle East. I became the subject of severe criticism for daring to argue that random militant approaches (such as the beheading of innocent civilians) to dealing with these issues was not the only route to follow, and was criticised for "not being Muslim enough"

[50] Vahed and Jeppie "Multiple Communities: Muslims in post-apartheid South Africa" 274

[51] See the text version of the SA Government's submission on the Apartheid Wall to the ICJ, at; http://212.153.43.18/icjwww/idocket/imwp/imwpstatements/iWrittenStatement_26_RepublicofSouthAfrica.pdf

[52] See B Phillips, *Blast on South African Bridge*, 28 November 2002, BBC Online http://newswww.bbc.net.uk/1/hi/world/africa/2522579.stm

[53] Roland Henwood. "South Africa's Foreign Policy : Principles and Problems" in Hussein Solomon (ed). *Fairy Godmother, Hegemon or Partner : In search of a South African Foreign Policy*, ISS Monograph Series, (1997, 13) 6

[54] Henwood. "South Africa's Foreign Policy : Principles and Problems" 6

[55] Henwood. "South Africa's Foreign Policy : Principles and Problems" 8

[56] Henwood. "South Africa's Foreign Policy : Principles and Problems" 12 - 14

[57] Vahed and Jeppie "Multiple Communities: Muslims in post-apartheid South Africa" 252 - 286

[58] There are a number of theological councils, including the Muslim Judicial Council, The Jamiatul Ulama (Johannesburg and Durban) and the Sunni Jamiatul Ulama, that are tasked with offering religious advice to the broader Muslim community on a number of levels. While they often agree on a number of theological questions, there are also differing sets of advice offered on a single issue, a recent example being whether

the Sunday Times newspaper should be boycotted or not for running controversial cartoons of the Prophet Muhammed (pbuh)

[59] See A Tayob. *Islamic Resurgence in South Africa : The Muslim Youth Movement*. Cape Town : UCT Press, 1995 125, 154. Given that the Muslim Youth Movement was one of the driving forces behind advocating for political participation by Muslims,in the fight against apartheid, it became the target for attacks, particularly by the Deobandi ulema fraternity

[60] A number of prominent intellectuals such as Ebrahim Moosa, Abdulkader Tayob and Farid Esack were engaging in academic work advancing both a general Islamic scholarship as well as contributing to the debates on Muslim identity in South Africa, while NGOs and Dawah agencies like the IPCI and IDM in Durban were increasing their outreach activities to try and increase conversions to Islam

[61] See T Lodge. *Politics in South Africa : From Mandela to Mbeki*. (Cape Town : David Philip, 2002)

[62] See M Gevisser. *The Dream Deferred : Thabo Mbeki*. (Johanesburg : Jonathan Ball, 2007) and WM Gumede. *Thabo Mbeki and the Battle for the Soul of the ANC*. (Cape Town : Zebra Press, 2007)

[63] See Conference Proceedings, Vision 2020, Durban, 1999, 2

[64] See also M Bishara. *Palestine / Israel : Peace or Apartheid*. (London : Zed Books, 2002)

[65] This march was held in August 2001, and was organised by a coalition of Durban based organisations and individuals, which included the religious leadership, academics, civic bodies and social movement formations. The march was led by anti-apartheid stalwarts such as Fathima Meer and Dennis Brutus

[66] The author of this article was a delegate at the conference and is able to provide first hand accounts of the proceedings

[67] Intellectuals such as Tariq Ali, Mahmood Mamdani and Arundhati Roy together with journalists such as John Pilger have all commented extensively on how there has been a shift in the way that Muslims are being viewed in the international community

[68] Islamic scholars such as Ziauddin Sardar have written extensively on the failings within the global Muslim community, in particular the religious leadership to be able to articulate clear political strategies for a way forward. Some of these debates have also taken place on online discussion sites such as the SA based Political Islam list. http://groups.yahoo.com/group/politicalislam

[69] Debates in various public spaces were engaging with the call by some Imams, such as Shaykh Walid El Saadi to take a more active role in the militant campaigns in the Middle East

[70] The Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act, 2006 (Act No. 27, 2006) was, after a considerable delay, assented to and signed by President Thabo Mbeki on 12 November 2007. The act replaces the Regulation of Foreign Military Assistance Act, 1998 (Act No. 15 of 1998) and also provides for two amendments to the Criminal Law Amendment Act, 1997 (Act No. 105 of 1997). The Regulations to this Act are still to be promulgated. The intent of the Act is to prohibit mercenary activity, to regulate the provision of assistance or service of a military or military-related nature in a country of armed conflict, to regulate the enlistment of South African citizens or permanent residents in other armed forces, and to regulate the provision of humanitarian aid in a country of armed conflict. It provides for extra-territorial jurisdiction for the courts of the Republic with regards to certain offences and it provide for penalties for offences related to the Act. See also http://www.iss.co.za/index.php?link_id=5&slink_id=5421&link_type=12&slink_type=12&tmpl_id=3

[71] See Dan Strumpf and Nic Dawes. "Khalid Rashid: Govt's cover is blown" . *Mail and Guardian*. 9 June 2006. http://www.mg.co.za/articlePage.aspx?articleid=274024&area=/insight/insight__national/

[72] Dan Strumpf and Nic Dawes. "Khalid Rashid: Govt's cover is blown" . *Mail and Guardian*. 9 June 2006. http://www.mg.co.za/articlePage.aspx?articleid=274024&area=/insight/insight__national/ and Juggie Naran. Has Rashid disappeared again?. 8 July 2007. IOL Online. http://www.iol.co.za/index.phpset_id=1&click_id=15&art_id=vn20070708094504945C663650

[73] At a meeting of Muslim civil society leaders in 2006, addressed by ANC MP Essop Pahad, academics such as Prof. Suleman Dangor engaged Mr. Pahad around the question of the South African government's involvement in extra-ordinary renditions. The response to these questions resulted in the government setting up a series of meetings with Muslim leaders and themselves to alleviate any concerns amongst SA Muslims, that the SA government supported such activities

[74] In 2004, Ehud Olmert, the then Israeli Minister for Trade led a business delegation to South Africa to explore bilateral trade relations, between the 2 countries. The following year South Africa took a trade delegation to Israel. See http://www.zionism-israel.com/israel_news/2007/05/ronnie-kasrils-leads-south-

african.html and M Kransdorff and S Magid. *Why Jewish S. African minister forms friendships with Israel's enemies*. 30 May 2007, http://www.ynetnews.com/articles/0,7340,L-3405940,00.html

[75] The Deputy Minister Aziz Pahad has often been quoted in the press, expressing this sentiment

[76] The various branches of the Palestine Solidarity Coalition in South Africa, as well as the SA Anti-war coalition has through its various networks, been advocating for an ongoing consumer boycott of Israeli and even US products

[77] The Sunday Times and Mail and Guardian came under severe attack for wanting to publish selected cartoons from the original Danish paper Jyllands-Posten in 2006, See Cartoon Row : *Sunday Times Gagged*. Mail and Guardian Online, 4 February 2006, http://www.mg.co.za/articlePage.aspx?articleid=263325&area=/breaking_news/breaking_news__national/ . Pope Benedict's comments were seen as controversial as they alluded to the idea that Islam was somehow a violent religion, spread through the sword; See http://www.ekklesia.co.uk/content/news_syndication/article_060916pope.shtml for his original speech and comments. British MP Jack Straw's comments on the question of whether Muslim women should wear the veil particularly in Britain, while engaging in civic consultations with local government officials caused a huge uproar globally, *Straw's veil Comments spark anger*, BBC Online, 5 October 2006, http://news.bbc.co.uk/2/hi/uk_news/politics/5410472.stm. See also *Teddy bear' teacher leaves Sudan after pardon*, MSNBC, 3 December 2007, http://www.msnbc.msn.com/id/22076390/

[78] The KZN branch of the Jamiatul Ulema was advocating the continued boycott of the Sunday Times, however the Gauteng branch of the same organization lifted the boycott, after consultations with the paper's editors

[79] Some of this debate was taking place on the SA based online discussion list, Political Islam, http://groups.yahoo.com/group/politicalislam

[80] A letter circulated in the Mail and Guardian newspaper by some prominent Muslim commentators, such as F Dawjee, was arguably the most visible attempt by Muslims to engage this issue publicly

[81] Statistics gained from the last major national census in 2001

[82] Other faith groups such as Hindus continue to identify with religious and political events and developments in India, as do many Jews with Israel.

[83] In interviews conducted for doctoral research purposes, many of the interviewees expressed this sentiment.