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Global Flows, Local Appropriations. Facets of Secularisation and Re-Islamisation of Contemporary Cape Muslims

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GLOBAL FLOWS, LOCAL APPROPRIATIONS

FACETS OF SECULARISATION AND RE-ISLAMIZATION AMONG CONTEMPORARY CAPE MUSLIMS

Sindre Bangstad

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at a rally in protest against the Israeli invasion
of Lebanon in 2006. Photograph by O. Esack.

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Mondiale stromingen, locale toeëigeningen:

Aspecten van secularisatie en her-islamisering onder hedendaagse Kaapse Moslims

Een wetenschappelijke proeve
op het gebied van
de Letteren

P R O E F S C H R I F T

ter verkrijging van de graad van doctor
aan de Radboud Universiteit Nijmegen
op gezag van de rector magnificus prof. mr. S.C.J.J. Kortmann
volgens besluit van het College van Decanen
in het openbaar te verdedigen op maandag 10 oktober 2007
om 15.30 uur precies

door

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Global Flows, Local Appropriations:

Facets of Secularisation and Re-Islamization Among Contemporary Cape Muslims

An academic essay in Humanities

D O C T O R A L T H E S I S

to obtain the degree of doctor from Radboud University Nijmegen
on the authority of the Rector Magnificus prof. dr. S.C.J.J. Kortmann
according to the decision of the Council of Deans
to be defended in public on Monday 10 September 2007
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Summary in English

This dissertation, titled '*Global Flows, Local Appropriations: Facets of Secularisation and re-Islamization Among Contemporary Cape Muslims*', analyses the impact of processes of general societal and political change in the South African post-apartheid society on contemporary Muslim communities in Cape Town, South Africa. It does so from a social anthropological perspective, and is based on 15 months of fieldwork in 2003-04 and in 2004-05.

Muslims in South Africa represent a small minority, with a mere 1,46 percent of the total population in 2001. However, Muslims in Cape Town, the historical heartland of Islam in South Africa, represent approximately 10 percent of the population. Post-apartheid South Africa has seen a process of secularisation, understood as an increasing differentiation between religious and secular spheres, and as entailing a decrease in the the regulatory capacities of institutionalised religion on social and individual levels. This secularisation has been linked in particular to the new 'modernising' social and political elites of post-apartheid South Africa, and has been articulated in the predominantly secular and liberal Constitution of 1996, and the legalisation of abortion, pornography and same-sex relationships, as well as the abolishment of the death penalty that it has ushered in. Since the elites of post-apartheid South Africa, and even more so its predominantly religious citizenry, are fractured in terms of their adherence to, and acceptance of, the Constitution and the liberal and secular normative framework it is mainly based on, post-apartheid South Africa can best be described as a society which is 'ambivalently secular.'

This dissertation pursues the topic of the impact of societal and political change in post-apartheid South Africa on contemporary Cape Muslim communities from a variety of angles. The chapters of the dissertation present findings from ethnographic research on black African conversion to Islam in the black African townships and informal settlements of Cape Town, on Muslim women in polygynous marriages in underprivileged communities in Cape Town, on Muslims living with HIV/AIDS in Cape Town, on the status of religious rights for Muslim inmates in a prison in Cape Town, as well as on public deliberations between reformists and Sufis in Cape Town on the appropriateness of certain Sufi rituals practiced at the Cape.

These chapters shed light on the tensions as well as the re-alignment between secularisation and re-Islamization in contemporary Cape Muslim communities. On the basis of the findings, I argue that processes of secularisation and re-Islamization must be seen as implicated in, and inter-

linked with, one another. For instance, I demonstrate that prison 'ulama' in Cape Town have been able to draw on human rights notions and precepts enshrined in the Constitution in arguing for an expansion of religious rights for Muslim inmates. They have done so, in spite of the fact that the mainstream Cape 'ulama' are for all practical purposes opposed to many of the secular and liberal principles of the same Constitution, and many of the legislative and societal changes that they have resulted in.

Cape Muslim communities are fractured by factors such as social status, class, ethnicity, gender and religious and political outlook. Secularisation is often seen as a process engendered by general societal and political change, and in which Muslims are often cast as nothing more than hapless victims, rather than as engaging actors on their own terms. One of the points this dissertation makes is that processes of secularisation also emerge from within Muslim communities in Cape Town: it is difficult to understand the discrepancies between the normative models of the predominantly middle-class mainstream Cape 'ulama', and the actual practices of Cape Muslims in underprivileged townships and informal settlements, without reference to prior processes of secularisation understood as a decrease in the regulatory capacities of religious authorities. These are processes articulated through syncretic understandings of Islamic ritual among black African converts to Islam (who often mix elements of Xhosa 'traditional' understandings and Islamic understandings), through the fact that many polygynous marriages among Cape Muslims in underprivileged areas are contracted on the basis of extra-marital affairs, and the indications from research on Muslims and HIV/AIDS that sexual relations outside a marital context is relatively common among underprivileged Cape Muslims. It can also be found in the importance attached to globalised human rights discourses by Muslim social activists, such as those working on HIV/AIDS. These are all developments which pre-date the emergence of a post-apartheid society, and which can therefore not merely be attributed to the present phase of secularisation. I argue that in the context of Muslim minority situations such as the one that Cape Muslims find themselves in, it is crucial to keep in mind that the term Muslim is for analytical purposes merely a minimal common denominator for those so described. Islam, however understood and interpreted, can not be understood as determinative for the actions of behaviours of all Cape Muslims.

I see re-Islamization, which refers to an increase in religious observance, and in an expansion of the social fields in which religious identities are made relevant, as a counter-process and a reaction to processes of secu-

larisation. Processes of re-Islamization among Cape Muslims are discernable for instance in the increasing importance of the global and transnational community of believers, the *umma*, both on the level of a social and political imaginary, and as a practical and manifest reality in the form of transnational networks, such as those of Sufi *turuq*, as well as an increased focus on higher religious education overseas and pilgrimage. The power dynamics of South African society, and South African Muslims' minority status within this society, means that few Cape Muslims outside the circles of radical and utopian Islamists see it as a realistic prospect for the society and the state to be Islamized, and re-Islamization is therefore first and foremost expressed in attempts to create privatised Islamic spaces, and in internal deliberations and debates over such issues as Islamic rituals.

I argue that secularisation and re-Islamization are equally modern phenomena, and demonstrate the extent to which they are both as social processes implicated in, and invoke, global discourses.

I conclude that South Africa, whilst a secularising society in the post-apartheid era, can not adequately be described as a "post-secular" society. There are multicultural lessons that post-apartheid South Africa, and Cape Muslims within this context, appears to hold for other societies. These lessons are related to the fact that Cape Muslims, through their engagement with wider post-apartheid society through a number of the issues explored in this dissertation, have not been marginalised, but rather included in the public sheres and in the political and societal debates of the post-apartheid society. This inclusion seems to have engendered a sense of attachment to the post-apartheid nation among Cape Muslims, in spite of the fact that many Cape Muslims do not necessarily endorse the societal and legislative changes in the fields of morality and sexuality that South African societal secularisation after 1994 have brought with it.

Samenvatting in het Nederlands (Dutch Summary)

Dit proefschrift, met als titel '*Globale stromingen, lokale toe-ëigeningen: Aspecten van secularisatie en re-islamisering onder hedendaagse Kaapse moslims*', analyseert de invloed van processen van algemene en politieke verandering in de Zuid-Afrikaanse post-apartheid samenleving op de huidige moslimgemeenschappen in Kaapstad, Zuid-Afrika. De analyse is gedaan vanuit een sociaalantropologisch perspectief, en is gebaseerd op vijftien maanden veldwerk in de periodes 2003-2004 en 2004-2005.

Moslims in Zuid-Afrika vertegenwoordigen een kleine minderheid, slechts 1,46 procent van de totale bevolking in 2001. Moslims in Kaapstad echter, het historische hartland van de islam in Zuid-Afrika, vertegenwoordigen circa tien procent van de bevolking. Post-apartheid Zuid-Afrika heeft een proces van secularisatie doorgemaakt, wat inhoudt dat de religieuze en seculiere domeinen steeds verder uit elkaar kwamen te liggen, en tegelijkertijd was er een afname te constateren van de regulerende werking van geïnstitutionaliseerde religie, zowel op maatschappelijk als op individueel niveau. Deze secularisatie is voornamelijk verbonden met de nieuwe 'moderniserende' sociale en politieke elites in post-apartheid Zuid-Afrika en kwam tot uiting in de overwegend seculiere en liberale grondwet van 1996 en de legalisering van abortus, pornografie, relaties tussen personen van hetzelfde geslacht, evenals de afschaffing van de doodstraf die hieruit is voortgevloeid. Aangezien de elites in post-apartheid Zuid-Afrika –en de religieuze burgers nog sterker– verdeeld zijn in het actief ondersteunen en accepteren van de grondwet en het liberale en seculiere normatieve kader dat hiervoor de basis vormt, kunnen we de huidige samenleving het best als 'ambivalent seculier' omschrijven.

Dit proefschrift benadert het onderwerp van de invloed van sociale en politieke verandering in post-apartheid Zuid-Afrika op de huidige moslimgemeenschappen in Kaapstad vanuit verschillende perspectieven. De verschillende hoofdstukken van het proefschrift presenteren de bevindingen van etnografisch onderzoek naar bekering tot de islam door zwarte Afrikanen in de townships en niet-officiële nederzettingen in Kaapstad, naar moslimvrouwen in polygame huwelijken in achterstandsgemeenschappen in Kaapstad, naar moslims besmet met HIV/AIDS in Kaapstad, naar de status van religieuze rechten voor moslimgedetineerden in een gevangenis in Kaapstad, evenals naar publieke debatten gevoerd tussen reformisten en

sufi's in Kaapstad over de toepasselijkheid van bepaalde sufi rituelen die op de Kaap gepraktiseerd worden.

Deze hoofdstukken werpen licht op de spanningen evenals op het proces van het hervinden van een balans tussen secularisering en re-islamisering in de Kaapse moslimgemeenschappen. Op basis van de bevindingen stel ik dat de processen van secularisering en re-islamisering gezien moeten worden als onlosmakelijk met elkaar verbonden. Ik toon bijvoorbeeld aan dat gevangenis-`ulama' in Kaapstad zich baseren op noties uit het mensenrechtendiscours en principes uit de grondwet om religieuze rechten van moslimgedetineerden te verruimen. Zij deden dit ondanks het feit dat de Kaapse mainstream `ulama' juist tegen veel van deze seculiere en liberale principes van deze zelfde grondwet zijn en de wettelijke en sociale veranderingen die ze veroorzaakt hebben.

Kaapse moslimgemeenschappen zijn verdeeld langs de volgende lijnen: sociale status, klasse, etniciteit, gender en religieuze en politieke voorkeur. Secularisatie wordt vaak gezien als een proces dat in gang wordt gezet door algemene maatschappelijke en politieke veranderingen, waarin moslims machteloos heen en weer geslingerd worden, in plaats van betrokken actoren te zijn met een eigen agenda. Eén van de argumenten in dit proefschrift is dat het proces van secularisering ook wordt voortgebracht door de Kaapse moslimgemeenschappen zelf: de normatieve modellen van de overwegend mainstream `ulama' uit de middenklasse, en de feitelijke praktijk van Kaapse moslims in de townships en niet-officiële nederzettingen in Kaapstad zijn moeilijk met elkaar te verenigen zonder eerdere processen van secularisatie te bestuderen, in dit geval een afname van mogelijkheden tot regulatie die religieuze autoriteiten tot hun beschikking hebben. Dit zijn processen die tot uitdrukking komen in een syncretistische conceptie van het islamitische ritueel onder zwarte Afrikaanse bekeerlingen tot de islam (dezen vermengen vaak elementen uit het 'traditionele' Xhosa met islamitische concepten), hoewel het feit dat veel polygame huwelijken onder Kaapse moslims in achterstandswijken worden gesloten op basis van buitenechtelijke relaties, en onderzoek naar moslims en HIV/AIDS uitwijst dat seksuele relaties buiten het huwelijk relatief gangbaar zijn. Deze processen zijn ook terug te vinden in het belang dat gehecht wordt aan het wereldwijde mensenrechtendiscours door moslimactivisten op sociaal gebied, zoals diegenen die werken met HIV/AIDS. Dit zijn allemaal ontwikkelingen die voorafgaan aan de opkomst van de post-apartheid samenleving, en die daarom niet slechts kunnen worden toegeschreven aan de huidige fase van secularisering. Ik stel dat in de context van een moslimminderheid, zoals

het geval is in Kaapstad, het essentieel is om in gedachte te houden dat de term 'moslim' voor analytische doeleinden slechts de kleinst gemeenschappelijke deler is voor diegenen die ik als zodanig omschrijf. Islam, op welke manier dan ook begrepen en geïnterpreteerd, kan niet gezien worden als een allesbepalende factor voor de handelingen en gedragingen van alle Kaapse moslims.

Ik zie re-islamisering, dat een toename inhoudt in het in acht nemen van religieuze verplichtingen en een verruiming van de sociale gebieden waarin religieuze identiteiten aan relevantie winnen, als een tegen-proces en een reactie op processen van secularisatie. Processen van re-islamisering onder Kaapse moslims zijn bijvoorbeeld zichtbaar in het toegenomen belang van de transnationale gemeenschap van gelovigen, de *umma*, zowel op het niveau van sociale als politieke idealen, en als een praktische en zichtbare werkelijkheid in de vorm van transnationale netwerken, zoals die van de sufi *turuq*, evenals een toenemende nadruk op hoger religieus onderwijs in het buitenland en pelgrimage. De dynamiek van de machtsverhoudingen binnen de Zuid-Afrikaanse maatschappij en de status van de moslims als minderheid hierin, maken dat weinig Kaapse moslims –buiten de kringen van radicale en utopistische islamisten– het als een realistisch vooruitzicht zien voor de samenleving en de staat om geïslamiseerd te worden, en daarom komt re-islamisering in de eerste plaats tot uitdrukking in pogingen islamitische privé-domeinen te creëren, en in interne discussies en debatten over onderwerpen als islamitische rituelen.

Ik stel dat secularisatie en re-islamisering beide moderne verschijnselen zijn, en ik toon de mate waarin zij beide als sociale processen vervlochten zijn met en aanhaken aan globale vertogen.

Ik concludeer dat Zuid-Afrika, hoewel het een seculariserende maatschappij is in het post-apartheid tijdperk, niet omschreven kan worden als een 'post-seculiere' samenleving. Er zijn multiculturele lessen die post-apartheid Zuid-Afrika, en de Kaapse moslims in deze context, te bieden heeft aan andere samenlevingen. Deze lessen hebben te maken met het feit dat Kaapse moslims, door hun betrokkenheid bij de post-apartheid samenleving in verscheidene van de besproken onderwerpen in dit proefschrift, niet gemarginaliseerd werden, maar juist betrokken raakten in publieke domeinen en in politieke en sociale debatten in deze maatschappij. Deze betrokkenheid lijkt een gevoel van gehechtheid aan de post-apartheid natie teweeg te hebben gebracht onder Kaapse moslims, ondanks dat velen van hen niet noodzakelijkerwijs de sociale en wettelijke veranderingen onderschrijven op het gebied van de moraal en de seksualiteit, die de secularisering van de

Zuid-Afrikaanse maatschappij na 1994 met zich meebracht. De onenigheid tussen het seculiere en het religieuze zal haar stempel blijven drukken op de Kaapse moslimgemeenschappen in de nabije toekomst, evenals op de Zuid-Afrikaanse samenleving in het algemeen.

Vertaald door Firdaous Oueslati

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The citations which appear in this dissertation are – in chronological order – as follows:

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Acronyms and Abbreviations

ABRI	American Anthropological Association
AIC	African Independent (or Initiated) Churches
AIDS	Acquired Immune Deficiency Syndrome
AMA	Africa Muslim Agency
AMP	Africa Muslim Party
ANC	African National Congress
ANCYL	African Congress Youth League
ARVs	Anti-Retrovirals
ATR	African Traditional Religion
AUC	American University of Cairo
BC	Black Consciousness
CGE	Commission For Gender Equality
CAD	Coloured Affairs Department
CBD	Central Business District (Cape Town)
CCI	Centre for Contemporary Islam
CEDAW	United Nations' Convention For the Elimination of All Forms of Discrimination Against Women
CLPP	Coloured Labour Preference Policy
CLPA	Coloured Labour Preferential Area
CMYA	Claremont Muslim Youth Association
CMYM	Cape Muslim Youth Movement
CODESA	Convention for a Democratic South Africa
DCS	Department of Correctional Services
ETT	Emergency Task Team
GDP	Gross Domestic Product
HIV	Human Immunodeficiency Virus
HSRC	Human Sciences Research Council
ICOSA	Islamic College of South Africa
IDM	Islamic Da'wa Movement
IFP	Inkatha Freedom Party
IISS	Institute of Islamic Shari'ah Studies (Heideveld, Cape Town)
IMA-SA	Islamic Medical Association of South Africa
IPB	Islamic Propagation Bureau
IPC	Islamic Propagation Centre
IPSA	International Peace University of South Africa
ISER	Institute of Social and Economic Research

ISIM	International Institute for the Study of Islam in The Modern World
ISWA	Islamic Social and Welfare Organisation
IUC	Islamic Unity Convention
MADAM	Movement Against Discrimination of African Minorities
MAP	Muslim AIDS Programme
MCT	Mother-to-Child Transmission
MJC	Muslim Judicial Council
MPL	Muslim Personal Law
MPLB	Muslim Personal Law Board
MRC	Medical Research Council
NADEL	National Association of Democratic Lawyers
NEUM	Non-European Unity Movement
NIA	National Intelligence Agency
NP	National Party
PAC	Pan Africanist Congress
PAGAD	People Against Gangsterism And Drugs
PEPFAR	The President's Emergency Plan for AIDS Relief (USA)
PM	Positive Muslims
POPCRU	Police and Prisons Civil Rights Union
PWHA	People/Person living with HIV/AIDS
RDP	Reconstruction and Development Programme
SABC	South African Broadcasting Corporation
SACC	South African Council of Churches
SADF	South African Defence Force
SALC	South African Law Commission
SANZAF	South African National Zakah Fund
SAP	South African Police (Apartheid)
SAPS	South African Police Services (Post-Apartheid)
SRC	Student Representative Council
STI	Sexually Transmitted Infection
SY	Shura Yabafazi
TAC	Treatment Action Campaign
TJ	Tabligh Jama'at
TLS	Times Literary Supplement
TRC	Truth and Reconciliation Commission
UCT	University of Cape Town
UDF	United Democratic Front

UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UDHR	United Nations' Declaration of Human Rights
US	United States
USAID	United States Agency for International Development
UWC	University of the Western Cape
VOC[1]	Voice of The Cape
VOC[2]	Vereenigde Oost-Indische Compagnie (Dutch East India Company)
ZCC	Zionist Christian Church

Acknowledgements

In an incisive comment on the "politics of acknowledgements" in academic life published in *Times Literary Supplement* (TLS) in 2001, Mark Bauerlein sarcastically posed the question as to why on earth the opening pages of a scholarly thesis should be "the place to drop names, parade your sexuality, record your travels and sentimentalise infants?" (Bauerlein 2001).

His hypothesis was that in an era of increasing insulation of academia from the public sphere, acknowledgements function as a kind of professional networking; "the more people you thank, the more involved you are. The more you credit others, the more you show that others found your work salutary." He also suggested that celebrity culture had encroached on academia, so much so that academics now tend to measure people by name recognition ("whom you know, and who knows you"), and that the melodrama of sentimental personal divulgences in acknowledgements serve the function of making the creation of an academic thesis or book seem a "lengthy personal and professional struggle." In short, "discreet gratitude" has been turned into "solicitations of regard and professional aggrandisement."

These caveats notwithstanding, in a spirit of professional humility and in recognition of the fact that academic dissertations are all born out of processes of collaboration, I do not think that I have a choice but to thank the many people who have contributed to this dissertation in one way or another over the years. Many of them have thankfully been people of whom it can safely be said that it would have been a hell of a lot easier to write this dissertation without in the first place. That is precisely what good readers and critics are for.

Any work of ethnography is a reflection of what the South African poet Gabeeba Baderoon in *The Photograph as Consequence* describes as our "traces of the need to see." The research for this dissertation has been done against the backdrop of the so-called "war on terror", a time in which the Hydra of mimetic denials of claims to a common humanity and to the sanctity of human life has once more reared its monstrous head. In a globalised era, both state and non-state terror draws the world in its entirety into the ambits of its unknowable consequences. It has undoubtedly been a time of great trials and tribulations for those of us who believe that Muslims and non-Muslims inhabit shared and intertwined worlds and have no choice but to coexist in peace. The fact that so many Cape Muslims from all walks of life and of all political and religious orientations have generously opened their doors to me as an anthropologist and assisted me as best they could during

such a time, is no small measure of the tolerance, compassion and humanity which to my mind constitute the most profound, and central facets of the enduring legacy of Cape Islam. Every one of the many Cape Muslims whom I have worked with over the years has my profound gratitude, even though they cannot be named here. I can only hope that I have not been blinded by the chimeras of the contemporary world in which we live.

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one feel omitted, I beg their pardon. The responsibility for any errors of fact or interpretation does of course rest on me alone. Staff at *Positive Muslims* (PM), and the Muslim gender activists at *Shura Yabafazi* (SY) have provided important insights and support. The Centre for Contemporary Islam (CCI) at the University of Cape Town have always been open towards my research, and assisted me whenever I requested it. I also wish to thank HIV/AIDS counsellors and medical staff that I worked with at various health clinics in the townships of Cape Town.

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In the preface to the 2001 edition of *Revolutionaries* (Hobsbawn 2001) the historian Eric Hobsbawn wrote that "the value of an academic of the Left lies not in his or her political sympathies, but in bringing knowledge, thought, and intellectual discipline to his cause". I hold these words to be particularly apposite at the present time.

I submit this dissertation in the knowledge that it is ultimately, and in spite of the labour of love that has gone into it, an imperfect representation of a mere instant in the passage of time, which will regretfully not make much of a difference, since, in the wondrous words of the protagonist in Portuguese novelist José Saramago's novel *Manual of Painting and Calligraphy*; "even as I write, the world outside is changing. No image can capture it, the instant does not exist." But nevertheless, "I believe I am doing my duty when I seize the opportunity and try to understand. No one can ask any more from an ordinary man." *Caveat lector*.

Leiden, The Netherlands, Jan 12 2007.

Mosque interior, Cape Town, 2000. PHOTO: S. BANGSTAD

When the first slave was brought to the Cape
He looked at the awesome mountain
Which roots us to an eternal beauty
Hundreds of years later; and affirmed

I am as free and tall as this mountain
This mountain is more chained than I am
I will climb to the top one day
And call the adhaan before dawn

My voice will carry across the seas
To my loved ones in a land
I may never see again
And they will know that I

And the treasures I carry within me
Are safe and always will be
For as long as beauty
And this mountain survive

Shabbir Banoobhai, 'when the first slave was brought to the cape',
from *inward moon, outward sun*, 2002.
Reproduced with kind permission from the poet.

For K. M., naturally.

A note on nomenclature, spelling and transliteration

Due to the multiple ways in which classification and categorisation of the South African population have been instrumentalised for the purposes of discrimination in the course of South Africa's modern history, the nomenclature through which South Africans are represented and constituted in and through academic discourse is a virtual minefield. In the post-apartheid context, the organs of the state have retained a great deal of the nomenclature established in the late 1980s in order to describe the South African population. This is, of course, understandable, inasmuch as the de-racialisation of South African society through policies of affirmative action, which has been one of the main aims of post-apartheid governments, would have been unthinkable without being able to identify the population categories definable as 'previously disadvantaged.' But it is also a fact that the post-apartheid celebration of cultural diversities, and the retention of nomenclature with regard to how the South African state describes its citizens post-apartheid is at times "oddly reminiscent of what was considered a nightmare" under apartheid (Oomen op. cit: 4). In a society that is still to a large extent divided by 'race' and class,[1] an unfortunate side-effect of this is that the nomenclature through which South Africans are described – which is potentially extremely divisive – is naturalised, and its very social and historical arbitrariness obscured. High theory can have low implications in the real world, and even if intent must be separated from effects, there is often an unthinking and uncritical reproduction of state categories of and for classification in academic discourse. I therefore need to underline that when I have used categories such as 'coloured', 'black African' and 'South African Indian' in this dissertation it is in full recognition of the fact that these are ultimately arbitrary categories, constructed in and through social and political practice. For most South Africans, these categories have become so much part of that which Bourdieu (1977) refers to as the doxic or the taken-for-granted, and the ways in which they orientate themselves within the social worlds which they inhabit, that it is difficult to see how they can be *un*-learned or *un*-thought. One should also recognise that the advent of a post-apartheid society has signalled a re-alignment of social identities whereby social designations which were previously seen as anathema by the social and political elites thus categorised are at present often actively embraced and affirmed.[2] It is partly for this reason that these categories have been applied in this dissertation. The salience of 'race' in South Africa appears to be wan-

ing in the post-apartheid era, but identities based in and around popular constructions of 'race' among South Africans are far from being obsolete (cf. Alexander 2006: 26). On a few occasions in this dissertation, I will use the term 'black' in an inclusive sense, in order to refer to coloureds, South African Indians and black Africans in South Africa. On the level of self-ascription, the inclusive term 'black' among South Africans, which was popularised by Black Consciousness in the 1970s, is a term which has, as Alexander (ibid: 39) notes, virtually disappeared in recent years.

In a context such as that of post-apartheid South Africa, social classes are somewhat difficult to delineate. Seekings and Nattrass has argued that even though the primary basis of inequality in South Africa had shifted from 'race' to class as apartheid drew to a close in the late 1980s, most academic scholars paradoxically retreated from class analysis at that very time (Seekings and Nattrass 2006: 236). With reference to the work of sociologist Eric Olin Wright (1997), they argue that the central point of trying to assign a class location is to clarify the nature of the lived experiences and material interests the individual is likely to have (Seeking and Nattrass op. cit: 245). In post-apartheid South Africa, the strength and influence of trade unions, increased levels of unemployment, coupled with neo-liberal governmental policies in the post-apartheid era have meant that a sharp distinction between a "core" and a "marginal" working class has developed (ibid: 248). The distinction is based on the nature of the labour contracts that employees engaged in manual labour have access to. Whereas the core working-class is often unionised, and has comparatively high earnings, the marginal working class consists of non-unionised employees often in unstable, casual or temporal work. The unemployed underclass, as defined by Seekings and Nattrass (ibid: 290), is characterised by especially disadvantaged access to employment, comparatively low educational levels, a dependence, primarily, on public welfare and experiences of long-term unemployment. The middle-class in post-apartheid South Africa generally consists of skilled employees in non-manual labour, such as teachers, bureaucrats and businesspeople. This dissertation makes reference to Muslim individuals who belong to all of these groups in terms of their class affiliation. But it ought to be kept in mind that these categories are not completely stable and fixed, and can change over the course of time.

As anyone who has ever spent time in Cape Muslim communities will have noted, there is often only a minimal level of consistency in the ways in which Cape Muslims transliterate Arabic-derived terms and personal names. Take the bewildering variety of spellings of the personal name Muhammed

for instance: I have seen this spelt as "Moegamat," "Mogamat," "Mohammed," "Muhammed," not to mention the abbreviated version "Gamat." The different spellings of this name are of course indexes of the social, linguistic and ethnic background of those doing the spelling. One could for instance point out that a person spelling Muhammed as "Moegamat" is more likely to have a coloured working-class background and have Afrikaans as his or her home language. Be that as it may: it poses a challenge with regard to the need to standardise transliterated spellings for the purpose of an academic dissertation. Whereas in previous work I opted for transliterated spellings which represented an approximation of the spellings encountered among Muslims in the working-class coloured township in which I did fieldwork in 2000, I have for the purpose of this dissertation opted for transliterated spellings which are closer to standardised spellings of transliterated Arabic-derived terms in academic literature. The main reason for this is the fact that this dissertation presents findings from three different population categories. Language background, levels of education and literacy as well as familiarity with Arabic also vary greatly in and between individuals affiliated with a specific population category, and an attempt to reflect this diversity would have gone completely against the interests of readability. For some terms, however, I have chosen to retain local transliterated spellings of Arabic-derived terms. Hence, the term used for a Sufi saints' shrine for example, will be "*kramat*" instead of "*karamat*." I have also chosen to minimize the use of diacritical signs in transliterations of Arabic-derived terms. This is a choice which might irk Arabists and Islamicists. But it is a choice which has been made in the interest of clarity and readability. I have also chosen to retain spellings of specific terms (transliterated Arabic or otherwise) in quotes when these differ from those of my own, so as to preserve the integrity of the texts I cite.

With the exception of prominent Cape 'ulama', academics and professionals who would generally be recognisable to local readers in any event, and who in most cases would be likely to prefer to be named in this dissertation, all interviewees and informants cited in this dissertation have been anonymised in order to protect their integrity. Since it is often virtually impossible to ascertain what consequences their appearance and possible identification in a dissertation might have on a local level, this has appeared to be the preferable solution for me.

1. **Global Flows, Local Appropriations** Facets Of Secularisation and Re-islamization Among Contemporary Cape Muslims

'And the world matters.'
—Ian McEwan, *Saturday*.

Introduction

In the late Cape Town summer and early spring of 2005, I followed a group of adolescent Muslims attending a 'Muslim Youth Forum' in one of the oldest mosques in Cape Town. The mosque was situated in a community which is still overwhelmingly Muslim, but which has, due to its proximity to the city centre of Cape Town, its splendid location and quaint historical architecture, seen an increasing influx of prosperous non-Muslim professionals from South Africa as well as from abroad. Opinions about this influx, among local Muslims, were mixed. Some thought it a natural consequence of the demise of the racial classification and residential segregation under apartheid which most of them had, in principle or in practice, been opposed to.[1] Others accepted that it was bound to happen, but very much feared that it would erode the Islamic character of an area in which the first mosques and *madaris* (Islamic schools) in South Africa were established in the early 19th century, and which maintains a higher number of mosques than any other community in Cape Town. Some stirrings of potential conflict had evolved over the past couple of years. Non-Muslim white yuppies, often of non-South African origin, had complained about the *adhan* (the call to prayer) going off

early in the morning, and the local residents' association had received complaints from local Muslims about the same yuppies having loud parties and drinking alcohol on the *stoeps* (small front porches) of their houses.

The Auwal Mosque in Cape Town. PHOTO: S. BANGSTAD

But these incidents appeared only to involve a small minority of the young professional newcomers to the community, and relations between Muslims and non-Muslims residing in the area generally appeared to be good, as I personally had the opportunity to experience, when I lived in the community for some months in late 2004. I shared a house there with a group of young men of Pakistani Muslim origin, who were working in the Central Business District (CBD) of Cape Town, and was warmly welcomed by local residents in my street.

The youth forum was a regular event, held every Monday after the *salat al-maghrib* (early evening prayer), and had been initiated by a middle-aged but relatively youthful sheikh. He had seen the need to engage with Cape Muslim youth in a manner different from what is often the case

in other mosques in Cape Town, where interaction between Muslim adolescents and senior '*ulama*' (religious scholars, clergy) is often marked by a much greater extent of hierarchical and generational patterning. The forum maintained an internet website, on which presentations made by the youth were posted regularly. It attracted Cape Muslim youth from a variety of areas in Cape Town, but mainly from the local community. Inside the mosque, the young Muslim girls were seated at the back, and Muslim boys at the front, but the segregation between them was not strict and was seldom enforced. The sessions were usually opened by a lecture (*dars*) by the sheikh on a specific topic. He would be seated in front on a small chair in a white *kurta* (a loose shirt falling somewhere below the knees of the wearer) and *kuffiya* (skull cap for males). The lectures would be drawn from standard popular works on *fiqh* (Islamic jurisprudence) in English translation commonly used in Cape Town,[2] and there was little in these lectures themselves which veered from conservative Muslim understandings and interpretations in Cape Town. In the dars on 17.01.2005, I noted in my fieldnotes that the youth congregants were told by him that "Allah has created Muslims as the best nation, and morally superior to all others," that the Coon carnival[3] was condemned as "un-Islamic," and it was asserted that the disastrous tsunami which had struck South-East Asia some weeks previously was, contrary to what "atheists" would have people believe, not the work of nature.

Coons parading through the streets of Cape Town, 2005. PHOTO: S. BANGSTAD

It had happened in order to "test the faith" of Muslims, and in order to demonstrate that "Allah has all the power over life and death." But the lectures that season were often followed by a small talk on a specific topic by some of the Muslim youth. On 31.01.05 I noted in my fieldnotes that a young female Muslim medical student presented a lecture on "what one needs to take into account when getting married." Whilst doing so, she was seated in her black *abaya* (a loose garment for females covering the whole of the body) in front of the mosque, at the side of the sheikh. There was a loud whistling sound, followed by giggling, as her headscarf fell back from her forehead and revealed sections of her hair at some point during the talk. The lectures and the talks were followed by a "Question & Answers" session with the sheikh, in which the young Muslims raised issues close to their hearts or minds. It was a free-flowing discussion in a relatively relaxed and informal atmosphere. The questions often had to do with issues of concern to any adolescent, such as sexuality, courtship and marriage, and the Muslim girls dominated both the questions and the discussions which followed. The *salat al-isha'* (evening prayer) marked the conclusion of the forum. However, these were beautiful and warm summer evenings, and the youth often seemed more interested in venturing outside. On the stairs leading down to the street, girls and boys mixed freely, chatted each other up, and cast flirtatious glances at one another. On 31.01.05 this interest of theirs led to the sheikh warning them about the consequences of leaving the mosque without performing the *salah* (prayer). In a threatening manner, he asserted that "if you leave now, *wallahi*, I swear that you will not be able to take one step outside." He was blissfully and wilfully ignored by the youth. This was borne out by the fact that the ones who left outnumbered those who remained.

Towards an anthropology of Cape Muslims

What is transpiring here, and what kind of conclusions can be drawn from it? Even if the events that I have described in the preceding paragraphs took place at a particular vantage point of a specific Muslim community in Cape Town and might have been of a rather idiosyncratic nature, they present a microcosm of sorts of the multiple changes and challenges, as well as the multiple strands of influences that the Muslims of Cape Town, South Africa have faced in the post-apartheid era. One would be tempted to see these events as a reflection of the decrease in authority and the powers of command of an '*alim* (religious scholar), but also of a process where-

by religiosity is increasingly relegated to the sphere of the private. On the other hand, such an interpretation might also ascribe too much weight to what could easily have been an isolated and idiosyncratic event involving youth who quite often, and in any societal context, revel in symbolic and real opposition.

The aim of this dissertation is to describe some of the internal and external influences which impinge on the lives of contemporary Cape Muslims, and the changes they have brought about over the course of the time in which I have undertaken research on Cape Muslims.

I first arrived in Cape Town in 1998 in search of a topic to pursue for my cand. polit degree in Social Anthropology at the University of Bergen, Norway (Bangstad 2002). Prior to this visit I had been completely unaware of the fact that there existed Muslim communities in Cape Town, or elsewhere in South Africa for that matter. Their existence had been virtually obliterated in the media coverage of the civil and political unrest which marked the eclipse of apartheid of the 1980s. Four years into electoral democracy, I recall that my impression was that the changes were less momentous than what I had assumed from a distance. The inscriptions of social and economic inequalities and reciprocal exclusions based on the notions of 'race' and class that apartheid social engineering had generated were still practically omnipresent in the social and geographical landscapes of post-apartheid Cape Town. The city was – as geographers such as Western (1996 [1981]) had long predicted – becoming increasingly black African due to migration from the rural areas of South Africa as well as migration from other parts of sub-Saharan Africa. The members of coloured working-class communities that I encountered in the township south of Cape Town in which I undertook fieldwork in 2000 appeared ambivalent about these and other transformations. It was feared that the non-racialism that the ANC had historically professed would not be an "unbreakable thread" (Moodley and Adam 1993: 24), and would eventually give way to an assertive and racialised black African nationalism which would leave coloureds trapped in the zones of exclusion established on the Cape Flats under apartheid.[4] Most coloureds had sympathised with the struggle against apartheid, because the very places that most of them inhabited had been created through acts of apartheid repression and forced dislocation, such as the *Group Areas Act* proclamations of the 1950s, '60s and '70s. Many of the senior citizens of the township in which I did research wanted me to record their experiences of the forced removals under the Group Areas Act and by doing so bear witness to a continued sense of victimisation and aggrievement.

But more than anything else, I was struck by the public visibility of Muslims in Cape Town, and it was this, coupled with the realisation that there had not been any systematic ethnographic study of Cape Muslims in about twenty (20) years,[5] and my introduction to the Muslims in a Cape Peninsula township through a family of Muslim teachers and educators that made me decide to do research on contemporary Cape Muslims.[6] I have continuously revisited Cape Town over the course of the period 1998 to 2006, and this dissertation is, in a very fundamental sense, a direct continuation of my previous work, even though the sites in which I have undertaken fieldwork, and the parameters of my research have shifted since then.

"Freedom is the Minotaur outside the Labyrinth," wrote the South African poet Breyten Breytenbach.[7] Processes of profound social, political, moral and legislative change had been set in motion by the advent of a post-apartheid society.[8] These changes must for many South Africans – including the Muslims of the Cape – and perhaps particularly those among them who defined themselves as religious have led to a sense of inhabiting a bewildering world of "crumbling certainties" (cf. Bauman 2006), disorientating also on the level of self-ascribed identities. After all, the advent of a post-apartheid society represented a marked shift from dominance by Afrikaner Christian polities – who claimed an allegiance to a particular interpretation of Christianity, civic religion and religious moralities and regularly invoked these in public discourse[9] – to dominance by polities which often invoked liberal secular moralities often at great variance with religious sensibilities, in their legitimising discourses. But as Haron (2006: 423) has argued, it was also a shift from religious exclusivism to pluralism, and a shift premised on religious tolerance in a post-apartheid state that in principle, and in line with constitutional values, abstains from favouring particular religious communities or sentiments (Du Plessis 2001: 440). There is no denying that religious leaders in the transition to democracy in South Africa were instrumental in ensuring support for human rights principles and instruments.[10] However, profound tensions and ambiguities between a liberal and secular political elite and institutions,[11] and the lack of social and religious resonance or fit between the values and norms these elites and institutions adhere to, and the religious and moral sensibilities of large sections of South African citizenry, have marked the post-apartheid era.[12] According to most accounts, most South Africans are apt to describe themselves as "religious" in one sense or another.[13] Lodge (2006*a*: 2000) has perceptively noted that liberal democratic institutions and procedures are not especially popular in South Africa,[14]and ascribes the purchase that they have after all obtained to the

"sacred" and "charismatic" authority bestowed on them by certain post-apartheid leaders, such as the towering first democratically elected President, Nelson R. Mandela (President 1994-98).

Whilst maintaining that there is lack of social and religious resonance between the values post-apartheid elites and institutions adhere to, and the religious and moral sensibilities of large sections of the South African citizenry, I do not mean to imply an analytical assumption that either one of these socio-political categories hold positions that are homogeneous and free of contradictions. Indeed, it should be noted that the political and economic elites of post-apartheid South Africa are fractured with regard to how they perceive the role of religion in the public sphere, and the extent to which they invoke religion and the notions of civic religion in public and legitimising discourses.[15] And it is noteworthy that many of the concerns raised by those South Africans who declare themselves as religious, are often shared by sections of the avowedly non-religious citizenry. But in general terms, Berger's contention (Berger 1999: 11) that a secular view of reality has its principal social location in elite culture holds true in post-apartheid South Africa too. The liberal and secular political and social elites in South Africa as in other post-colonial contexts in Africa and Asia (cf. Chatterjee 2006: 62) often cast themselves in the role of historical modernisers. The Constitution of 1996, a guiding point for any discussion on rights and freedoms in the post-apartheid era due to its centrality to South African public discourses both from the side of state and from civil society, makes considerable concessions to multiculturalism.[16] This is especially the case with regard to freedom of religious association and the rights to recognition of systems of family laws of a religious and/or customary nature.[17] In light of the fact that freedom of conscience in modern political philosophy is considered the first freedom, from which all other freedoms flow (Casanova 1994: 40), this is hardly surprising. But the Constitution also ultimately subordinates the recognition of such systems to the secular interests of the state and to the state's interest in providing protection for individual human rights (as noted by E. Moosa 2001).[18] The Constitution was designed in order to mediate between an emphasis on universal human rights and the recognition of cultural and religious pluralism (Comaroff and Comaroff 2005: 38). It emerged out of a global moment in the 1990s in which the power of the nation-state was contested by a variety of sub- and supra-national polities, and in which the legal recognition of cultural diversity had become a distinguishing feature of politics worldwide (Oomen 2005: 3-4). Globalisation and the post-apartheid state's neo-liberal reforms since 1994 have been accompanied

by a marked shift towards identity politics and a counter-politics of ethnic and religious assertion (ibid: 34). This counter-politics makes political claims on the state on the basis of perceived group differences rather than on the grounds of claims to social equality (Robins 2005: 17).[19] In the process, some of the fault-lines of attempts at mediation between principles of universal human rights and the recognition of cultural and religious pluralism, have been exposed. In this brave new post-colonial world, the political claims of cultural and religious communities have increasingly been phrased in the language of law (Oomen op. cit: 10). According to Oomen, underlining differences have also appeared to make it easier to gain state recognition (ibid: 23). It is an analytical premise of this dissertation that demands for multicultural recognition being made by the elites of religious and ethnic communities are embedded in particular social configurations and power relations, and that these demands therefore often privilege the religious and social interests and sensibilities of particular social groups or strata within such communities – over and above those of others. Questions of power, the right to definition of relevant parameters, and the right to speak for these communities are therefore at the heart of the social and political issues raised by such demands. This is nowhere more apparent than in the debate over recognition of Islamic marriages, which is explored in Chapter III. Demands for multicultural recognition in post-apartheid South Africa are also premised on the politics of claims for multicultural exclusion, through which members of religious and ethnic minorities constitute themselves as more deserving of multicultural recognition by the state than minorities of other kinds. The leaders of religious communities making such demands have for instance also been among the most vociferous opponents of rights to recognition and equality of sexual minorities in post-apartheid South Africa. Among these leaders of religious communities are South African 'ulama'.

The Constitution embodies some of the unresolved tensions of the South African polities. Clifford Geertz once noted that the post-colonial experience has inevitably demonstrated that it was to be different to live in a nationalist world than to imagine it (Geertz 1973: 235). And so especially for those of the religious-minded among South Africans of all faiths and persuasions who had hoped for an unfettered freedom of religion[20] as the outcome of the advent of a post-apartheid society, developments have entailed a poisoned chalice of sorts, and the value of post-apartheid religious freedoms and increased religious tolerance is often seen as offset by perceived rampant and generalised immorality and social degeneration. Such perceptions are fed by the persistently high levels of violent and

sexual crimes; the legalisation of abortion; the de-criminalisation of same-sex sexual practices and the constitutional impetus towards recognition of same-sex marriages, and the abolition of the death penalty. For many religious citizens, the "politics of aspirations" in South Africa have in effect been replaced by a "politics of disappointment",[21] This "politics of disappointment" is intimately linked to the threat of what Berger (2006: 14) has referred to as a "cognitive contamination." In a post-apartheid society which is more open and fluid in terms of norms and values than ever before, and in which perceived and real encroachments on religious life are often engendered by elite cultures premised on secularisation, this cognitive contamination is embedded in institutions as well as in the consciousness of individuals.[22] The generation of such perceptions on the part of religious citizens in post-colonial contexts in the course of societal transitions from political authoritarianism to democratic rule is of course not unique to South Africa.[23] To the extent that a nostalgia for the order of fixity and familiarity which characterised apartheid (cf. Blom Hansen 2005: 186 for an example) is discernable among some contemporary and previously oppressed South Africans, it is generally decidedly not a nostalgia for the discrimination and repression against so-called 'non-white' South Africans on which it was based. Moral heterogeneity and cultural modernities (Tibi 1995: 9) are of course facets of most modern post-colonial societies, but in South Africa the transition from a society based on the social imaginaries of moral conformity anchored in religious values to one in which the social imaginaries of moral heterogeneity anchored in liberal secular values have become commonplace in the public sphere has been particularly rapid, and therefore particularly unsettling for citizens with religious sensibilities (cf. f. ex. Posel 2005*b* for this). The secular nation-state as a sign of modernity is of course a thoroughly ideological notion (van der Veer 1994: 13), and the centralising forces of nation-building in themselves set in motion centrifugal forces which crystallize around alternative modes of identification and affiliation (cf. ibid: 14-15). Discerning a homogeneous or uniform pattern in the responses of Cape Muslims to the changes I have referred to does not appear to be possible. As in the case of most other South Africans, Cape Muslims responded to these changes in heterogeneous ways. But in general, Tayob's (1998: 32-33) observation to the effect that these responses fluctuate between political engagement with and disengagement from politics in its multiple forms in post-apartheid South Africa is still pertinent.[24] Nevertheless, this observation fails to account for the many Muslim responses which cannot adequately be accounted for in terms of such binaries. As I demonstrate in Ch. VI, however,

in Cape Town Sunni 'ulama' bodies such as the MJC have responded by articulating populist religious concerns over political and societal secularisation and positioning themselves as defenders of communalist and exclusivist Muslim "interests"[25] both locally and internationally, whilst at the same time attempting to maintain good relations with government. Good relations with government are seen as requirements in order to promote the "interests" of local Muslims as defined by the same 'ulama', such as recognition for Islamic Marriages (cf. Ch. III). One might see this as a reflection of the ways in which a modern liberal democratic space structures the ways in which religious leaders might operate.[26] This demonstrates why it is important to understand the linkages between religious processes and the practices and dynamics of non-religious fields of action in order to understand the politicization of religious convictions and habituses as symbols of identity in a globalised context (Manger 1999: 18). Party-political organisation on the basis of Muslim sectarian interests has, however, come to little due to the minority status of Muslims in South Africa.[27]

Cape Muslims in history and in the present

It is necessary, at this point, to situate Cape Muslims in the historical and present social and political landscapes of South Africa. Cape Muslims are part of a minority community in South Africa. According to the South African population census of 2001, there were 654 064 Muslims in South Africa.[28] In relative terms, Muslims constituted 1,46 percent of South Africa's population of 44,8 million at the time. Most South Africans profess to be Christians of some form or other. It is noteworthy that a majority of Christian South Africans are adherents to African Independent or Initiated Churches (AICs) rather than mainstream Christian churches. The Muslim population of South Africa is a predominantly urban population, and concentrated in the metropolitan areas of Cape Town, Port Elizabeth, Durban and Johannesburg. In Cape Town, a cosmopolitan city with an estimated 2,8 million inhabitants in 2001, where Islam in South Africa first had a discernable presence, there were an estimated 281 507 Muslims in 2001. This implies that Muslims make up approximately ten percent of the population in Cape Town. Cape Town alone is home to an estimated 46 percent of South Africa's Muslim population (cf. Fataar 2006). Eighty-six (86) percent of Muslims in Cape Town were classified as coloureds for the purpose of the population census of 2001. The second largest group is Muslims of South African Indian origin, and the third largest group is black African Muslims. The latter group counted some 8 243

individuals by 2001. It is by most accounts the group which has expanded most rapidly in terms of numbers in the post-apartheid era (cf. Vahed and Jeppie 2005). In Ch. II, I provide an analysis of the processes of conversion to Islam among black Africans in Cape Town.

"The past is not dead; it is not even over" wrote William Faulkner,[29] and there can be little doubt that it is impossible to understand contemporary Cape Muslim communities without some reference to the history of Cape Muslims. The historiography of Islam at the Cape provides a vast thicket of information,[30] but in this introduction I will have to limit myself to providing a broad outline based on secondary sources.

It was, as Ebrahim Moosa (1993: 31) has pointed out "colonization that brought Islam to the Cape." Muslims arrived at the Cape in two large and discernable historical waves after Cape Town, or Kaap de Goede Hoop, as it was originally known, was established as a refreshment post for the largest mercantile empire of the world at the time (Gilliomee 2003: 3), the Dutch East India Company (Vereenigde Oost-Indische Compagnie, VOC) en route between the VOC colonies of Bantam and Batavia in 1652. As the nomadic groups of indigenous Khoikhoi which inhabited the Cape Peninsula resisted being drawn in as labourers for the VOC and the first Dutch settlers would not grow wheat at the prices offered by the VOC (ibid: 1), the VOC turned to the importation of slave labour after 1657 (Shell 1994: 5). Most of the slaves brought to the Cape by the VOC were drawn from the Indian Ocean-basin (ibid: 42), i. e. from areas such as in contemporary Indonesia, Malaysia, Bengal and Madagascar. It has been estimated by historians that in the period between 1657 and 1808, 62 964 slaves were brought to the Cape. The import of slaves to Cape Town ceased when the British, the new colonial masters at the Cape after 1806, prohibited the Oceanic slave trade in 1808.[31] Of these 62 964 slaves, slaves from present Indonesia represented 22, 7 percent, from India 25,9 percent, Madagascar 25, 1 percent, and from other parts of the African continent, 26,4 percent (ibid: 41). Many, but certainly not all, Eastern slaves brought to the Cape were Muslims.[32] The Cape was officially made a place of banishment for political prisoners from the VOC's colonies in 1681 (Mahida 1993: 2). Among those banished were the so-called *Orang Caye*n, who were banished to Constantia, Cape Town in 1667 (Da Costa 1994: 130), and Sheikh Yusuf of Macassar (1626-99), who arrived in Cape Town in 1694. The latter is regularly celebrated as the mythological founding father of Islam in South Africa, and his *kramat* (tomb, shrine) has become a site for *ziyara* or pilgrimage.[33] The historically problematic assumption that the founders of Islam in South Africa were political prisoners (*bandieten*, as the

VOC's designations would have it) is central to the historical narratives of many Cape Muslims. But this historical repression of the slave past of coloured Muslims at the Cape has often more to do with the mythologizing generated by the stigma attached to descent from slaves in the modern era (cf. Ward and Worden 1998: 202). There can be little doubt, however, that the religious leaders of Muslims in Cape Town in the first centuries of its existence were mostly drawn from the small group of "free blacks" [*vrye Zwarten*], defined by Shell (op. cit: 92) as "a subgroup of the burghers that included ex-slaves, Chinese ex-convicts and Indian and Indonesian [political] exiles" – as indicated by Davids (1992: 88 and 1995: 57). It is also important to note that the Sufi affiliations of early Cape Muslims profoundly shaped the rituals and understandings of Cape Islam, and have left a durable imprint on Cape Muslims. This topic will be explored in greater detail in Ch. VI. Van Diemen's *Statuten van India* of 1642, which regulated religious expression under VOC rule at the Cape allowed the private, but *not* the public expression of Islam at the Cape, and it appears that Islam was tolerated and rarely seriously repressed under VOC rule (Mason 2003: 9). The civil rights of slaves, and the many early Cape Muslims who were slaves, were severely limited. Slaves were, for instance, not permitted to marry before 1823, and then only by Christian rites, and only if the slave-owner had granted his permission for them to do so (van der Spuy 1992: 57, Mason op. cit: 48). There is nevertheless evidence to suggest that local 'ulama' regularly performed marriage ceremonies for Muslim slaves, in the absence of official colonial recognition of Muslim marriages (ibid: 215). There was a significant expansion in the number of adherents to Islam at the Cape in the period between 1770 and 1840, so much so that in 1840, no less than one third of Cape Town's population was held to be Muslim (Davids 1992: 88). Mason has alleged that this must for the most part be attributed to conversion to Islam (Mason 1995: 24). Marais (1968: 173-74) suggested that Islam did more to bridge the gulf between slave and free-born at the Cape than Christianity, and explanations of the growth of adherents to Islam in this period has generally followed the line of this suggestion. Islam did in other words provide a measure of dignity and meaning for slaves cast into a world of inequality and brutality at the hands of white slave masters.[34] With the erosion of Dutch colonial power in the late 18th century (M. A. Bradlow 1988: 127), a social matrix which incorporated slaves and free blacks (Davids 1995: 58) was created with the establishment of the Dorp Street Madrassa in 1793 (Davids 1992: 87) and the first mosque in South Africa, the Auwal Mosque, in 1804 (ibid: 93). However, this should not blind us to the fact that like all colonised elites, the free black

elite among early Cape Muslims in practice and in discourse often reproduced the unequal power relations characteristic of colonial society (Jeppie 1996*a*: 153).[35] The position of imam was historically often passed on from father to son,[36] a form of transmission of spiritual authority that along with various forms of spiritual initiation, has often been important in Sufi circles (Vahed 2003*a*: 100), but which eventually was to become a contributory factor in a great number of congregational disputes in Cape Town in the 19th and 20th centuries. This led to a great proliferation of mosques. The imam produced by the historical mosque discourse in the Cape was, as Tayob (1999*a*: 21) points out, a person with a high status and extensive powers, often revered as if he were a Sufi sheikh. Remnants of a model of transmission of religious authority based on social status and descent would remain functional in Cape Muslim communities at least until the 1960s (Tayob op. cit: 48-53). But general literacy and access to the scriptural sources or translations thereof brought about by mass education, as well as the contraction of the social and religious functions of the 'ulama' in the 20th century generally meant that the status and authority of Cape 'ulama' contracted considerably.[37] (cf. Bangstad 2004*b* for an analysis along these lines). It is also important to keep in mind that even if the establishment of Islam at the Cape was intimately linked to the 'globalisation' integral to European colonialism, early Cape Muslim society was to a great extent on the margins of the Muslim world and in the global imaginaries of Arab Muslims – a situation which by and large obtained until the 19th century. Only with the introduction of steamships from 1850s and onwards was regular contact with Muslims in East Africa and the Middle East established (da Costa 1992: 8). Muslim students from Cape Town were encountered at Al-Azhar in Cairo, Egypt in the 1870s (Ajam 1989: 81). But it seems fair to assume that the "mirroring" or refraction of developments in the broader Muslim world – and in the Middle East and on the Indo-Pak subcontinent in particular – which has been brought about by globalisation, and the importance attached to such "mirroring," is in the case of Cape Muslims predominantly (if not entirely and exclusively) a modern phenomenon. More than anything else, it has been engendered and facilitated by modern air and sea travel, as well as the modern media.[38] However, this should not blind us to the fact that given the very cosmopolitan nature of Cape Muslims, whose historical and geographical origins were extremely diverse, a consciousness of belonging to a transnational and pan-Islamic *umma* (nation, community of Muslims) of global reach among Cape Muslim must have long pre-ceded the modern era. Such a consciousness was in fact mobilised during the Russo-Ottoman War of

1877-78, when Cape Muslims collected funds for the sick and the wounded on the Ottoman side.[39]

Shell once noted that "whatever Islam brought to the Cape, it was not Shafi'i uniformity" (Shell 2000: 334). But it seems clear that the Shafi'i *madhhab* or school of law commanded the allegiance of most Cape Muslims until the 1860s (cf. Davids 1980: 52). In Natal, which had been annexed by the British in 1843 (Vahed 2001*b*: 305) and proved ideally suited to sugar farming (Thompson 1995: 99), white planters were faced with a fiercely resistant Zulu population. The Zulus of Natal showed little interest in enlisting as cheap labour on the sugar plantations. The British therefore turned to British India for labour for its sugar plantations, and under the indentured labour system, 152 641 Indians arrived in Natal between 1860 and 1911 (Vahed op. cit: 306). In their wake followed the 'passenger Indians', so-called because they had paid their own fare across the '*kala pani*' (black water)[40] to Natal. Almost 80 percent of these were Muslims, and they had left the rural areas of Gujerat due to the destruction of trade there by British land policies (Vahed 2003*a*: 97). The first 'passenger' Indians arrived in Cape Town in the 1880s. But as indicated by Bhana and Brain (1990: 121), it is quite possible that there already was a small group of ex-indentured Indian labourers in Cape Town by then. By 1892, the Indian Muslims of Cape Town had built their first mosque, namely the Quawatul Islam Mosque (Tayob op. cit: 57). A second group of Indian traders, who generally arrived somewhat later, were the Kokanis from the Bombay Presidency. By the 1960s, the Kokanis constituted two thirds of South African Indian Muslims in Cape Town (Brand 1966: 100). Unlike the Gujeratis, who were generally Hanafis, the Kokanis were Shafi'i,[41] but retained their ethnic identity through the practice of endogamous marriages with partners brought from India (Salie 2003: 57-58) and chain migration (Dawood 1993: 7). Restrictions on the influx of Indians to Cape Town were introduced in 1902, but in practice family members of Indians already settled in the Cape continued to be allowed in (Tayob op. cit: 58). Class fractures and communal affiliations among early Indian Muslims settling in South Africa were expressed through ritual (ibid: 62). The "Islam of the traders" was centered on the '*urs* (commemorations of the Prophet) and the '*id* festivals, but was no less steeped in *tasawwuf* (Sufi practices) than the Islam of the established Cape Muslim communities.

In the historiographical representation of Islam at the Cape, references to black African Muslims have hitherto been virtually absent.[42] However, it is absolutely clear that black African articulations of Islam in Cape Town predate the conversion to Islam among Xhosa-speaking black Africans in Cape

Town from the 1950s and onwards. This can be inferred from the presence of Macua-speaking peoples from Mozambique captured as 'Prize Negroes' by the British from French, Portuguese and Arab slave ships off the coast of East Africa after the abolition of the British oceanic slave trade in 1808, and indentured at the Cape (cf. Harries 2000), as well as of Zanzibari sailors in the ports of Cape Town and Simonstown. I make the argument for this in Ch. II.

The pressures of urbanisation and industrialisation in the late 19th century[43] set into motion increased levels of residential mixing and miscegenation, and signalled the start of state attempts at bolstering white political, economic and social hegemony (Bickford-Smith 1995: 445) through measures aimed at imposing 'racial' grids on the population through the ideologies of segregation and apartheid. After the establishment of the Republic of South Africa in 1910, a part of the elites of Cape Town's Muslim population attempted to cordon themselves off from the effects of increased segregation and discrimination against coloureds[44] by adopting a colonial identity as 'Cape Malays.' The term had first been invented in the 19th century.[45] The ideology of 'Cape Malayism', greatly promoted by Afrikaner politicians and intellectuals such as D. F. Malan and Izaak D. du Plessis under segregation and apartheid, held out the promise of a special and privileged relationship between the white authorities and Cape Muslim elites. The Group Areas Act, and the forced removals of thousands upon thousands of Cape Muslims from their homes in District Six, Constantia and Simonstown to the windswept dust and squalor of the Cape Flats,[46] provided the ultimate blow to the traditional Cape Muslim elites' adherence to 'Cape Malayism' as a political strategy in the modern era. The 1960s and 1970s saw the gradual emergence of radicalised Muslim youth opposed to apartheid, and opposed to the ambiguous accommodation of the mainstream and conservative Cape 'ulama' with apartheid. The 'ulama' of the Muslim Judicial Council (MJC), established in 1945, and since then the largest and most influential Sunni 'ulama' body in the Cape, became a target for increasing criticisms for its lack of principled commitment to the anti-apartheid struggle. The anti-apartheid struggle had gained enormous impetus from the Soweto uprising in 1976 and the establishment of the non-racial Charterist[47] United Democratic Front (UDF) in 1983.[48] The MJC had declared apartheid as contrary to Islam in a *fatwa* (legal opinion or ruling) in 1960 (Lubbe 1989: 94),[49] but in the main concentrated on the defence of the religious rights of Muslims, narrowly defined so as to exclude overt and public political engagement against apartheid (Haron 1994: 74-75). The MJC refrained from publicly condemning Imam Abdullah Haron's death in detention at the hands of apartheid Secu-

rity Branch officers at the notorious Caledon Square police station in Cape Town in 1969. The MJC was forced by the emergence of a plethora of radical Muslim organisations such as Qibla, the Muslim Youth Movement (MYM) and the Call of Islam, [50] and in particular, the influence of the members of the latter among younger 'ulama' within the MJC itself, into a temporary shift towards political activism. Under the leadership of Sheikh Nazeem Mohammed (MJC President 1978-1998) this led to a short-lived participation in the structures of the UDF. It also led to calls from the MJC 'ulama' for a general Muslim boycott of the tri-cameral elections in 1984. The tri-cameral elections of 1984, which offered coloureds and South African Indians the right to vote for parliamentary representatives in separate chambers of Parliament, had been conceived by the regime of P. W. Botha (1978-1989) as a strategy for bolstering coloured and South African Indian support for apartheid. In the "constant re-cycling of struggle narratives" (Jensen 2001: 107) that South Africa has seen in the post-apartheid era, the ambiguous accommodation of conservative Cape 'ulama' under apartheid has been all but forgotten, so much so that a narrative of heroic Muslim resistance to colonialism and apartheid was to dominate the celebrations of the Tercentenary of Islam in South Africa in Cape Town in 1994, an event which coincided with the advent of the first democratic elections (perceptively analysed by Jeppie 1996*b*).[51] Few of those present at the closing banquet at the Good Hope Centre could have failed to notice the irony of the fact that sections of the 25 000 crowd of Cape Muslims, who were now being collectively eulogised by the local and international speakers as fellow travellers in the struggle against apartheid, greeted the coming President Nelson R. Mandela with heckles and booing, in a clear display of disapproval of one of the greatest leaders in the struggle against apartheid in South Africa.[52] If anything, it was a signal of the fractured nature of Cape Muslims' responses to the advent of a post-apartheid society in which the ANC looked set to be hegemonic for many years to come.

The anthropological study of Muslims in contemporary Cape Town

It has become commonplace in anthropology to refer to the ethnographic studies of Muslims in the contemporary world as forming part of a subsection of anthropology called "the anthropology of Islam" (El Zein 1977; Asad 1986). This is for a number of reasons unfortunate and problematic. Regardless of the epistemological nuances of the theories of authors invok-

ing the term,[53] the very invocation of the term seems to suggest that Muslims are primarily defined through their religious affiliation and adherence. The strength and extent of that adherence is however a question to be studied empirically in any given context, and may vary greatly from person to person, and particularly in a largely non-Muslim and increasingly secular societal context such as that inhabited by contemporary Cape Muslims.[54] Non-Muslim categorisation of Muslims as pre-eminently and pre-dominantly religious has if anything been exacerbated by the contemporary obsession with Islam and non-state terror (cf. Sen 2006: 14-15), which more often than not cast Muslims in the role as the exotic 'others' of secularism and secularity, somehow incapable of exercising free will and conscience in matters of faith (Brown 2006: 154). The reduction of Muslims' plural self-ascriptions to one single common denominator is highly simplistic, has a potential for conflictive dehumanisation of Muslims by others who understand themselves to be secular, and for setting off a 'schismo-genetic' process (cf. Bateson 1958), in which Muslims who would not otherwise necessarily have done so actively choose to make their religious affiliation their singular determination. As social and political processes, self-ascription and categorisation are intertwined. Self-ascription on the basis of religious identification is likely to increase in contexts in which Muslims see themselves as beleaguered minorities. The study at hand therefore makes no presumptions whatsoever to the effect that Islam – however understood by Muslim social and religious actors themselves – provides a determinative and extensive reference for the ideas or behaviour of contemporary Cape Muslims. This does not mean that I propose to see Cape Muslim identities as entirely elective. Religious identities are the products of both self-ascription and categorisation by others. The extent to which either one assumes precedence in the formation of identities vary according to time, place and context.[55] A Muslim, for the purposes of this dissertation, is any individual who chooses to identify him or herself as such. It has to be said, however, that this conceptualisation would be unacceptable to many Cape Muslims. Roy (2002: 36-37) has perceptively noted that secular contexts tend to reinforce internal Muslim distinctions between "practising" and "nominal" Muslims, inasmuch as religious faith and practice in such contexts are de-linked from the societal realm of the *doxic*, or the taken-for-granted. Many Cape 'ulama', would undoubtedly have preferred it to be otherwise, as essentialist conceptualisations of the identities of Cape Muslims are often of instrumental social and political value to the religious elite among them. In other words, if Cape Muslims are seen as belonging to a singular and homogenous category, and their

actions and behaviours seen as uniformly patterned by Islam, this has the practical effect of advancing the claims of a particular organised section of the Cape 'ulama' to represent the interests of Cape Muslims' vis-à-vis for instance the post-apartheid state.[56] As I indicate in this dissertation, when the 'ulama' in contemporary Cape Town claim to speak authoritatively for and of Islamic traditions, they more often than not do so on the basis of particular and socially situated modern constructions of such traditions. It should also be clear that when I refer to Muslim communities in Cape Town I do so with the disclaimer that using such a term does not signify that I make any pre-supposition about what is shared and not shared for Cape Muslims. There are multiple ways of being Muslim in a modern secular society, and individual Cape Muslims' adherence to Islam as practising or nominal Muslims should in other words from an analytical point of view be seen merely as a *minimal common denominator* for those so described. It is important for analytical purposes that one avoids what Brubaker (2004) has referred to as "groupism", namely, "the tendency to take discrete, sharply differentiated, internally homogeneous and externally bounded groups as the basic constituents of social life, chief protagonists of social conflicts, and fundamental units of social analysis" (Brubaker op. cit: 50), and rather sees high or low levels of "group-ness" as a "contingent event" (ibid: 65).[57] Such an approach does not resolve the persistent creative tensions between the ideographic and nomothetic in social science explanations – but then the notion of *nomos* or (societal) laws have always had a weak reputation in social anthropology. An analysis of contemporary Muslim communities in Cape Town must also account for the ways in which relationships between Muslims and between Muslims and non-Muslims are mediated by, and implicated in, power and its articulations in these and similar manners.

This dissertation attempts at standing the supposedly central relationship between Islam and Muslims on its head. It does so by exploring Muslim responses to social, political and legislative change through the prism of specific and concrete issues topical in contemporary South Africa, such as HIV/AIDS, polygyny, prison reform and religious conversion, and by working from the concrete manifestations thereof in particular contexts towards the elaboration of a theory of public deliberations on Islam and Muslims in the post-apartheid context. It insists on the primacy of the social and societal context within which the religion is practiced (cf. Asad 1986: 11). This even though the religious (however defined) is not to be excluded for the purpose of analysis. But Islam is not, and cannot be, an independent variable in the social science analysis of contemporary Muslim communities

(Halliday 1996: 203). The methodologies used have been participant observation, combined with semi-structured and structured interviewing. In the work I have been assisted by two research assistants, one male black African Muslim and one female coloured Muslim, and both with backgrounds from underprivileged township communities. I return to the role of my research assistants in the chapters to which they contributed data.

The Islamic understandings and practices of Cape Muslims do not provide an open invitation to the excessive nominalism[58] of El Zein (1977).[59] One should rather see these understandings and practices as expressions of a 'localised Islam.' This is an understanding according to which the practices and understandings of local Muslims are seen as a crossroads of a diversity of global, regional and local influences, both in religious and non-religious fields (cf. Soares 2000: 283).[60] Within South African Muslim communities, Cape Muslim communities, much like the city-scape of Cape Town itself, are often seen as the *locus parentis* of a mostly pernicious 'liberal' attitude. Even though such definitions do not exhaust the multiple strands of Cape Muslim identities, the existence of these definitions can not be explained without reference to a notion of local social and religious particularities.

Much of the academic literature on Muslims in Cape Town and in South Africa has been generated by scholars in the field of history, religious studies or Islamic studies. The 1980s and 1990s saw a number of seminal studies of modern and contemporary intellectual and activist movements among Muslims in South Africa (Esack 1988, Tayob 1995, 1999*a*) and there were also a number of studies which dealt with specific topics, such as Muslim Personal Law in South Africa (E. Moosa 2001). Important as this may be, there have been remarkably few empirical studies about the lives and experiences of ordinary Muslims in South Africa, and the existing literature tend to be premised on textual approaches. Textual approaches impose some definite limitations inasmuch as such approaches concentrate most of their attention on the interpretations and/or re-interpretations of religious texts, or on the intellectual histories of the most articulate sections of the Muslim communities in South Africa, or on those who have the greater access to publishing and distribution networks. Such approaches therefore often generate an inadvertent intellectualism in the study of modern Muslim communities, which risks essentialising Muslims, the lives that they lead and the experiences that they have, by reproducing the notion that these are only to be understood through references to scripts or texts of a religious nature invoked by their religious and intellectual elites.[61] As Eickelman and Piscatori have usefully noted, "the significance of texts derives not from their inherent

centrality, but from the contingent political, social and economic circumstances of those interpreting them" (Eickelman and Piscatori 1990: 14). In a sense then, this dissertation can be seen as an attempt at giving attention to those Muslims often inadvertently silenced in and through academic discourse on Muslims in South Africa.

Secularisation and re-islamization

Knowledge in any form is the embodiment of particular historical, social and personal configurations (Martin 2005: 17). Anthropological research and practice is implicated in imagined and real global configurations of power, regardless of what views the anthropologist personally holds about these configurations and the appropriateness of their local consequentiality. This is especially the case in the field of the anthropology of Muslims – and no more so than in an era marked by the so-called "war on terror". These configurations of power no doubt affect the myriad manners in which one is perceived by local interlocutors as an ethnographer undertaking fieldwork. Cape Town's Muslims have been extremely hospitable to me. But there have also been times, especially in recent years, when I have been met with suspicion and refusal.[62] Fieldwork is premised on an ethic of listening and understanding, and I have done my best not to impose my own views and understandings on Muslim informants. After all, the point is to be able to listen to their stories, rather than have them listen to mine. But reflexivity means that as an academic, one makes the configurations within which one is located clear to one's readers.[63] The author of this dissertation stands in a tradition of secular humanism[64] and methodological cultural relativism,[65] and this certainly has implications for the approach I have selected towards the issues raised by this dissertation, and for my interpretations of the material. But it does not mean that I as an anthropologist inhabit a world of absolute certainties. The notion that there is a choice that has to be made between absolute certainty and absolute relativism is epistemologically fallacious. On a personal level, I subscribe to an idea of *pragmatic fallability*, or the belief that "any knowledge claim or, more generally, any validity claim – including moral and political claims – is open to ongoing examination, modification, and critique." (Bernstein 2005: 28). As I see it, secular humanism, as interpreted in and through for instance international human rights legislation,[66] sees the shared humanity which individual human beings are entitled to claim regardless of religion (or absence thereof), gender, social status and sexual orientation as

the *fons et origo* of its orientation to the world. The tolerance of secular humanism is not limitless, however, precisely because it acknowledges that a limitless and relativistic tolerance inevitably leads to the acceptance of, and acquiescence with, totalitarian modes of thought based on intolerance and oppression (cf. Berger 2006: 9 for this point). Secular humanism is often cast by communitarian philosophers, such as Charles Taylor, as being based on exclusive and exclusionary worldviews (cf. Nemoianu 2006: 27), but in my view only becomes exclusionary and illiberal to the extent that secular humanism itself is held to belong to the realm of the absolute on an individual and societal level.

Post-structuralist critiques of human rights, often premised on the assumption that these represent a "false universalism", and on the assumption that Islam and Muslims as adherents to the faith of Islam have *de facto* been and are excluded by human rights principles and regimes are not uncommon in academia. However, these criticisms often suffer from the shortcoming of assuming that Muslims are defined in and through Islamic faith and practice, that Islam is somehow inherently ambivalent about, if not entirely opposed to, human rights,[67]of ignoring the extent to which Muslim diplomats were involved in the formulation of international human rights principles, and of omitting any uncomfortable references to the extent to which Muslims, even in purportedly Islamic states, share many of the aspirations embodied in international human rights principles.[68] Even though the term has become quite a fetish in post-apartheid South Africa, it is worth recalling that humanism also has distinct South African lineages, inasmuch as the Nguni term *ubuntu* refers to the fact that "people are people through other people," (or in Zulu, *umuntu ngumuntu ngabantu*), a principle often invoked by African humanists in South Africa in some way or the other (cf. Mphahlele 2002: 134-142 for this). Secular humanism is undoubtedly prescriptive in as much as it is premised on universalistic assumptions and therefore does not endorse or accept religious or cultural practices and understandings that violate human rights in the name of a purported 'tolerance'. But contrary to the commonplace assertions of Islamists and Islamic conservatives, secular humanism is not opposed to, or exclusive of religious beliefs per se.[69] It does not by necessity have universalising and absolutising pretensions,[70] nor can it be conflated with the political doctrine of secularism, or, for that matter, the idea that others "must discard their religious faith if they are to make progress," as one caricature of secularism has it (cf. Ajami 1992: 60). Secularism and secularisation has had different trajectories and variegated implications in different contexts. It is obvious therefore, that a state might be

secular in the sense of there being a differentiation of spheres without there being a concomitant dominating self-understanding among its subjects of being in any sense secular or definable as irreligious.[71] Secularisation is carried by some social actors, and resisted by others (Chaves 1994: 752). The doctrine of secularism and the social processes of secularisation have often been ideologised in the modern Muslim world (cf. Masud 2005: 381), linked to the historical experience of unequal relationships of power in the form of 'Western' colonialism and military interventionism and to the perception of 'Western' irreligiosity, and this has led to a number of misrepresentations of what the concepts might actually be taken to mean.[72] Misrepresentation and ideologisation of terms such as secularism and secularisation are, however, not phenomena peculiar to the Muslim world, or to religious people in general, for that matter. It is also commonly found among secularists with absolutising and illiberal pretensions.

"Anthropology" is, in the words of Kapferer (2001: 342) "secularism's doubt", due to its commitment to a radical doubt which attempts an understanding from the inside of other modes of thought and being (D. Gellner 2001: 340). But a secular epistemological orientation, whilst no doubt common among anthropologists, due to the discipline's epistemological origins in and requirements for applying secular premises of logic and empiricism (Stewart 2001: 325), is in itself not a guarantee for ethical and responsible conduct and analysis. Evans-Pritchard famously remarked that social anthropologists had for the most part been "bleakly hostile" towards "religious faith and practice" (Evans-Pritchard 1962: 29). As Stewart remarks (ibid: 327), there remains an epistemological and ontological gap between "our secularism" and "their secularism" when anthropologists analyse the life-worlds inhabited by religious practitioners, which is no doubt why matters of religious conviction and secularist positions are "not among the easiest issues to handle with self-reflexivity and openness" (Yalçin-Heckmann 2001: 334). One of the first questions I was asked by a Cape Muslim informant as an anthropological novice in 1998 was whether I believed in a benevolent God or not. If anything that taught me not to talk to openly about my secular humanist positions and convictions, inasmuch as the acceptance of my presence among some (but certainly not all) Cape Muslims would be conditional on responding in the affirmative to such questions. If anthropological practice therefore often requires a suspension of *dis*belief, this is precisely what I have undertaken to do.

Modern theories of secularisation have often been both analytical and prescriptive at the same time. Secularisation was, as Martin (op. cit: 8) has remarked, both "noted and promoted." There were, in other words, close

elective affinities between *secularism* as a political theory which holds that religion *ought* to be privatised, and that relations between different religions and denominations and their followers *ought* to be guided by a secular code of tolerance (Yalçin-Heckmann op. cit: 335), and *secularisation* as a mode of analysis which held that this was in fact what was happening with the onset of modernity/modernities all over the world.[73] The latter was often an implicit assumption in much academic literature until the 1990s. Modernisation theory in particular had held that societal modernisation was inextricably linked to secularisation, and understood secularisation to mean a drop in religious adherence, and the restriction of religion to the realm of individualised faith. The paradigm of secularisation was, as Casanova (1994: 211) noted, "the main theoretical and analytical framework through which the social sciences viewed [had viewed] the relationship of religion and modernity." Modernisation theory was ethnocentric in that it held that developmental patterns found in specific societal contexts (namely, those of modern Europe and the USA) and traceable to the particular configuration of relations between the church and the state which had evolved in these contexts, were ultimately transferable to other societal contexts. Contrary to popular perceptions, however, modernity is not a single condition (Gray 2003: 1). Modernities are multiple. Discussions about secularisation could, as Tayob (2003*a*: 10) has noted, only be understood in the framework of a global imbalance of power. It seems reasonable to assume that it is partially precisely this power dynamic which explains the often highly emotionally charged discussions of secularisation in global intellectual arenas. This is, however, not to assert that secularisation is an outcrop of specifically Euro-American histories and contingencies – a view that would be rather Eurocentric (Pina-Cabral 2001: 329).[74] Modernisation theory also had ideological affinities with a line of reasoning developed in a particular context of global power relationships in which it was often held that with the defeat of modern Communism, the principles of liberal universalism would be adopted and replicated as ripples in water on a global scale.[75] To be modern was, according to its self-definitions, to accept the differentiation between the secular and the religious spheres (Casanova 2006*a*: 20). The pendulum has definitively shifted,[76] so much so that many earlier proponents of the modernisation as secularisation theory are now declaring at every possible opportunity that secularism is "in retreat" (cf. Berger 2000 for one noteworthy example). At present:

> "If anything is agreed upon, it is that a straightforward narrative of progress from the religious to the secular is no longer tenable." (Asad 2003: 1)

But formulating the problem of secularisation in terms of complete shifts between the extremes at either side of a pendulum movement casts too great a shadow over the interstices between them. If one accepts the proposition that the relation between the secular and the religious in any given context is the product of particular social, historical and political trajectories (cf. ibid.), it also follows that secularisation has different dynamics in different societal contexts, and that these dynamics must be studied in their concrete and empirical manifestations.[77] D. Gellner (2001) has also perceptively noted that the even though the "strong version" of secularisation theory of the 1950s, which predicted a uni-linear and inevitable evolution from religious belief to scientific rationality all over the world has been falsified; "secularisation has happened and is happening" (ibid: 337).[78] The epistemological challenge is to be more precise about what is intended when one speaks about secularisation, and to anchor the analysis of secularisation in concrete historical, social and political contexts. This is crucial, since secularisation is a multidimensional phenomenon (Chaves 1994: 757). In an important contribution to the field, Casanova (1994: 211) distinguished between three different propositions common to theories of secularisation, namely:

> "secularization as differentiation of the secular spheres from religious institutions and norms [1], secularization as decline of religious beliefs and practices [2], and secularization as marginalisation of religion to a privatised sphere [3]."

Casanova called on sociologists of religion to examine and test the validity of each one of these propositions independently of each other, and claimed that only the first proposition remained a valid core of a theory of secularisation. Chaves (op. cit), on the other hand, asserts that secularisation is best understood not as a decline of religion, but as the declining scope of religious authority (ibid: 750). This means that secularisation is seen as a social process through which the capacity of religious authority to regulate the actions and behaviours of individuals decline (ibid: 769). Bell (1997) introduces a similar argument when she notes that "secularisation does not entail the progressive demise of religion, but a transformation of its form" (Bell op. cit: 199).

Berger asserts that "counter-secularization" is at least as important a phenomenon in the contemporary world as secularisation (op. cit: 42). But this view is premised on an understanding that what he understands as secularisation is clearly identifiable and distinguishable from its counter-proc-

esses in any given context. With Asad, I instead propose to see the secular and the religious as historically and socially implicated in one another, so that an ethnography that attempts to understand religion must also attempt to understand its other (cf. Asad op. cit: 22), or at the very least, attempt to render the ways in which they are implicated in each other in particular social, temporal and cultural contexts visible to the reader:

> "The secular, I argue, is neither continuous with the religious that supposedly preceded it (that is, it is not the latest phase of a sacred origin) nor a simple break from it (that is, it is not the opposite, an essence that excludes the sacred). I take the secular to be a concept that brings together certain behaviours, knowledges and sensibilities in modern life." (ibid: 25).

One notes in this paragraph how Asad shifts the terrain on which the analysis of secularisation operates. For Asad it would seem as if the ways in which secularisation is premised on, or generates, certain sensibilities or subjectivities form the core of the transformation it affects on the citizens of modern nation-states. For Asad, the need to disentangle secularisation and modernity/ies is also clear. In a critique of Asad, Casanova (2006*a*: 21) alleges that Asad all too easily assigns to the secular the power to constitute the circumscribed space within which the religious may operate. This is an important point, since even though the modern liberal state might be geared towards the generation of liberal subjectivities and the formulation of hegemonic imaginaries, it can not, *pace* Mahmood (2005), do so in an all-encompassing and decisive manner, which leaves no residual space within which alternative subjectivities might be operative. Asad (op. cit: 179) tacitly acknowledges as much when he writes that: "the sovereign state cannot (never could) contain all the practices, relations, and loyalties of its citizens." This is particularly so in a post-colonial African context, where the state is often (but not always) much less centralised and influential than what much theorising about secularisation allows for.[79] As noted by Berger (1999: 3), secularisation on a societal level is not necessarily linked to secularisation on the level of individual consciousness. Asad and his closest academic associates (such as Mahmood 2005, 2006) can also be charged with logical inconsistency, inasmuch as they both represent the religious and the secular as clearly delineated from one another for particular polemical purposes.[80]

The religious notion of an umma, which long preceded the creation of modern nation-states, is geared towards the generation of Muslim transnational and trans-communal affiliations which transcends local or regional

particularities. It is, as Asad (op. cit: 197) points out, ideologically not a society onto which the [nation-] state can be mapped. It has indeed been argued by some authors (most notably Hastings 1997) that nation-states in the modern era have a particular lineage in nationalism created through Christian translations of the Bible in vernacular languages. But as Zubaida (1993: 130) has pointed out, the idea that the notion of the umma underlines and limits the affiliations of Muslims is essentialist, and in actual fact the nation-state has in practice been as important in framing the identities and affiliations of Muslims in the modern world as any other referent (cf. Hefner 1997: 26). Muslims, therefore, have often found themselves "entangled in the secular logic of the state" (Tripp 2006: 8). At present, however, there can be little doubt that one of the functions of globalisation and its horisontal integration is to act as an enabler for the enactment of extra-national social, political and religious imaginaries, such as that of the umma. The constitutional delineation of the secular and the religious in post-apartheid South Africa is clearly derivative from Euro-American models.[81] This delineation is geared towards the inculcation of particular subjectivities and towards the delimitation of what kind of claims citizens of the post-apartheid state with religious sensibilities can make on the State. "To live as a minority means experiencing Islam as only a religion," writes Roy (op. cit: 148). Coupled with societal secularisation this invariably implies a certain level of privatisation and individualisation of belief and practice.[82] "Cities have always presented not only a vision of one's own life, but of other lives, possibilities without number...[...]...They enlarge the scope of what we thought life could be – or was always fated to be," comments the Capetonian writer Watson (Watson 2006: 6). Cape Muslims have of course inhabited plural social, ethnic and religious environments ever since Islam was established at the Cape, so the only aspect of the situation which is really new is the radicalism of the secularising trend in post-apartheid society. And even though many practising Cape Muslims may privately despair at post-apartheid developments with regard to the configuration of relations between the secular and the religious and the increasing circumscription of the religious' domain of possibilities and influence to a privatised sphere, few of them see the post-apartheid state as illegitimate, or have aspirations to demand of it that it should in fact conform to religious sensibilities.[83] Given the minority status of South African Muslims, and their acute awareness of this predicament, this absence of hubris is perhaps unsurprising. Nevertheless, it is in itself a measure of the extent to which secularisation has become an accepted facet of the lives of contemporary Cape Muslims. But it should also be noted that the heightened sense of being part of a trans-national and

universal community of Muslims with the Middle East as an *axis mundi* that the increased compression of time and space of globalisations[84] entail in certain respects also works against a pre-eminent identification with the national context. In the period that this dissertation deals with, the trans-national and universal community of Muslims had, among Cape Muslims, with good reason increasingly become defined as *a religious community of transnational suffering* with which one is obliged to identify. This self-definition has the potential to re-configure localised Muslim identities in profoundly new ways through the generation of an exclusivism of global and local identification which creates and sustains what Appiah (2006: 156) refers to as a counter-cosmopolitan "limit of moral imagination."[85]

The extent to which Cape Muslims draw on secular notions and imaginaries when making demands on the state can be inferred from the exploration of the demands for recognition of Islamic marriages (Ch. III) and for the extension of religious rights of Muslim prison inmates (Ch. IV) in this dissertation. But it is important to note that when they do so, it is more often than not on the basis of a selective assertion of particularistic *religious* claims integral to the Constitution's delineation of human rights, and as a strategic move. It does not entail a wholesale endorsement of the secular principles of the South African post-apartheid State (cf. also Bowen 2004: 887 for this point in the case of French Muslims). This is the reason why a centrally placed Cape 'alim can describe the Constitution of 1996 as "devoid of morality" in Ch. V, whilst at the same time underlining his commitment to abiding to the general framework it imposes on Muslims.

One of the *grandes idées* of much academic writing on Islam and on Muslims since the Iranian Revolution of 1979 has been that of an Islamic resurgence which sweeps away everything and anything that stands in its way throughout the Muslim world (cf. Ajami 1992: 171).[86] *Quod erat demonstrandum*: This idea provides at the same time a powerful explanatory paradigm and a historical narrative for the organisation of disparate experiences. The notion of an Islamic resurgence often starts from the inherently flawed epistemological premise that there is but one 'royal road' to understanding of Muslims and the Muslim world in a given epoch. The existence of an Islamic resurgence is more often than not analytically asserted, rather than the extent to which it is applicable in particular contexts and for particular purposes being empirically explored.[87] Furthermore, the extent to which 'resurgent Islam' is in itself a phenomenon of secularisation (cf. Zubeida 2005: 445), and in its political and social articulations incorporates the parameters of secularisation – whilst publicly denying this to be the case,

and constituting itself as a simple opposition to secularisation – escapes from the view of the analyst.[88] This becomes particularly problematic in the context of the analysis of Muslims in minority situations, in which it is often empirically certifiable that practising Muslims are actually in a minority among the total population of Muslims. That secularisation and re-Islamization should be seen as mirror images of one another is a basic contention of this dissertation. Secularisation and re-Islamization are equally modern social and political phenomena. Re-islamization in the sense that it will be used in this thesis is not equivalent to the term Islamization. In its primary and traditional meaning, the term Islamization referred to the conversion of communities and/or societies to Islam. Re-Islamization as it will be understood in this dissertation is a more restrictive term, and refers to an increase in religious observance, and an expansion of the social fields in which particular versions or interpretations are made relevant to the individual observer in communities or societies that are already Muslim. Re-Islamization may or may not alter Islam (however understood and practiced). In its most basic forms, it merely entails a re-configuration of the social and political manners in which Muslim identities are manifested in public and private realms. Re-Islamization may be manifested in numerous ways in a specific social process – such as increased attendance at mosques and madaris; changes in dress and bodily comportment; an increased awareness and invocation of the umma, and so forth. Inasmuch as it evolves in response to both social and religious developments in any given community or society, as well as in response to global developments and configurations, which are of increasing importance in a time characterised by the increased time-space compression of globalisation, re-Islamization is at the same time describable as a social and religious process. If anything, the identification with the transnational Islamic public sphere of normative reference and debate (cf. Bowen op. cit: 879) has gained strength among Cape Muslims and their 'ulama' in the post-apartheid era. One should not, however, make the conceptual mistake of assuming that re-Islamization and secularisation, implicated as they are in one another, follow uniform lines. But their implication in one another also means that secularisation might be followed temporally by re-Islamization, and vice versa.[89] Furthermore, re-Islamization in the context of societies in which Muslims are minorities need not entail making claims on the state or society to Islamize. The power dynamics of such contexts means that re-Islamization among Muslim minorities will be expressed predominantly in a disengagement from secular politics, and in attempts to create privatised Islamic spaces, such as described by Roy (1994).

Introduction to the chapters

In Chapter II I analyse conversions to Islam among black Africans – mainly of Xhosa backgrounds – in contemporary Cape Town. The number of black African converts to Islam has increased in the post-apartheid context, enabled by more sustained efforts of da'wa (proselytizing) among black Africans in this period, but not as much as mere interpolations of population census figures and readings of the popular media reports on the phenomenon would lead one to think. The historiography of Islam in South Africa and its popular reception have generated the impression that Muslims in South Africa are either coloured or South African Indian Muslims, but a more attentive reading of secondary historical literature reveals that there have been black African Muslims in South Africa throughout the colonial era. I present the conversion narratives of two black African Muslims, and on the basis of these narratives argue that interpretations that reduce black African conversion to Islam in recent times to a reflection of material deprivation are reductionistic. The same applies to readings which inscribe the conversions to Islam among black Africans in classical binaries such as tradition vs. modernity, rural vs. urban, female vs. male. Black African converts to Islam often indicate that they see Islam as a way of creating a linkage with a 'traditional' past, but this past, I argue, is an "invented" or "imagined" tradition. The 'ulama' and the Muslim proselytizers in the black African townships are effectively controlled by outsiders to these communities, and this means that attempts to reconcile Islam with Xhosa 'traditional' beliefs, which a number of black African converts to Islam to varying degrees happen to hold, are seen as anathema. The result is a compartmentalising of Islamic understanding and practice and Xhosa 'traditional' beliefs, and a partial syncretism on the level of understanding of Islam on the part of ordinary black African Muslims that is seldom made overt, for fear of sanctions. Conversion to Islam among black African Muslims in Cape Town is fundamentally marked and marred by the assymetrical relationships between the different ethnic groups of Muslims in the city, and by the persistence of racism.

Since 1994, South Africa has in the name of state multiculturalism seen a process aimed at legal recognition of Muslim marriages, and hereunder polygyny. Throughout the process, there have been intense debates about Muslim Personal Law (MPL) within Muslim communities of South Africa. The process has culminated in a Draft Bill on '*Islamic Marriages and Related Matters*' by the South African Law Commission (SALC), which has yet to come before Parliament. The Draft Bill combines religious and secular notions of

family law. Some aspects of MPL stand in an uneasy and potentially conflictive relationship with the liberal South African Constitution of 1996, its provisions for gender equality in the *Bill of Rights*, as well as with international human rights legislation. Polygyny, or as it is understood in the usage of the anthropology of Islam, the rights of a Muslim male to marry up to four wives provided that he can provide adequately for them and undertakes to treat them equally, is one of the most controversial aspects of MPL in South Africa. In the academic literature on MPL in South Africa and elsewhere, textual approaches, which effectively marginalises the experiences of real Muslims with aspects of MPL such as polygyny, have dominated. I explore the lived experiences of Muslim women from poorer communities on the Cape Flats who have either been in, or are at present living in polygynous marriages, in Chapter III. I suggest that there is a discrepancy with regard to the idealized notions of normative sexual behaviour which forms the basis of the Draft Bill's approach to the regulation of polygynous marriages, and the actual routes leading into polygynous marital situations for many Cape Muslim women from poorer communities, and that the Draft Bill might not be able to offer adequate protection to the latter, inasmuch as it is ultimately based on Muslim middle-class sensibilities and understandings.

One of the greatest challenges facing South African society at present is the HIV/AIDS pandemic. Even though infection rates in Cape Muslim communities appear to be lower than in the general population in South Africa, HIV/AIDS does affect a significant number of Muslims in Cape Town. In chapter IV, I present the narratives of infection of three Muslims living with HIV/AIDS in Cape Town. I also introduce the religious discourses on HIV/AIDS which frame the mainstream Cape 'ulama"s understandings and interpretations of the phenomenon. I also explore the so-called 'progressive' Muslim discourse on HIV/AIDS, which emerged in the course of the late 1990s, and which is more closely aligned with the bio-medical approaches and human rights approaches to HIV/AIDS than that of the Cape 'ulama'. This 'progressive' Muslim discourse contests, and is contested by central parameters of the religious discourse on HIV/AIDS. It is demonstrated that both discourses lean heavily on global discourses on HIV/AIDS. In the case of the 'progressive' Muslim discourse, this is apparent in its mélange of invocations of human rights' principles and Islamic principles, and in the case of the mainstream Cape 'ulama' – such as those of the MJC – it is apparent in the implicit reference to the work on HIV/AIDS of an Islamist intellectual, Malik Badri, whose work has had global reach through Islamist networks. I argue that both the bio-medical discourse and the religious discourse of the mainstream 'ulama'

on HIV/AIDS presupposes rational agents exercising a large degree of sexual agency and bodily integrity. The Muslim religious discourse constructs the choices of this idealized rational agent as moral choices – in other words, as a choice of engaging in *zina* (illicit sex) or not. But the findings presented in this chapter suggest a divergence between idealized sexual practices and behaviour as advocated by the 'ulama', and actual sexual practices and behaviour of Muslims in an increasingly secularised and sexualised society. The findings raise the issue as to whether it is possible for all Muslim women to exercise the required degree of moral control over their own bodies and sexualities in environments marked by poverty, marginalisation and sexualised violence to avoid the risk of HIV infection.

The chapter also explores how the Islamic discourse of a Muslim NGO in Cape Town, Positive Muslims (PM), which caters for Muslims Living with HIV/AIDS has challenged the understandings and approaches to HIV/AIDS of the mainstream 'ulama' by combining a re-interpretation of core Islamic scriptures with understandings drawn from international human rights discourses.

Chapter V deals with transformations with regard to the rights of Muslim inmates within a prison in Cape Town in the course of the 1990s. I first provide a historical and contextual background to the penitentiary system in South Africa. On the basis of interviews with Muslim prison officials and Muslim prison imams, I argue that even though Muslims are at a severe disadvantage in terms of their minority status both with regards to the Muslim staff complement, and the number of Muslim inmates, Muslims within a prison such as this one have managed to use the legislative and societal changes of the 1990s – and especially the emphasis on the human rights of prisoners – in order to negotiate increased rights to Islamic practice for Muslim prisoners, as evidenced by the appointment of a Muslim prison chaplain in 1998, the guarantee of *halal* (permissible, i. e. ritually clean) food from 1999 and onwards, as well as the provision of a mosque space in 1999. I argue that the granting of these rights is the outcome of a series of tactical alliances with senior DCS officials at the prison who were sympathetic towards human rights, and pressure from Muslim organisations outside, as well as Muslim inmates. Muslim prisoners and prison imams also tried to create Islamic spaces free of prison gang interference in the late 1990s, and was supported in this by PAGAD prisoners with an interest in imposing a so-called *shari'a*-derived mode of governance on Muslim inmates through punishing violations of the Codes of Conduct governing cells designated as Muslim cells.

In the last chapter (chapter VI), I analyse the argumentative deliberations over the appropriateness of certain ritual practices between prominent Cape Muslim 'ulama'. These deliberations erupted with some fervor in local media in Cape Town in 2001. I argue that rendering this as a "Sufi-Wahhabi" debate, which Muslims and non-Muslims alike did in the local media which followed the deliberations, detracts from the issues involved; namely the creation of particular audiences in a contestation over authority and legitimacy in a context in which sheikh and tariqa-based reformist Sufism had become increasingly assertive and popular among Cape Muslims. I draw on interviews with the two protagonists in the debate, as well as Sufi-oriented *shuyukh* (Sufi spiritual leaders and guides) and *muridin* (novices in, or followers of a Sufi order or tariqa), as well as followers of the reformist movement, the Tabligh Jama'at (TJ). I focus on the ritual of *ziyara* (pilgrimage to a saint's shrine) and ideas about *tawassul* (the use of a means to approach Allah) and *shafa'a* (intercession) as prisms through which the contestations over ritual between reformist and Sufi-oriented Cape Muslims may be viewed. My argument is that the level of antagonism generated in and through the debate between the two protagonists masked the extent to which they share a platform in which perception of sanction for ritual practices in the Qur'an and the Sunna (the way of the Prophet) is seen as crucial. The invocation of texts in order to legitimate conflictive positions on ritual is shared by the antagonists. The reference to the wider Muslim world outside South Africa, and the extent to which both positions draw on global Muslim intellectual currents, means that these deliberations can be seen as part of a re-Islamization of Cape Muslim communities. I argue that these argumentative deliberations have wider implications, inasmuch as they are premised on understandings of the role of public deliberations in democracies. I also analyse the role of the MJC as a centrist organisation. It has largely avoided engagement on this issue due to its potential for divisiveness within the organisation and in the broader Cape Muslim communities. But its positioning also signals a shift towards greater acceptance of rituals amenable to reformist sensibilities, rituals historically closely associated with tasawwuf or Sufism in Cape Town (such as the *mawlid al-nabi*, the annual celebrations of the Prophet's day of birth). The MJC, I conclude, increasingly positions itself through populist political engagement as a defender of sectarian Muslim 'interests' on issues on which there are broad inter-class and inter-orientational consensuses within Cape Muslim communities.

2. **Africanising Islam** Black African Conversion to Islam in Cape Town

'Path in the sand
Whose feet are these that lead to the shade
Criss-crossed in all directions?'
—Mazisi Kunene, *Feet of Men*.

Introduction

At the outer south eastern perimeters of the Cape Flats, where the perennial landmark of Cape Town, *Itafile Intaba* in Xhosa or Table Mountain in English is but a distant contour on the horizon, lies the township of Khayelitsha. An enormous urban sprawl, Khayelitsha or 'New Place', was opened for human settlement in 1983, and was meant by the apartheid city planners of the 1980s to accommodate all the legal black African residents of Cape Town. This was in line with the attempts to mark black Africans as 'aliens' in the urban spaces of Cape Town, a practice which had characterised apartheid social engineering since the 1950s.[1] But by the mid-1980s, popular resistance to this alienation of black Africans had made such measures unviable.[2] In the twenty years that have passed, the population of Khayelitsha has grown from a few thousand residents, to what may be close to half a million residents. Many of the thousands of migrants from the impoverished rural regions of the Eastern Cape such as the Transkei and the Ciskei who arrive in Cape Town every year, looking for work or aspiring to better their lot through schooling in Cape Town, settle in Khayelitsha.[3]

Shack in informal settlement in Cape Town, 2005. PHOTO: S. BANGSTAD

Khayelitsha is a bleak place, inhabited by the orphans of neo-liberal post-colonial governance in a country and a city in which social inequality has increased over the past ten years. Levels of unemployment here are in all probability in excess of sixty percent.[4] Most residents live in overcrowded shacks or *pondokkies* built of plank and corrugated iron and with no running water or sanitation, and more often than not these shacks are built on barren fields of sand. Conditions such as these are conducive to the proliferation of fleas and insects. One often sees children scratching themselves sore from flea bites. When the yearly winter rains arrive, sections of Khayelitsha are often flooded. The heads of most households are women: with rampant unemployment, men are normally unable or simply unwilling to provide for the children they father. Sometimes frustrations about the living conditions run over, and residents of underdeveloped sections take to the streets to demonstrate – burning tires, dumping their garbage and sewer into main thoroughfares, and throwing stones at the police amid allegations of lack of service delivery from the authorities. Except for main streets and thoroughfares, few of the streets have names. A visitor attempting to locate a particular resident has to manoeuvre through a virtual maze of shacks that are only distinguishable by hastily painted letters and numbers such as 'B 24' or 'A 16'. Khayelitsha has the dubious honour of having had the highest registered murder rate in South Africa for a number of consecutive years,

and it also has some of the highest levels of HIV-infection in Cape Town. Schools in Khayelitsha are seriously overcrowded, and very few pupils passing through these schools are likely to acquire the skills required to make it out of Khayelitsha.

Yet black African townships like Khayelitsha, along with townships and informal settlements like Langa, Nyanga, Guguletu, Philippi, Samora Machel, Crossroads, as well as mixed residential areas like Delft, Mitchell's Plain, Milnerton, Mowbray, Muizenberg, Phoenix and various parts of the City Bowl, are home to a steadily growing number of black Africans in Cape Town. Many are from other parts of South Africa, but there are also a significant number of black Africans from other parts of the continent. They are changing the face of the city, and with it, the face of Islam in it.

According to the South African population census of 2001, out of an estimated total population of 331 006 in Khayelitsha (cited from Jung 2005: 22), there were 538 Muslims. The appropriately named Masjdid ul-Bilal, named after the first black African slave who embraced Islam, is located in a part of Khayelitsha called Makhaza. Makhaza[5] is situated only a few kilometers from the kramat of Sheikh Yusuf of Macassar in Zandvliet, Faure, who in popular discourse is held to have been the founding father of Islam in South Africa. Masjdid ul-Bilal was built in the 1990s and officially completed by 1997. The land was acquired by a South African Indian Muslim philanthropist involved in da'wa (proselytizing) activities across the Cape Peninsula since the 1960s. He also provided funding for it. An imposing structure built of brown bricks, the mosque is in a state of disrepair due to a lack of funding available for its completion and its necessary maintenance. The philanthropist retained the effective control over the finances of the mosque until his death in 2006. The imam at Masjdid-ul-Bilal is a Xhosa man in his fifties who was educated in Saudi-Arabia and who has for a number of years been employed by the Islamic Da'wa Movement (IDM) in Cape Town. Masjdid ul-Bilal is one of four mosques in Khayelitsha (Jung op. cit: 20). It caters for a few hundred Muslims from the township – most of whom are women from poor backgrounds. They attend madrassa classes along with their small children every Sunday, and also come for sewing classes organised by the Masakhane Muslim Community. In return, they get to share in the food and clothing that are made available at the mosque. When their mothers attend classes, the small children run around and play in the mosque.

If the available statistics are to be believed, it is in spaces like these that Islam in Cape Town, as well as in South Africa in general has been expanding most rapidly since the fall of apartheid in 1990. But what transpires in these

places also point to the assymetrical relationships of power between black African Muslims and their Muslim brethren, relationships which in one way or another continue to mark and define most encounters between them, and which causes considerable frustration and resentment among some black African Muslims.

In the historiography of Islam in South Africa as well as in the general academic literature, Islam has largely been represented as a religion of coloured South Africans and of South African Indians. Historians writing about Muslims in South Africa marked out Cape Town as the locus of coloured Muslims, whereas Durban was marked out as the locus of South African Indian Muslims.[6] This representation and mapping of South Africa's Muslim population was not without its rationales. It made good sense in a country in which 87 percent of the Muslim population was either classified as coloured[7] or South African Indian in the population census of 2001 (Jeppie and Vahed 2005: 253), and in which most black Africans are adherents of independent African Independent or Initiated Churches (AICs) of Christian provenance. There are extremely few known references to black African conversion to Islam in South Africa. The Muslim population of South Africa has predominantly been urban, and concentrated in cities like Cape Town and Durban. The face of Islam in South Africa was, until recently, not a black African face, and the paucity of academic research on black African Muslims in South Africa tied in with common-sensical notions to the effect that Islam in South Africa was a faith of and for coloureds and South African Indians. This notion was prevalent even among black Africans, as will be demonstrated in this chapter.[8] Posel (2001) has indicated that some of the ideas regarding racial classification which underpinned apartheid racial segregation cannot be reduced to an effect of apartheid. At the time of the introduction of apartheid, they had great purchase in the general population, and thus, presumably, also among coloured and South African Indian Muslims. There is therefore little reason to think that the mass of coloured and South African Indian Muslims in South Africa historically thought of, or indeed wanted to think of, Islam as anything but 'their religion', and the narratives of many black African converts to Islam point to the existence of racism among coloured and South African Indian Muslims under and after apartheid. This meant that black African Muslims were usually seen as 'converts to Islam', rather than born Muslims, and as such, as deficient in their knowledge and practice of Islam, and therefore relegated to the status of what one of my black African interviewees described as "third-class Muslims". In the context of present Cape Muslim communities, black African Muslims are in a profound sense

often seen by fellow Muslims as what the anthropologist Wolf in a different context described as a "people without history" (Wolf 1982). The notion that black African Muslims in South Africa are somehow perennial converts to Islam is apparent in reductionistic statements such as that of the Muslim scholar Michael Mumisa who asserts that "…while the South African Muslims are mainly immigrants, the black and white Muslims are converts to Islam" (Mumisa 2002: 279). In what discernible sense of the term South African Muslims, who have been present in South Africa for more than 350 years can be described as "immigrants", is of course another matter. Attempts by a minuscule religious elite among South African Muslims to undertake da'wa among black Africans from the 1950s was faced with the obstacles of apartheid policing of the boundaries of racial segregation, and outright opposition from apartheid authorities.

The black African Muslim presence has been largely invisible in South African Islam as well as in academic scholarship (Sitoto 2003: 46),[9] and the research on black African Muslims in Cape Town and South Africa that has been conducted in recent years is characterised by some fundamental flaws. Lee (2001, 2002) interviewed a small number of 'ulama' involved in the work of da'wa in black African townships and informal settlements in Cape Town, as well as sixteen female black African converts to Islam. Her interpretations of the empirical material are by and large reflective of the views of these 'ulama'. She makes few attempts of corroborating these views through empirical testing, and the validity of her findings is limited by the fact that her convert interviewees were all female. In Lee (2002), female conversion to Islam is linked directly to access to food provisions (see f. ex. ibid: 54). Whilst it cannot be denied that material circumstances is a significant factor in many conversions to Islam among black Africans in Cape Town, I would argue that it is not in itself a sufficient explanation. In fact, such generalised interpretations run the risk of de-legitimising the religious experiences of a significant number of black African Muslims by reducing motives for conversions to Islam to instrumentalism. Jung's (2005) work, besides being a work in missionary theology aimed at developing strategies for converting black African Muslims from Islam and therefore somewhat analytically suspect, suffers from some of the same flaws as Lee's. Jeppie and Vahed's (op. cit) work, which is a summary article on developments in South Africa's Muslim communities, is, as far as black African Muslims are concerned, entirely based on interpretative extrapolations from the South African population census of 2001. On the basis of this census, Jeppie and Vahed argue that Islam is expanding more rapidly among black Africans than among coloured

and South African Indian Muslims, and call upon the latter to bridge the divides of 'race' and class between the groups (ibid: 281). Given that the challenges involved in conducting population censuses with limited resources in a complex and divided society like South Africa are enormous, it is at the very least problematic to use population census figures with the certainty with which Jeppie and Vahed do it, let alone to base interpretative extrapolations on them.[10] That a person declares him or herself as a Muslim for the purpose of a population census does not really tell us much about what it means to be a Muslim on a social and individual level either. Lee unwittingly reproduces common stereotypes when ascribing conversion to Islam among black African female interviewees to their supposed embeddedness in "rural Xhosa culture",[11] which is allegedly "less influenced by Western and Christian ideologies" (op. cit:72).[12] Perchance, this explanatory model is one simultaneously held by some of the male 'ulama' working in these areas, who were interviewed by both Lee and myself. It is a model which maps an area such as Khayelitsha, where most converts are female, as a rural and traditional space within the city of Cape Town, as opposed to an area such as Guguletu, which is mapped as urban, modern and more 'Westernised,'and therefore more difficult for da'wa to penetrate. In this model, tradition and the rural is gendered as female, and female black African converts to Islam are deemed to be *in* the city, but not *of* the city. To quote a black African imam from Cape Town whom I interviewed in 2003: "…[…]…We see more female [converts to Islam] where the people are still – and this is a strange thing also – where people are still very much attached to their culture…[…]…" As an emic model this model of 'insiders' and 'outsiders' (the *amakwaduka* or rural newcomers as they are often referred to in Xhosa) in the urban spaces of black South Africa has a long history as has its reproduction in ethnographic literature.[13] The affinities between the models of researchers and interviewees, and their obvious identification with the imaginaries of the latter, produced in and through the social and political histories of rural-urban migration, can in this case hardly be coincidental. However, the history of black African communities in South Africa since the 1820s, and the exposure of both rural and urban black African communities to 'Western' modernities in the form of for instance labour migration, make the binaries of rural/urban and traditional/modern less than satisfactory explanatory models in analyses of conversions to Islam among black Africans in present-day Cape Town. Mumisa (2002) for his part, mostly bases himself on secondary literature, and his contribution is marred by basic mistakes, such as the assertion that Islam is seen as an "Indian" religion in South Africa (275) (it is not: coloured and

South African Indian would be more accurate); that coloureds are of "mixed racial heritage" (280)[14] (coloureds are not necessarily all of "mixed" descent); by his acceptance of the contentious Cushitic theories at face value (279); and by unfounded speculation about the number of Muslims that there are in South Africa (280).

In this chapter, I focus on the qualitative experiences of black African Xhosa converts to Islam in Cape Town. Ultimately, what being Muslim entails for black Africans living in Cape Town at present is in my view a much more interesting question than the quantitative question as to how many black Africans are actually converting to Islam. Muslim proselytizers (*du'ah*,pl. of da'i) have a natural and understandable proclivity towards overstating the number of black Africans who convert to Islam inasmuch as funding for proselytization or da'wa depend on these workers being able to claim high annual numbers of converts to Islam, and reports to this effect have created a virtual sub-genre in South African popular media which resonate with popular notions of *slamse gevaar* ('Muslim peril'),[15] reports which in most cases rely completely on the exaggerations of Muslim proselytizers.[16] As will become clear in this chapter, there is not *one*, but multiple routes to Islam for Xhosa converts to Islam, and motives for conversion vary. Mumisa, with reference to Islamic proselytism in South Africa and Malawi contends that "religious faith conversion is the occasion of a dramatic change in a person's life" (Mumisa op. cit:276). But is this really and without exception the case? As will become apparent, the extent to which conversion to Islam entails a shift from previous religious understandings and beliefs, and the extent to which for instance Xhosa 'traditional' beliefs are deemed incompatible with one's status as a Muslim, vary a great deal within these communities. Due to the opposition of the 'ulama' within these communities, as well as that of proselytizers, syncretistic ritual expressions are not found, but syncretistic understandings are nevertheless quite common among their adherents on an individual level. The result is a situation in which those of the black African converts to Islam who are closely aligned with Xhosa 'traditional' beliefs compartmentalise Islam and their 'traditional' beliefs in a similar manner to that suggested by O'Fahey (1979) for Fur converts to Islam in Darfur, Sudan. A notion of religious superiority is of course integral to the very idea of proselytization (an-Nai'm 1999: 6). Non-black African Muslim proselytizers in general either have a very limited understanding of Xhosa 'traditional' beliefs, or prefer avoiding the topic for fear of the repercussions for da'wa, and consequently, there are few attempts at exploring which facets of Xhosa 'traditional' beliefs are irreconcilable or incompatible with Islam, and few

systematic attempts to 'indigenise' Islam on the part of du'ah or the 'ulama' in these areas. One of the reasons for this state of affairs is that black African 'ulama' are effectively under the control – both theologically and financially – of outsiders to the community.[17] Furthermore, I argue that, in spite of the 'ulama"s preference for a model which sees conversion to Islam as a total shift of identification and comportment, conversion to Islam should be analysed as a series of gradual shifts, and that it is symbolically most significantly marked by name change and a change in dress code for black African converts. Whilst there can be no denying the fact that a number of black African converts embrace Islam on the basis of material and instrumental concerns (such as access to food provisions and clothing in contexts of often extreme deprivation, a fact which is openly admitted by 'ulama' and du'ah alike),[18] the narratives of conversion presented in this chapter indicate the reductionism inherent in monocausal explanations based on this fact.

The research on which this chapter is based was undertaken in 2003 and 2005. During the six months of research I undertook in 2003, most of my time was spent on interviewing and observing black African Muslims in the townships and informal settlements of Cape Town. Some of the interviews were organised through mosques used as centres for da'wa in these communities. I also interviewed all the black African 'ulama' working in these communities, as well as a number of proselytizers.[19] Among them were Sheikh Abdulhakim Quick of the Department of Da'wa at the MJC, who has been central in co-ordinating the da'wa work of the MJC since the late 1990s. At the outset it was decided that no financial remuneration would be offered for interviews, as we thought this likely to be too costly, and likely to generate the impression that we could be considered a source of revenue. However, some exceptions to this rule were made, as I soon discovered that many of our interviewees were desperately poor. For instance, one interviewee, an unemployed woman in her twenties asked for twenty rands (ZAR 20) to buy food, as she claimed not to have eaten for a day. Her husband spent all his money on *dagga*.[20] Two interviewees misunderstood the purpose of the appointment I had made with them. Being two elderly Xhosa males living in utter poverty and surviving on piecemeal work that they sometimes got from Muslim employers brought to their local mosque by proselytizers, they assumed that I had offered them work, and appeared at the designated meeting point in pouring winter rain, bags packed with working overalls. I compensated them for their transport costs and for their time. On the basis of my observations at the mosque that they attended, their misperception was understandable. Situated on the corner of a busy highway, the mosque

was often visited by wealthy South African Indian businessmen parking their Mercedeses on the outskirts of the shack settlement, and being surrounded by hungry black African children to whom packets of white loaves where distributed every Friday on the stated condition that their mothers "had to be Muslims."[21] The interviews were conducted in Xhosa or in English according to the preferences of the interviewee and our perception of the interviewee's level of proficiency in English. Unlike in the other communities in which I worked during my two periods of fieldwork, most interviews were conducted during day time. Since many interviewees were unemployed or worked in the informal sector, this proved unproblematic.

Informal settlement in Cape Town, 2005.
The women in the picture are black African Muslims, who live with their families along one of the main metro railway lines going to Cape Town.

PHOTO: S. BANGSTAD

Given that some of the communities in which we worked had and still have some of the highest recorded levels of violent crime in Cape Town, personal safety was bound to be an issue in the communities in which we worked, and I therefore avoided working there after sunset. In the work I was assisted by a Xhosa, Sotho and Zulu-speaking research assistant of mixed Xhosa and Zulu descent. Having converted to Islam as a high school student in the 1980s, he was well connected in the communities in question, and

provided access to a number of interviewees. He also acted as my interpreter, translating my questions from English into Xhosa, and the interviewees' responses from Xhosa, Zulu or Sotho into English. The interviews in Xhosa and Zulu were later translated and transcribed by Mr. Ndumiso Nongwe, at the time a researcher affiliated to the Institute for Social and Economic Research (ISER) in Grahamstown.

"The anthropologist's assistant is a figure who seems suspiciously absent from ethnographic accounts" noted Barley (1986: 44) in a widely read parody of ethnographic monographs. Similarly, the relationship between anthropologists and their research assistants, and the implications of the research assistants' social positioning in the field for the production of knowledge have rarely been accorded much attention in anthropological studies. As pointed out by Schumaker (2001), fieldwork involves collective processes of knowledge production which the anthropologist does not entirely control (op. cit: 239). It is therefore important to understand and reflect upon the models that assistants themselves bring to the work that they do for researchers (ibid: 203-4).

My research assistant was a Master's student in Religious Studies at the University of Cape Town (UCT) who had a background in the Pan-Africanist Congress (PAC) and had converted to Islam in the mid-1980s. As such, he had been exposed to the ideology of Black Consciousness (BC).[22] The uprisings of township youth throughout South Africa after Soweto 1976, in which political and social movements inspired by the ideology of Black Consciousness (BC) played an important role, led to a number of conversions to Islam, as attested by Walker (1990). In its post-Garveyite expression, the ideology of Black Consciousness in South Africa can be traced back to the Africanist faction of the ANC Youth League (ANCYL) in the 1940s (Anton Lembede and others), and to PAC's founders Mangaliso Robert Sobukwe and Potlako Leballo in the 1950s, but it reached its apotheosis in the writings of Stephen Bantu Biko (1946-77) in the 1970s. It was to fill the void left by apartheid's prohibition of both the ANC and the PAC under the *Suppression of Communism Act* of 1960 in the aftermath of the Sharpeville massacres in 1960 through the 1970s. It provided important intellectual underpinnings for the generation of youth who revolted during the Soweto uprisings in 1976. Contrary to what many had expected, the PAC did not become a significant player in post-apartheid politics in South Africa. But the ideology of Black Consciousness had in fact made its imprint far beyond BC-aligned organisations, for instance through the assimilation of Black Consciousness intellectuals and activists into the ANC in prisons and in exile in the 1970s and 80s. Black Consciousness was sympathetic to what

was construed as pre-colonial political and social organisation (Chipkin 2004: 328). One therefore finds among Black Consciousness intellectuals a great sympathy for, and interest in African traditions. Many of the intellectuals influenced by Black Consciousness hold the view that African societies functioned well before the onslaught of colonialism and that the task at hand is, in the words of Coetzee (2002: 244) "to begin rebuilding on the foundations of the old heritage, until Africa is at last restored as the one truly humanistic society on earth." The black republican worldview of Black Consciousness is quintessentially a populist and conservative worldview, which posits virtuous black African pasts in order to articulate popular sentiments transcending the common social and political divisions between black intellectuals and the black masses (Halisi 1999: 63, 126). Since a continuous line to the rural black African past has been obscured in a population that has been thoroughly urbanised and Christianised, and which has straddled the rural-urban divides of modern South Africa since the beginning of the 19th century, the African traditions invoked by Black Consciousness-inspired intellectuals must of course be analysed as the proverbial essentialised "invented traditions" (Hobsbawn and Ranger 1983).[23] But since these "invented" or "imagined traditions" ultimately reflect political convictions defined by perceptions of the requirements of the present, it is really a moot point to argue over the accuracy of the representations of the African past and of the black African 'traditions' that they entail, as I was to learn through the collaboration and interaction with my research assistant. My research assistant had been actively involved in the revitalisation of black African 'traditions' such as initiation in Cape Town for years, and his position was one that took exception to Muslim religious leaders who felt that conversion to Islam required a break with these 'traditions'. His personal aim was to emphasize the "Africanness" of Islam – for instance – through advocating the holding of pre-prayer *khutab* (lectures, sermons before Friday congregational prayers) in Xhosa rather than English. He was strongly opposed to what he saw as pernicious "Wahhabi" influences in the black African Muslim communities in Cape Town. Interestingly, the fact that he himself was of mixed Zulu-Xhosa parentage, and the fact that his father was a Zulu (even if from a part of the Zulu 'nation' that through territorial closeness to Xhosas in the border area between KwaZulu-Natal and the Eastern Cape had adopted many Xhosa rituals such as intiation) implied to some local Xhosas that he should be excluded from the very rituals which he was involved in trying to revitalise. My research assistant had spent four years at an Islamic university in Saudi Arabia. What he and other black African Muslims 'brothers' from various parts of sub-Saharan African had experienced there had convinced him of the

existence of an insidious 'Arab' racism against black Africans, quite similar to his perceptions of the racism he had experienced from coloured and South African Indian Muslims in South Africa. He was highly critical of any attempts to impose what he perceived to be Arab and Middle Eastern models of Islam on the black African Muslims of Cape Town, and about the assymetrical power relationships between coloured and South African Indian and black African Muslims in Cape Town. Affirming the value of Xhosa 'traditional' beliefs was, for him, part of an affirmation of black African humanity, and a reaction to religious imperialism in any shape or form. He combined these convictions with an Islamic modernist as well as Islamic feminist leanings[24] acquired through his studies. To some black African Muslim interviewees and perhaps especially those in the miniscule educated religious elite his positions were known. But to most others they were not likely to have been known. My research assistant's social positioning and his outspokenness about his convictions did not seem to generate problems in the research. The only exception was in the case of the Tijaniyya-Niassene tariqa[25] in one of the black African townships, where rather unsubtle allegations that he was working for non-Muslims "who wanted to change Islam" (i. e. me) made by individual muridin meant that in spite of several attempts to explain the parameters of the research to the local sheikh, we finally had to desist from further research on the tariqa.[26]

Some notes on the terminology that will be applied in this chapter are in order. Reflecting the view that from the point of view of Islamic sources Islam is the only true religion, and that all humans are born as Muslims whether they later accept Islam as their religion or not many Muslims would prefer the term 'reversion', understood as a turning back to what one is supposed to be in the eyes of God, instead of 'conversion'. For the purposes of intellectual analysis of the social and religious processes involved when an individual becomes a Muslim however, the term 'conversion' is ultimately more concise. The term is derived from the Latin *conversio*, 'turned about,' and refers to the "fact of changing one's religion or beliefs" (Oxford Dictionary of English 2003). Based on empirical data from research on Muslims on Mayotte in the Comores, Lambek (2000) has argued in favour of the term "acceptance of Islam", instead of "conversion to Islam." He argues that "acceptance of Islam" does not necessarily imply the wholesale abandonment of a pre-existing cosmology. On Mayotte it is the performance of prayer that marks the acceptance of Islam. Even though 'conversion' may be understood to entail a complete abandonment of pre-existing cosmology, religion or beliefs from the normative point of view of religious leaders, the term 'conversion' has been used for descriptive purposes and in the minimalist sense in most scholarly literature, and I therefore do not

see the same need to substitute the term as Lambek does. As Asad (1993) reminds us, it is a modern idea that a religious practitioner cannot know how to live religiously without being able to articulate that knowledge (op. cit: 36). The intellectualism inherent in such a modern paradigm also has implications for our understandings of conversion. There appears to be a strong tendency to represent conversion as the articulation of the changes that individuals, rather than collectives, undergo, and as the outcome of a rationalistic weighing of pros and cons, in much of the academic literature on religious conversion. Hefner (1993) has voiced criticism of intellectualistic descriptions of conversion for having promoted an "interioristic" understanding of conversion (op. cit:102). In Hefner's view religious conversion is, at the point of time at which it takes place, bound to be partial, in as much as it involves "authoritative acceptance of as yet unknown, or unknowable, truths." (ibid: 18). Hefner's emphasis on the fact that one ought not for analytical purposes assume that a deeply systematic rationalisation is "necessary or intrinsic to religious conversion" (ibid: 17) is a view to which I also subscribe.[27] As will become apparent in this chapter, for many black African Muslims in Cape Town, conversion to Islam does not necessarily entail the world-changing and radical shift from previous understandings and practices that the 'ulama' would prefer to see it as, and the extent to which conversion to Islam is discursively rationalised and articulated also vary greatly. Herein lies some of the limitations of the 'numbers game' in which da'wa workers, the 'ulama', as well as some academic scholars engage in when it comes to analysing black African conversion to Islam in Cape Town and South Africa.

Shaw (1990) has indicated the extent to which paradigmatic models of religion based on the world's monotheistic religions, and the central status accorded in monotheistic world religions to scriptures, came to define interpretations of 'traditional' belief systems in Africa. As an illustration of this important point, Chidester (1996) has demonstrated how Christian paradigmatic models of what religion 'was' influenced the ways in which the British perceived the Xhosa during their first encounters with them in South Africa. Islam is of course such a monotheistic world religion with a scripture in the form of the Qur'an, and many Muslims would therefore be inclined to share the colonial devaluation of traditional belief systems in Africa. In this chapter I will be referring to Xhosa 'traditional' beliefs as an instance of African Traditional Religion (ATR). This does however not mean that Xhosa 'traditional' beliefs ought to be seen as completely coherent and unchanging. An ethnographer in the field in which African Traditional Religions intersect with monotheistic and scripturally based world religions can do worse

than keep in mind that the radical religious and social changes wrought by Christianity, capitalist incorporation and 'Westernisation' resulted in a highly mixed cultural situation, and that many past religious traditions have been lost to posterity (cf. Hodgson 1982:3). It should also be noted that many of the rituals performed by adherents of ATR in contemporary urban Cape Town are likely to change significance precisely through the fact that they are performed in an urban context: slaughtering an oxen with *assegais* (spears) in placation of one's ancestors in a township backyard in Cape Town, is hardly similar to doing the same in a *kraal* (an enclosure for cattle or other livestock within a homestead) in a rural village in the Transkei. Ashforth, writing about 'traditional' healers in Soweto, notes how these healers, who invoke African ancestors as their source of knowledge and power, are constantly innovating in their healing practices (Ashforth 2004: 50-1), and apply modern remedies such as modern pharmaceuticals and patent medicines unknown to their ancestors in their healing (ibid:136). I have also had the opportunity on various occasions of observing dissent or even confusion over what is deemed acceptable as part of Xhosa 'traditional' practices. Such dissent could be expressed in the form of questioning as to whether this part of a particular ritual was performed "in the olden days." Among the Xhosa, when the ancestors are invoked in rituals, the rituals are more often than not accompanied by the consumption of alcohol. At one such ritual, which was organised on the occasion of the initiation of a female of thirty who had been called by her ancestral spirits (*amathongo*) to become a traditional healer (*igqira*), participants poured drops of gin over the floor in the small living room in which the ritual was performed in sacrifice to the ancestors. It was explained to me that this was due to the fact that the ancestors who had called the woman had had a liking for gin. But some of the participants thought it shouldn't be part of the ritual, since gin could not possibly have been available in precolonial times. This points to the fact that African Traditional Religion (ATR) in the present context, for black Africans in Cape Town, does not necessarily represent a holistic and unchanging world-view and an unbroken link to the past, but rather it represents a set of ritual and theological propositions understood and accepted to varying extents by those who see themselves as adherents to it, and it is often mixed with elements from other religious traditions, according to perceptions of the demands of the present.[28] But this does not mean that black African manifestations of Islam such as these are to be seen as "deviations" from alleged Arab Islamic models (cf. Hanretta 2005:481).Referring to the emergence of new black African Muslim communities in Cape Town as an instance of an Africanisation of Islam, does

not imply that the established coloured and South African Indian Muslim communities in South Africa should not be seen as African.[29] Instead, I suggest that the term be taken to refer to a process in which Islam expands into all population groups in South Africa, instead of being restricted to the historically Muslim groups in the country, and also to the process through which transnational links between Muslim communities on the African continent are re-established or intensified, either through migration of African Muslims to South Africa, or through the establishment of links in the form of African-based *turuq* (pl. of tariqa, Sufi orders or brotherhoods), such as the Mouriddiyya or the Tijaniyya, whose appeal to black African Muslims in South Africa appears to be very much based on the fact that some of their historical locuses are in sub-saharan Africa.

A history of black African Islam in South Africa

The presence of Islam in South Africa was a by-product of European colonialism. In the period from 1658 to 1808, some 63 000 slaves were imported to the Cape (Shell 1994:40) by the Dutch and the British. They were supplemented by a small number of political exiles (referred to as *bandieten* or "bandits" in the sources), banished to the Cape for having taken part in anti-colonial resistance elsewhere. Having annexed the province of Natal in 1843, the British imported 152 641 Indian indentured labourers for work on the sugar plantations between 1860 and 1911 (Vahed 2001*a*:305-6) of whom between seven and ten percent were Muslims (Vahed 2001*b*:194). They were followed by an estimated 40 000 'passenger Indians' in the period 1890 to 1910, so called because they had paid their own fare to Natal. Almost eighty percent of these were Muslim (Tayob 1995:51).

The historiography of Islam in South Africa has largely revolved around coloured and South African Indian Muslims. The notion of the 'Asian' origins of the imported Cape slave population has been persistent in academic literature (Shell op. cit: 435), as well as in popular representations of the history of Islam in South Africa.[30] Yet the first as well as the last slaves brought to the Cape were in fact from Africa (ibid: 42), and it is estimated that as many as 26,64 percent of slaves brought to the Cape had African origins (Bradlow and Cairns 1978:102). However, it is not known how many of these African slaves might have been Muslims.

But some challenges to the representations of the history of Islam in South Africa can be wrested from the secondary historical literature. The historian Patrick Harries (1994, 2000) wrote extensively on the history of

Mozambicans in South Africa. He indicated that in the hundred years from 1780 to 1880, about 25 000 Mozambicans were brought to the Cape (Harries 2000: 29), first as slaves, then as 'Prize Negroes',[31] and lastly, as migrant workers. The Mozambicans at the Cape were colloquially known as '*Mozbiekers*', and formed a distinct community, set apart both from the black South African indigenous population as well as from the southern Mozambicans who worked on the mines and on the plantations in other parts of South Africa.[32] There is an almost complete silence in Harries's work about the fact that some of the Mozbiekers must have been Makua-speaking Muslims from nothern parts of Mozambique, and that a number of non-Muslim Mozbiekers, who were classified as 'mixed race' (the precursor to the classification 'coloureds') as late as in 1911, would have converted to Islam, for instance when marrying local Muslim women (Harries op. cit: 46). "It was to the Muslim community that the Prize Negroes turned," notes Shell (2000: 333), and this is attested by the statements of a number of colonial officials who pointed to a high number of conversions to Islam among the 'Mozbiekers.' As increasing segregation led to the Mozambicans being re-classified as 'Bantus', or part of the indigenous black African population who had less civil and political rights than coloureds, in 1921, the 'Mozbiekers' gradually assimilated into the coloured population at the Cape (Harries op. cit: 47).

Another example of an early presence of a black African Islam in South Africa is provided by the so-called 'Zanzibaris'. The Zanzibaris were freed Makua-speaking slaves from northern Mozambique captured from Arab, Portuguese and African slave raiders after the British had forced the Sultan of Zanzibar to abolish the slave trade in 1873, and who landed in Durban, where they were indentured for five years (Oosthuizen 1992: 305-7). In the period between 1873 and 1880, some 600 Zanzibaris were brought to Durban (Harries op. cit: 34). In Durban, the Zanzibaris developed a close association with the Indian Muslim community (Oosthuizen op. cit: 306), and settled at Kingsrest ('The Point'), where they were joined by some Zulu families from Natal, as well as a few Yao Muslims from Nyasaland (Malawi) (ibid: 307). Unlike the 'Mozbiekers' at the Cape, the Zanzibaris in Natal were over time able to circumvent their incorporation into the local black African indigenous population for the purposes of racial classification by emphasizing their Muslim identity, and by adopting the notion that they were really Zanzibari 'Arabs'.[33] They were recognised as a sub-section of the coloured population in 1967 (Harries op. cit: 47).

Add to this a number of Zanzibari seamen who settled in Simonstown near Cape Town in the course of the 19th and 20th century, as well as Yao Muslims working on the mines of South Africa throughout the 20th century, and the black African Muslim presence in South Africa no longer seems a mere product of conversion to Islam among black Africans in South Africa in the second part of the 20th century. Throughout the era of segregation and apartheid there was a small number of indigenous black African Muslims in South Africa. Population statistics indicated that 1896 out of 4 million black Africans were Muslim in 1921, 8896 out of 15,4 million by 1970 (Haron 1998: 5), and 11 986 out of 25 million by 1991 (ibid. and Jeppie and Vahed 2005: 253). By the time of the census of 2001, the number of black African Muslims had increased to 74 701 out of a total Muslim population of 654 064 Muslims in South Africa (ibid.) This is suggestive of a growth in the number of black African Muslims of some 52,3 percent over the same period (1991-2001). Lest the significance of this growth in the number of black African Muslims be overstated, it must be pointed out population censuses have been problematic sources throughout South African history – and remain so. Any use of the census for 1991 as a baseline for comparison is even more problematic, given that the census in this particular year was done by aerial survey in many parts of the country due to political unrest in many townships and informal settlements. Given that the black African population in South Africa had increased from 25 to 35 million (equivalent to 40 percent) in absolute terms, and that there has been significant in-migration to the urban areas of South Africa where the Muslim population is concentrated, over the same period (the black African urban population grew by 24 percent between 1996 and 2001 alone, cf. Christopher 2005: 271), the growth in the number of black African Muslims is however relatively modest. South African population censuses from 1996 and 2001 estimated the number of black African Muslims in the Western Cape at 4959 and 8243 respectively. Since Islam in the Western Cape as elsewhere in South Africa is predominantly an urban phenomenon, it can safely be inferred that most of these 8243 black African Muslims in 2001 were residing in Cape Town.

The first settlement of black Africans from territories within what was to become modern South Africa[34] in Cape Town occurred in the 1830s when Mfengu[35] were employed as dockworkers at the harbour (Saunders 1980: 19). Permanent Xhosa settlement in the greater Cape Town area dates back to the 1850s, when British colonial incursions in the heartland of the Xhosas in the Eastern Cape the wars that ensued, and the starva-

tion following the so-called 'Cattle-Killing' of 1856-57[36] forced a significant number of male Xhosas from the Ciskei to take up employment as roadworkers in western parts of the Cape colony (ibid: 20). In Cape Town, black Africans often lived in mixed residential areas such as District Six, but forced removals under segregation and later apartheid moved the city's black African population to the outskirts of the city from the early 20th century onwards. The township of Langa, designed to accommodate black African residents, was established in 1927; Nyanga was established in 1959 (Haron 1988: 367). After the introduction of apartheid in 1948 and the subsequent designation of the Western Cape as an area in which coloureds would have a preferential status on the labour market relative to black Africans under the Coloured Labour Preferential Policy (CLPP) in 1956 (Goldin 1987: 86-91), many black Africans without work permits lived a perilous existence on the edges of the city's economy, in squatter camps and in backyard structures, evading police detection. It was in this environment that some 'ulama' in Cape Town started da'wa or proselytizing among black Africans in the late 1950s. One of those who lived through this period, and was affected by their proselytizing was Muhammed Ali Ngxiki, whom I had the privilege of interviewing in 2003.[37] Then an elderly man of 65, Ngxiki was among the first black African converts to Islam in Cape Town after the introduction of apartheid. At the time of my interview with him, Ngxiki was living in a shack in Phillipi with a much younger wife and a small child. He was making a living from collecting scrap and metal in the wealthier suburbs and reselling them in Philippi. Born in Cradock in the Eastern Cape in 1938, Mr. Ngxiki came to Cape Town at the age of ten (10). He grew up in Elsies River, but his family subsequently moved to Nyanga. Ngxiki worked at an ice cream factory in Cape Town, and commuted to Cape Town every day. His parents were Seventh Day Adventists. In Nyanga, he and a group of friends were approached by a Muslim proselytizer from Athlone as they were playing football on a field. The proselytizer Ngxiki referred to was in all probability Muhammed Zubayr Sayed (1905-74) a South African Indian Muslim of Surti origins[38] who together with Imam Abdullah Haron was active in da'wa under the auspices of the Islamic Publication Bureau (IPB), established in Athlone in 1952 under the patronage of Mawlana Abdul Aleem Siddique, a Pakistani 'alim (d.1954) who had visited South Africa on a number of occasions (Haron op. cit: 368). Sayed and Haron worked closely with the Islamic Propagation Centre (IPC) in Durban, established by Goolam H. Vanker, Ahmed Deedat and others in 1957.[39] The Muslim proselytizer invited them to the Al Jamia Mosque in Stegman Road in Claremont,

where the young and dynamic Abdullah Haron (1923-69) was imam. Haron worked closely with Siddique on publications of excerpts of the Qur'an in Xhosa, and had been inspired by Sheikh Ismail Ganief Edwards (1906-58), a graduate of Al-Azhar who served as an imam in Bo-Kaap, to take up da'wa among black Africans in Cape Town (ibid.).[40] Muhammed Ali Ngxiki claimed to have embraced Islam in 1960, at the age of twenty-two (22).[41] At the time there were very few Muslims in Nyanga – Ngxiki was one of six black Africans from Nyanga who embraced Islam that year. By 1961, the number had reached fifteen (ibid.). Mr. Ngxiki described Imam Haron as a "very humble" man, who would come to the black African townships regardless of whether he had the permit required for travelling to these parts of the city or not, and who would sit down with locals in shacks with no chairs in order to talk to them about Islam. Haron was responsible for getting short Qur'anic passages translated into Xhosa in order to advance the process of conversion (ibid.)

Ngxiki was one of the pioneers of Islam in the black African townships, along with figures such as Dawood Lobi (c.1918-2002) and Mtutuzeni Hassan Ghila (1912-92). Imam Haron, with whom the first group of Xhosa converts to Islam in the black African townships of Cape Town was closely associated, had links to the Pan Africanist Congress (PAC). After the killing of sixty-seven unarmed demonstrators by apartheid police at Sharpeville in 1960,[42] the PAC was banned along with the ANC under the *Suppression of Communism Act*, and PAC-cadres took up an armed struggle against apartheid from exile under the name of Poqo. The PAC had had a particularly strong following among black Africans in Cape Town (Switzer 1993: 299). PAC established its headquarters in exile in Cairo, Egypt, and cultivated contacts with Muslim students from South Africa resident in Cairo, and South African Muslims passing through Cairo on their way to Mecca on pilgrimage. Imam Haron held his meetings with PAC leaders in exile there. Haron and Ghila were sympathetic towards the PAC, and probably as a result of his association with them, and his attendance at PAC meetings, Ngxiki was followed by Security Branch members wherever he went. He described learning the *din* (religion, faith) of Islam under apartheid as "very hard." Sometimes he and his fellow Xhosa converts to Islam would hide their kurtas and their kuffiyehs to avoid detection. After Imam Haron died in police detention in 1969, Ngxiki says he was visited by Security Branch members who asked about his connection to Imam Haron.

It is clear that the da'wa of the 1950s and onwards targeted young black African males in particular. The reasoning of da'wa workers in these

communities was that there was a need to create a tier of males who could act as Muslim leaders within such communities.[43] It was held that in order to be able to increase and sustain the number of conversions, the creation of an indigenous leadership would be a pre-condition, as outside leaders would not necessarily appeal to the locals.[44] Da'wa activities involved a number of 'ulama' affiliated to the MJC, such as Mawlana Yusuf Karaan and Imam Abdullah Haron, but the MJC as such, which had an extremely limited organisational capacity in this period, appears to have taken little interest in it, and instead focused on virulent verbal attacks on Ahmedis and Baha'is for much of the 1960s and 70s (cf. Abrahams 1980: 32). Conversions generally appear to have been individual conversions, which meant that converts were often faced with considerable opposition from their families and their peers, who thought that by embracing Islam, converts were forfeiting their own Xhosa culture and customs. Ngxiki recounted how he had been told by peers that he was no longer "one of us", since he had "embraced the customs of the 'Malay'[45] people." People would come to the bus terminus in Nyanga to swear at him and his fellow converts as they were leaving for *jum'a* or Friday congregational prayers in Claremont. By embracing Islam, young males like Ngxiki also distanced themselves from the beer drinking that formed an important part of young Xhosa males' socialising and leisure activities.[46] The son of a Xhosa man who embraced Islam in the late 1960s recounted how when his father had brought him to be circumcised at an early age, his whole family had been "in tatters" over it. But the black African converts to Islam in apartheid Cape Town faced ridicule from fellow Muslims too. In an interview with the monthly community newspaper *Muslim Views* published six years after his death, Hassan Ghila recounted how he had been mocked by coloured and South African Indian Muslims for wearing a red kuffiyeh.[47] Ngxiki was reluctant to speak about his experiences of racism from fellow Muslims, but he had clearly reached a point of exasperation with Muslims who "don't care much about other races" and who, according to him, had "done damage to Islam." He had become a murid with the Muriddiyya tariqa from Senegal, based in Mowbray, Cape Town, four years previously. Relationships between black African Muslims and other Muslims in Cape Town has, since the initiation of da'wa activities in the 1950s, been marked by assymetrical power relationships based on socio-economic disparities between Muslim members of the respective population categories, and on the perception that Islamic knowledge was the possession and the preserve of coloured and South African Indian Muslims. The message of equality promoted by da'wa

was appealing to black Africans who were at the bottom of the ladder in a society based on stark racial discrimination. But what black Africans experienced as employees of coloured and South African Indian businessmen in the building trade, or what their wives and daughters experienced as domestic workers in the homes of Muslim families, or in the factories owned by Muslims, was often sharply at odds with this message of equality.[48] Ngxiki's first wife, who had also embraced Islam, had worked as a cleaner in a factory owned by Muslims. Ngxiki recounted with considerable anger how his wife had been forced to sleep on the cold tile floor of the factory whenever it had got too dark to return to Nyanga after she had finished her work in the evenings. For many of the Xhosa converts of the 1950s, '60s and '70s, patronage relationships with Muslim employers were significant: some South African Indian Muslim businessmen went to the lengths of adopting children of Xhosa converts to Islam and providing funding for their higher religious education, as well as providing work for their families. That such assistance was not necessarily unconditional is brought out by the fact that even as of present a number of Xhosa converts to Islam who are no longer practising Muslims pretend to be Muslims for fear of loosing work that they have been provided with by their Muslim employers.[49]

Xhosa initiates during homecoming ceremony, Cape Town, 2005.

PHOTO: S. BANGSTAD

But in light of the accusation that by becoming Muslims they had abandoned their 'Xhosa-ness' which many early Xhosa converts to Islam in Cape Town were faced with from families and friends, what is noteworthy is the extent to which early black African male converts to Islam saw continuities between Xhosa 'traditional' beliefs and Islam. Ngxiki recalled dreams in which his ancestors appeared dressed as Muslims prior to his embracing Islam. The same applied to Achmat Gqamane, an early convert in Guguletu.[50] Ghila had apparently come to the conclusion that his Xhosa ancestors were really Muslims, based on his perception of similarities between Xhosa ritual incantations and the call to prayer (the adhan). One might of course see this as a reflection of a defensive posture vis-à-vis their non-Muslim friends and families, or a reflection of da'wa methodologies that they had been exposed to.[51] But this motive appears so frequently in conversion narratives of black African converts to Islam that there seem to be valid reasons for seeing them as experientially real for the converts themselves. For Xhosas who adhere to 'traditional' beliefs and understandings, dreams are a primary means through which the ancestral spirits (amathongo) of deceased paternal ancestors communicate with the living, and dreams as pre-cursors for conversion to Islam[52] may therefore be seen as an alignment with such a religious framework.

A basic problem for the black African converts to Islam in Cape Town in the 1960s was the lack of infrastructure in the form of madaris and mosques, and a lack of funding for such activities. Applications for the allocation of land for the purposes of building of mosques in Langa and Nyanga were turned down by local authorities in the 1960s. The black African areas of Cape Town were administered by the so-called *Bantu Administration Boards* under apartheid, and African freehold tenure rights in urban areas were not introduced before 1985 (Lee 2005: 616). If anything, this is likely to have increased the reluctance of Cape 'ulama' to support and encourage investment in *awqaf* (religious endowments) in these areas. As Germain (2000: 150) has noted, apartheid governments were also often hostile towards Muslim proselytizing among black Africans in urban areas, and withheld permission to construct mosques in black African townships on this basis. Consequently, Xhosa converts had to travel great distances to attend jum'a. In Langa, local black African Muslims have been using abloution facilities and a shack erected in the backyard of the late Imam Dawood Lobi's private home as a *jama'at khana* (small mosque or prayer room) for over forty years. A mosque has yet to be built.

A plethora of organisations have been involved in da'wa among black Africans in Cape Town;[53] one of the first organisations to engage in such work

was the Al-Jihad International Islamic Movement, established in 1961. Al-Jihad was originally established in co-ordination within the MJC in order to counter the influence of Ahmadis and Baha'is in Cape Town. Al-Jihad was led by Ismail Joubert. Joubert, the son of a British official and an Egyptian woman, came to Cape Town after serving with the British Army in North Africa during the Second World War. In Cape Town he established himself as a poet under the name of Tatamkhulu Afrika.[54] Al-Jihad attracted a number of black youths during the 1970s, and especially after the Soweto uprisings. By the early 1980s, it had around fifty members (Germain op. cit: 148). One of my informants, a man now in his forties, had embraced Islam in 1976 at the age of fourteen (14). He had been at school at the time, and even though he described himself as too young to have been politically active, he had witnessed the police shooting at protesting youths who were burning tires in the streets of Langa in solidarity with youth in Soweto in 1976. He claimed to have known the first youth who was killed by the police in Langa that year through their mutual involvement in sports. He had been introduced to the Al-Jihad Movement in 1978, through Sheikh Ganief Kamar, who used to come to the black African townships on a bicycle to undertake da'wa at a point in time in which few Muslims who were not black Africans would have dared to do so. At Al-Jihad he was enrolled in the so-called 'Young Elephants of Islam', a group of Muslim youth who were organised along military lines and who were sent for training at secret camps at various locations around the Cape Peninsula. Al-Jihad also managed to get him a scholarship to study in the Middle East. However, the organisation was split in two as a consequence of the Iranian Revolution of 1979. Joubert accepted Shia Islam, and brought the organisation into accepting Shia doctrines, as well as an endorsement of the Iranian Revolution. However, many Sunni members of the organisation refused to accept this, and walked out. In 1984 Joubert's Al-Jihad affiliated with the United Democratic Front (UDF) and clandestinely became part of the armed struggle against apartheid through Umkhonto we Sizwe ('The Spear of the Nation'), the ANC's military wing. When they returned to da'wa activities in the 1990s, they found themselves effectively marginalised in the black African townships due to their Shia orientation. The MJC had by then repeatedly declared Shi'ism as *kufr* (infidelity).[55] After Al Jihad's black African members shifted their allegiance to the Ahl-ul-Bayt Foundation, a Shia grouping which has established a mosque in the suburb of Ottery as well as a jama'at khana in Philippi, Al Jihad has been left with no black African members, even though they continue to perform jum'a at their centre in an African township every Friday. In the early 1990s, the establishment of a local branch of the eclectic Sufi-oriented Murabitun[56]

movement in Claremont attracted a number of black African Muslims. Subsequent to an internal conflict along ethnic lines over leadership and finances (interview with former Murabitun member, 2003), all but a few of the black African muridin abandoned the Murabitun.

In the late 1990s, impetus for da'wa among black Africans in Cape Town was provided by the return to Cape Town of two young black African Xhosa-speaking graduates from the University of Medina in Saudi-Arabia. They were closely affiliated with the MJC. They were soon appointed to the MJC's executive, a move which must be seen in the context of the post-apartheid state's demands with regard to black economic empowerment in the public as well as in the private sector, demands which the MJC needed and wanted to conform to in order to appear to have a credible commitment to societal transformation. The arrival of Sheikh Abdulhakim Quick, a US-born and Saudi-educated 'alim active in transnational da'wa, and the establishment of the MJC's Department of Da'wa with Quick at the helm in 1999, led to the establishment of the Masakhane Muslim Community as an umbrella organisation for Muslims in the black African townships in 1999.[57] A number of mosques and jama'at khanas have also been established since the late 1990s.

2002 also saw the establishment of a *zawiya* (Sufi lodge) built by the Tijaniyya-Niassene tariqa in one of the black African townships. The introduction of the Tijaniyya-Niassene tariqa in Cape Town was the result of contacts between Capetonian Muslims and Tijani muridin in Senegal and other parts of sub-Saharan Africa in the late 1990s. There are a number of Senegalese Tijanis in Cape Town, but to what extent they were involved in the introduction of the tariqa in South Africa is unclear. The leading sheikh of the Tijaniyya-Niassene tariqa in Senegal, Sheikh Hassan Cissé has visited Cape Town on two occasions, in 2002 and 2003. The sheikh of the local zawiya in the black African townships was a Rwandan-born Muslim in his 60s, who took *bay'a* (pledged an oath of allegiance) with the tariqa whilst practising as a medical doctor in Senegal. Whilst leaders of the tariqa in Cape Town claim that the Tijaniyya-Niassene tariqa is among the first to have successfully bridged the ethnic divisions of Muslim communities in Cape Town, for instance by accepting a black African leadership, my observations of their activities suggest that this is more a reflection of rhetoric than actual realities at present.[58] The Tijanis have a *wird* (litany) (cf. Ryan 2000) which is exclusive to this tariqa, and is believed by Tijanis to have been revealed to the founder of the tariqa by the Prophet Muhammed himself through a vision. This means that their muridin, unlike in other existing Sufi turuq in Cape

Town, cannot take part in the rituals nor be part of other turuq, so their interaction with other Sufi Muslims in Cape Town is limited. The local leadership of the tariqa in the black African townships has also maintained a somewhat antagonistic attitude towards other black African Muslim congregations.[59] For a number of the black African Muslims involved in the tariqa, the fact that this tariqa has a strong black African lineage and that it is based in a predominantly black African country, Senegal, is of significance. However, some of them have left the tariqa because of its exclusivist attitude, and there have also been some reactions to the introduction of elements such as amulets and belts for protection, which is seen as extraneous by some black African converts in the local context (interview with former Tijaniyya-Niassene murid, 2003). The attraction to a black African tradition of Islam in the present context should not be seen as unambiguous however. The derogatorily named *amakwerekwere* or 'foreigners' from other parts of Africa (such as Tanzania, Kenya, Somalia, Sudan, Mozambique, Angola, the Congo) who have established themselves in Cape Town in the post-apartheid era are often the targets of xenophobia from indigenous black South Africans, due to perceptions to the effect that they are competing for scarce resources and employment opportunities.[60]

Who are the 'amaslams'?

In the black African townships of Cape Town, Muslims are popularly, and somewhat derogatorily, known as *amaslams*. The term combines the Xhosa prefix for 'people', viz. *ama-*, with the Cape Afrikaans colloquial term for Muslims, *die slamse*. Somehow, the term points to the perception of a mixture of traditions which is at the heart of contemporary black African perceptions of Islam and of Muslims – and which often, in the words of one black African imam, cast the Muslim as "a person who has betrayed his own origin…a person who has left himself," and therefore acts as an impediment to da'wa among black Africans in the townships and informal settlements of post-apartheid Cape Town. But as the number of Muslims in the black African townships and informal settlements increase, the weight of such perceptions is likely to lessen.

Before progressing to the individual case studies of this chapter, it seems apposite to introduce a typology of black African converts to Islam in contemporary Cape Town. On the basis of my research on conversion among black Africans in Cape Town, the following typology of converts can be constructed. As a typology, it can be likened to Weberian 'ideal types' in

that it does not purport to be an adequate representation of all available cases of conversion, but does provide an adequate representation of the most common routes to conversion among black African Muslims in contemporary Cape Town.

The first generation. This group of converts consists of males who were introduced to Islam through contact with Muslim proselytizers and/or Muslim employers in the 1950s and 1960s. Often male migrants from rural backgrounds, they saw in Islam a religious tradition which was in accord with their views of appropriate gender relationships (often destabilised by their exposure to the township mores), as well as a link to an imagined ancestral past.

Middle-aged poor females. A large number of converts since the early 1990s can be categorised as belonging to this group. Conversion is often linked to a process of increasing impoverishment triggered by abandonment or death of a male partner and provider, and the resulting need to find ways in which to provide for child dependants. Islam is seen as an attractive option, inasmuch as conversion to Islam provides some access to regular food and clothing provisions. Being Muslim does not entail financial demands, unlike in the Christian churches to which many of these converts have originally belonged.

Political and social activists. Now a relatively small group, this group includes converts who were introduced to Islam in the period 1976 to 1990, and who in spite of the opposition of mainstream Christian churches to apartheid in that period, identified Christianity as a "white man's religion" and with the historical experience of colonialism and apartheid repression.

The young converts. A group of converts attracted to mosques or Islamic centres and their food distributions at a very early stage (childhood or adolescence), these converts often come from poor and female-headed single households. A number of them drop out during adolescence, since remaining a practicing Muslim requires some distancing from adolescent township youth life and its orientation towards various forms of 'Westernised' dress as well as the consumption of alcohol.

Prison converts. Young unemployed males from poor and marginalised families who have been through stints in the penitentiary system in Cape Town. For a number of them, conversion to Islam has been a way to protect themselves against the various forms of physical and mental abuse they risked being exposed to as young criminal offenders in the prison system. Released from prison, religious attendance and practice in this group is often highly irregular, and many revert to crime and to the consumption of intoxicants.[61]

"Now I'm a human being: my name has been changed"

Thambeka or Tahseen was forty-four (44) years of age when I interviewed her in 2003. She lived in a shack in Site C in Khayelitsha. She was the mother of four children, aged from eight (8) to twenty (20) years old; three daughters and one son. She was born in a rural village in Transkei in 1959. She married at the age of sixteen (16), and accompanied her husband to Cape Town in 1986. Her husband was doing piecemeal work in Cape Town, and they settled in the informal settlement of Crossroads upon their arrival in Cape Town.

In the mid-1980s, Crossroads and its surrounding areas gradually turned into a hotspot of violent resistance against forced removals to Khayelitsha (Bickford-Smith, Heyningen and Worden 1999: 215). The leader of the local residents' committee, Ngxobongwana, organised male resident supporters into a paramilitary group, the '*witdoeke*'. Their white arm-cloths symbolized migrant affiliation (Cole 1987: 83). In collusion with the South African Police (SAP) and the South African Defence Force (SADF), the 'witdoeke' attacked and killed residents seen as supportive of the '*amaqabane*' or 'comrades', sympathizers of the liberation movements, who opposed the removals to Khayelitsha. Ngxobongwana had himself been affiliated to the 'amaqabane' prior to a stint in prison. The 'witdoeke' attacked the 'amaqabane' and those seen as sympathetic towards them in nearby KTC, Nyanga bush and Nyanga Extension (ibid: 131). Thambeka, her husband and their family of two children survived the fighting, since their shack was on Ngxobongwana's side, but when new fighting over the control of Crossroads between followers of Ngxobongwana and Nongwe, a former witdoeke who turned into an ANC convert broke out in the early 1990s, they were forced to flee to Khayelitsha. "They were killing everyone who had their house on Ngxobongwana's side," she explained in Xhosa. After they settled in Khayelitsha in 1992, she and her husband had two more children. Thambeka's husband was killed by "young boys with axes" in their home village in the Transkei during the drunken sprawl of an initiation feast in December 1995. He was buried in the Transkei, and his brothers covered the funeral expenses. With only basic education, no work experience, no close relatives nearby, and four children to provide for, Thambeka was in a difficult situation after her husband's death. Being the female head of a single-parent household is a background Thambeka shares with many black African converts to Islam in Cape Town. During fieldwork in these communities I met a number of female converts to Islam who carried the sole responsibility for providing for their children. Their husbands had either abandoned them, were in prison, or had passed away. Thambeka was a Presbyterian, but even though she contributed twenty rands (ZAR 20) a month to

the church, the Church did not arrange for a vigil for her husband. Later, the Church asked its congregants to contribute two hundred rands (ZAR 200) each for the construction of a new church hall, an amount she didn't have "because my husband had died, and no one was working here at home, and no one was supporting me." She decided to leave the church after that.[62] For a long time, she did not attend church.

Then one day she was invited to the kramat (Sufi saint's shrine) of Sheikh Yusuf of Macassar in nearby Faure by a female acquaintance who had already embraced Islam. There they met some other Muslims who "explained Islam" to her. Thambeka took the *kalimat shahada* (Islamic profession of faith) shortly afterwards at the kramat and was given the Arabic name Tahseen. It is clear from Thambeka's narrative that material concerns were an important part of her considerations when embracing Islam:

> "…[…]…I knew nothing about Islam, but when I embraced it I found out that the Islamic religion has *ubuntu*,[63] because any person who is a Muslim is my brother; it does not matter where he comes from, if I need assistance he must assist me because I am his sister. I also found out that we Muslims help each other. If I don't have money to send my children to school, [or] when the clothes I make are not bought, I can go and ask for assistance from my imam, and he will give it to me, even though he's not rich. He knows that I do not have a husband, and that I'm not working, but when [my] business is going well, I in turn pay back the money to him. He also gives me money to buy food, you know. So I realized that Islam as a religion was given to Muhammed to spread to people, so that they see that it's a superior religion because it is friendly, it has ubuntu, and that it is considerate to people."

Thambeka's four children are also Muslims. She supports them by sewing clothes which she sells in her local community. She does not have the financial resources to enroll them in a Muslim school, but stated that she would one day want them to pursue higher religious education in Mecca. When Thambeka turned Muslim, she faced opposition from her late husband's brother. She explained that even though her husband had passed away, she was still nominally under the control of her in-laws, according to Xhosa customs. Her brother-in-law claimed that "Muslims are bewitching people"; an allegation a number of black African converts to Islam that we interviewed had been faced with from relatives. But he lived in another part of the country, and she made it clear that she didn't accept his guidance.

As is apparent from the conversion narratives of many other black African converts to Islam in Cape Town, the notion of similarities between the practices of an imagined Xhosa 'tradition' and Islam is invoked in Thambeka's conversion narrative. When asked whether she had found any similarities between Xhosa traditions (*amasiko*) and Islamic practices, Thambeka answered in the affirmative:

> "Yes, there are. Because when we were growing up a long time ago, my mother was wearing long dresses which covered her legs and feet; I find that even in Islam we are required to cover our bodies. When I made comparisons, I realized that in the Xhosa way of living in the olden days…[…]… a Xhosa woman was reluctant to show her legs and to wear skimpy dresses with uncovered heads; they weren't doing those kinds of things…[…]…When I embraced Islam, I was treated the same way in which our mothers were treated."

The historical accuracy of such representations need not concern us much. It should merely be noted that the kind of clothing that Thambeka had seen her mother wearing in the Transkei is generally accepted to have been introduced historically by colonial Christian missionaries and traders, who more often than not saw the relative 'nakedness' of black Africans as a challenge for the 'civilizing mission' throughout sub-Saharan Africa.

Xhosa igqira initiate drinking umqombothi, Cape Town 2005. The white clothing and headband mark her status. PHOTO: S. BANGSTAD

Thambeka's notions of what Islam is would seem to exclude certain elements of Xhosa 'traditional' beliefs. She indicated that she was opposed to the consumption of *umqombothi* (African maize beer) for ritual purposes such as when invoking the ancestors, on the grounds that the yeast in the king-corn used for making umqombothi is intoxicating. It was not clear whether she would send her son to undergo a traditional Xhosa initiation. Thambeka clearly saw her embracing of Islam as a radical shift in her life: she likened the change from Christianity to Islam, and her name change to the process of transition when turning from a young girl to an adult woman, and likened the name change she had undergone when becoming a Muslim to the name change a bride undergoes when she accepts her husband's surname. The name change becomes a metaphor for her change of religious identity.

> "I must change completely, change my name so that I can feel that I'm a Muslim. When people call me by the Islamic name of Tahseen, I can feel that I'm no longer the same person I was, I was not the Christian that I was, now I'm a Muslim. That's why I realize that it is necessary that Islam should change the name of the convert, because one turns from something else into another thing which one was not. I was nothing in the past, but now I'm a human being, my name has been changed, I'm Tahseen, and I've been given the new laws and regulations of a Muslim."

There is of course nothing inherently 'Islamic' in adopting an Arabic first name under the shari'a, and it is not obligatory for a convert to change her name. But it is reflective of local circumstances in Cape Town in which it is widely anticipated among Muslims that a Muslim should be identifiable by an Arabic first name. One can therefore see it as a regulatory mechanism, which effectively identifies 'insiders' from 'outsiders'. The practice is so common that I have yet to encounter a single black African convert to Islam who has not adopted an Arabic name, which is used interchangeably, and according to context, with one's birth name. Some, like my research assistant, later regret having done so and prefer being named by their African names, but most seem willing to accept it without much questioning. When black Africans in Cape Town embrace Islam, they are often given a list of 'Muslim' names to choose from, or they have their 'Muslim' names chosen for them by the proselytizers or an 'alim. The name change as part of the process of conversion symbolically distances the convert from his or her past, as well as from 'traditional' beliefs, through inscribing the transition on a part of one's identity which is quite intimate, namely, one's personal name.

"He said: you're a kafir"

Sipho or Said was born near Queenstown in the Eastern Cape in 1958. Sipho lived in a large shack which he shared with six children and his sister-in law and her children in Khayelitsha. He had four daughters and two sons. The shack was located in a sandy part of Khayelitsha, so instead of the usual mud floor, there was sand on the floor of the shack. An old and rusty car wreck was parked off the pavement outside. Sipho had once owned a business of his own, but this went into liquidation after the business was robbed by criminals. But the experience had apparently taught him something about business cards, because prior to our meeting he had given me a shiny yellow business card introducing him as an official distributor of Chinese herbal remedies. A short and slender man, Sipho was having dry white loaves and water for breakfast when we arrived. Sipho's family in the Eastern Cape had followed Xhosa 'traditional' beliefs. His father used to brew umqombothi in order to appease the ancestors during rituals, and Sipho would part-take in the consumption of the umqombothi on such occasions. He had undergone initiation as a young man, and had acted as an *ikhankatha* or a nurse to his younger brothers when they underwent initiation.[64] But as an adult he was a Roman-Catholic, and an avid reader of his copy of the King James' Bible. Sipho had started to work at the age of seventeen (17) in 1975. Since there was "no work" in the Eastern Cape, he moved to Cape Town in order to look for work in 1984. He had married in 1981 at the age of twenty-three (23), and by now had a small family to support. He found employment as a security guard with a security company, and settled at one of the hostels for migrant labourers in Langa. Ramphele (1992) has described life in these hostels. Due to the extreme overcrowding, the un-sanitory conditions and the violent environment in the hostels, Sipho would in all likelihood have been reluctant to bring his wife to Cape Town. She came to Cape Town only two years later, when he wrote to tell her that he had found a place where they could both live.

As a security guard, Sipho looked after new German cars at an industrial site in Paarden Eiland near Cape Town. One of the inspectors at the security company was a Muslim, who had tried to convince Sipho about the merits of Islam. They would discuss religious issues with one another. Sipho would quote his King James' Bible, and the inspector would respond by quoting his Qur'an. The Muslim inspector told him that he thought that Sipho's forefathers had come from North Africa – and that the Xhosa burial customs as well as circumcision must have originated from the Muslims in North Africa.[65] Sipho was active in the underground

PAC in the black African townships. At his workplace, he was a trade union activist. This could not have made him very popular with management. One September morning in 1987, Sipho was finishing off his night shift duty at the security company. There were three security guards on his shift that morning. Because he had no running water at home, Sipho would normally take a shower before heading home in the early morning. But before he could leave, he had to get the inspector to sign the OB (the register). This inspector was a white Afrikaner. He was, according to Sipho, "a friend of the bosses." When he failed to come to the office, Sipho went outside to give him the register. He claimed that he found the inspector sleeping in his car. The inspector took the register, and spent a lot of time writing in it with a red pen, instead of the blue pen that Sipho had noted that he normally used. Then he showed Sipho that he had written in the register that he had found Sipho sleeping on his shift. Angered, Sipho grabbed the red pen from him, and wrote in the register that the inspector was "a liar." By doing so, Sipho had clearly crossed the limits of the ways in which a black African who "knew his place" under apartheid and according to a conservative Afrikaner mindset was supposed to behave. A scuffle erupted between him and the inspector. Sipho was beaten unconscious by the inspector, and the other colleague who had been at work had later told him that the inspector had banged his head against the cement on the parking yard several times. The spot was "full of blood". He was left for dead, but another colleague had called for an ambulance, which took him to Woodstock Hospital. A neighbour from Site B in Khayelitsha who had arrived at the hospital was given Sipho's blood-stained security guard uniform in order to take it back to his wife. That made Sipho's wife believe that he might be dead, and she rushed off to the hospital. Sipho was in a coma for about a day, until his wife arrived at the hospital. The accuracy of this is of course difficult to gauge, but Sipho claimed to have been told by nurses upon awakening from the coma that they had at one point prepared to take him to the mortuary. But what was clear was that Sipho saw his own awakening from a coma and his subsequent recovery through the prism of a narrative of resurrection and redemption. "When I got home, I remembered", he said in an excited voice, "Yes, I almost died! I said to myself, I almost died!" Subsequent to this trauma, Sipho had started to worry about how he would eventually be buried when he passed away. He wanted to be buried in a manner similar to his forefathers. He didn't like the idea of his corpse going to a mortuary prior to his burial, nor the idea of being buried in a coffin:

> "My forefathers were buried, you know, that way…the African way, you know. Because, you know, we're here [in Africa], and…um…that way [of being buried] is also the way of Islam, you know."[66]

Sipho called the Muslim inspector who had told him about the burials in Islam. Sipho told him that because he had almost died, and been buried in a coffin – in other words, in a manner he disapproved of – he had decided to become a Muslim right away. The inspector was naturally quite pleased. Sipho took the kalimat shahada from an elder brother of Sheikh Ebrahim Gabriels,[67] to whom the Muslim inspector brought him. He was given a list of male 'Muslim' names to choose from. This was in 1987. Two years later, a black African Zulu *amir* [68]of the Murabitun from KwaZulu-Natal, Mr. Abdurrahman Zwane, came to Khayelitsha on da'wa. Sipho became a murid of the Murabitun that same year. He also took one year's leave of absence from his work in order to learn more about Islam by attending classes at various Islamic colleges. He convinced his wife who was a Roman-Catholic to embrace Islam the same year, even though he had learnt that she could perfectly well remain a Christian whilst being married to him. Sipho's wife had by then received a calling from the ancestors to become a traditional healer, or an igqira.

A Xhosa female receives her calling to become an igqira through the medium of dreams in which her paternal ancestors communicate their will to her. According to traditional beliefs, a person who receives such a calling cannot oppose it, lest she be prepared to be afflicted by the potentially harmful ire of unplacated ancestors. An igqira goes through a process of initiation under the guidance of other *amagqiras*. Female amagqiras undergoing such a process of initiation can be seen wearing white cloth, as well as thin white leg- and armbands. After having learnt the trade, they receive patients asking their advice on the appropriate 'traditional' treatments for various ailments. The profession is seldom very lucrative as many Xhosa women in Cape Town get such a calling every year, and the market is somewhat saturated. But the imam in Khayelitsha was clearly opposed to such dabbling in Xhosa 'traditional' beliefs, and made that clear to Sipho as well as to a male herbalist living in Philippi, who also attended the mosque. The imam was an old friend of Sipho. Sipho had known the imam even before the latter became a Muslim, and he had been on the committee who elected him as an imam. The imam had told Sipho straight to his face that he considered him a *kafir* (an infidel, unbeliever). He had refused to greet him, and on a later occasion stated that he wouldn't greet the *munafiq* (hypocrite, infidel).[69] This was clearly offensive to a man who had been a Mus-

lim for many years by then. Subsequent to this, Sipho had formed his own prayer group who met to perform *adhkar* (pl. of dhikr, prayers of remembrance of Allah) at his own house on Saturdays. His herbalist friend from Philippi, on the other hand, had become part of a Shia congregation in his own neighbourhood that apparently didn't interfere too much with his ancestral beliefs. Sipho's wife had passed away the year before from kidney failure at the age of thirty-nine (39). She had first taken ill whilst on a visit to relatives in the Eastern Cape, but managed to return to Cape Town, where she passed away at the H. F. Jooste Hospital in Manenberg.[70] Sipho had phoned his parents-in-law, who were living in King William's Town in the Eastern Cape, to notify them about his wife's funeral. They were infuriated by the fact that Sipho intended to bury her the day after in Cape Town according to Muslim burial rites. In effect, this made it impossible for them to have her buried in her hometown in the Eastern Cape, or for them to be able to get to Cape Town in time for her burial.[71]

> "They said: 'Why do you do that?' Then I said: 'I do it because she's [was] a Muslim'. You know, then they said: 'But who gave you permission to do that?' Then I said: 'This is [was] my wife!' I told the parents-in-law: 'It's my wife! And she's going to be buried tomorrow.'"

Such conflicts over the rights to burial of the corpse are not unusual in situations in which only a handful of individuals are Muslims in an extended family; I have heard of several instances in which non-Muslim family members have demanded that the corpse of a family member be returned to the Eastern Cape for burials according to Christian and/or 'traditional' rites.

The death of his wife was followed by the bankruptcy of his local business after a robbery. Sipho enrolled in a skills training course, and now earned some revenue through putting up shacks around his neighbourhood. But it was clearly not sufficient to provide for a family of six children.

It seems clear that for Sipho, the ancestors are very much part of his world, so much so that he defended his wife's calling to be an igqira in the face of opposition from the imam in his community. He told me that whenever he was invited to occasions in which umqombothi was served, such as the slaughters of goats or oxen for the ancestors, he would go. He would drink the umqombothi, but abstain from the liqours also served as such occasions (which usually includes modern factory-made beer such as '*Black Label*', as well as brandy, gin or whiskey). Sipho had not sent his sons to be circumcised at a doctor, because he thought there to be difference between the ways in which a doctor would circumcise and the way in which it is done during initia-

tion among the Xhosa. But he also said that he wanted to attend the initiation school with his sons, so as to make sure that they made their *salawat* (pl. of salah, prayers) when they were there, and that it would be done "Islamically." As attendance at initiation schools in and around the black African townships in Cape Town these days usually includes the consumption of considerable amounts of factory-made alcohol on the part of both initiates and their nurses (as I myself have had occasion to witness), Sipho's fear that it wouldn't be "Islamic" would seem to be relatively well-founded. [72]

Conclusion

The narratives of Tahseen (Thambeka) and Said (Sipho) point to some of the many routes to conversion to Islam among black Africans in Cape Town. It should be quite clear from their narratives that the appeal of Islam for both of them would seem to have something to do with the circumstances of material deprivation in which they live. Yet it would be tantamount to class-based reductionism to regard their conversions to Islam as a mere reflection of their circumstances, because for both of them, making spiritual sense of their lives and circumstances has also been an important consideration.

Xhosa initiate addressing the ancestors in ritual language, Cape Town, 2005. PHOTO: S. BANGSTAD

Their narratives of conversion also speak to the existence of beliefs pre-dating their conversion to Islam, which can be classified as varieties of fragments of Xhosa 'traditional' beliefs. They also speak to a perception that by converting to Islam, one establishes a link with the ancestral world, or to the 'ways of the past', if not necessarily to 'traditional' beliefs per se. But we should not therefore assume that conversion to Islam can be inscribed as a 'traditional' 'reaction' to urban modernities by rurally orientated black Africans disorientated in urban spaces, as ethnographers have tended to do in the past, since the very tradition that these converts invoke as motives for their conversion (in the form of a perceived 'traditional' dress code for women and 'traditional' funeral rites deemed to be similar in Islam and in Xhosa traditions) is an "invented" or "imagined" tradition. It should also be noted that most black African converts to Islam that I interviewed had a background in mainstream Christian churches, in which the Xhosa 'traditional' belief system has historically been seen as anathema, rather than in African Independent Churches, where syncretism is and has generally been more accepted. In its encounter with black Africans in contemporary Cape Town, the uniqueness and exclusivity of Islam is the guiding principle for 'ulama' and Muslim proselytizers alike. Consequently, they take exception to practices such as initiation, the brewing of umqombothi, as well as invoking the ancestors through animal slaughter. Resistance to populist calls for the incorporation of 'traditional' elements in ritual on the part of black African 'ulama' can also be linked to commonplace definitions among Muslims of rituals as constituting a 'core' of Islamic practice. Rappaport (1999: 33, 36) notes that adherence to form and invariance are core aspects of rituals. Understanding and practice of rituals are intimately linked to local and global power relationships. But with reference to Bourdieu (1977: 164), it might be argued that rituals are at their most effective when they are seen as doxic, or, taken for granted. The closest conceptual approximation to the term 'ritual' in Arabic is '*ibada*, translatable as "act of worship and service of God" (Graham 1981: 61). Most narrowly interpreted, '*ibadat* (pl. of 'ibada) are seen by Muslims as the explicitly prescribed activities of worship (Bowen 1989: 600). Thus defined, 'ibadat might be contrasted with *mu'amalat* or social matters. If one conceptualises Islamic practice as a series of concentric circles, one can then think of 'ibadat as a 'core' of Islamic practice for Muslims, and mu'amalat as a circle encapsulating it. The ritual practices defined as part of this 'core' in particular contexts at a particular point in time are less amenable to alterations and contestations from within, then rituals that are not defined as such.

There is no God but God, and for 'ulama' and proselytizers alike, Xhosa ancestors do not feature in the purview of an Islamic worldview. However, this does not mean that the 'ulama' and the Muslim proselytizers are able to control the reconciliation between these disparate religious traditions, or the ways in which they are affected by their adherents on the level of interpretation. Nor does it prevent black African converts to Islam from partaking in rituals in which the ancestors are invoked, which a number of them do, whilst also performing salawat at a mosque. The rituals are compartmentalised as belonging to different spheres, without the knowledge or consent from the 'ulama'. With reference to Peel (1968: 139), one may refer to this as *implicit* syncretism. Syncretism among black African converts to Islam is problematic and subjected to sanctions only when it becomes *explicit* and *public*. This was part of what lead to Said's effective exclusion from the mosque congregation he attended. Ancestral worlds and demands are gendered, as are gender relationships and notions of personal authority and autonomy in a patriarchal societal context. The work of placating the ancestors through rituals is often the responsibility of males, and it might therefore be easier for a Tahseen than a Said to lay the 'traditional' Xhosa beliefs to rest.[73]

3. **Polygyny in Transition**

'Things change when they have to, everything,
as if according to an unwritten law.'
—Peter Clarke, *The Changing of The Season*.

Introduction

In what was described by a community newspaper reporter as 'an historic meeting' at the Schotsche Kloof Civic Centre in the Bo-Kaap, Cape Town, a site of profound historical significance for South African Muslims, since it was in the Bo-Kaap that the first mosque in South Africa was erected, as president of the African National Congress (ANC), Nelson R. Mandela in in 1992 pledged that the ANC would recognise Islamic marriages under Muslim Personal Law (MPL) when the party came to power.[1] Fifteen years on, and after a pro-longed and tormenting process, Islamic marriages are still not formally recognised by South African Law. But they are, somewhat paradoxically, recognised for some purposes by South African courts, pending state recognition of Islamic marriages.

South Africa is a plural society, where numerous demands for recognition of cultural and religious rights are regularly made. The ongoing tensions between the state and leaders of ethnic and/or religious communities over issues such as initiation[2], virginity testing[3] and witchcraft,[4] points to a multicultural society fractured in terms of its understandings of values and morals. The liberal and secular framework of the Constitution of 1996, anchored in a notion of human rights presumed to be universally applicable, has repeatedly been challenged by so-called 'traditionalist' leaders of ethnic group or religious communities. MPL is but one instance of the multiple challenges faced by a multicultural society aspiring to implement some measure of multiculturalism[5] without unduly compromising human rights and rights to gender equality. Inasmuch as there is often a unitarian conceptualisation of 'communities', which seeks epistemological closure against the encroachment of internal normative pluralism as well as external influences from alternative normative models at play in the ways in which such demands for recognition are made, these demands might perhaps more aptly be described as forming part of demands for *plural monoculturalism*, rather than multiculturalism. Plu-

ral monoculturalism in this case refers to the political idea that the systems of beliefs and/or laws of cultural, ethnic or religious communities are readily identifiable and reducible to a unique set of propositions *as set against those of other communities of the same order*, whereas multiculturalism as a political idea does not necessarily entail such conceptualisations.

In the academic literature, it has often been argued that the hold of the shari'a has been strongest in family law. An-Na'im asserts that the Qur'an offers clearer guidelines to Muslim family law than most other aspects of law (an-Na'im 1990: 32), and Mir-Hosseini (2000: 10) argues that family law has traditionally been among the most developed areas of the shari'a. These are contentious issues, and what both an-Na'im and Mir-Hosseini fail to recognise is the extent to which the rendering of the shari'a as "the law of personal status" (*qanun al-ahwal al-shakhsiyya*) by modern Muslim reformers is in itself the outcome of a process of secularisation and of the administrative interventions of the modern nation-state (Asad 2003: 230-1). Through this process, the applicability of the shari'a is restricted to the domain of family law, and this entails a thoroughly secularising and privatising operation. In modern times, the supposed "return to the shari'a" is seen as crucial for many Muslims, as it constitutes one way of asserting an independent Islamic identity and an alternative to 'Western' models (Mir-Hosseini op.cit: 8), in spite of the fact that this "return to the shari'a" is often demonstrably more imagined than real, and in practice often do not seem to work as the panacea against social ills that it is thought of as by its advocates. The teleological[6] nature of much academic scholarship on modern legal reform in the Muslim world has more often than not equated modern codification and reform of MPL with an expansion of the rights of Muslim women, but as Sonbol (2005) has demonstrated in the case of Egypt, this is not necessarily so. In Egypt, pre-Ottoman Muslim marital contracts appear to have given Muslim women a greater leverage with regard to rights in marriage and to divorce than the later Ottoman Hanafi codes, as well as subsequent family legislation in the modern era. Johansen (1999: 59) has perceptively argued that the transformation of sacred law into a legislative code in the period of codification in the Muslim world entailed the active removal of dimensions of sacred law which did not mirror a 'Western' understanding of "law" from legal discussion. In other words, codification in practice meant that those aspects of the shari'a and its operation which could not be seen as consonant with 'Western' notions of what "law" was supposed to be about, largely became inoperative.[7] Furthermore, codification is a deliberate choice in the exercise of political and legal power and a means by which a conscious restriction

is placed on the interpretative freedoms of the authorities who historically formulated and administered the shari'a (Hallaq 2004: 23-24).

As a secular state with a small but vocal Muslim minority, post-apartheid South Africa is relatively unique in having offered legal recognition of MPL. Section 15 (3) of the South African Constitution of 1996 opens up the possibility to recognise MPL and other systems of family law, but it does not seem to guarantee such rights.[8] Section 15 (3) is a provision which enables the South African Parliament to enact legislation recognising MPL and other systems of family law (cf. Amien 2006: 749), but only to the extent that this is found to be consistent with other provisions of the Constitution and its Bill of Rights, which guarantees gender equality (ibid: 741).[9] The right to recognition of systems of family law is therefore, "not entrenched" (du Plessis 2001: 459) in the Constitution. Since the right to such recognition is not guaranteed by the Constitution, and is not included in the Bill of Rights of the Constitution, it does not appear that such recognition strictly defined falls under the rubric of essential human rights to which South African citizens are entitled according to the Constitution. But this should not be seen as an indication that such rights are *ipso facto* anathema to the Constitution and its values. Recognition of Islamic marriages must be seen as a human rights issue, inasmuch as such recognition is likely to affect the rights of Muslim women and men on a number of issues with relevance to the provisions for human rights in the Contitution. Analysing MPL, or aspects of it, such as polygyny, opens up interesting vistas to the transformations of the internal body politic of the Cape Muslim community, to its fractures along the lines of gender, class and religious outlook, to the impact of the increasingly secularised societal context in which Cape Muslims live, as well as to the ways in which the post-apartheid state and its interaction with religious minority communities frame legislative reform of a multiculturalist kind. To put it in the South African Islamic scholar Ebrahim Moosa's terms, family law can be regarded as a "focal point of measuring community traditions undergoing change" (Moosa 2001: 142). It also allows us to take a closer look at how, and for what purposes global discourses of Islam, as well as global discourses of human rights are appropriated in local contexts by Muslims.

The dominant approach in academic studies of the shari'a has by and large been textual (Mir-Hosseini 2000: 15), and this applies to studies of MPL too. There has been a plethora of publications on the various legal aspects of the possible recognition of MPL in South Africa,[10] both from scholars with a background in Islamic studies, as well as legal scholars. More

publications can be expected in the years to come. Framing the analysis of issues pertaining to MPL in terms of legal and religious discourse does, however, create some silences. The religious discourse of the mainstream and conservative 'ulama' does tend to depict the shari'a as immutable, and MPL as relatively static and fossilized, rather than as the result of historical processes of human interpretation of revelation. Through such modern renderings of the shari'a – fiqh, or the interpretation of the shari'a – is, in the words of El Fadl, reduced to a set of positive commandments or rules (*akham*) rather than an epistemology and methodology of critical interpellation (El Fadl 2001: 170-2). The argument for recognition of MPL is of course also facilitated if complex issues of representation and the internal normative pluralism (*ikhtilaf*) of Islamic traditions are evaded. The legal discourse on MPL is based on legal abstractions, and to a large extent actively silences "the actual dynamics of marital relations" (Mir-Hosseini 2000: 119). The existing literature makes extremely limited reference to South African and Cape Muslims' actual experiences with aspects of MPL.[11] To the extent that such experiences are referred to at all in the literature, it is in the form of court cases or legal commissions for which there are records. Given that Cape Muslims have been free to practice their religion since the British promulgated freedom of religion in 1805, and that aspects of MPL, such as for instance polygyny, were never formally prohibited (Rautenbach 2000: 45), Cape Muslims have considerable experience to draw on with regard to MPL. Muslim women's activists in South Africa have been vocal throughout the process towards recognition of MPL, but often found themselves sidelined by the deliberate attempts by the South African 'ulama' bodies to represent themselves in the public sphere as the only authoritative interpreters of the interests of South African Muslims, as the final and ultimate arbiters of matters pertaining to MPL and the only possible interlocutors for the state. This has been severely criticised (Moosa 1988: 41-2) by some of the same authors who paradoxically contribute to the silencing and/or marginalising the voices of real Muslims who have lived with, and reflected on MPL and its permutations for centuries. In their defense, it should be pointed out that this framing reflects an understanding of intellectual disciplines as bound by certain methodologies and modes of inquiry, and is also common in academic literature on MPL or aspects thereof from other parts of the 'Muslim world'.

This chapter focuses on Cape Muslim women from poorer communities on the Cape Flats with experience from polygynous marriages. In anthropological usage, the technical term *polygyny* refers to social and/or

religious systems in which a male has the unilateral right to marry more than one wife (Seymour-Smith 1986: 228). It is often conflated with, or rendered as, *polygamy*, which in anthropological usage refers to systems in which both members of both sexes have this right in principle. Polygyny may be *restricted*, as in the case of Islam, in which a male may contract a maximum of four wives, or *unrestricted*, as in the case of many African customary systems. The sura or chapter of the Qur'an that permitted polygyny is sura 4:3. According to Islamic traditions, it was revealed after the battle of Uhud (625), in a context in which there were many widows and orphans (Esposito 1983: 20). The conditions for polygyny set down in this sura as well as in sura 4:l29 – namely adequate and equal provision for wives and children in polygynous marriages – have generally been interpreted as restricting, rather than encouraging the practice of polygyny among Muslims (Waines 1995: 93-4).

Housing in a coloured township on the Cape Flats, 2006. Constructed after the forced removals under the Group Areas Act in Cape Town in the 1960s and 70s, such sub-standard housing is found in all coloured townships on the Cape Flats. PHOTO: N. ADAMS

Thirteen (13) Muslim women were interviewed for this research. What they had in common was that they were living in poorer communities on the Cape Flats[12], and were in, or had been in, a polygynous marriage.

The aim of the research was to find out more about the possible implications of a legal recognition of polygynous marriages under the terms proposed by the South African Law Commission (SALC) in its draft *Islamic Marriages and Related Matters Act* (South African Law Commission, SALC 2001) for Cape Muslim women from poorer communities. The research made no normative assumption whatsoever with regard to whether the institution of polygyny is desirable or not from the point of view of womens' rights under the South African Constitution or under international human rights legislation. This issue is in fact largely irrelevant to an exploration of to what extent polygyny 'works' for women in such marriages. Funding for transcriptions of the interviews was provided by the Muslim NGO Shura Yabafazi (SY),[13] in return for the right to use anonymised transcripts of interviews in submissions to the South African Parliament, when and if the Draft Bill comes before the legislature. The interviewees were informed of this, and required to sign an informed consent form, guaranteeing their anonymity (see appendix I). At no point in the research did SY interfere in the research or attempt to influence the interpretation of findings.

The women were recruited through personal networks in poorer coloured and black African communities on the Cape Flats. The interviews were conducted by me or my female research assistant in English or in Afrikaans. The women's ages ranged from twenty-two (22) to sixty-six (66), and the median age was forty-two (42). All but two black African interviewees were coloureds. For comparative purposes, three Muslim women with middle-class backgrounds were included. A number of potential interviewees that were contacted by the research team declined to be interviewed; out of twenty-one (21) women contacted, eight (8) declined. This amounts to a 38 percent rate of decline. This rate of decline was exceptionally high in comparison with other research I have undertaken in Cape Muslim communities during the course of my PhD studies, and requires an attempt at explanation. Some of the Muslim women we interviewed perceived themselves as being victims of stigmatization from the Muslim community itself as well as from the wider society. Some Cape Muslim women in polygynous marriages report that they are avoided by other Muslim women, who fear that support for such women might be interpreted by their own husbands as encouragement to take another wife.[14] Even if anonymity and discretion were guaranteed, and a neutral venue for the interview was offered, some

of the women who declined feared their husbands' disapproval. Women in a support group for Muslim women in polygynous marriages whom we contacted clearly felt that their lives and experiences had been misrepresented in the works of a local documentary filmmaker with whom they had been in contact some years previously, and they consequently did not return our calls. It should be pointed out that due to such reasons there could be a selection bias in the sample interviewed for this research towards women who had had negative experiences with polygyny and a selection bias towards second wives. Seven (7) out of thirteen (13) interviewees had been in polygynous marriages in which the marriage had been dissolved, ten (10) out of thirteen (13) reported experiences with polygyny that could be characterised as negative, and ten (10) out of thirteen (13) interviewees were or had been second wives.

In addition to this a number of legal practitioners with experience from matters pertaining to MPL, 'ulama', as well as members of the SALC committee on Islamic Marriages were interviewed in order to shed more light on the issues involved.[15]

A history of MPL and polygyny in Cape Town and South Africa

With the promulgation of freedom of religion in 1805, Cape Muslims were in principle free to practice their religion in public. Most Muslims at the Cape at the time were however slaves, and as such, they had limited opportunities to establish stable family units (van der Spuy 1992: 57). The right of slaves to contract marriage by Christian rites was first granted by the British colonial authorities in 1823 (Loos 2004: 33). These rights were not granted to Muslim slaves. However, it has been suggested that even though Dutch-Reformed Christianity was the only faith permitted at the Cape under the administration of the Dutch East India Company, Islam was met with some measure of tolerance, and parallel structures for dealing with matters pertaining to marriage and MPL may have existed in the Cape Muslim community since the late 16th century (E. Moosa 2001: 123). In other words, Cape Muslims may have been able to turn to the early shuyukh, who were mostly political exiles, and in some cases highly educated, to settle matters relating to marriage, divorce and succession (ibid.). Polygyny was rare among the early Cape Muslims (Loos op. cit: 134), but the historical records do provide evidence of a number of wealthy free black males who lived in polygynous marriages. One of them was Gastordien or Carel Pilgrim, the

illegitimate son of a German settler and a Batavian slave, who became the first Muslim at the Cape to undertake the pilgrimage to Mecca in the 1830s (ibid: 129-34). E. Moosa (op. cit: 124) notes that two imams in Cape Town in evidence to the Colebrooke and Bigge Commission in 1825 described how they tried to dissuade their followers from the practice of polygyny. It would however be problematic to interpret this as evidence of early Cape imams being opposed to polygyny in principle, given that their wish to impress the notion that their community adhered to colonialist norms of 'civilisation' upon the colonial authorities must have been a dominating concern at the time.

However, Islamic marriages have never been recognised by South African courts at any point in South African history. This basically implied that unless such marriages were also registered by a civil court by the marital partners themselves, the children of such marriages were in terms of the law *de facto* illegitimate. This was the case until 1996, when ameliorating legislation was passed in the form of the *Births and Death Registration Amendment Act* 40 of 1996 which recognises marriages concluded according to the tenets of any religion for the purpose of registering the offspring thereof as legitimate (see N. Moosa 1996: 42). Rautenbach (2000: 37) asserts that the main reason for the non-recognition of Islamic marriages throughout the era of segregation and apartheid was that such marriages were either de facto or potentially polygynous.[16] Under Roman-Dutch Law and legislation, which has provided the template for South African laws of marriage, marriages that were either potentially or de facto polygynous were *contra boni mores* ("against good morals") and therefore void (ibid.) "The good morals" against which potentially polygynous marriages were held to offend were – not surprisingly – Christian (Sachs 1992: 83). In terms of the law then, the wife of a polygynous union was not recognised as such, and the children of such a union were regarded as illegitimate. But it is important to note that, unlike in many Western European countries where polygyny was considered to be equivalent to bigamy and as such outlawed, there was never a formal prohibition of polygynous unions in South Africa (Rautenbach op. cit: 45). Polygynous marriages among Muslims as well as among rural black Africans governed by customary law appears to have persisted in South Africa without much overt interference on the part of the authorities.[17] In the case of black Africans, polygynous marriages were formally recognised by the Bristish colonial authorities, but only in the case of marriages contracted under customary laws. In the province of Natal, where there had been a substantial Muslim population since the arrival of indentured labourers in the

1860s, the colonial authorities passed legislation recognising polygynous marriages contracted by Indians prior to arrival in South Africa (ibid: 39).

What is clear, however, is that demands for the recognition of Islamic marriages – whether monogamous or polygynous – were central to the Cape Muslim 'ulama' for most of the 20th century. It is equally clear that the political context of South Africa, and shifts in the political context, is crucial to any understanding of the timing of these demands. When sixty-two (62) of the 'ulama' of the Western Cape met in the Cathedral Hall of the Anglican St. George's Cathedral in Cape Town on February 10, 1945, and decided to establish the MJC, the demand that the government recognise Islamic marriages formed part of the ten-point programme that was agreed on (Lubbe 1989: 65). Little appears to have come out of it.

These demands resurfaced in 1975, when the Director of the Cape Town-based Institute of Islamic Shari'ah Studies (IISS)[18] made presentations to Prime Minister Vorster to the effect that "aspects of Islamic Law relating to divorce, succession and guardianship be recognised" (Moosa 1988: 32). In response, the South African Law Commission (SALC) stated that it would not include such investigations in its programme, since it was of the opinion that recognition of "relevant aspects" of MPL would lead to confusion in South African Law, and because it held that Muslims were not prohibited from living in accordance with "relevant directions of Islamic law" under existing South African Law (Moosa 2001: 125-6).

Nineteen seventy-six was the year of the Soweto uprisings, and the period from 1976 to 1990 saw an intensification of the struggle against apartheid. The Soweto uprisings created a generation of politicized and activist youth within South African Muslim communities who challenged the hegemony of the established 'ulama' and their lack of principled commitment to the anti-apartheid struggle (see f. ex. Lubbe 1989: 106). In such a context, it was not surprising that the demands for recognition of MPL were placed on the backburner. It must therefore have come as a surprise to many when SALC in late 1987 circulated a questionnaire to several Muslim organisations, inviting comments on matters relating to MPL (E. Moosa op. cit: 125). It followed the mooting of a private bill by a South African Indian delegate to one of the houses in the racially segregated and electorally discredited Tricameral Parliament, aimed at introducing legislation aimed at recognising Islamic Laws of sucession (Moosa op. cit: 126). The 'ulama' bodies, including the MJC, hailed the SALC inquiry as a significant step towards the recognition of MPL. However, many Muslims suspected it to be part of an attempt by the apartheid government to co-opt sections of the community,

and most significantly, the challenged 'ulama', and to neutralise the influence of militant Muslim youth (E. Moosa op. cit: 127, 128). Muslim youth and activist organisations sympathetic towards the anti-apartheid movement, such as the Muslim Youth Movement (MYM), the Call of Islam, Qibla as well as the Muslim Student Association (MSA), reacted with anger, as they saw the issue as one which should only be addressed after the eventual fall of apartheid (E. Moosa op. cit: 127).[19] And so it was to be. The SALC only completed a preliminary inquiry, and the process was eclipsed by the momentous changes in South African politics of the early 1990s.

Nelson R. Mandela's pledge to South African Muslims in 1992 came after lobbying by the 'ulama' bodies during CODESA ('Conference for a Democratic South Africa'), the multi-party negotiations for a democratic South Africa, which followed in the wake of the un-banning of the UDF and the ANC and the release of Mandela from prison in 1990. The pledge was designed to attract potential Muslim members and voters to the ANC, especially in the Western Cape and KwaZulu-Natal, provinces with a significant number of Muslims, which also happened to be provinces where ANC control subsequent to democratic elections was uncertain.[20]

On the initiative of the ANC, a Muslim Personal Law Board (MPLB), tasked with establishing some common ground between the various Muslim organisations with regard to MPL, was established in August 1994. By April 1995 it had been unilaterally dissolved by the 'ulama' organisations amidst what E. Moosa (op. cit: 130) describes as "deep and acrimonious divisions".[21] The most contentious issue was the proposal by representatives of the mainstream 'ulama' bodies that Muslims ought to demand exemption from the Bill of Rights of the final South African Constitution, in case there be conflict between MPL and the provisions of the Bill of Rights (E. Moosa op. cit: 128).[22] The Bill of Rights and the *Interim Constitution* of 1994 guaranteed freedom of religion (including, notably the right to change one's religion, a provision many religious leaders were opposed to in principle) and gender equality, and it was assumed by the 'ulama' that this would generate problems with regard to state recognition of MPL. MYM and Call of Islam opposed the 'ulama"s course of action on the grounds that they saw no need for Muslim exemption from the Bill of Rights.

In 1999, the Minister of Justice, Abdullah 'Dullah' Omar, a Muslim trained lawyer from Rylands, Cape Town, established a project committee on Islamic Marriages under the SALC. This project committee consisted of lawyers, Islamic scholars, scholars of law as well as parliamentarians, and was chaired by the Bloemfontein High Court Judge Mohammed Navsa. It

presented an Issue Paper for public comments in 2000 (SALC 2000), and having received numerous submissions on the Issue Paper, presented a Discussion Paper in 2001 (SALC 2001). An amended draft bill (SALC 2003) has been presented to the Minister of Justice, Brigitte Mbandla of the ANC, who is required to approve and sign it before submitting it to Parliament. Given the minority status of South African Muslims, and the opposition of secular feminists in and out of government to particular provisions of the Draft Bill on Islamic Marriages, this appears unlikely to happen during the tenure of the present Minister.[23] To the extent that I will be referring to specific provisions of the Draft Bill, it is SALC 2003 that I will be referring to. It is a given – contrary to what the 'ulama' organisations proposed at the time of the MPLB in 1994-5 – that for an Islamic Marriages and Related Matters Act to be passed into law by Parliament it will have to comply with the provisions of the Bill of Rights (Rautenbach 1999: 3), particularly with regard to gender equality. Tayob (2005: 6) notes that the Interim Constitution of 1994 seemed to have created the impression among some sectors of the South African Muslim community that customary or religious laws pertaining to personal status matters would be exempt from the Bill of Rights. Limitation clauses under the final Constitution of 1996 made it adamantly clear that this was not to be the case. Rautenbach argues that recognition of MPL "as it is" "will result in discrimination against women"(Rautenbach 2000: 67).[24] Since the right to have MPL recognised is not constitutionalised (N. Moosa 1998: 482), it is not a given that it will be passed by Parliament. The literal meaning of constitutionalisation is to incorporate into, or sanction under a Constitution, so it is reasonable to assume that what Moosa means is that the Constitution does not *guarantee* the right to have MPL recognised through law, even though it clearly provides the option that it could be. Section 15 (3) must according to legal experts be seen as an "enabling provision", rather than a constitutional guarantee of recognition for systems of family law.[25] In the meantime, temporary redress for in-estate widows of Islamic marriages as well as divorcees of marriages contracted in terms of MPL has been provided by South African courts pending recognition of Islamic marriages.[26] The courts have in fact interpreted the Constitution of 1996 to the effect that potentially polygynous marriages are legally valid (Tayob op. cit: 10). It should be noted, however, that the cases involving Muslim family laws which have come before the South African courts since 1996 have all been cases involving *horisontal* rights (i. e. rights between individuals), rather than *vertical* rights (i. e. rights as pertaining to the individual vis-à-vis the state), and have involved de facto monogamous, rather than polygynous marriages. *Khan v Khan* (2005)

was the first case in which South African courts recognised that there is a legal duty of support between marital partners in a polygynous marriage contracted by Muslims through Islamic rites (Domingo 2006: 7). However, the courts have for all practical purposes left the issue as to whether rights granted to Muslim women in monogamous marriages should also be made applicable to Muslim women in polygynous marriages to the legislators (cf. Rautenbach 2004: 10, 15).

It is worth noting that the SALC's Draft Bill on Islamic Marriages and Related Matters stands in a potentially conflictive relationship with international human rights legislation to which the South African state is a signatory. The *United Nations Declaration of Human Rights* (UDHR) of 1948 defines equal rights to marriage and divorce for men and women as an absolute and inalienable right (Mayer 1999: 64). The UDHR is generally not seen as binding on member states. However, South Africa ratified CEDAW (*Convention on the Elimination of All Forms of Discrimination Against Women*, 1981) in 1993 (Kathree 1995: 433). CEDAW is legally binding, and in terms of section 39 (1) (b) of the Constitution of 1996, the courts are obliged to consider international law when considering the provisions of the Bill of Rights, including the provisions for gender equality (Waheeda Amien, personal correspondence 05.10.2005). Section 16 of CEDAW requires that men and women have the same rights with regard to marriage and its dissolution (Mayer op. cit: 124). Insofar as the right to polygyny and to unilateral divorce without stating any reason is a male prerogative under MPL systems in most Muslim societies, and also under the Draft Bill, there is a conflict here. Womens' rights to marriage and divorce according to classical Islamic interpretations are plainly unequal to that of men (cf. Vikør 2005: 309), even though this might be mitigated by the actual practice of courts in particular contexts.[27] The fact that Muslim countries reservations against CEDAW have centered on section 16 (Mayer op. cit: 125, see also Mayer 2004) is a clear indication of this potential conflict.[28] Interestingly, references to international human rights legislation on marriage and divorce were not central to many of the submissions on the MPL Discussion Paper, with the exception being some submissions which can be defined as feminist and/or Islamic feminist.[29] This seems to suggest that the specific South African context as well as Islamic texts have set the terms of the discourse on MPL and Islamic marriages.

E. Moosa (2001: 147) argues that the recognition of polygynous marriages remains a contentious issue with regard to MPL. Mohammed Navsa, the chairman of the SALC on MPL, has described polygyny as one of the hardest issues the Commission had to deal with, and indicated that it had

been the 'ulama' on the Commission who had "pushed" recognition of polygyny.[30] In the case of polygynous marriages contracted among black South Africans, these were recognised anew under the *Recognition of Customary Marriages Act* 120 of 1998, which came into effect in 2000. Findings from a study conducted among Zulus married by customary law in KwaZulu-Natal has however suggested that the provisions of this Act which set out a detailed procedure to be followed by married men should they wish to contract a second marriage (Section 7(6) of the Act) fly in the face of empirical evidence indicating that most first wives are simply abandoned by their husbands in cases where these take a second wife (Mamasela 2004: 636-38).[31] When responding to criticisms to the effect that the institution of polygyny was in contradiction with the guarantees for gender equality of the Constitution, inasmuch as it granted a right to men denied to women in the form of polygyny, lawyers involved in the drafting of that bill for the SALC responded that one could only give legal recognition to systems of marriage for which there had been historical precedents in South Africa.[32] But before proceeding to an analysis of what Cape Muslim women with experience from polygynous marriages might tell us with regard to MPL and polygyny, it is necessary to take a closer look at what the Draft Bill on Islamic Marriages and Related Matters actually proposes.

'Islamic Marriages and Related Matters Act' and Its Provisions for Polygyny

The Draft Bill on Islamic Marriages is the result of a compromise between MPL and the requirements of a Constitution which, as noted in chapter I, is largely secular and liberal in its orientation. It can perhaps best be described as a hybrid of two divergent frameworks, a religious and a secular one, and as a mélange of different Islamic interpretations. There is nothing unusual in this. In fact, the end result of most legal reforms in the modern Muslim world has been the creation of a hybrid family law (Mir-Hosseini 2000: 11). The very act of rendering shari'a as 'law' means to define it in secular terms, and furthermore, transforming shari'a or elements of it into statutory law *in itself* implies a process of secularisation[33] (Layish 2004: 92). Transforming the shari'a into statutory law entails facing a set of challenges in any context – but the challenge is compounded in a societal and legal context in which the statutory law is in the main secular. Commission members readily admit that it will not satisfy the demands of all the 'ulama' – and particularly not those who regard the whole notion of submitting MPL

to the demands of a secular framework as an unbearable contradiction of their understanding of the shari'a and the ways in which it is ideally to be enacted in the form of law.[34] Opposition to the principle of submitting MPL to the demands of a secular framework has been set out in the works of for instance Toffar (1999, 2001). Toffar, who in 2001 was Head of Fiqh Studies at the Islamic College of South Africa (ICOSA)[35] in Gatesville, Cape Town, has been closely aligned with the views of the Islamic Unity Convention (IUC), an 'ulama' organisation rival to the MJC and set up in 1994, in which the radical Islamist Achmat Cassiem is a leading force. Cassiem has been sharply critical of the mainstream 'ulama"s engagement with the post-apartheid state on issues such as MPL, and the tenor of the arguments in Cassiem's submissions to SALC on behalf of the IUC, and Toffar's on behalf of the ISS are strikingly similar.[36] According to Toffar's understanding shari'a is defined by permanency and continuity, and is "the exact opposite of secular constitutional law" in that it represents revealed law in which "the *shari'* (legislator) is Allah [God] himself" (Toffar 2001: 3). The requirements of the shari'a can not be reconciled with current South African legislation, "one system *must* give way to the other" (Toffar 2000: 1) – and he adamantly opposes the idea that a non-Muslim authority (such as secular courts with non-Muslim magistrates) be allowed to "deal with any aspect of [the] shari'ah" (ibid: 9). Toffar thinks it "ludicrous" to suggest that MPL will function according to the shari'a in the "present-set-up" and without exemptions or amendments to the constitutional provisions (ibid: 18),[37] and instead advocates the setting up of a legal regime for Muslims which is not subject to constitutional nor parliamentary approval, oversight or regulation. Toffar and the IUC/IISS in most cases represent minority views of limited social and political impact and reach among Cape Muslims, but it is a populist voice of Islamist orientation which on particular issues has been able to mobilise substantial support.[38] But it is ultimately of far greater consequence that the Draft Bill has had the support of the main 'ulama' organisations in South Africa, such as the Jamiatul 'Ulama Natal[39] of KwaZulu-Natal, the MJC of the Western Cape and the Jamiatul 'Ulama Transvaal of Gauteng. These organisations might not share the SALC's project committee on Islamic Marriages' consensus on particular issues, but do support it on the understanding that recognition of Islamic marriages is preferable to a situation of continued non-recognition.

In terms of the understanding of fiqh that the proposed MPL Bill is grounded in, sections of it bears an imprint of the principle of legal eclecticism or *takhayyur*,[40] inasmuch as some of the proposals are based on interpretations of the Hanbali and/or Maliki *madhahib* (schools of law), rather

than the interpretations of the Shafi'i and Hanafi madhahib, to which most South African Muslims in principle adhere. The Draft Bill is silent about the distinctions between different madhahib. This raises the issue as to how the courts are expected to deal with conflicts between interpretations pertaining to different schools of law among applicants who adhere to different schools of law (Domingo op. cit: 12). However, the Draft Bill does aim at generating a minimal consensus within Muslim communities in South Africa, with the prospect that this consensus will ultimately have shifted the terrain within these communities to such an extent that it is seen as the only option available. It is also noteworthy that the Draft Bill makes no explicit reference whatsoever to international legislation on human rights and gender equality, which indicates the extent to which the 'ulama' on the committee have managed to frame the process according to their understanding of what constitutes relevant legal and religious parameters.

With regard to polygyny, the Draft Bill aims at curtailing the practice (Faa'ik Gamieldien, interview 15.02.2005) by regulating it. It is clear that the Commission sees polygyny as an exception in Islamic history, but sees a need to recognise it, particularly on the basis of the need to safeguard the rights of Muslim women living in such marriages, and their children. It is proposed that the parties to a marriage between Muslim partners may choose whether to have their marriage/s regulated by the Act, or by civil law of marriage. In terms of the Act, parties to a marriage will have to be a minimum of 18 years old (unless granted the right to contract a marriage under that age by "a relevant authority" i. e. the Minister), and to consent to the marriage. Polygynous marriages existing before the commencement of the Act will be granted retroactive recognition. It is suggested that Muslim marriages contracted under the Act be regulated by a standardised contract, and that such a contract may contain provisions to the effect that if the male partner to the marriage should subsequently want to contract marriage to a second, third or fourth wife, this will constitute rights to unilateral dissolution of the marriage (*faskh*) by petition to the court (Esposito 1983: 33) on the part of the first wife.[41] But there is in effect nothing in the Draft Bill to suggest that the consent of a first wife to a subsequent polygynous marriage will be required.[42]

A Muslim male wishing to enter into a polygynous marriage will have to apply to the courts in order to do so. In the courts, cases relating to MPL will be presided over mainly by non-Muslim magistrates, but assisted by two qualified Muslim assessors. These are most likely to be from the ranks of the (male) 'ulama'. The courts may grant permission to contract such marriage provided

that (1) the husband has sufficient means, (2) that an intention to treat the spouses equitably has been demonstrated and (3) that there will be "no prejudice" towards existing spouses (ibid: 48). It is noteworthy that the consent of the first wife is not required, nor is the husband required to treat the children of all his spouses equitably in terms of the Draft Bill. It is also noteworthy that the financial responsibility for maintenance of children remains that of the biological father in cases in which a second marriage is contracted with a Muslim woman who has already been married and/or has children.[43] The stipulated conditions are of course not unproblematic. In the context of an understanding of law as a social process (Moore 1978), one can foresee problems with regard to what constitutes "adequate provision" (given that this is likely to vary enormously according to the husband's social and financial status), and with regards to a precise legal definition of what it entails to treat one's wives "equitably". Marriages are to be contracted by qualified marital officers for whom it will be required to inform the parties of their rights and obligation according to the Act. Failure to do so will not affect the validity of a contracted marriage, and is only liable to a fine of ZAR 5000,-.[44]

In the course of its investigation into MPL, the Commission studied a number of marital law regimes in countries in the Muslim world (N. Moosa, interview 03.03.2005). Some of the 'roads not taken' are noteworthy. In modern times, the genealogy of Muslim opposition to the institution goes back to reformists such as the Egyptian Salafi Mohammed Abduh. He was in Esposito's words, "critical of polygamy [polygyny] and its deleterious effect on family life" (Esposito op. cit: 50). Abduh argued that polygyny had been permitted in the time of the Prophet Muhammed as a concession to prevailing social conditions, but that the true ideal of the Qur'an always remained monogamy, since the conditions attached to polygyny were in practice impossible to realize (Esposito op. cit: 51). The 20th century has seen a number of attempts by modernising elites in the Muslim world to curtail the practice of polygyny under MPL systems. In the case of Egypt, for instance, the 1985 *Amendment to the Law of Personal Status* of 1929 grants the first wife in a polygynous marriage a one-year right to request a divorce if the fact that her husband has taken another wife causes her financial or moral harm, *darar* (Mashour 2005: 580).[45] Under the original law, darar had to be proven by the woman herself, and was interpreted by the courts as applying only to cases in which the first wife was left financially unsupported subsequent to her husband's taking another wife. In practice, darar seems at present to be interpreted by Egyptian courts as referring exclusively to the husband withholding financial support and/or sexual

intercourse with the first wife (Nadia Sonneveld, personal communication, 2005). In Tunisia, polygyny was prohibited as early as 1956, on the basis that the secular and modernising authorities thought the Qur'anic requirement to treat the wives equally rendered the institution untenable (Mashour op. cit: 585). However, prohibition does not render a polygynous marriage invalid, it only implies that such a marriage incurs penal sanctions (Layish 2004: 92). Turkey is thus far the only Muslim country in the world to have completely abolished polygyny as an institution. Still, a significant number of polygynous marriages are contracted illegally by Turkish citizens each year. In Morocco, state-initiated reform of the Law of Personal Status, the *Mudawwana*, presented in 2003, obliges a husband who wants to contract a polygynous marriage to seek the explicit consent of the first wife (Maddy-Weitzman 2005: 405).

In the South African context, it does however seem likely that a substantial number of Muslims would opt out of having the marriages regulated by such an Act, either because they prefer a civil regulation of their marriage (which effectively prohibits polygyny in terms of *The Marriage Act* of 1961), or because they find the submission of MPL to a secular framework reprehensible.[46] With regard to polygyny, this might result in problems in that in cases in which a Muslim male contracts a polygynous marriage in breach of the framework of the Act, he is only liable to a fine of ZAR 20 000 (ca. 2266 euros in 2006 rates).[47] One can easily imagine a situation in which conservative 'ulama' opposed to the Act's regulation of polygyny continue to perform polygynous marriage ceremonies (*nikah*s) outside of the purview of the courts. ZAR 20 000 will for many upper-class and middle-class male Muslims hardly be a sufficient fine to act as an effective deterrent. Regardless of whether the Draft Bill is passed into law or not, many polygynous wives and their children are therefore likely to be left in a legal limbo.

Cape Muslims and polygyny

There are no reliable statistics available on the extent of polygyny in South African Muslim communities whether in the past or in the present. South African population censuses do not provide any data on polygyny, and even if they did, the figures would remain unreliable estimates, given that the fact of living in a polygynous marriage is not necessarily something husband and wives in such marriages readily admit to. Some of our interviewees reported considerable stigmatization from other Muslim women.

As an example of such stigmatization, one of our interviewees, who was the second wife in a polygynous marriage, recalled having been asked by a female Muslim acquaintance "how the sex was?" and "whose turn it was this week?" The appropriation of lurid Orientalist images of the Middle Eastern harem underlying statements such as this, was hard to miss, and the woman in question was naturally deeply offended by the comments. As pointed out by another interviewee, a second wife who had lived in a polygynous marriage for twenty years, the stigma faced by a second wife in a polygynous marriage is often greater, as she is often perceived to be "*die slegte ene*" ("the bad one") by other people who tend to assume that she has at the outset "interfered in" another woman's marriage, or even that she has "stolen" the first wife's husband ("*dat ek haar man gesteel hat*"). Hence, in popular discourses around polygyny, the first wife is often perceived to be the victim of her husband's "lust", and another woman's attraction to him. Since male lust is not generally seen as an accepted Islamic ground for contracting a polygynous marriage among contemporary Cape Muslims, popular discourses around polygyny among Cape Muslims provide an implicit critique of the practice.[48] The stigma faced by women in polygynous marriages, and perhaps particularly from highly educated professional middle-class Muslim women whose notions of female autonomy the institution appears to be an affront to, can be considerable. The existence of a stigma surrounding polygyny is also attested by the number of Muslim males living in polygynous marriages without making this known to and in the communities in which they live. Among them are some prominent Cape 'ulama'.

Cape Muslim women of all backgrounds that I have interviewed generally seem to concur that living in a polygynous marriage is not something that they would want for themselves or their children. It is also apparent that relatively few Muslim women with actual experience from such marriages are inclined to recommend the practice. Those who do are often second wives in such marriages, and it does not appear unreasonable to think that the fact that they are the most recent wives of their husbands, and generally likely to be younger and more favoured by the husband in sexual and emotional terms might have something to do with it. One interviewee, a divorcee in her forties, had become a second wife two years earlier. It was clear that she saw herself as the centre of her husband's affection, he was "all that I ever wanted", and as far as she was concerned she had not interfered in his marriage (as some of her friends and neighbours alleged), since "he never ever had a relationship [with his first wife]" In practice, polygynous

marriages in poorer communities in Cape Town are generally contracted on the basis of a Muslim male engaging in an extra-marital affair or zina. In the course of this affair, his mistress either becomes pregnant, or he decides that he wants to cast a legitimate shade over the affair. In colloquial terms, "*hy moet skoon maak*" ("he must clean up his mess"), and hence a hasty and low-scale nikah is organised. His first wife is rarely, if ever, asked for her consent. In fact, there have been recoded instances in which first wives protesting against the fact that consent was never requested have been dragged out of mosques in communities on the Cape Flats when trying to interrupt their husband's nikahs. In other words, poorer Cape Muslim women's popular constructions of polygyny point to a conviction that consent from the first wife is required for it to be acceptable.[49]

Sometimes the woman who becomes the second wife does not even know about the existence of the first wife, or is led by her prospective husband to believe that the man she is marrying is divorced from the first wife. This was the case with Azeema, who married a man nine (9) years her senior at the age of twenty-one (21). She was aware of the existence of a previous marriage, but her husband-to-be had told her that he had left and divorced the first wife. 'Ulama' in poorer communities are well aware of the fact that the male, given socio-economic circumstances of poverty, unemployment and marginalisation of these communities, is unlikely to be able to provide adequate *nafaqa* or sustenance for multiple marital partners. Often he is not able to provide adequately for his first wife and her children. Their overriding concern would however in many cases seem to be the need to minimize the potential public scandal over zina in cases where this has has been committed. It should be noted, however, that the research on this topic did not include interviews with 'ulama' active in the communities in which the interviewed women lived, and that their motivations for performing such marriage ceremonies have therefore not been elicited.

Wives in polygynous marriages are typically younger than their husbands, some considerably so. In my sample, the women with experience from polygynous marriages were on average 4,7 years younger than their husbands when they first married. It has been suggested that age differentials are a vector with regard to gender inequality (Jewkes, Levin and Penn-Kekana 2003: 131). My research uncovered instances in which Muslim girls under the age of sexual consent had been married off to husbands more than twice their age.[50] Marriages contracted by Cape Muslims are seldom regulated by written contracts, even though most Muslim legal experts seem to concur in recommending that they be in order to protect

the rights of women. It is noteworthy in this context that even though there are a number of Shafi'i 'ulama' in contemporary and overwhelmingly Shafi'i Cape Town who accept the non-Shafi'i Islamic principle that Muslim males are bound by marital contract stipulations (cf. Ali 2006: xvi), those who do may not neccessarily represent a mainstream position, and it may therefore require considerable efforts in "ulama'-shopping'[51] for a Cape Muslim woman to locate such 'ulama'. In my sample, only one (1) woman out of thirteen (13) reported having a written contract, and she was a highly educated middle-class professional. Even among educated and well-off Cape Muslim women, demanding a contract is still exceptional. Several young Cape Muslim women who are well aware of their rights to demand a written contract have told me that young Muslim males that they are in a relationship with seem to see that as a reflection of a lack of trust in them, and that they do not contemplate making such demands for fear that it might lead to conflict with them.

It is worthy of note that some of the most ardent promoters of the institution of polygyny are shuyukh affiliated to the Sufi turuq in Cape Town. In the circles of the Tijaniyya-Niassene tariqa, which established a presence in Cape Town in the late 1990s on the basis of personal contacts between Muslims in Senegal and South Africa, I often overheard male leaders asking their muridin when they were going to take another wife. Among the Murabitun, a Sufi tariqa established in Cape Town in the 1980s which has a great number of non-South African muridin, polygyny is actively encouraged by the local shuyukh, as it is thought to give the male followers a greater ability to focus on their spiritual exploits.[52] Polygyny also appears to be relatively common among followers (*musalees*) of the ultra-conservative Muslim reform movement of Indo-Pak provenance, the Tabligh Jama'at (TJ).[53]

As I seek to demonstrate through the following narratives, Cape Muslim women's experiences with polygyny are heterogeneous. Their experiences vary according to social status and financial circumstances, personal characteristics and religious outlook. Perhaps most importantly, the experiences of polygynous marriage vary according to whether a woman is the first or the second wife in a polygynous marriage. It would seem from the overrepresentation of second wives from polygynous marriages in the sample that second wives may also be more prepared to talk about their experiences. For reasons such as these, defining a 'common interest' between Muslim women with regard to the Draft Bill on Islamic Marriages and Related Matters and polygyny is bound to be somewhat difficult.

"Dit is nie in ons hand wat voorlê vir ons nie; dis in Allah se hande"[54]

Rabiya is thirty-eight (38) years old. She married her husband of sixteen years, Hassan, at the age of twenty-two (22). They have two daughters. She was born to Muslim parents in a working-class southern suburb of Cape Town. Both as a child, and as a married woman, Rabiya has enjoyed a decent standard of living. Her father was a seaman, and earned "quite a good salary." Her mother was a housewife. She has seven siblings from her biological mother's side. Rabiya's father had two wives that he provided for. She was raised in what she referred to as "a very religious family." She recalled that at prayer-time, she and her siblings would have to be indoors; they were sent to madrassa every afternoon after school. For the first few years of her marriage, Rabiya worked as a hairdresser, but then she was involved in an accident, and stopped working at her doctor's recommendation. Her husband provides for her and their daughters. When she was asked what she had thought an ideal marriage would be like as she grew up, Rabiya said that:

> "For me, it, um, was marrying the man that I loved and settling down, having most probably the 'cozy' life and set-up, you know, and this is not what I expected and this is not what I wanted. But like I said, years have taught me, 'no', you never get what you want."

Rabiya described herself as "very religious", and said that she never left the house without first informing her husband of where she was going and with whom. As a result of the accident she was in, Rabiya said that she had had her "health issues", but emphasized that she had never turned her husband down in bed, since she thought that "that is his right, you know."

Six years previously Hassan had asked her permission to take a second wife. Maria was younger than Rabiya, and a Christian, who converted to Islam when she married Hassan. Maria stays in a house of her own in another suburb with her children; Hassan provides for all of them. Rabiya stated that she got along quite well with her co-wife Maria, even though they have little in common. "We don't look alike: we don't talk alike, we don't do nothing [anything] alike [the same way]." Their children get on quite well too. Interestingly, she pointed out that when she had differences of opinion with Hassan, Maria would support her, rather than her husband.

Rabiya had been emotionally affected by her husband taking a second wife. Looking for answers, she had approached a female madrassa teacher whom she knew from her childhood. The madrassa teacher had told her that

it was better for the husband to have taken a second wife, rather than "*verkeerd lewe met die vrou*" (lit. "living wrongly with the woman", i. e. engaging in extra-marital sex). Rabiya said:

> "…[…]…When my husband wanted to marry Maria, I never ever said he couldn't marry her. Because it wasn't my choice, it's his choice, and, uh, but I agreed [to it] for the mere fact that, uh, at the time he could afford it, and religious-wise [religiously] it was allowed…[…]…"

Rabiya's statement to the effect that "*Ek try nie vir hom te sê wat hy moet doen nie*" ("I do not try to tell him what to do") adequately summarizes her response to the fact that her husband wanted to take a second wife. According to Rabiya's world-view it is a male prerogative to do so, and as a good and faithful Muslim wife and mother she had no choice but to accept it, regardless of the effects it might have had on herself and the relationship to her husband. Rabiya repeated several times that in order to make the new arrangement work, she had had to "sacrifice my happiness." She explained that she "would have loved to have him [her husband] all to myself, I would have loved to: not to share him." But unlike many other males in polygynous marriages, her husband "tries very hard" to be fair, and provides adequately for both wives and their children. Rabiya has responded to the new situation by stressing the fact that as a first wife, she has been a good mother to her two daughters, whom she described as "beautiful," and a good wife to her husband. She also takes comfort in the fact that her husband, unlike so many others has not – "*vir my los en vir haar vat* " – left her for another woman.

> "…[…]…I don't think women should fear [being in a polygynous marriage], they shouldn't fear, because I think it's more [out of] a fear than anything else that they are anti [against] a second wife. Another wife can't, can't hurt you if you are secure in your relationship [with your husband], and you feel that you have made your mark as a daughter-in-law and as a wife – then nobody can take that away from you. If you've lived your life religiously and rightfully, that is your place, that [is the] first wife's place; nobody can take it [away from you]."

More than anything else, the key to Rabiya's response to the circumstance of her husband's taking another wife can be expressed in the popular ideom of *sabr*: sabr literally means "patience", but is often invoked in an extended popular sense, in terms of which it describes an ability to persist

in the face of personal and/or communal adversity. For many Cape Muslim women on the Cape Flats, this is the true marker of adult womanhood.

> "I am a strong woman. I am very strong, *al-hamdu llilah*. Allah gave me a lot of sabr, a lot of patience. People say to me every day that 'Allah has granted you sabr'; that's the one thing I can always say, sabr is one of the most powerful tools that you can have, and if you don't have that, then you crumble and fall."

"If I must divorce him now, I must really go far away"

Zohra is thirty-seven (37) years old. She lived with her husband and three children in a small structure built of wood and corrugated iron on someone else's property in a township on the Cape Flats. I interviewed her together with my research assistant at her home. Her husband was at work at the time of the interview. It was a warm and pleasant day in December. The wendy house consisted of two bedrooms and a kitchen. It was small, but reasonably well furnished: there was a tv-set as well as a stereo. Zohra told us that she had grown up in the Piketberg, where she had lived with her mother, her step-father and her maternal grandparents. She has three sisters who are all younger than her. Zohra's mother was born a Christian, but turned Muslim when she married her step-father. They had passed away some years ago. Zohra had embraced Islam whilst at high school, at the age of fourteen (14). In her youth, she said that she had had "lots and lots of boy-friends," but she emphasized that she had not been "sexually involved" with every one of them. Zohra had met her Muslim husband Faheem at the age of twenty-two (22). He was then thirty (30) years old. As a half-skilled blue-collar worker, Faheem had a stable and reasonably good income. Six months into the relationship, Zohra discovered that she was pregnant.[55]

> "I was now pregnant, I got this child inside of me, *his* child, and the child can't grow up without his father, and that is now [what] his religion say[s]; the child must have a father."

Zohra was still living with her mother and the step-father at the time. Faheem must have told his parents about the pregnancy, because a few days after she had told him about it, they came to knock on her parent's door, accompanied by a woman of Faheem's age. The shells were starting to fall from Zohra's eyes. Faheem's parents told her that he was already married, and had an eight (8) year old son with his first wife. Subsequent to the visit,

she had had a furious argument with Faheem. She described herself as having been "very upset about it" Even though she felt that there had been "no love from my side for the man" at the time, she agreed to get married to Faheem. She had "thought I could make it work."

Her mother and her step-father were opposed to the marriage, on the grounds that Faheem already had a wife:

> "The reason [why they opposed it was] because they found out that he was married, yah, he's got a wife. I was actually very confused at the time; I just went ahead with the marriage, just to get out of the house, because my parents were stressing, and, you know, going on mad[ly], and they were very disappointed in me, because I got pregnant from a married man…[…]…I wasn't happy about it [the fact that he had a wife from before], um, I was just, how can I say [put] it now? Ek het net saam met dit gegaan omdat die religion gesê, okay, hy kan nog 'n vrou vat.[56] So I thought maybe-"

On the night before the nikah, her mother kicked her out of the house. In order not to attract too much attention in the community, and given that they were in a hurry to get married before the pregnancy became all too apparent, the nikah was held in a mosque in a community at some distance from the community in which Zohra lived. A relative of Faheem's organised it with the local imam there. Later they were also married in court. Zohra told me that there was no written contract between the two of them. Zohra was reconciled with her parents some months afterwards. But her mother and step-father had "never accepted" Faheem, nor had her sisters, who "don't like him at all," due to his "manners."

After the marriage Zohra and Faheem lived for a while with Faheem's grandmother. But Faheem wanted to have closer contact with the child from his first marriage, and eventually Zohra moved in with him, his first wife, and their child in a house that had been left vacant. It was clear that during the first period of her marriage to Faheem, she was his favourite. Faheem's first wife was "very upset," and Zohra had been allotted the main bedroom in the house. He was only sleeping with Zohra at the time. But one night before going to sleep, Faheem had told her that he was going to the toilet. She had gone to bed, but had gotten up wondering what took him so long at the toilet. She didn't find him there. She had wandered around the house looking for him in the darkness, and found Faheem having sex with his wife in one of the rooms of the house. After that, she said she had felt "like a zombie, not knowing what was going on around me; it didn't

seem real – I didn't feel like myself." The situation had become untenable, so Faheem installed Zohra in another house that he had bought after a while. But his first wife wasn't working, and Faheem could hardly afford to provide for two households on the salary he was getting. Zohra was working in a factory. Faheem would make her bring home her wages and use her wages in order to provide for his first wife. "To me it didn't seem that there was provision for me because that was my own money." Zohra appeared to have a limited knowledge and understanding of her rights as a Muslim woman, but it does seem from this statement that she was aware of the fact that Faheem was supposed to provide for her, and not confiscate her personal income in the manner he did.

Zohra had three children with Faheem. After the birth of her third child some five years ago, Zohra had stopped working. Faheem's relationship to his first wife had taken a turn for the worse; they were arguing about the rights to the house, and when Faheem's first wife took him to court, alleging domestic abuse, he had divorced her unilaterally through a *talaq* (i. e. three *talaqs* performed in one sitting). That had happened three years previously.

Zohra did not believe in the allegations about domestic abuse that the first wife had made against Faheem, but she certainly knew that Faheem could be abusive. Faheem, she asserted, was "the type of man" who "wants sex every night and every morning." He didn't "take 'no' for an answer." When he was still married to his first wife he would come straight from her, and want to sleep with Zohra. Now that he was divorced from his first wife, his sexual demands had become all too much for Zohra, who had to put up with it even when she was having her periods. "Now he's not with her anymore, and now I'm in this shit", she said. When she refused his sexual advances, he would become verbally abusive, and accuse her of sleeping around with other men. The wendy house was small, and their children would be terrified witnesses to Faheem's verbal assaults against his wife. Their fifteen-year (15) old daughter, would sometimes stand up to her father, and Zohra told us that Faheem would beat their daughter "like a man" whenever she did so.[57]

> "She's [the daughter] the one, she will always say: 'Mummy, stop being so weak, get out of this marriage, you're living a lie, and things like that, but I don't know, it's almost like I'm just freezing, man, when things happen – like he's going on mad here and now she will be the one who is strong, and stands up and says; 'No, I've had enough of this and that' – she will like -. She's very cheeky, she will tell him in his face what she thinks."

Whenever Zohra tried to go between them in order to protect her daughter, Faheem would push her to the side. She had gone to the courts to get a protection order against Faheem, so as to prevent him from beating up their daughter, but this had been to little avail, as he didn't respect the order, and she was afraid of what might happen if she went to the police to report it. In spite of the court protection order against her husband, the police had not taken away his shotgun, which he kept in a locker in the bedroom. Faheem had a controlling behaviour. Zohra said that she had wanted to find some work for some time now, but he refused her permission to go to work, and he had also tried to prevent her from having any contact with her friends.

Zohra feared the prospect of leaving her husband and applying for a divorce. Because of her husband's possessiveness, she feared what he might be capable of once she left him. She told us that Faheem had once taken out the gun, shown it to their five-year (5) old son, and explained to him how he "could kill Mummy" with it.

> "[If I were to divorce him] he will hunt me, you know what I'm saying? Stand on the corner, watching me, where I'm going and things like that, you know, that's how I know the man. I mean, I'm [I've been] sleeping with him all these years, I know what he can do. If I must divorce him now, I must really go far away, and he must stay that side [until] the divorce. I can't do it here, with him here."

Some months later, we learned that Zohra had finally left her husband. Zohra's marital experience may certainly be extreme. But her general experience with polygyny is far from uncommon among Muslim women in underpriviliged communities in Cape Town.

"Polygyny can be made to work"

Nisa is forty-nine (49) years old. She has been married for twenty years. Born into a family of six siblings, she, like so many other Muslims living on the Cape Flats at present, grew up in District Six before the forced removals.[58] She has a college degree, and works in the public sector. She has a house in a southern suburb of Cape Town, which she shares with a son from her first marriage. She described herself as "a spiritual person," and is involved in teaching children at a madrassa. She described her childhood as "very protected." She had not had any relationship with men prior to her first marriage at the age of twenty-four (24). Her first marriage only lasted for two years, and she had two children from that marriage. Her second husband was a work colleague

of hers. In the year that she got divorced from her first husband, her mother passed away, and she lost one of her children in a car accident. The way in which she had dealt with those losses had impressed the man who was to become her second husband four years later. His name was Dawood.

> "…[…]…I think [that] one of the things that drew him to me is that all the things that I went through, and [that] I never complained, really. And what he likes to tell me is that I actually built a sort of stone wall around me, I didn't- I wasn't interested in any relationship with any men, because there's just this stigma that divorced women are easy, and I was basically contented in my life, because I mean, I was living with my father, I only had the one son after my daughter passed away, and I had a car, and I had a job, al-hamdu llilah. So I didn't need a man in my life at that stage, but he was so-…We became… not really friends, but I mean we were colleagues, and later we started speaking about each other's problems, and then he sort of became more attached, and he started pursuing me, and the more I pushed him away, the more it seemed to draw him…[…]…"

Nisa knew that her male colleague was married. She invited him and his wife to a *hadat* (ritual of recitation, usually held on Thursdays in private homes) commemorating her recently deceased mother. It didn't go very well; the first wife, who was somewhat older than her, accused Nisa and Dawood of having an affair behind her back. But Nisa eventually "got tired of chasing him away", and Dawood had "made" his wife "understand" that it was *he* who wanted Nisa, rather than the other way around. After a period of "weighing the pro's and con's", Nisa had consented to the marriage proposal, and the three of them sat down in order to "put down rules and regulations" for the marriage. For Nisa an important consideration appears to have been that she saw a father to her son in Dawood. But she was adamant that if the marriage didn't work out, Dawood would have to "let me go, he mustn't make it [the divorce] difficult for me." For a period of time, Dawood and his two wives and their children shared a house with separate apartments, but Nisa used her own savings to buy a house three years ago. Dawood earns the same as she does, but since his first wife doesn't work, some of Nisa's earnings go towards the first wife's upkeep on Nisa's initiative. Dawood spends alternate nights with each one of them. There is no written contract regulating the marriage.

Nisa's own family were supportive when they learned that she was about to enter a polygynous marriage. However, from Dawood's family's side, she said that she was "totally alienated." As a consequence, her children have not had

any contact with their paternal grandparents. She thought that Dawood's first wife still thinks that she has "stolen" her husband. At times, the first wife has tried to keep her children from having contact with Nisa's children. But Nisa has tried her best not to speak badly about her co-wife to her husband, in order not to make Dawood "protective of her." She admitted that she and the first wife have never been "friends', but claimed that "we respect each other."

Nisa's husband is, in her own words, "more religious" than she is. He is a tabligh, and regularly spends time away from home calling fellow Muslims to Islam through proselytizing, da'wa. From Nisa's statements, it is clear that as far as divisions of household tasks are concerned, her's is a marriage with quite traditional gender roles. Her husband does maintenance work in the house, but never makes his own tea or food. The constructions of gender and sexuality on which her understanding of marriage is based can also be said to be traditional. Polygyny provides a solution to the problem of sexual licentiousness – the risk of zina – because, in Nisa's words, "there are more women than men" in the world,[59] and because men's sex drives are fundamentally different from that of women, who care more "about love and about feelings"; "*die mans se 'sex drive' is different van die vrou sinne, hulle hele mind draai oor sex*"[60] According to Nisa's understanding, polygyny can even prevent HIV/AIDS, because it may detain a man from "sleeping around with a woman that he doesn't know." For Nisa, the arrangement that living in a polygynous marriage entails has worked out; she asserted that "polygyny can work, and it needs to be made to work in this day an age." But like one of our other informants, who stated that living in a polygynous requires "a change of mindset," emphasized that "people need to be educated" about it "because we are so westernised.";

> "…[…]…Being in a polygnyous marriage has given me the opportunity to have a better relationship with my husband, because you're only together every second night, or every second day, whatever, but you feel [that] the time that you have together, you can't still waste it anymore [by] having petty arguments and things like that, you make the best of the time that you have…[…]…"

Conclusion

The findings presented in this chapter point to a number of reasons why the institution of polygyny appears not to work for most of the Muslim women interviewed for this research. Firstly, as in Zohra's case, it may be that the polygynous marriages were contracted for reasons of expediency, and that the first wife hasn't really been consulted about the marriage at all. One would

also have to realize that consent from the first wife is quite often given in a situation in which she perceives there to be little choice. She might fear that her husband might abandon her and her children completely in favour of 'the other woman' should she withhold her consent. Especially in cases in which the first wife and her children are financially dependent on the husband, this seems likely to make consent a *fait accompli*. Consent on the part of the first wife often turns out to be temporal and provisional: one of our interviewees, a second wife whose polygynous marriage had turned sour due to endless conflicts between her, the first wife and her husband, noted that "in a polygynous marriage there's like a whole lot of strain, a whole lot of stress, and a whole lot of heartache, because first [the first wife] says 'yes', they give their consent at the time, and then after a while they become depressed, and it's always the kids that suffer." Secondly, polygynous marriages appear not to work because they come up against all too human feelings of rivalry between women in such marriages. Whether it can "be made to work", as one of my interviewees (Nisa) suggested, is a different matter. It is noteworthy that those in my sample who seemed to cope best with being in a polygynous marriage were second wives with previous experiences from monogamous marriages that hadn't worked out, and who appeared to have accepted marriage proposals for largely pragmatic, rather than romantic reasons. The two women in question both underlined the need to think outside the framework of what they perceived to be 'Western' notions of marriage. One such notion was for them obviously the notion that marriage should be based on 'romantic love'.[61] When asked about what she had seen as an ideal marriage as she grew up, one of them replied:

> "…[…]…My head was never in the clouds about [it] and [I wasn't] very romantic about such things. I had a very pragmatic attitude to it, to me, um, marriage was an institution, um, that was there in society, [that] was condoned and was encouraged by the Prophet as a means of protecting both spouses, in terms of provide them with a safe haven to come back to be themselves, and a place and a space where they could re-charge their batteries to do battle elsewhere, in a basically un-Islamic environment…[…]…"

But one should also bear in mind that the views that these women expressed represent partial renderings of the situation that they were in. In these cases, I did not have access to the first wives of their husbands (one of whom actually turned down a request for an interview), and there was reason to think that they saw it differently. In fact, one of them had divorced her husband some years after the second wife entered the picture.

Living in a highly secular environment such as present-day Cape Town for ordinary Cape Muslims means living in an environment in which – whether one chooses to refer to such values as 'Western' or not – ideals of what a marriage is all about are usually underpinned by notions of 'romantic love'.[62] These notions are re-inforced by the flows of global media images to which Cape Muslims are exposed in their daily lives in the forms of American soap-operas and their South African off-shots on television, in popular music, and in films. There is considerable ambivalence about the institution of polygyny among the Cape 'ulama'. (Abdullah 2002: 164) who observed marital counseling sessions at the MJC, noted that polygyny was "a problem in the counseling encounter, and [a] focus of intense marital discord," and that it was recognised as such by the MJC.[63] In the words of the MJC's Mawlana Ihsaan Hendricks' it is in the *maslaha* (public interest)[64] of Cape Muslims to have such marriages regulated, so as to avoid the manner in which such marriages are contracted as of present, which he described as "haphazard" (interview with Mawlana Ihsaan Hendricks, 29.06.05). This, he noted, was one of the reasons why the MJC regarded the Draft Bill as so important. As suggested in chapter I, the MJC does on a number of issues in the post-apartheid era, including this one, largely articulate the interests and concerns of middle-class Muslims, whose experiences of polygyny are often at considerable variance with that of poor and working-class Muslims with the same institution.

But at the heart of the struggle for recognition of polygynous marriages for South African Muslims is a paradox; how can the notions which appear to be a pre-requisite for living successfully in such marriages be reconciled with a secular context in which these notions are undermined by the contrary notions held by many ordinary Muslims themselves?

4. **La'a Taqrabuna al-Zina and Beyond**
Exploring The Narratives of Infection of Cape Muslims Living With Hiv/aids

> 'Infection leaves a mark, a stain, a print, linking us back to an act so private, so intimate, so sacrosanct, so emotionally and spiritually unguarded – the moment of sexual coupling – that its external manifestation in an illness, its exposure to the world, is deeply embarrassing and therefore shameful.'
> —Edwin Cameron, *Witness to AIDS*.

Introduction

UNAIDS has estimated that in 2005, 5,5 million South Africans were living with HIV/AIDS (UNAIDS 2006). In Cape Town, the first Muslim known to have died from AIDS-related illnesses was a male homosexual from the Bo-Kaap who passed away in the early 1990s.[1] Knowledge about the causes and the effective prevention of HIV/AIDS has been widely disseminated among members of all religious and ethnic communities in South Africa. Yet in many cases this has not effected behavioural change, and the rates of HIV-infection in the South African population in general continue to rise.

It is my contention in this chapter that both the bio-medical discourse on HIV/AIDS and the religious discourse of the Cape 'ulama' on HIV/AIDS is premised on a privileged epistemological model which presupposes rational agents with the ability to exercise a large degree of control over the exercise of their sexualities, and over sexual access to bodies. Whereas the bio-medical model construes the personal choice of whether to engage in high-risk sexual behaviour or not as a rational one, the religious discourse of the 'ulama' construes this as an essentially moral one. Morality in the former discourse is a product of the extent to which the

sexual acts that individuals engage in affect their health or their sexual partner/s health negatively, whereas in the religious discourse, morality is a function of the extent to which a particular sexual act violates or accords with their responsibilities towards God/Allah to only engage in sexual acts in the context of religiously sanctioned relationships. These are of course divergent discourses inasmuch as the bio-medical discourse acknowledges the existence of sexual practices which in the religious discourse of the 'ulama' is construed as zina and/or 'immoral sex', and construes the individual responsibility as one of practising 'safe sex', regardless of the particular religious views with regard to the moral status of the sexual act itself, and the relational context within which it takes place. This chapter indicates that religious discourse, as much as bio-medical discourse, is challenged by the fact that the individual and societal ability to exercise rational and moral sexual choices in order to protect oneself and others against infection with HIV, is often constrained by the realities of sexual coercion and unfaithful male partners, found among Cape Muslims as well as other South Africans. These are contexts of vulnerability to HIV-infection which affect women to a greater extent than men.

In the context of Cape Town, the religious discourse is also challenged by the existence of divergent views among Cape Muslims as to appropriate sexual behaviour and a divergence of actual sexual practices and behaviour from those advocated in and through the religious discourse of the Cape 'ulama'. Among poor and marginalised Cape Muslims in the socially and religiously mixed townships and informal settlements of the Cape Flats, marital instability and a more permissive attitude towards pre-marital sex are societal realities. It has by most accounts been so for decades, and is thus not a mere function of sexual liberalisation in the post-apartheid era. Since the dominant sections among the Cape 'ulama' are drawn from, and to a large extent articulate the views of the religious middle-class strata among Cape Muslims, and since there is a considerable fear of self-stigmatization and incrimination among Cape Muslims from poor and marginalised communities, these divergences rarely reach expression in Muslim public spheres. Among certain sections of middle-class Muslim youth from the professional strata, one also finds views with regard to appropriate sexual behaviour that often diverge from that found in the religious discourse of the Cape 'ulama'.

I argue that the religious discourse of the Cape 'ulama' on HIV/AIDS must also be seen in the context of the rapid sexual liberalisation and secularisation of legislative and societal frameworks that South Africa has gone through in the post-apartheid era. These two phenomena are undoubtedly

linked in the discourse of the Cape 'ulama' on HIV/AIDS and many other contemporary issues, and HIV/AIDS therefore becomes a crystallizing mechanism for symbolic distancing from an allegedly liberalising and secularising societal context for the Cape 'ulama'.

I present the narratives of infection of three female Cape Muslims living with HIV/AIDS. Their narratives of infection, and of the sexual experiences which led to their infection, illustrate some of the critical fault-lines and silences of the religious discourse on HIV/AIDS of the Cape 'ulama'. I also critically explore the alternative approach of a Muslim NGO, Positive Muslims (PM), which has been set up in order to counsel and assist Muslims living with HIV/AIDS in Cape Town.

HIV/AIDS in South Africa

The virus known as HIV, known to cause AIDS, was first identified by a team of French scientists in 1983 (Barnett and Whiteside 2000: 29).[2] Internationally, it was first detected and reported among male homosexuals in Los Angeles in the USA in 1981 (S. Abdool Karim and Baxter 2005: 32). In South Africa, the first reported cases of AIDS appeared in 1983 –among white homosexual men. By 1985, there were reported cases among Malawian migrant labourers in South Africa (Marks 2002: 17). By 1990, it had become apparent that the epidemic had turned into a largely heterosexual epidemic in South Africa (S. Abdool Karim and Baxter op. cit: 33). It has been estimated that in the period between 1982 and 1997 in South Africa, 80 percent of transmissions were heterosexual, and only 7 were percent homosexual transmissions (Cameron 2005: 83). Nevertheless, the notion that HIV/AIDS predominantly affected homosexual men seems to have persisted among the South African public well into the 1990s. National HIV-prevalence rates increased rapidly from 0,7 percent of antenatal clinic attendees in 1990 to 27,9 percent in 2003 (Gouws and Q. Abdool Karim 2005: 56) By 2001, AIDS-related illnesses had become the leading cause of death for South Africans according to the state Medical Research Council (MRC). The South African historian Shula Marks has referred to HIV/AIDS in South Africa as "a pandemic waiting to happen" (Marks op. cit: 17). As a society in profound political and societal transition, South Africa exhibited most of the characteristics of societies at high risk of an HIV/AIDS pandemic. These characteristics included high levels of violence and dislocation, high levels of internal migration and of economic inequality (ibid: 19, 21, 22), low levels of social cohesion (Barnett and Whiteside op. cit: 97), a population pyramid skewed towards young and sexually

active people (Walker, Reid and Cornell 2004: 52), and a society in which patriarchal understandings, various forms of transactional sex[3] and gender violence are common.[4] The failings of the apartheid governments as well as the ANC under the post-apartheid presidencies of Mandela and Mbeki in the field of HIV/AIDS, as well as the impact of the disastrous AIDS denialism in government circles have been amply documented by other academics.[5] However, the 'state-centrism' of much of the academic literature on the topic as it relates to South Africa has also implied that the failures at communal as well as individual levels of South African society to respond adequately to the HIV/AIDS pandemic have to some extent fallen outside the purview of analysis.

There has been considerable debate about the accuracy of South African data on HIV prevalence rates. The Nelson Mandela/Human Sciences Research Council (HSRC) Studies of HIV/AIDS (Shisana et. al. 2002, 2005) are the most comprehensive prevalence studies to have been undertaken to date, but are beset by methodological and statistical problems, and must therefore be approached with some caution.[6] The 2005 study suggests that 16,2 percent of South Africans aged 15-49 are living with HIV/AIDS (ibid: 39), up from 15,6 percent in 2002 (Shisana et. al. 2002: 49), and that the province of the Western Cape (where Cape Town with approximately 2.8 million inhabitants in 2001 is the largest city) has the lowest prevalence rates of all provinces in South Africa with 3,2 percent (Shisana et. al. 2005: 39). Susceptibility to HIV/AIDS is unevenly distributed in the South African population. Black Africans, women, poor and marginalised South Africans living in urban informal settlements are more at risk of HIV-infection than others.

The density of infected people is, however, in all probability considerably higher in urban Cape Town than in the outlying regions of the province of the Western Cape. Susceptibility to HIV/AIDS is, in other words, not evenly distributed in the South African population. Shisana et. al. (2002: 54) note that there is a negative correlation between HIV and socio-economic status, which basically means that poor and marginalised South Africans are at greater risk of HIV-infection (see also Shisana et. al. 2004 for this). A disproportionate number of poor and marginalised South Africans are, due to the legacies of colonialism, segregation and apartheid, black Africans. Attitudinal surveys have indicated that black Africans as well as homosexuals are generally constructed by young South Africans as more susceptible to the disease than others (Levine and Ross 2002: 92, 100). This "othering" (Sontag 1988: 48) of the disease has been part and parcel of responses to the pandemic throughout South Africa, and has compounded prevention

strategies. Women are more at risk than men and it has been suggested that this has to do with the fact that genital lesions during sexual intercourse are more common in women than in men, and that women are exposed to potentially infectious fluids (such as semen) for longer periods of time than men during sexual intercourse (Campbell 2003: 123).[7] Add to this that surveys have found that South African men are much more likely than South African women to have had multiple partnerships, defined as having had sex with more than one partner in the course of the last 12 months (Mathews 2005: 145). South African men also report higher numbers of sexual partners: a national survey cited in Harrison (2005: 271) (Pettifor et. al. 2004) suggested that 24 percent of South African men had had more than five (5) lifetime partners, whereas only six (6) percent of South African women reported this.[8] A majority of infections in South Africa are believed to occur before the age of 25 (Leclerc-Madlada 2002: 2).

For many South African women, sexual experiences often take place in coercive contexts in which male control is pervasive: a study of a sample of 24 pregnant adolescent women between the ages of 14 and 18 in Khayelitsha, the largest black African residential area in Cape Town, found that most of the women had had experiences of being coerced into sex. Refusal to engage in sexual intercourse commonly resulted in physical assaults from male partners (Wood, Maforah and Jewkes 1998: 237), and most of the women assumed that the coercion that they experienced could not be termed rape, since it occurred within relationships (ibid: 238). Similarly, in a sample of 272 women in a black African township near Cape Town, 36 percent of women reported having been physically forced into having sex at some point in their life (Kalichman and Simbayi 2004: 685). It should be pointed out that the notion that rape does not occur in durable relationships has clear legal precursors inasmuch as South African Law only acknowledged marital rape as a criminal offence in 1993 (Shaikh 1996: 160).[9] South Africa has one of the highest rates of reported rape in the world, and in South Africa, the province of the Western Cape has some of the highest reported rates in South Africa.[10] Women in abusive or controlling relationships in South Africa have been found to be more than twice as likely to be infected with HIV than women in non-violent relationships (cf. Vetten 2007: 430).

It has been noted in the literature that for young South African women, the main risk factor for HIV infection is the tendency to have partners three to five years older than themselves (Harrison op. cit: 263): age differences between partners is a marker of inequality in relationships (Jewkes, Levine and Penn-Kekana 2003: 131). Whilst condom use has often been

promoted by HIV/AIDS prevention campaigns as a panacea against infection in South Africa, reported condom use remains low. Studies undertaken in South Africa have generally found that condoms are used much more frequently in casual than in regular sexual relationships and, since men engage more regularly in these kinds of sexual relationships, that condoms are used more frequently by men than by women.[11] In many sexual relationships, the absence of condoms is made into a marker of trust (da Cruz 2004: 151) and an often imaginary fidelity (Campbell op. cit: 115): the use of condoms generally declines with increased time within a relationship (op.cit: 146). One study found that between 50 and 60 percent of sexually active persons in a sample of South Africans reported never having used a condom (Eaton, Fisher and Aarø 2003, cited in Booysen 2004: 57).

The HIV prevalence rate among married people in South Africa is at 10,5 percent high by international standards (Shisana et. al. 2004: 55). In this study, Shisana et. al concluded that married people who had had extra-marital affairs were less likely to have used condoms: men who engaged in such affairs did not use condoms with their wives for fear of being questioned about their fidelity (ibid: 55).

The new legislative and societal frameworks

The HIV/AIDS pandemic in South Africa unfurled in a society which was in a process of fundamental transition with regard to notions of sexual morality. "The draconian policing of sexuality" had been fundamental to apartheid (Posel 2005*b*: 128). It included prohibitions of all kinds of 'interracial' sex, the banning of pornography, the criminalising of homosexual acts and sex work, and it offered little or no legal protection against domestic violence and marital rape. With the constitutional changes in the transition from apartheid, the domain of sex was liberalised in line with political and legal norms in 'Western' societies with "extraordinary rapidity" (Posel 2005a: 47). Sex had, all of a sudden, become a site of rights (ibid.) This also meant that what was defined as 'private' and 'public' in terms of legislation became reconstituted in profound ways. In the new constitutional framework, women's rights to freedom from various forms of sexualized violence from marital partners was in principle guaranteed for the first time in South African history, as were the rights of homosexuals to live out their sexualities in freedom from state and societal persecution and discrimination. Legal enforcement of these entitlements has of course been another matter, due to the fractured commitment to imple-

ment these entitlements among South African polities, and the limited resources of the state. As Vetten (op. cit: 425) has pointed out, there is no necessary connection between a progressive legislative framework and a reduction in violence against women.

But sexual relations, issues of sexual morality and of sexual violence gained a new prominence in the public sphere in post-apartheid South Africa. The post-apartheid South African nation was, in Posel's words, "talking about sex" as never before (Posel 2004). The responses of the NGO-sector to the accelerating HIV/AIDS pandemic also generated a lot of public representations of sexuality (Posel 2005b: 133). The heteronormativity and patriarchal notions of apartheid's legislative framework was replaced by a post-apartheid state which prohibited unfair discrimination on the basis of sexual orientation.[12] Donham (2001a: 422) has argued convincingly that constitutional recognition of homosexual rights in South Africa in 1996 was linked to lobbying by gay right's groups which drew their inspiration from the gay rights movements in the US and in Europe. He notes that the formation of sexual communities in less-developed societies must be seen in the context of the "communicative density" enabled by the trans-national flows of globalisation. There are important linkages between the struggle for gay rights in South Africa and the struggle for the rights of people living with HIV/AIDS, inasmuch as organisations such as the Treatment Action Campaign (TAC) actually originated in the gay rights movement (see Mbali 2004 for this point.)

South Africans are in the post-apartheid society more exposed than ever to global media images refracting new notions of sexual morality. Salo (2003) demonstrates how coloured township girls in Manenberg, Cape Town appropriate new ideas about gender relationships from popular TV-series, and in the process challenge local notions of gender roles in heterosexual relations, in which "physical violence …[…]…was often tolerated" (op.cit: 10).

But the legislative changes are to a large extent changes that have been imposed by the globalised social and political elites of post-apartheid society,[13] and as such they are a part of what may be termed as 'globalisation from above', and does not necessarily constitute an 'organic' moral transformation, i. e. a transformation that resonates with generally held societal and/or communal mores and values. Donham (op.cit: 423) points out that change is often "various, fractured and incomplete." Many of these changes are at odds with cultural paradigms of male authority that have persisted at communal levels. The tenets of sexual and gender equality of the new legislative framework (Posel 2005*a*: 48) have been met with significant

resistance, particularly from male leaders in and of religious communities in South Africa.[14] After all, the way in which apartheid legislation defined the 'private' space of the home as a site of almost unfettered patriarchal control had striking similarities between the ways in which male religious leaders defined the same space. Sheikh Abdurraghiem Sallie of the Bo-Kaap is one of the most prominent, respected and prolific religious scholars of fiqh in the Cape Muslim community in the 20th century. In one of his books on fiqh, *The Book on Talaq* (Sallie 1993), he maintains that provided that a Muslim husband supports his wife financially, does not engage in extra-marital relationships, a wife has no right to refuse his sexual advances at any time, unless she is menstruating, is of ill health, or is performing the pilgrimage (Sallie op. cit: 16).

A female Muslim Person Living With HIV/AIDS (PWHA) in her late thirties, unknowingly infected by her ex-husband, who throughout their marriage had raped her and physically assaulted her, succinctly put the sexual socialisation she had been exposed to thus:

> "He [my husband] raped me all the time. But [at] that time you didn't know it was rape, you know, in our religion it is [the case] that you must always lay on your back when your husband say[s] he wants it, and I don't [didn't] agree then, and I don't agree now…[…] He said to me: "you're my wife, you must, you know"

Patriarchal understandings of gender relationships are not uncommon among Cape Muslim men.[15] That similar ideas about the rights of males in marriage have persisted among many Cape Muslim 'ulama' is indicated by Shaikh's (1996) findings. In a study of female victims of spousal abuse, she found that it was common for those of her informants who sought redress from abusive husbands from local 'ulama' to be met with allegations that they had provoked their spouse's violent behaviour in the first place (Shaikh op. cit: 188-91). An 'ulama' body such as the MJC makes no secret of its overarching aim of keeping divorce rates down, regardless of the consequences that this might have for Cape Muslim women. Toefy (2002: 16) notes that marriage counsellors at the MJC operate under the presumption that if any of the parties that have filed for divorce give an indication of wanting to reconcile, a divorce is never granted. Only two (2) in five (5) recorded applications were in fact granted in the 1990s. Similarly, Abdullah (2002: 181) notes that in the MJC's counselling service, reconciliation is the measure by which the success of counselling is assessed, and that even though an overwhelm-

ing majority of clients are women, fewer faskhs (unilateral divorces initiated by women and, in the case of Cape Muslim communities, granted through an 'ulama' body) than talaqs (male unilateral dissolutions of marriage) are granted on an annual basis (Abdullah op.cit: 169). Among many Cape Muslim 'ulama', opposition to an imposition of values perceived to be 'Western' in origin has become centered on opposition to this sexual liberalisation – which destabilises patriarchal control over female bodies and sexualities, and is embodied by the unveiled woman.

The lacunae of academic research on Muslims and HIV/AIDS

Academic research on HIV/AIDS has since the early 1980s been dominated by the bio-medical sciences. But the realisation that successful bio-medical interventions required an understanding of the socio-cultural contexts in which specific interventions took place seems to have emerged quite soon after the first outbreaks of HIV/AIDS epidemics in sub-Saharan Africa in the 1980s.

There is by now a considerable amount of ethnographic literature on HIV/AIDS:[16] a number of anthropologists have undertaken research on various aspects of HIV/AIDS in South Africa.[17] The anthropological "absence from debate and action around the HIV/AIDS epidemic" decried by Barnett (2004) is therefore more imagined than real. Ethnographic research has the advantage of being disaggregated on the level of community, which is required in order to establish socio-medical knowledge warranted for targeted interventions. But anthropologists have generally not engaged in research on HIV/AIDS which enables one to disaggregate findings on specific religious communities,[18] and – given that South Africa is such a pluralistic and fractured society – this is lamentable.

For the 'Muslim world' in general, there is scant published material available on Muslims and HIV/AIDS. Gray (2004) combines scattered ethnographic data from published material on Muslims in Uganda, Tanzania, Senegal and Nigeria and postulates a generally lower HIV prevalence rate for Muslims in these countries (op. cit: 1754). He makes no discernable attempts at revalidating the data, and his conclusion can unfortunately not be said to be anything but speculative.

In the case of Muslims in South Africa and HIV/AIDS, there have already been some studies. Ahmed (2004) writes about a Muslim support group in Cape Town. Ahmed's contribution is valuable, but his number of interviewees is limited (to five (5)), and this makes it difficult to generalise the obser-

vations to a larger Cape Muslim population. Secondly, Ahmed's contribution is strongly reflective of his association with an activist group as a founder member thereof. Esack's (2004) interest in the field has been to develop a Muslim theological response to the pandemic, whereas Kagee et. al.'s (2004) study is a prevalence study based on data from three predominantly Muslim areas in Cape Town. The prevalence rate of 2,56 percent in their sample (Kagee et. al. op. cit: 13) leads the authors to suggest that prevalence rates might be lower than in the general population. This is problematic, inasmuch as the sample was taken from three predominantly Muslim residential areas in Cape Town. These are areas in which the socio-economic profile of residents is known to be significantly higher than in the townships on the Cape Flats, where most Cape Muslims happen to live. The fact that Muslims are in a majority in the three selected residential areas also implies that there is in all probability much more effective social and moral control over individual residents than in other communities in which Cape Muslims live. The fact that none of the predominantly black African areas in Cape Town, where HIV-prevalence rates are the highest, were included, also significantly reduces the validity of this claim. Other studies are of relevance to the study of Cape Muslim responses to the pandemic: Levine and Ross' (2002) study of perceptions of and attitudes to HIV/AIDS among undergraduate students at the University of Cape Town (UCT) noted that young Muslim students tended to think that being Muslim protected them against the risk of infection. Brown (2005: 16) found that levels of stigma towards PWHAs in a sample of Capetonians were higher among Muslims than in any other group.

I noted in the introduction that there is a divergence with regard to views on appropriate sexual behaviour and perhaps even actual sexual behaviour between the religious middle-class and poor and marginalised Cape Muslims in township communities and informal settlements on the Cape Flats. In asserting this, I am not implying that the views on appropriate sexual behaviour and actual sexual behaviour of all, or even most, poor and marginalised Cape Muslims are divergent from that expressed in and through the idealizations of religious disourse. Nor do I imply that such divergence does not pertain to a significant number of middle-class Muslims too. And these divergences long pre-dated the sexual liberalisation and alleged secularisation of the post-apartheid era. For instance, in coloured township communities on the Cape Flats, in which most Cape Muslims live, having children out of wedlock was not uncommon before 1994 (see Whisson 1975, Field 1991), as indicated by the fact that 44 percent of coloured babies in Cape Town in 1989-1990 were born out of wedlock (Burman 1992: 21).[19] The find-

ings of Toefy (2002: 82), based on 600 divorce records for the period between 1994 and 1999 at the MJC and the National Ulama Council in Cape Town and largely drawn from poorer Muslim communities in Cape Town, demonstrated that in his sample 57 percent of those filing for divorce had originally contracted marriage on the basis of a pre-marital pregnancy. It is the existence of such divergences that made one seasoned observer of Cape Flats communities describe Cape Flats communities in general as "postmodern before the postmodernists" with regard to matters of sexual moralities.

Writing about Muslims, HIV/AIDS and sexuality in an age of military interventionism

As pointed out by Said (1978) among others, one of the classical tropes of Orientalism was the presumed need for 'Western' men to liberate Muslim women of the 'Orient' from the oppression of Muslim men – or, as Spivak (1988, cited in Abu-Lughod 2002: 784) formulated it, the trope of "white men saving brown women from brown men." Islam was interpreted through the trope of patriarchal violence and alleged mistreatment of women (Mahmood 2005: 195). This trope was part of the legitimisation of European colonialism from the very outset, and continues to serve this function in a period marked by military interventionism in the 'Muslim world' (see f. ex. Lindisfarne 2002, Abu-Lughod 2002.) It is a trope that has informed much 'Western' secular feminist writing on Islam and on Muslims: Islam is more often than not seen as oppressive of women, and Muslim women are as Muslims defined ipso facto as oppressed.[20] But it is no longer 'Western' men who will liberate Muslim women from the shackles of their alleged oppression. It is now 'Western' women who will do so. The representational violence of much Orientalist as well as of secular feminist literature raises the question as to whether it is at all possible as a non-Muslim to write about Muslims and sexuality without being interpreted by Muslim readers through a prism which links concerns about Muslim women's rights to Orientalism and to an alleged neo-colonialism. Islamic feminism is a transnational phenomenon with indigenous roots in Muslim societies in the 1980s and 1990s, which responded to this quandary by mobilizing new interpretations of the Qur'an in order to advance the aims of a greater level of equality between men and women in Muslim societies. The "peak" period for Islamic feminism in South Africa was in the 1990s (Jennah 2001: 7). In an age of military interventionism in the Muslim world though, Muslim feminists, whether Islamic or secular, run a greater risk than ever of being labeled as handmaidens of 'Western' powers. This was

made clear by a pre-prayer khutba in one of the largest and most prestigious mosques in Cape Town in May 2005. In his pre-prayer khutba, a Syrian-educated Cape Town-based sheikh by the name of Riaad Walls (originally a white South African convert to Islam), with reference to an incident involving the female Islamic scholar and activist Amina Wadud,[21] alleged precisely that. Referring to a random selection of statements on the website of the US conservative think-tank The Rand Corporation, which has close links to the present US Administration, he implied that there were clear links between the present neo-conservative US Administrations designs for 'reform' in the Muslim world and Wadud and her supporters. It was an attempt to discredit both secular feminist and Islamic feminist's calls for greater gender equality in Cape Muslim communities through creating a series of largely imaginary associations between feminism of any kind and neo-colonial frameworks. There is a need to move beyond the impasse created by writing about Muslims and sexuality through the prism of the binary between critique and apologetics (cf. Ali 2006: xii for this point). There is also an obvious need to move beyond the analytical notion that the moral precepts of Islam determine the individual behaviour of Muslims with regard to matters such as sexual moralities. I would argue that the only way of doing so, is to look at concrete empirical data. It is a serious abdication of intellectual responsibility to pretend, for whatever reasons, that patterns of gender inequality do not exist in Muslim societies, as they do in non-Muslim societies.

Actual instances of gendered oppression of Cape Muslim women would commonly be ascribed to patriarchal understandings of religion, to the persistence of patriarchal cultures in South African society in general, or to the seeming need by some South African men to assert masculinities in patriarchal ways in a period of mass unemployment coupled with new legislative rights for South African women and the emergence of a new assertiveness on the part of South African women. Regardless of which explanatory alternative one opts for, there is no doubt that a number of Cape Muslim women are faced with gendered oppression and sexualised violence in their daily lives. An account of Cape Muslim responses to HIV/AIDS cannot but reflect that.

The research

The initial impetus for this part of my research was provided by an interview with a young woman I shall call Farhana in 2003. An eighteen-year-old (18) woman from one of the black African townships in Cape Town, Farhana was a convert to Islam. She had been raised by her grandmother,

a domestic worker, who provided for her and one of her siblings. She had never known her father, who had disappeared a few weeks after she was born. She had only sporadic contact with her mother, who was taking care of a younger sibling. Farhana had converted to Islam in her early teens. She spoke little English, so the interview was conducted in Xhosa with the assistance of one of my research assistants. I had wanted to interview Farhana about her motives for converting to Islam. At the time, there appeared to be few practicing Muslims left in the township in which she lived. The situation had apparently declined due to a young imam who appeared to have a bit of a dagga-habit,[22] and used the small amounts of external funding he could lay his hands on to feed this habit.[23] Farhana was poorly dressed, and was not wearing a scarf. This is rare among female black African converts to Islam, since the *doekie* (colloquial Afrikaans for small headscarf, veil) is often one of the first symbols of Muslim identity that such converts appropriate. She was a slender girl. In spite of our best efforts to make her feel comfortable, I picked up a certain reluctance to respond to my questions in her demeanour. It might have been defiance, it might have been anger. It was as if she didn't trust anyone, and would not confide in anyone either. At a later stage in the interview, she volunteered to tell us that she was HIV-positive. As a school-girl she had become infected through unprotected sex with a local taxi driver more than ten years her senior. He was now dying of AIDS-related illnesses. She didn't have any contact with him, but thought he knew that he had HIV when he infected her.[24] As a consequence of her testing positive for HIV, her grandmother had pulled her out of the local high school for fear that she would be harassed by other pupils. It had become known in her community that she was positive, and the youth would shout "slut" and "whore" after her in Xhosa when she walked the streets of her neighbourhood.

In the following weeks we heard of, and spoke to, a number of Muslim PWHAs (Persons Living With HIV/AIDS). Unbeknown to us, one of our interviewees had even tested positive the day we interviewed her. She had unknowingly been infected by her husband. Not surprisingly, she was incoherent and unforthcoming in her responses, and we only learned about the test that she had on the same day after she broke down in uncontrolled sobbing. We then decided that we might need to refer some of the cases we discovered to some organisation offering support and counseling for PWHAs. This was the way in which our contact with Positive Muslims (PM) was established.

PM, an organisation established in 2000, runs support groups and offers individual counseling for Muslim PWHAs. PM specifically targets Mus-

lim women, since it is recognised that women are more at risk of HIV-infection. It was established on the initiative of Prof. Farid Esack, Abdulkayum Ahmed and Faghmeeda Miller, after Miller had become the first Muslim woman in South Africa to publicly disclose her HIV-positive status in 1998.[25] In broad terms, its support and advocacy is premised on what has been termed a 'progressive' Islamic platform, as formulated by Esack (2004). Central to this platform is a readiness to accommodate PWHAs regardless of the way in which they had been infected,[26] and to treat PWHAs in a non-judgmental manner.

Ms. Faghmeeda Miller, the first Muslim woman in South Africa to openly declare that she was living with HIV/AIDS, in 1998.

PHOTOGRAPH COURTESY OF PM AND REPRINTED WITH GENEROUS PERMISSION FROM MS. MILLER

The bulk of the research on Cape Muslim responses to HIV/AIDS took place from October 2004 to July 2005. Core funding for the transcription of interviews was provided by Positive Muslims, in return for the right to publish a report based on the research. The aim of the research was to find out more about modes of transmission as well as levels of stigmatization for Muslim PWHAs in underprivileged communities in Cape Town. The research entailed interviews with Muslims PWHAs in poorer communities

in Cape Town, with 'ulama' with portfolios related to HIV/AIDS, with Muslim academics, as well as with Muslim professional caregivers in the field of HIV/AIDS.[27] Questions about perceptions of HIV/AIDS were also included in interviews conducted with ordinary Muslims in various communities in Cape Town. Given that Ahmed's study (2004) had included interviews with Muslim PWHAs who were active in PM's support groups, and that Muslim PWHAs in PM subsequent to Ahmed's thesis had had significant exposure to outside researchers, it was decided to try to recruit interviewees through local public health clinics in some underprivileged communities in Cape Town. PM provided contact details for HIV/AIDS clinic counsellors, whom I then contacted with a request for a meeting. In the meeting, I would explain the research in detail, and solicit information about the situation with regard to HIV/AIDS in the communities in which these clinics were located, and particularly among Muslims. In the manual lists of patients that had recently tested positive for HIV/AIDS that these were in possession of, it turned out that there were generally few Muslims. I never requested to see any of these lists, for fear that I might compromise medical confidentiality. The fact that so few Muslims test positive at the public health clinics I was in contact with does provide some circumstantial evidence for lower levels of HIV-infection among Muslims than among other population categories in Cape Town. But the counsellors told me of a common pattern whereby both Muslim and non-Muslim patients coming for HIV-testing would often choose to travel to public clinics in the Cape Peninsula far from their own communities for fear that local people would somehow learn about their status. Therefore there was no way of knowing whether the number of patients testing positive at a particular clinic was indicative of prevalence levels in the communities which that particular clinic served. But the fact that poor Capetonians choose to travel such great distances in order to get tested for HIV, suggests a situation where there is a basic lack of trust that medical confidentiality is adhered to by public clinic workers. If the counsellors approved of my research and my credentials, I would ask them to go through their lists, identify Muslim patients that had tested positive for HIV/AIDS, contact these patients and ask the patient whether s/he was willing to be interviewed, and then return to me with the relevant names. At only one of the clinics contacted did this approach prove problematic.

The sample on which this study has been based was a snowballing sample, and it is therefore important to underline that I do not have any pretence to the effect that the experiences of these interviewees are representative of a wider Muslim population in Cape Town.

The interviewees were guaranteed full confidentiality and anonymity. Interviewees were required to sign a document of informed consent, outlining the uses of the research (see appendix II). Remuneration for each interview was ZAR 100 (ca. 12,50 euros by 2006 rates). Given that most interviewees were poor and in a daily struggle to support themselves and their dependants, and that Muslim PWHAs themselves recommended that interviewees be remunerated, it was deemed appropriate to do so.[28] Thirteen (13) Muslim PWHAS were interviewed. Of these, eleven (11) were female, and two (2) were male. The overrepresentation of women in the sample is in line with findings from support groups, which suggest that female PWHAs are much more likely to disclose their status and seek support and counseling than male PWHAs are (Hlongwana 2004: 8). The interviewees ranged in age from twenty-four (24) to fifty-six (56), with a median age of 36,38 years. The PWHAs interviewed were predominantly from poorer coloured communities. Ten (10) out of thirteen (13) interviewees were unemployed. Their level of education ranged from Standard 3 to Standard 8. In other words, none of the interviewees had a secondary education. All thirteen (13) had been infected through heterosexual practice. Four (4) interviewees had been infected through unprotected sex with their marital partners, whereas nine (9) had been infected through unprotected sex with partners whom they were not married to. One interviewee had been infected through casual sex work, a second had been infected through sex with a sex worker, and a third through gang rape. In spite of there being every reason to suspect higher prevalence rates in the black African Muslim community than in the coloured Muslim community in Cape Town, given the fact that prevalence rates in general are higher among black Africans than among coloureds in Cape Town, it turned out to be difficult to find Muslim PWHAs willing to be interviewed in the black African Muslim community. A number of potential interviewees there declined.

Of the thirteen (13) PWHAs that were interviewed, a total of five (5) individuals indicated previous contact with PM's counseling and support services. The interviews would be conducted by me, my female Muslim research assistant, or by the both of us. The interviews were conducted in English or in Afrikaans.

The narratives presented below are narratives about how individual Muslim PWHAs were infected, as told by the PWHAs themselves. When analysing this sort of narrative, it is important to recall that all narratives are the products of the interaction between the researcher and his or her informant at a particular point in time. As a researcher, I have little reason

to doubt the accuracy of these narratives of HIV-infection, but it should also be pointed out that there is an extremely limited possibility to check the accuracy of these narratives, since doing so would be to engage in symbolic violence against people who are often quite vulnerable emotionally[29] and physically, by questioning their personal integrity. Besides, such questioning would often compromise their anonymity. But it should be pointed out that narratives are social constructs involving self-presentation, and as such, are susceptible to personal as well as interactive manipulation. Narratives are partial renderings which may change according to context and in the course of time.[30] Coming to terms with one's HIV-positive status is seldom easy. It has been suggested that the reason may be that the disclosure of an HIV-positive status for most people involves disclosing facts about the most intimate part of their lives – namely sex (Cameron 2005: 71). So for a Muslim woman who has grown up in a social and religious environment in which the act of sexual intercourse is seen as permissible only in the context of marriage, it may eventually be easier to claim that HIV-infection was the result of having been in a traffic accident, having had a blood transfusion, or even of having been raped, than to admit to having had pre-marital sex. As intimated by Berger (2005: 46), there is considerable silence in the academic literature on HIV/AIDS about the "wanted-ness" of most sexual encounters. There is reason to think that the same silences apply to interview data on HIV-infection.

Working closely with Muslim PWHAs, it has been important for me to avoid secondary victimisation, as well as not to reinforce PWHAs own notions of victimhood. Secondary victimisation refers to a process whereby victims become further victimised by the narrative recounting of their experiences to an outsider, such as a researcher. This is important inasmuch as many academic representations of women PWHAs in sub-Saharan Africa tend to be phrased in a victimilogical language, which does not adequately reflect, nor for that matter enhance, women's social and sexual agency (see f. ex. Campbell 2003: 103). Furthermore, the academic notions of female victimhood often seem to resonate with popular and racist imagery of the sexually rapacious and promiscuous black African – an imagery against which government denialism in the post-apartheid era has often been defined.[31] There is, in other words, a need to recover notions of female agency in the narratives of infection and transmission of HIV/AIDS. I therefore did not find it appropriate to raise the question as to how those of my informants living with HIV/AIDS who had been infected through extra-marital sexual relations constructed the mode of their infection and its relation to mod-

ern Islamic moral precepts, which in the contemporary era circumscribes legitimate sexual relationships to marriage. It cannot be the responsibility of an outsider and a researcher to moralise. Whilst reading these narratives of infection, it is worth recalling that in spite of the fact that many of these PWHAs have been faced with great trauma and adversity in their personal lives, they have persevered. That in itself speaks to a capacity to exercise personal agency under difficult circumstances. So does the fact that some of these women have escaped from violent husbands and partners, demanded that condoms be used by their partners during sexual encounters, and approached professionals for support and counseling as well as for anti-retroviral treatment. Furthermore, living with HIV/AIDS does not determine nor exhaust what these women are to themselves and to others.

As is evident from the following narratives of infection, Muslim PWHAs experiences are quite heterogeneous, and cannot be reduced to single common denominators.

"You can't cry every time inside – you must talk out"

Fairuz was thirty-five (35) years old when we interviewed her in 2005 and was born a Muslim. She is HIV-positive. Fairuz lives with her stepsister in one of the poorer townships on the Cape Flats. Located at a far distance from the city centre, it has recently been developed, and is populated by coloureds as well as black Africans living in basic RDP houses or in *pondokkies*[32] that they themselves have built themselves from plank, cardboards and corrugated iron. The section that Fairuz lives in borders upon an informal settlement. Some of the streets are unpaved. At night, criminal gangs make the streets unsafe.

Fairuz was raised by her grandmother. Her parents got divorced when she was four (4) years old, and with five other children to support, her mother saw no other option but to send her to live with her grandmother. Her grandmother was unemployed, so she was supported by money from her father. She left school at the age of 14 in 1984, and started working in a shoe factory in Green Point (then a largely white middle-class suburb, and close to the city centre) because she wanted to get clothes "like my friends used to wear". Fairuz has been married twice. From her first marriage, which she contracted at the age of 22, she has two children. In 1997, she was introduced to the man who was to become her second husband by her friend, who happened to be his aunt. Khalil was a hawker, and one year younger than her. They got married in 1999. Their first-born, a son who was given the name

of Serag, was born in 2002. Some time after he was born Serag developed a chest infection, which Fairuz thought to be due to TB (a common disease in poorer neighbourhoods in Cape Town). She brought him to Red Cross Children's Hospital in Mowbray. There, the doctors asked to take HIV tests on him. Fairuz stated that she had first heard about HIV/AIDS earlier that year, when the private South African tv-channel E-TV screened *The Malawian Kiss* (Mohamed 1999), a documentary about Ms Faghmeeda Miller, a Cape Muslim woman living with HIV/AIDS, in 1999. The tests confirmed the doctors' suspicion that Serag was HIV-positive, as was Khalil and Fairuz.

Fairuz recalled that she had asked her husband how he had got infected and why he had never told her about it in the consultation room, with the doctor and the social worker present. At that point, Khalil had simply walked out of the room. Fairuz knew that he had had other girlfriends before her, but he would continue to refuse to talk to her about how he might have been infected. He had been in prison at one time (he was a mandrax-user,[33] and this continued during their marriage), and the doctor had asked him whether it could have been in prison that he was infected, but as Fairuz said "he didn't answer even to them."[34] But Fairuz suspected that he knew that he was HIV-positive all along. Khalil was in denial, and Fairuz told me that when he got sick, he didn't even go to the local clinic for treatment. She described him as a person who was "careless" about his body and his health. After she learned that they were HIV-positive, the local clinic staff had told her that they ought to use a condom every time they had sex, in order to avoid re-infection (since re-infection might be detrimental to the health status of PWHAs). When she had raised this with him, he had tried to stab her with a knife. But she claimed that Khalil had generally not been an abusive husband. He had passed away during the winter of 2004.

At the time that Fairuz learned that she was HIV-positive, she and her husband were living with her mother. But Fairuz had been rejected by both her mother and her father when they learned that she was HIV-positive. When she disclosed her status to her mother, her mother had told her to pack her bags and to leave right away. Her mother had told her that she feared that she would pass it on to her sisters' and her brothers' children. Fairuz told us that whenever she went to her mother, they would refuse to share food with her, and would wash whatever she touched or ate from. Her mother had once told her two HIV-negative children to go to "your fucking mother's HIVpoes[35] – I don't want you here." Fairuz' one sister, who lives with her mother, had on several occasions shouted to passers-bys where she lived that Fairuz was HIV-positive subsequent to arguments between the two of them.

Fairuz indicated that she had fallen into a depression after she learned that she and her newborn son were HIV-positive. The doctors had told her that her son might not live for more than three years. At night she would sit awake and cry. When she was able to sleep she would be "sleeping with one eye open, because he was already sick with the TB and the HIV". "All the needles, the tablets he was drinking – it was going all through my mind." Talking about Serag, and the way in which he had passed away, was hard for her. She broke down and cried, but when I asked her whether she would like to stop, and pointed out that it would be fine with me if she'd rather not talk about it, she said that "she liked to talk about it, because you, you mustn't, you mustn't keep it inside", quoting a local counsellor at the clinic she attended. The counsellor had told her that given all his suffering, it was better for Serag to have passed away. She kept vigil over her dying son for three months at one of the large public hospitals in Cape Town – Tygerberg Hospital in Bellville.

> "He [Serag] did suffer from that because of the pains, he was very thin, and I give [gave] him the food he must eat, the tablets he must take, the medicine he must drink – it's all a mixed thing. [It was in] Tygerberg Hospital, I was sitting there – for how many months? Two, three months. I was staying by his side, not my mother, not my father, only me alone. It was very hard for me, that time."

Serag died of AIDS-related illnesses at Red Cross Hospital, where he had first been diagnosed in 2004, two months after his father's death. Fairuz informed her family about Serag's death, but her own mother and father were absent from his *janaza* or funeral. The expenses were paid by her father's sister, who was involved in HIV/AIDS counseling.

It is known in the community in which she lives that Fairuz is living with HIV/AIDS. Fairuz told me that she, along with other PWHAs from the community, had attended a TAC[36]-march in Cape Town in support of demands for anti-retroviral treatment for HIV-positive South Africans. TAC had sent a bus to pick them up, and since they were going to the march, they were all wearing t-shirts given to them by TAC, stating that they were HIV-positive. This was how the community learned that she was a PWHA. She has also told people about her status in local churches. She felt that people were supportive, even though there often is some talk when she and other PWHAs pass by. She told me that one local woman had made some unsavory remarks about her and her status, but had later come to apologise to her. It should also be taken into account that a female Muslim PWHA living in the neighbourhood, who happened to be a friend of Fairuz, had landed up in

court for physically assaulting with a bottle a local woman who had shouted "AIDS *gat*"[37] to her in public. There is reason to think that this may have locals more wary about making insulting statements about PWHAs in public.

At the time of my interview with her, Fairuz had a CD-4 count of 720, well over the level at which PWHAs are put on anti-retroviral treatment.[38] She said that she suffered from periodical bouts of diaorrhea, but was otherwise in good health. She had a new "boyfriend," who also happened to be a PWHA. She told me that they were using condoms when they had sexual intercourse. Fairuz has been unemployed for seven years. Her two sons are living with her aunt elsewhere in Cape Town, something she was glad for, since she feared that they would be harassed by other schoolchildren in the community due to their mother's status. The imam in the community knew about her status, had said that he was "sorry for her"; but had according to Fairuz not offered her support of any kind.[39] She had addressed audiences in local churches, but didn't know why she had never been invited to speak in the local mosque.

The gang rape victim

Inas is twenty-four (24) years old. She is unemployed, but is undergoing vocational training. She lives in a block of flats in a coloured township on the Cape Flats. She shares the flat with her two children, her mother and her grandmother. They all live on her grandmother's pension. A bubbly, assertive, slightly chubby, but good-looking young woman, Inas has been HIV-positive since 2003. Since the story of her HIV-infection was extraordinarily traumatic and complicated, and I thought better not to raise some of the questions in the presence of her mother and grandmother, who were sitting in the adjacent living room of the flat when I conducted the first interview with Inas (we were in the kitchen), I did two rounds of interviews with her. Inas was born to Muslim parents in 1981. She was one of three children.

Inas was raped by her biological father at the age of eight (8). When she first told me about her father raping her, she lowered her voice, and explained to me that this was because her mother didn't like to hear her talking about it. It wasn't until the second interview (which took place at a neutral venue) that she explained what had happened to me in detail. Her mother was working on night-shifts. Her parents were separated, but her father had had separate keys to the flat. Her father would come to the flat and lock her elder brother up in a separate room, and then rape Inas and her sister. She was raped four times by her father. When she told her mother about the rapes at the age of fifteen (15) – having first told her new

stepfather – she hadn't wanted to hear about it. Since she was underage, she had needed her mother's consent to press charges, but her mother had refused. Her father, she said in the interview, had recently been sentenced to 15 years imprisonment for raping her younger sister. Her own case had been re-opened, and was still pending. Her father had been paralysed in a shooting accident some years ago, and Inas saw this as punishment from Allah for what he done to her and her sister. Her first consensual sexual intercourse had been at age fifteen (15). Inas recalled having heard about HIV/AIDS at school at around the age of fifteen, but did not appear to have taken much notice of it. When she was sixteen (16), she fell pregnant with her first child. Having become pregnant, she said she was "too shy to go back to school."

At the age of seventeen (17), Inas had started taking drugs such as mandrax, dagga and heroin. When I asked her why, she said that she thought that it might have had to do with what she had been through. There was a lot of gangsterism in the area in which Inas grew up. She told me that only a few years ago it would have been difficult to venture outside after five o'clock in the afternoon due to the many shootings caused by the ongoing battles over territory between rivaling gangs. Inas' boyfriend at the time was a gangster from a neighbouring township. He had once forced her to sell her body on a main thoroughfare, in order to earn money for him. It had only happened once, she said, since she'd found the idea repugnant. It is interesting to note that when I asked Inas how many sexual partners she had had during her lifetime, she said "three." In other words, for her the term could only include men that she had been in love with, men who had not coerced her into having sex with them.

Inas' brother was a gang member. In 2002, her brother had shot four members of a rival gang. According to the logic of the gangs, Inas' brother's actions called for revenge. He ran away to Johannesburg in order to escape his pursuers. He was eventually shot and killed in Cape Town after he returned in the winter of 2003.

Early in 2003, Inas was living with a female friend in Muizenberg, in a block of flats where the residents were mostly black African immigrants. One morning, after her friend had left for work in town, a group of armed men had forced their way into the flat. They were gangsters. At first she had tried to resist, but then they put a gun to her head. She thought that some of the neighbours must have heard her screams, but no one came to her rescue, or called the police. In the course of her ordeal, she noticed that the gangsters had put a small boy in his early teens at the door in order to keep

watch. She did not know how many men had raped her that night. They had raped her continuously. She was subjected to both vaginal and anal rapes.[40] She had been stabbed by one of them, and after the rapes, she had fallen into a coma. Her friend found her, and brought her to hospital, where she was given anti-retroviral prophylaxis. Inas told me that no one had been arrested and charged in connection with her gang-rape ordeal.

Some time later, her gangster boyfriend had killed a man. The corpse of the victim was found in the boot of Inas' car. Inas was convicted as an accomplice to the crime, and sentenced to imprisonment. She was pregnant with the gangster boyfriend's child when she entered prison. It was in prison that she'd learned that she had tested positive for HIV. She had called her mother from prison to tell her that she was HIV-positive. Fortunately, her mother and her grandmother have both been supportive. Her youngest child, a daughter, was born in late 2003. She was HIV-negative, since Inas had been given a dosis of Nevirapine, an anti-retroviral drug, in order to prevent mother-to-child-transmission (MCT) after going into labour. Inas told me that she has not disclosed her status to the community, for fear that her son would be teased at school. It had become known in the block of flats, though. In such cramped conditions, private secrets tend to be broadcast by neighbours whenever there are arguments between neighbours. Her CD-4 count was 69 at the time of the interview. It had been as low as 36, at which point she had felt so sick that she thought she would die. When the doctors first wanted to put her on anti-retroviral drugs, she had refused, saying that she had seen other PWHAs suffering from the sometimes serious side-effects from the drugs. Inas told me that she was using multivitamins instead. When her CD4 count was at its lowest, she told me that she had suffered from excessive sweating, coughing, diaorrhea and abdominal pains. Part of government denialism of HIV/AIDS in South Africa has been to claim that anti-retroviral drugs are toxic. This claim has repeatedly been made in public by both President Mbeki and the Minister of Health, Manto Tshabalala-Msimang. As I was interviewing Inas in 2005, a heated public debate about the alleged toxicity of anti-retrovirals raged in South African media: a South African based German vitamin manufacturer, Dr. Mathias Rath, barred from selling his products in several European countries, had been taken to court by the TAC for alleging that anti-retrovirals were toxic, and for claiming miraculous, but medically undocumented, effects of his multivitamins on PWHAs. These claims were promoted on posters all over the underprivileged townships and informal settlements of Cape Town by the Dr. Mathias Rath Foundation, an outfit established by Dr. Rath. Rath

appeared to have strong support in government circles.[41] Inas was likely to have picked this up through the media. Given that her CD4 count was much lower than any other PWHA I had interviewed, I was worried that Inas might not accept taking anti-retrovirals before it was too late. However, by the time of our second interview, the doctor at her clinic had managed to convince her to do so.

Since I last saw Inas, she has gotten married to a Muslim man her age who is also living with HIV/AIDS. Inas told me that she would be getting married in a black abaya. She didn't think it proper for a Muslim girl who wasn't a virgin to get married in white.

"At the end of the day, you're only human"

Naila tested positive for HIV in 2002. She was thirty-four (34) at the time of our interview with her, and lived with her mother in a coloured working-class neighbourhood in Cape Town. Coming from what she described to me as a "close-knit" Muslim family' of three children, with two working parents, and having been on the SRC (Student Representative Council) in her days at high-school, Naila had gone on to become active in the trade union at her workplace. Compared to most other people in the township community in which she lived, a community marked by unemployment and lack of opportunities, Naila was well-off, resourceful and assertive. But she had not been able to find a marital partner.

> "…[…]…At this age, I would like a partner…um…because most people, or most Muslims my age are married and [have] three or four children already. I love children…[…]…I have difficulty in finding the right person, because I'm fussy still…[…]…I realize that I was taken advantage of also. I allowed myself to be taken advantage of, because looking for love, because I love people, you know, and the love was misconstrued where [as far as] men were concerned. I'm a competent person…um…, and have no fear of men, you know, intimidating me and all that, because I never used to be intimidated. But I always used to allow myself to become all soft, and, you know, [to] give in all the time, and I'm not prepared to do that any more. I'm – I'm a whole person on my own, as a woman. I don't need somebody else [in order] to make me whole."

Naila has never been married, and has no children. She told us that she had known about HIV/AIDS ever since the American actor Rock Hudson died of HIV/AIDS in the mid-1980s. In the course of the 1990s, Naila had had

a series of temporary sexual relationships. She said she had only become sexually active at the age of twenty-four (24) and "[as] you mos know, when it's a new thing, you go haywire and that." She was well aware of the risks, and would normally insist on having safe sex, i. e. on her partner using a condom. She went for regular testing during that period.

But knowledge does not necessarily translate into action. "At times", she said, "we think we're immortal…[…]…at times we don't live with a conscience…um…and we're irresponsible". By 1998 Naila had developed an STI (Sexually Transmitted Infection) due to a one-night stand of unprotected sex with a trade union colleague who lived in a neighbouring suburb. According to Naila, he was a "good-looking Zulu" – but he was married, and did not want to pursue the relationship after the one-night stand. Four years later, she had met him at a trade union congress. By then he had grown "as thin as a rake". He had gone from being a "well-built fitness fanatic" to a "skeleton," and she had realized that he was seriously ill. At the congress, she had told him that she had tested positive earlier that year. But he had not wanted to talk with her about his own status. Given his illness, which she attributed to HIV/AIDS, she was distressed to find then that he was still engaged in womanising. He had passed away in 2004.

After Naila tested positive, she had become depressive. She said she had had to take sick leave for a week, since she was crying all the time. Naila has become active in a support group based in her community, and has publicly disclosed her status at social functions in her community, as well as to her colleagues at work. Her family knows about the fact that she is living with HIV/AIDS. Naila described her mother as "very supportive." Her CD4 count was 448 when we interviewed her, and she explained that she was suffering from bouts of depression due to her status. She told us that she did not know the imam of the community in which she lives, and that he was as far as she knew unaware of her status.

"Moral concerns override the preservation of life"

"La'a taqrabuna al-zina" – "do not go near adultery" states the Qur'an in Sura 17:32. This *aya* (verse) has perhaps more than anything else come to define the approach of the 'ulama' in Cape Town as well as in other parts of South Africa, to HIV/AIDS. The discourse of the 'ulama' in Cape Town on HIV/AIDS bears a striking resemblance to the discourses on HIV/AIDS of the evangelical Christian and the Catholic churches throughout the African continent.[42] It is perhaps unsurprising then, that an 'ulama' body such as the MJC

in workshops on HIV/AIDS should have used a training manual developed by the Islamic Medical Association of South Africa (IMA-SA) which happens to be a blue-print of mainstream Christian manuals on HIV/AIDS.[43]

Sheikh Achmat Sedick was the 2nd Deputy President of the MJC at the time of my interviews with him in 2005. He is an 'alim, as well as a trained social worker with a Bachelor's degree. Born in Cape Town in 1958, Sheikh Sedick pursued seven years of higher Islamic learning in Kuwait, graduating in the mid-1980s. Upon his return to Cape Town, he worked at the South African National Zakah Fund (SANZAF), before he was recruited the MJC's Social Welfare Department in the early 1990s. Sedick holds the portfolio on HIV/AIDS at the MJC. As such, Sedick has been instrumental in formulating and executing the MJC's policies on HIV/AIDS, liaising with government departments charged with HIV/AIDS prevention at national, provincial and local level, as well as with religious leaders of other faiths, with whom he has sat on inter-faith bodies on HIV/AIDS.

In my two interviews with him, Sedick acknowledged that too little had been achieved by the MJC in the field of HIV/AIDS prevention. He asserted that there still was a challenge in the Muslim community in that many held the notion that HIV/AIDS "does not affect us" due to the moral system of Islam. He emphasized that for the MJC, advocating adherence to this moral system has been of pre-eminent importance. "Prevention is better than cure," he said, and

> "…[…]…we're not saying that sex is taboo, we say: "Yes, you must have sex," we are acknowledging that there are sexually active people, er, even we, [we] are sexually active ourselves, but when you do exercise and express your sexual types of desires, your sexual wants, er, then you do this in terms of…in the framework of what Islam tells us…[…]…"

Sedick's discourse on HIV/AIDS is premised on the construction of certain sexual acts as acts of zina and/or 'immoral sex. Zina refers to unlawful sexual intercourse between a man and a woman (Ali 2006: 76). In the Shafi'i madhhab, followed by most Cape Muslims, it is commonly assumed that pre- and extra-marital sex, homosexual intercourse (*liwat*, i. e. anal sexual intercourse between men) falls under the category of zina (Peters 2002: 509-10).[44] In addition to the sexual acts referred to above, immoral sexual behaviour as outlined in an official statement issued by the MJC and drafted by Sheikh Sedick include prostitution, anal sexual intercourse (whether heterosexual or homosexual), transvestism and celibacy (Sedick op. cit: 12).[45]

Sheikh Sedick was only prepared to accept the use of condoms in cases in which a partner in a marriage is infected with HIV/AIDS. According to Sedick, it then becomes *wajib* or compulsory to use a condom for every sexual encounter between the partners: or if both partners are already infected, to use a condom for every sexual encounter in order to prevent the other partner becoming re-infected. But Sedick and the MJC are opposed to the promotion of condoms in general, as they see this as promoting sexual promiscuity.[46] The emphasis on sexual relationships as taking place within the context of heterosexual marriage in order for them to be legitimate or licit that one finds in the discourse of Sedick and other contemporary Cape 'ulama' is reflective of a quintessentially modern construction of licit sexual relationships and sexual acts within Islam, which negates any reference to the fact that marriage has not always been the exclusive mode of licit sexual relationships in Muslim societies (Ali 2006: 39).

Sheikh Sedick said he thought that the Muslim leaders along with Catholic church leaders and Jewish rabbis, with whom he had sat on an inter-faith forum that the national government consulted on HIV/AIDS, ought to be credited for having opposed the emphasis in government prevention campaigns on condomisation.

As an example of the MJC's opposition to the government views on condomisation, he recounted an episode in which the then MEC for Health in the Western Cape, Ebrahim Rasool[47] was prevented by an imam affiliated to the MJC, Imam Irefaan Abrahams of Surrey Estate, from delivering a pre-prayer khutba due to the government's stance on condomising, with which Rasool was apparently associated. He left little doubt that the MJC had endorsed Imam Abraham's actions in their monthly consultations with community 'ulama' prior to the incident.[48]

According to Sheikh Sedick, HIV/AIDS was a disease that originated among homosexuals in the USA, and he indicated that it had, in his view, been "dumped on Africa". The association between homosexuality and HIV/AIDS does of course serve particular religious and ideological functions for Sedick as for many other religious leaders (whether Muslim or non-Muslim) inasmuch as it establishes an alleged link between the sexual liberalness of 'Western' societies and the emergence of HIV/AIDS. Homosexuals, whose lifestyles and sexualities are seen as utterly "immoral" and "promiscuous" in the framework of this discourse,[49] epitomise this liberalisation, which has been unleashed on the South African population in the form of the Constitution of 1996, and its recognition of the rights to dignity and equality for South African homosexuals.

This view echoes the views expressed by the Sudanese-born Islamic psychologist Malik Badri, whose book *The AIDS Crisis: A Natural Product of Modernity's Sexual Revolution* (Badri 2000 [1997]), has been widely disseminated in South Africa, with the support and endorsement of the IMA- SA. Medical professionals affiliated to the IMA-SA have privately expressed reservations about this work,[50] but it appears to have become a standard reference work for Muslim 'ulama' as well as Muslim medical health personnel affiliated with the IMA-SA. Badri starts from the premise that HIV/AIDS is a punishment from Allah unto those who have engaged in immoral sexual behaviour (Ahmed 2004: 40), and explicitly links the origins of the pandemic to 'Western' homosexual practices of anal sex (which he thinks leads to the immuno-suppression seen in AIDS sufferers), and to the alleged sexual promiscuity of 'Western' societies. There are of course more than a few problems with the linkage between the HIV-virus and homosexual practice from the point of view of medical science, inasmuch as the fact that HIV/AIDS was first detected among homosexuals in Los Angeles and New York can hardly be construed as evidence of it having originated there and in this specific population. The concomitant notion that homosexuality and its societal recognition is a particularly 'Western' phenomenon, and as such was virtually non-existent in pre-colonial African societies, or Arab Muslim societies for that matter, has been problematised by the works of Epprecht (2003), Murray and Roscoe (1998) and Whitaker (2006). For Badri, the response to the epidemic is iman (faith), and Muslims, he posits, will only be at risk to the extent to which they succumb to pernicious 'Western' influences. Traces of the influence of Badri are clear in the following statement from a policy document on HIV/AIDS which Sheikh Sedick produced in 2003:

> "The entire Muslim community needs to work effectively towards eradicating the primary causal factor [in HIV/AIDS], i. e. immorality. Allah has already supplied the vaccine for the cure. It is the vaccine of *iman* (faith). Muslims need to be vaccinated with the multiple dosages of iman, so that we may be protected from spiritual diseases that could lead to our decay" (Sedick n. d.: 4)

Sedick was careful to point out that as Muslims in a secular and non-Muslim country, they are obliged to abide by the laws of South Africa, but reserved the right to oppose laws contrary to his interpretation of Islamic norms and values:

> "…[…]…The difference between [the Constitution of South Africa] and our Constitution, which is the Qur'an, [is that] the Constitution of South Africa is

> devoid, that is the word I have used, is devoid of any morality. I was challenged at that point in time also, [they asked] "how can you say that it's devoid of any morality?" I then quoted examples like this: that you encourage a person, how can you encourage a person to say, "yah, it's okay, you have a right to have sex, um, and "you are sexually active, so you can go and sleep so long as it's a consented party [between consenting parties]" – do you understand now? So you can sleep around so long as the other party consented, but please, you know, that you don't, you must be conscious of your life. Life is important here, and you need to preserve your life, so please use a condom. [But] we are saying, please, you must be conscious of preserving your life, and you have to preserve your life, so don't have sex…[…]…"

From this it should be clear that Sedick associates the South African Constitution of 1996 more than anything else with sexual liberalisation. The notion that the South African Constitution of 1996 is devoid of any morality reflects a common-sensical view that secular constitutions are not anchored in religious moralities, and that secular worldviews therefore cannot be moral in any sense of the word. But it would perhaps be more accurate to say that a secular constitution such as the South African Constitution of 1996 is devoid of a particular religious morality as it based on secular concepts of morality.[51] According to Sedick, "moral concerns override the preservation of life,"[52] and this is the reason why an appropriate Islamic approach cannot include the use of condoms, except in exceptional circumstances.

As Head of the MJC's HIV/AIDS desk, Sedick provided religious backing for the *tukamanies*[53] adoption of plastic gloves as a regular feature of the ritual washing of the deceased (the *ghusl*) in the 1990s. He has also suggested that blood testing of Muslims wanting to marry be adopted, but this has not been made compulsory, and blood tests are therefore only undertaken when and if one of the marrying partners or their legal guardians (*wukala*)[54] insist on it before accepting the marriage. The idea of having a pre-prayer khutba about HIV/AIDS at regular intervals, outlined by Sedick in his statement of MJC Policy on HIV/AIDS (2003), has in effect come to naught, as Sedick readily admitted.

The 'progressive' Muslim discourse on HIV/AIDS

The discourse of many of the leaders of religious communities throughout South Africa on HIV/AIDS has been contested by medical health professionals as well as by sections of the NGO-sector, such as the TAC. The contestation of the TAC and of most medical health professionals of this

discourse has been premised on a bio-medical paradigm, in which public access to, and use of, condoms is regarded as of paramount importance in preventative interventions. HIV/AIDS, and appropriate responses to the pandemic, has been an issue of intense contestation within the Cape Muslim community, and has often placed the medical health professionals, as well as some Muslims in the NGO sector, in confrontation with the 'ulama', due to the latter's lack of acceptance and endorsement of condomising as a strategy of prevention. One such NGO has been Positive Muslims (PM).[55] As indicated previously, PM subscribes to a platform which can be described as a 'progressive' Muslim platform.[56] At PM, Prof. Farid Esack, a former anti-apartheid activist – now affiliated with Harvard University in the US – has contributed to the formulation of the framework to which the organisation adheres. In the organisation's own material, this is described as a "theology of compassion." PM's framework can perhaps most adequately be described as a hybrid of Islamic discourses and international human rights discourses as enshrined in the South African constitutional framework of 1996, as suggested by Ahmed (op. cit: 91). The framework is premised on the mobilisation of a corpus of religious texts (selected from the Qur'an and the ahadith) which speaks about values such as the preservation of life, mercy, and compassion, and which advocates interpretations of religious texts which are inclusivist towards non-Muslims on the level of practice.[57] Esack advocates the use of established shari' principles such as *al-maslaha al- amma* (the common good), *da'f al-ma'fsada* (repelling harm) and *ir tikab akhaff al-dararayn* (choosing the lesser of two evils) in order to "arrive at new solutions which may previously have been unacceptable to us [as Muslims]" (Esack 2004: 40). Much like the Islamic feminists who advocate gender equality in Muslim societies through re-interpretations of the scriptural sources, and with whom Esack has identified in the past, Positive Muslims seem to attempt to work from within the religious tradition to affect change. But their eclectic approach towards Islamic scriptural traditions, and the incorporation of international human rights discourses in the framework within which it operates, have also opened the organisation up to charges of their stances being insufficiently grounded in Islamic traditions.[58] In terms of their practical understanding of how the religious tradition requires one to act with regard to HIV/AIDS and its prevention, PM differ somewhat from the Cape 'ulama'. Positive Muslims advocate taking into account the actual sexual practices of Cape Muslims in formulating an AIDS prevention model (ibid). This means that even if PMs first point of departure with regard to prevention is abstinence from sex outside marriage, the fact that many Muslim

adolescents in Cape Town are sexually active means that in order to preserve human lives, it might be necessary in certain situations to advocate the use of condoms. The issue of promoting condoms has been a contested issue within the organisation, as attested by Ahmed (op. cit: 109). PM particularly target Muslim women, since South African women are at greater risks of HIV-infection than men, and because they believe that it is necessary to empower women in order to enable them to negotiate condom usage in marriage. Furthermore, Positive Muslims emphasize that Muslim PWHAs should not be discriminated against or condemned, regardless of how the individual PWHA contracted the virus, and the individual PWHA's sexual orientation. Hence, they also had Muslim support group members who contracted HIV through same-sex or homosexual practice. Positive Muslims have been closely aligned with the TAC, whose AIDS activism has been based on South African and international human rights legislation and their concomitant principles of socio-economic and health rights. PM's activities have mainly been funded by the Dutch organisation NOVIB/Oxfam, in the absence of sustained financial support from Cape Muslim communities themselves. It has been an expressed intention of PM to move towards greater funding from within Cape Muslim communities themselves in the long term, but this intention has as yet not been put into practice. However, a fault-line and a strong cause of concern within the organisation during the time that I have followed it had been that prevention and support interventions are constrained by the fact that these can do little to address the socio-economic contexts in which their mostly poor clients live. Their clients often see their poverty and lack of employment as more pressing issues on a personal level than their HIV status, and this had lead to a series of conflicts within the organisation over priorities in recent years.

Conclusions

Issues surrounding sexual moralities, and the contestations between supposedly secularly based and religiously based approaches to issues of sexual morality have been brought into sharp relief by the HIV/AIDS pandemic. Academic analyses of the unfolding of the HIV/AIDS pandemic in South Africa and sub-Saharan Africa have been refracted through the epistemological binaries of secular/religious, liberal/conservative and modern/traditionalist, with secular academics expressing a clear preference for a mode of practical engagement with the pandemic and it consequences in the formulation of prevention strategies based on principles cast as secu-

lar, liberal and modern. Academics in South Africa as elsewhere have been heavily involved in formulating prevention strategies. It does not seem feasible to me to avoid framing one's analysis in terms of some of these binaries.[59] The secular bio-medical paradigm does not deny the existence and relevance of religious beliefs and value systems, but is premised on a definition of the secular as a sphere differentiated from religious institutions and norms (Casanova 1994: 211). The secular bio-medical paradigm's alignment with universalist conceptions means that those who subscribe to this paradigm generally hold that religious beliefs should not be determinative in the formulation of strategies of prevention and care. However, HIV/AIDS and appropriate responses to it do not easily lend itself to what Asad terms "the politics of certainty" (Asad 2003: 65) – whether those certainties be of a secular or religious kind. In fact, there are more continuities between secular-based and religious-based approaches to HIV/AIDS than what is often supposed. For instance, I hope to have demonstrated in this chapter that the ways in which the secular bio-medical paradigm and religious discourse construct the individual agent and responsible agency in a time of HIV/AIDS reveal some striking parallels. Neither the bio-medical paradigm nor the religious discourse appears to offer satisfactory solutions to the extraneous constraints on the exercise of that individual agency in a societal context marked by gender and socio-economic inequalities.[60]

The narratives presented in this chapter speak to the existence of morally complex situations to which the Cape 'ulama"s invocations of scriptural essentialisms or scriptural analogies, or the belief that Muslims can only deal with contemporary challenges through the ways in which these challenges are believed to have been pre-figured in Islamic traditions (E. Moosa 2003: 122), do not appear to offer adequate solutions. What should be evident from this research is the existence of a divergence between sexual mores as advocated in the discourse of the 'ulama' and actual sexual practice in poorer communities. Cape Muslims do have sex. And much of the sex that some of them engage in occur outside the context of marriage. But more importantly, this research demonstrates that the notion that marriage is a sufficient protection against HIV-infection for Muslim women as well as men[61] is erroneous. In my sample, 4 out of 13 interviewees had been infected through unprotected sex with their marital partners. Three (3) out of 13 interviewees had been infected through sex under highly coercive circumstances (i. e. rape). Since I have excluded cases in which there was reason to suspect that some form of coercion other than outright rape existed from this tally, there is reason to think that the percentage infected through unprotected

sex under coercive circumstances might have been even higher. By constructing HIV-infection and subsequent AIDS-related illnesses as the result of moral choices, the religious discourse of the 'ulama' constructs Muslim PWHAs as moral 'others,' and this can only contribute to a lack of recognition of the fact that the pandemic is affecting a significant number of Muslims, as well as leading to a marginalisation of Muslim PWHAs. The Muslim religious discourse on HIV/AIDS is premised on notions of sexual, bodily and moral autonomy reflective of the middle-class positioning of most 'ulama' – notions which happen to be strikingly similar to that of modern bio-medical discourse (cf. Asdar Ali 2002 for other examples of these similarities in a different context). The former discourse is often premised on a denial of the very existence of libertine excesses and human passions unregulated by religious norms among ordinary Muslims.

For the PWHAs that we interviewed, HIV-infection was not due to a lack of knowledge: all informants had adequate knowledge about how the virus is transmitted, and most had been in possession of this knowledge prior to their own infection. It was acting upon this knowledge which appeared to be the greatest obstacle. But their sexual agency was in many cases also constrained by socio-economic circumstances and patriarchal understandings.

More often than not, the Muslim PWHAs in my sample reported that they had no contact with Muslim religious leaders or religious structures in the communities in which they lived, and when they did have, they reported that they had received little or no support from these leaders and structures. Those of the PWHAs who were involved in awareness-raising and had approached local 'ulama' with a request to address local congregations about their own status and about HIV/AIDS, had in no cases been granted their wish to do so. Thus it seems that Muslim PWHAs are alienated and rendered invisible by the 'ulama' of many communities in Cape Town.

5. **Asserting The Rights of Muslim Prisoners** in a Prison in Post-apartheid Cape Town

> 'I did not dream of liberation, or of the years before imprisonment. I dreamt of an ideal time, a time suspended among the branches of a celestial tree.'
> —Tahar Ben Jelloun, *This Blinding Absence of Light*.

Introduction

My interest in pursuing research on Islam in the penitentiary system in Cape Town stemmed from my discovery in the course of my fieldwork in the black African townships and informal settlements of Cape Town in 2003 (see Bangstad, forthcoming) that a significant number of male black African converts to Islam were in fact ex-prisoners who had converted to Islam whilst serving prison sentences in a particular prison in Cape Town in the late 1990s. A number of them were still drifting in and out of small time crime. Once they were on the outside there was little support and few chances of rehabilitation and gainful employment to be found in a context of mass unemployment for unskilled laborers. Many appeared to be still doing drugs and drinking, in spite of the fact that they had converted to Islam. I wanted to know more about the particular contexts in which they had been brought into contact with Islam, and what these contexts might tell me about their motivations for embracing Islam.

Approximately forty kilometers south of the city centre of Cape Town one finds an enormous prison complex. On the outskirts of a tranquil white middle-class suburb, it is surrounded by areas which qualify as among the most lush, green and beautiful parts of the Cape Peninsula. Surrounded by vineyards with ordered and manicured vine ranks, a pine-tree forest, and expensive mansions, the setting of the prison is worlds apart from the dust and sand of the windswept Cape Flats. On the weekend visiting days one

passes a virtual army of women and children walking along the motorway towards the prison. They are the mothers, wives, girlfriends and children of inmates, and have more often than not traveled from the bleak coloured and black African townships and informal settlements of the Cape Flats. Entering the prison, one is greeted by a welcoming sign with the insignia of the Department of Correctional Services (DCS) on the high brown walls surrounding it. At the front gate, one's papers will be checked by officers from the DCS, dressed in brown uniforms. Even though the DCS is said to have been demilitarised throughout the 1990s, the uniforms of DCS officials have retained militaristic influences.[1] The checking of papers at the front gate is often perfunctory and serves little purpose. It is only tightened up when there are reports of people trying to smuggle guns or drugs into the prison. Should one be so unfortunate as to arrive at the front gates at the time of day when the South African Police Service's (SAPS) white trucks with new prisoners for the Admission's Centre arrive from the various courts across the Peninsula, one will be treated to a stream of swearing and taunts in Afrikaans from prisoners hoarded up behind window bars inside. Once one has passed the front gates, one discovers an enormous area of land (approximately 125 hectares), containing no less than five prison buildings protected by barbed wire and electronic fences, administrative buildings, workshops and garages, soccer fields and a golf course, as well as several separate residential areas, in which prison staff and warders live with their families – all connected with a network of tar roads. On these roads, one often passes prisoners in the orange and black prison overalls of inmates. These are sentenced prisoners who after having been observed for some time have been granted the privileges of work, and are classified as low-risk prisoners, in category 'A' or 'B'. The rest of the prisoners are holed up in large and overcrowded communal cells for at least 23 hours a day. Prisoners are allowed four contact visits a month. This applies to adult and juvenile prisoners alike.

In the context of late apartheid, Chidester (1991: 67) once referred to South African prisons as "violent underworlds of social death." In the transition to electoral democracy in South Africa in the early 1990s, what Wilson (2001) refers to as "human rights talk" was afforded a central place. Human rights talk accorded the post-apartheid state with internal and external legitimacy, and marked a break with the authoritarian modes of governance of the South African state in the past. This break was thought to include a break with past modes of administering criminals through the legal apparatuses (the police, the courts and the prisons) of the state. Yet the human

rights talk of factions of the modernising and globalising intellectual and political elites in post-apartheid South Africa has been heavily contested, and the extents to which it resonated with popular conceptions of moralities and penetrated local institutions have varied greatly (cf. Wilson op. cit: xxxi). Transformations within the penitentiary system in South Africa provide a vista to the attempts at imposing human rights' ideals and concepts, and the institutional and cultural challenges such attempts are faced with. More than ten years after the introduction of electoral democracy, most South African prisons remain "violent underworlds of social death". Echoing Chidester's sentiments, one of my prison imam interviewees said that "a prison is a place where evil prevail on a very high level." What he had in mind was the influence of the so-called numbers' gangs in this and other South African prisons. The existence of number's gangs[2] within the South African penitentiary system goes back to the early 19th century (Haysom 1981: 6).[3] The number's gangs have their own mythology,[4] a hybrid prison lingo (*sabela*), codes of conduct, a rigid hierarchy, initiation rituals and punishment for violations of gang codes – which closely mirrors the hierarchical and patriarchal modes of governance that historically characterised the South African penitentiary system. The prison gangs are not found on the outside of prison, and do not recruit among unsentenced prisoners, but status within the ranks of prison gangs and the networks established through the prison gangs are undoubtedly of significance on the outside.[5] Some of the prison gangs – most notably, the 28ers[6] – are involved in sodomy of younger and often physically weaker inmates in return for protection and procurement of drugs, cigarettes or food.[7] Sodomy – whether coerced, transactional or consensual is widely practiced in South African prisons (Dissel 2002: 10). This, and the sharing of primitive needles for making gang tattoos and for injecting drugs, has been a contributing factor in the rapid increase in rates of prisoners infected with HIV/AIDS.[8] Prison warders at various levels often do their best to deny the existence of sodomy within the prisons, or to minimize their responsibility for preventing its occurrence. When I raised this issue with one Muslim prison warder with eight year's experience from various prisons within the complex, he basically told me that there was nothing they could do in order to prevent it from happening, since this often took place at night, in locked communal cells, and with few prison warders on shift.[9]

Prisoners awaiting sentencing are kept apart from sentenced prisoners in the large Admissions' Centre, which is the first building to one's right when one enters the prison. The Admissions' Centre was built in the 1970s, and was designed to hold 1800 unsentenced prisoners, but has at times

after 2000 held twice that number. The Admissions' Centre is also referred to as the "Maximum Security Prison" of the complex. Most inmates here are unsentenced, but there are also a significant number of sentenced prisoners being held there. The prison complex consists of seven different prisons. Most inmates are unsentenced. With an occupancy rate of around 200% of capacity, this prison is not among the most overcrowded prisons in South Africa. In fact, the most overcrowded prison facilities in South Africa in 2004 had an occupancy rate of around 350% of capacity.[10] This is in spite of the fact that public spending on the prison sector in South Africa in the post-apartheid era appears to have been high relative to other countries.[11] More than anything else, it is overcrowding which has created an environment in which South African prisoners' constitutional rights to treatment in accordance with human rights and dignity are constantly violated. In the period between 1995 and 2004, the levels of overcrowding in South African prisons rose by 40% (Steinberg 2004*a*: 4). This was the direct result of political interventions. In response to popular perceptions of increased levels of crime during the 1990s,[12] and a populist political shift towards retribution,[13] which resonated with popular discourses on how to "deal with crime," the South African Parliament passed legislation[14] mandating minimum sentences for a range of crimes in 1998 (ibid: 5). In general then, overcrowding is therefore the result not of there being more sentenced prisoners, but of sentenced prisoners serving longer sentences. But figures are often abstract. Overcrowding in places like this prison means that inmates sleep on concrete floors and on shifts because of an insufficient number of bunk beds, it means broken and overflowing toilet facilities, water and sewage out of place, i. e. unhealthy and unsanitary conditions which increases the risk of scabies, tuberculosis and other diseases, and an environment in which monitoring and control of the activities of the number's gangs on the inside is made increasingly difficult for prison warders.

At this prison, young offenders are kept in a separate prison, as are female offenders. According to prison warders, it is often the young offenders who pose the greatest challenge, since they are still in a phase in which they are said to have to "prove themselves" in relation to other inmates and to the gang inmates. More often than not, this "proving" involves engaging in acts of violence against other inmates, or sometimes, against prison warders. The prison has a number of prisoners serving life sentences. These prisoners are supposed to be serving their sentences in other prisons that are classified as Maximum Security Prisons, but due to the fact that most prisons in South Africa are severely overcrowded, they have not yet been

transferred. Most inmates in the prison are either coloured or black Africans. With the influx of black Africans into the townships and informal settlements of Cape Town throughout the 1980s and 90s, the ratios of black African inmates have also increased.

A communal cell in a prison in Cape Town, 2004. From the series of prison photographs, 'Die vier hoeke' ('The four corners') by Mikhael Subotzky.

REPRODUCED WITH PERMISSION FROM M. SUBOTZKY

Prison warders are for the most part coloureds and black Africans. In order to transform the DCS a number of white Afrikaners, who dominated the managerial level at this and other prisons under apartheid, have been offered voluntary retirement packages, but some still remain. Prison warders at lower level generally have low levels of education. Warders are only required to have passed a metric (the high school diploma), and they often come from similar communities and backgrounds as the inmates. One is often struck by the macho bravado, pose and swearing of younger male warders. Being a prison warder is not risk-free. Even if the number of assaults on warders from prisoners have dropped considerably in recent years, prisons are a dangerous environment to work in, and murders of prison warders by inmates are not unheard of. This particular prison holds about 8000 prisoners. As of May 2005, about 750 of these were Muslims.[15] The prison had about 1100 prison staff – including prison warders – but only a small minority of these warders were Muslims.[16] There may be several reasons for this: one senior Muslim prison official whom I interviewed[17] told me that

when he first entered the prison service in the late 1980s, very few Muslims had an interest in this kind of work. The prison service was of course identified as part of the repressive apparatus of the apartheid state, and many young Muslims sympathetic towards the anti-apartheid struggle would therefore had been reluctant to take up this kind of work. But it is also significant that the prison service was a hostile environment for Muslims, and was seen as such, at the time. As the public sector had been an instrument for the empowerment of white Afrikaners since the onset of apartheid in 1948, the prison service was dominated by white Afrikaner[18] officials with a background in Christian churches, who are likely to have been reluctant to employ Muslims in the service in the first place. The same official recounted how fellow colleagues had spoken in very derogatory and insulting terms about Muslims and about Islam in his presence for weeks after he started working. In spite of his Arabic-derived first name they had yet not realized that he was a Muslim. The fact that he had not pointed that out in the first place seem to suggest that his employers might not have been aware of this when he was first employed. But the low number of Muslims among administrative staff and prison warders at the prison at present also suggest that the DCS throughout the period of transformation of correctional services in the 1990s has done little to ensure that the number of Muslims among DCS staff at the prison are in accordance with the proportion of Muslims in the general population in Cape Town, or even among inmates.[19] There is nothing to suggest that equitable representation of Muslims in among DCS staff has been on the agenda of the DCS, since affirmative action policies pursued by governmental departments such as the DCS in the post-apartheid era have not been based on religious criteria.[20] Nor has equitable representation of Muslims within the DCS been a demand of Muslim organisations in the post-apartheid era.

The research

One of the black African prison converts to Islam whom we interviewed on the outside in 2003 was a man in his thirties who had served six (6) years in prison for a murder committed when he was a leading figure in a gang (the 'Tshiki'[21] gang) in a black African township and made a living out of robberies and hijackings of cars. Now he was trying to get by through selling chips and chocolates bought from wholesalers and sold from the run-down house he had inherited from his late parents. Given that he had another ex-gangster keep watch at the window as I was doing the interview with him, it

seemed clear that he still feared for his life, and that his sudden conversion to a "clean life" was not all that comprehensive. He attended a local mosque for Friday prayers, but seemed to know precious little about Islam. But going through the tape with the interview I did with him, I found the description of Islam as "a powerful religion" a salient and recurring theme. An encounter with another prison convert to Islam provided some clues as to what this perception of Islam as "a powerful religion" could relate to. This man, who was in his forties, had been through a number of the prisons in Cape Town for a series of robberies that he had committed. He was at the time a prisoner at the particular prison where my research took place, from where he was to be released upon the expiry of his sentence later that year. He had been a university student when he entered prison for the last time, and had therefore been granted an opportunity to complete his studies through a scholarship for prisoners provided by the DCS. He explained to me that as a Muslim inmate, the prison gangs would not touch him, and he alleged that Muslims had been kept apart from other prisoners. He attributed this to the fear that gangsters in prison had of PAGAD, and added that even the prison warders feared PAGAD.[22] It was this fear on the part of prison warders, that had enabled PAGAD prisoners to smuggle cell-phones into their cells in the late 1990s, he claimed.[23] PAGAD (People Against Gangsterism and Drugs) was a Muslim-dominated vigilante movement which operated in Cape Town from 1996 to 2000. Its aim was to rid the post-apartheid townships of Cape Town of the scourge of gangsters and drugs, and it fed on popular perceptions of a dramatic increase in crime in the 1990s, and a popular resentment of the lack of progress made by the SAPS in this regard, as well as on well-founded suspicions of police corruption and complicity in drug- and gang-related crimes. PAGAD's targeted assassinations of drug-lords ("merchants") gradually evolved into a low-scale warfare between PAGAD militants, gangsters and the police agencies, in which a number of innocent civilians were killed, and spiraled into acts of urban terror[24] in the period 1998 to 2000. By appropriating a militant Islamist discourse and a virulent anti-state rhetoric[25] and engaging in urban terror, PAGAD lost the momentum of support from mainstream Muslims in Cape Town. The last militant cell was rolled up by the *Scorpions*, an elite crime-fighting unit independent of the South African police, in a Cape Town suburb in 2000. A number of PAGAD members have since been sentenced to long terms of imprisonment.

I had previously undertaken research on the PAGAD phenomenon in a coloured township in 2000,[26] was intrigued by these suggestions, and wanted to find out more about the possible linkages between the role of PAGAD pris-

oners within the penitentiary system, and prison conversions to Islam. All the more so since informants' reports from the community in which I had undertaken research in 2000, seemed to suggest that PAGAD prisoners in some prisons in and around Cape Town, had taken up leadership roles among inmates. I heard anecdotes from friends and acquaintances about PAGAD prisoners leading informal prayers for Muslim inmates. The limited amount of research that there has been on the role and status of Islam in the penitentiary system in the USA (see f. ex. Dannon 1996, 2002) seem to suggest that in a context of de-humanisation and brutalisation of inmates on the part of other inmates and prison warders, Islam may in some instances provide an inmate with a self-image and with notions of self-dignity that run counter to what he or she is exposed to in prison. It does so by for instance constructing sacred and Islamic spaces within US prisons, and this might go some ways towards explaining the attraction of Islam for African-American prison inmates in the US. I wanted to see if such ideas could have some explanatory value with regard to conversions to Islam in Cape Town's prisons too. However, two years later it turned out to be very difficult for my research assistant to track down ex-prisoners in the black African townships, and to get them to talk about their prison experiences. They were generally evasive, and did not show up for appointments. Since rates of recidivism among South African prisoners are generally high,[27] and life opportunities for ex-prisoners extremely limited, it stands to reason that this evasiveness will in some cases have had to do with continued involvement in crime. Furthermore, it is of course not surprising that ex-prisoners should be reluctant to talk about their prison experiences, inasmuch as this also entails disclosing facts about their involvement in crime which lead them into prison in the first place, and risk creating problems in their interaction with fellow Muslims. The interviews that my research assistant managed to do, yielded few findings of interest and no conclusive evidence with regard to linkages with the status and role of PAGAD prisoners.

To the best of my knowledge there is no research on Islam in South African prisons.[28] There is also scant ethnographic material available on Islam in prison in other parts of the world.[29] There is little doubt that South Africa is one of the most violent countries in the world (Shaw 2002: 53), and that it has been so for some time.[30] South Africa has one of the highest recorded levels of crime in Africa and in the 'Western' world,[31] and one of the highest rates of incarceration in the world. In 2004, 4 out of every 1000 South Africans were in prison (Fagan 2005: 12).[32] By February 2005, South Africa's total prison population stood at c. 186 700 (Roelf 2006).[33] By December 2005, this had dropped to around 157 400 through a special remission.[34] If female South

Africans – who are much less likely to both commit crime and to be imprisoned – are excluded from the statistics, these demonstrate that no less than 1 out of every 100 male South Africans are in prison (ibid: 13). Imprisonment is, in other words, an experience which a significant number of male South Africans in particular, are likely to undergo in the course of their lifetimes. Crime as well as incarceration is thoroughly racialised: coloured and black Africans in South Africa are much more likely to both commit crime and to be incarcerated than other South Africans. Coloureds have the highest incarceration rates in South Africa: they are twice as likely to be incarcerated as black Africans, and make up 18% of the national prison population, even though they make up only 8,9% of the South African population.[35] Coloured males, who represent a mere 4,3% of the population, constituted 17,7% of the prison population by 2005. (Sloth-Nielsen 2007: 386). South African criminology has generally been characterised by what can be described as a Marxist-inspired functional reductionism in explaining coloured criminality and incarceration. The University of Cape Town (UCT) criminologist Don Pinnock, who was the first to write extensively on coloured gangs on the Cape Flats (Pinnock 1984), attributed gang formation in the coloured community to the socio-economic marginalisation and the socio-cultural dislocation brought on by the forced removals of the coloured working-class from central Cape Town in the 1960 and 70s. This fails to adequately explain why recorded levels of criminality and incarceration should be so much higher in the coloured communities than in the black African communities of Cape Town, when the latter were so much more socio-economically deprived than the former, and why the black African communities of Cape Town never generated the same gang formations. But Pinnock's suggestions have been adopted by most South African criminologists working on crime and gangsterism in Cape Town ever since.[36] Pinnock and other radical South African criminologists and social historians in the 1980s were often extremely keen on reading urban gang formations and criminality as expressions of resistance to apartheid, even if it meant imposing this interpretative grid in the face overwhelming evidence of selective and tactical complicity of gangsters and other criminals with the repressive apparatuses of the apartheid state.[37] This is not to suggest that socio-economic marginalisation and deprivation is not a necessary explanatory factor for crime in South Africa, but merely to insist that it is in itself not sufficient.

A reconsideration of this literature has been long overdue, but can now be found in the works of a new generation of criminologists and social historians such as Steinberg (2004*a*) and Glaser (2002). The emphasis on

gangs and the attraction of the urban styles associated with them which has emerged from the works of this new generation appear to hold greater explanatory powers with regard to gang formation in coloured communities in Cape Town than the socio-economic functionalism of Pinnock and his adherents.[38] Muslims are part and parcel of South African society, and Cape Muslims do commit crime, and are imprisoned for it, like other Capetonians. It is a commonplace that the penitentiary system does not exist in isolation from the wider society, and that changes within it are affected by and articulated with the wider society.

This chapter explores the religious aspects of the prison environment, and the significant changes with regard to Muslim inmates' religious rights that this environment in this particular prison has undergone in the course of the 1990s, as a result of legislative and societal changes in South African society in general in the same period. It is based on the empirical data provided by my interviews with prison imams and with a small number of prison warders and officials at this prison in 2005. My contention is that Muslim prison imams, prison officials and warders, as well as Muslim inmates, have used the new rights granted by a secular and (to certain extent and for certain purposes) multicultural Constitution to negotiate spaces within the prison system in which Muslim religious rights and obligations are applicable, and that they have managed to do so in the face of considerable opposition from factions among prison warders and management at various levels to such extensions of Muslim inmates' rights. Steinberg (op. cit: 45), a South African criminologist and popular author, have asserted that the "agents of change" in this particular prison were Christians. It should be clear from this chapter that Muslims have also been agents of change within this prison in the relevant period.

Getting into the prison

My first visit to the prison was in November 2004. It was only a few weeks after local media had reported of a fire in a cell at the Admissions' Centre at the prison, in which two inmates had lost their lives. I had contacted a Muslim prison warder whom I knew through an old Muslim friend from the coloured township where I had undertaken research in 2000. He had worked at the prison since 1996. After finishing high school, he had tried for a number of years to get into the prison service. After a number of unsuccessful applications he was accepted on the basis of two 'citizen's arrests' performed on potential prison escapees on the premises of the pris-

on, where he was living at the house of a relative who worked for the DCS at the prison. I explained to him about the research that I wanted to undertake, and he suggested that I meet him at the prison. He appeared keen to talk to me. The reason seemed to be that he had recently been involved in an altercation with a non-Muslim superior whom he felt had insulted him as a Muslim. He had written a complaint to the DCS about the behavior of this superior, and he seemed relieved to have somebody to talk to about this.[39] Formally, academics wanting to undertake research relating to aspects of prison life are required to fill in an application form available at the DCS website, in which the purpose and the aim of the research is outlined. There is a considerable amount of academic literature on prisons in South Africa – most of it produced by South African criminologists in the 1980s and 1990s.[40] The 1990s were marked by the appearance of relations between the academic communities in South Africa and the DCS based on mutual co-operation and a lack of conflict, relations which were inspired by a new sense of openness about the challenges faced by prison management with regard to fulfillment of the human rights guarantees for prisoners as set out in the 1996 Constitution, and the need for the DCS to draw on the competences and insights of academics. However, experienced South African criminologists such as van Zyl Smith has noted a worrying tendency from the DCS as of late to try to curtail research on and in South African prisons, and to censor research findings that are not seen as in the interest of DCS to have published (van Zyl Smith 2005: 20-21). Nevertheless, access to the prison did not prove to be a problem, and many officials were more than willing to talk to me. A factor to my benefit was the existence of widespread conflicts at many levels between black African and coloured management, and what appeared to be a high level of disorganisation among DCS staff within the prison itself. This conflict had evolved in the course of the staff transformation of the 1990s, and meant that black African prison officials with the tacit support of the DCS had gradually wrested control over prison management, as well as the management of the dominant trade union,[41] from coloured officials who had expected to run the prison after 1994. One of the reasons why coloured officials had assumed that this would be the case had to do with demographics. In spite of an increasing number of black Africans in Cape Town after the abolishment of influx controls under apartheid in 1986, and the advent of a democratic South Africa in 1994, over 50 percent of the population of Cape Town still consist of coloureds, and given the general overrepresentation of coloureds within South African prisons, most inmates at this prison are consequently also coloureds.[42] A number of

senior coloured officials clearly felt marginalised, and were all too ready to talk with outsiders, even if they knew that this was sometimes a proposition with professional liabilities. A core of them, who were former anti-apartheid activists and founder members of the trade union POPCRU (Police and Prisons Civil Rights Union), had been involved in the establishment of an organisation linked to a revival of Khoisan identities, the Movement Against Discrimination of African Minorities (MADAM),[43] which was based on their perception of having been discriminated against on the basis of their minority status in the broader South African context in the post-apartheid era in the name of affirmative action.[44] The most prominent of them, Mr. Jonathan Jansen, had been head of the Admissions' Centre at the prison from 1997 to 2004, and was at the time involved in a court case demanding his re-instatement at the prison after he had been removed to a subordinate position at another prison, and was threatened with legal action from the DCS for his outspokenness to the media.[45]

As Head of the Admissions' Centre at the prison, Jansen was generally credited with an attempt to institute reforms within the prison. An ANC-member, former anti-apartheid activist and a committed Lutheran Christian, he was committed to human rights (see f. ex. Steinberg 2005 for this) and to promoting a new openness towards the wider society outside which had entailed permitting documentary filmmakers, writers, photographers and various NGOs to work in the prison during his tenure. In the process he had on numerous occasions made himself immensely unpopular with prison warders for standing up for the human rights of prisoners. That there was a case to be made for protecting the human rights of prisoners in the prison is evident from the fact that there were no less than 336 recorded assaults by prison warders on inmates at the prison in the two years between 1995 and 1997. This represented an average of one assault every three days (Steinberg 2004*a*: 308).[46] In the words of a voluntary prison imam who had been a supporter of Jansen's during his tenure, Jansen was frequently seen as siding with the prisoners, but:

> "…[…]…The reason why I supported him was…he knew where we were coming from, you know. He knew what was the reason that crime was so high [what the reason that crime was so high was]. He knew; he could see, because he had the vision, but they [his opponents within the DCS] didn't know it. To them, you're an inmate, and that's that. We, we treat you as a criminal, [but] not [him], he look[ed] at you not as a criminal, he look[ed] at you as a human being…[…]…"

Jansen's relationship with members of the Emergency Task Team (ETT) appears to have been particularly fraught with tension. The ETT was set up by his predecessor at the Admissions' Centre at the prison, and was tasked with intervening when prisoners rioted. It leaned heavily on the militaristic approach that had characterised prison management under apartheid, and into which many coloured and black African prison warders had been socialised. In the words of a close associate of Jansen, the ETT members were frequently "too trigger-happy," and he and his colleague had frequently had a hard time getting them to "back down" when prisoners rioted for some reason or other. On one occasion, PAGAD prisoners had threatened to burn down their communal cell in protest against the transfer of PAGAD prisoners to other prisons. He could tell that "they were serious" due to the fact that these prisoners were in the process of donning green headbands with Qur'anic inscriptions[47], indicating that they were "getting ready to fight." ETT members, he recounted, had wanted to go in and "shoot the whole place up" with teargas, dogs and batons. As a senior manager at another prison, this interviewee had some years previously experienced that ETT members against his own explicit instructions had gone into a cell in which a prisoner was threatening suicide – with the result that the prisoner slit his own throat in front of the ETT members.[48] He was therefore understandably skeptical of the ETT approach to the management of prisoners. On this occasion, the two of them had however managed to get the ETT to back down. They negotiated with the PAGAD prisoners for a whole night, and managed to resolve the situation without recourse to violent means. A former ETT member that I interviewed was quite vocal about his disapproval of Jansen's management style, and his defense of the human rights of prisoners. He said that he had frequently "taken the prisoners' side" – even when "members [ETT members] lives' were at risk." This management style appears to have been seen as a contravention of the implicit expectation that the ETT would have the support and backing of prison management in whatever course of action they pursued in the case of riotous prisoners.[49] The same interviewee also asserted to me on one occasion that the ETT had used the section on top of the Admissions' Centre where none other than Nelson R. Mandela was held during the late 1980s to "*moer*" riotous prisoners.[50] But more significantly for the purpose of this chapter is the fact that it was under the tenure of Jansen, and with his tacit support, that the rights of Muslim inmates had been advanced in the prison. The voluntary prison imams that I interviewed for this research concurred in the view that it was during his tenure as Head at the Admissions' Centre at the prison that the rights of Muslims had been

advanced. This was how one of them, who worked as a prison imam at the Admissions' Centre from 1999 to 2004,[51] put it:

> "Yes, I had a very good Head of Prison.…[…]…Number one, he's a politician, right?...and he comes, he's a guy that comes from the [anti-apartheid] struggle, right? He knows, the background of the coloured people, he knows the background of the Muslim people, right? He knew what our needs was inside the prison, but there wasn't somebody [anybody] that he could go to, you know, and…and give him that information [who could give him that information], so he needed somebody that [who] could tell him: "Listen here; this is the way for the Muslim people," and I think I [had] just come a the right time, man, and I'm telling you, we were like friends, hey? We would sit together every day, we talked about the…our problems and…and he would even call the warders together and explain to them what Islam was."[52]

Muslim involvement in prison outreach

In modern times, imams in Cape Town are known to have been involved in prison outreach since the 1920s.[53] The most famous of the imams in Cape Town who took up prison work in modern times was Imam Abdurrahman 'Marnie' Bassier (d. 2004). Bassier, an imam at the Boorhanool Mosque in Bo-Kaap, central Cape Town for over forty years, was the product of an age in which the role of Cape imams was quite different from what it is at present. In the context of what Tayob (1999: 20) has referred to as "the Cape mosque discourse", which had evolved through the centuries after Cape Islam was institutionalised with the establishment of the first mosques and madaris in Cape Town in the late 17th century to early 18th century, the imam was much more than a designated prayer leader. The imam was a man with a distinct social and popular base in a community, to whom local Muslims turned for guidance in personal and private matters, and who was often revered as no less than a Sufi sheikh in his community in return. The imam was expected to go on house visits, and would be remunerated for his services on a personal basis. The role and function of an imam under such a system is far from the professionalisation of imamship which evolved in the course of the 1980s and 1990s in Cape Town. It has in many respects entailed more limited roles and functions for the imams, and has served to curtail some of the reverence in which imams in Cape Town were traditionally held, and the authority which they yielded.[54] It is not surprising that the imam visiting Muslim inmates in prison should have been seen as a natural extension of the serv-

ices of the 'ulama', as the number of Muslim inmates increased during the 1960s and 1970s after the forced removals of many coloureds from their communities of origin to the bleak townships of the Cape Flats created an environment conducive to gangsterism and crime.[55] Bassier was instrumental in the establishment of the Muslim Board for Prison Welfare and State Institutions (hereafter, the Muslim Prison Board) in 1971 (Mahida 1993: 102). The Muslim Prison Board (MPB) was established under the auspices of the MJC. 'Ulama' appointed by the Muslim Prison Board visited Muslim inmates once a week, would provide food hampers during the Ramadan fast, and provide individual counseling for Muslim inmates. Bassier had close links to the social worker and scholar Achmat Davids, with whom he had established the Boorhanool Recreational Movement in the Bo-Kaap in 1966 (ibid: 96).[56] Bassier visited Muslim inmates in various prisons in the Greater Cape Town Area, as well as Muslim political prisoners at Robben Island, on a regular basis.[57] The work was entirely voluntary. The prison service had appointed Christian chaplains at the time, but the prison environment throughout the prisons of South Africa appears to have been quite hostile towards Muslims. Muslims were served the same non-halal food as non-Muslim prisoners, and there were no prayer facilities available for them. This would basically mean that when pork was served to prisoners, Muslim prisoners would have to eat this unless they chose to go hungry instead. At one prison service abattoir in the Boland (outside Cape Town), prison 'ulama' in the early 1990s found that a Muslim prisoner had been assigned to the task of cleaning the pig-sty every day.[58] It is also clear from my interviews that Muslim inmates as well as prison staff would be treated to taunts on the basis of their religious identities on a regular basis. Conversions to Islam were actively discouraged from prison authorities: at the Admissions' Centre of the prison I visited, a sign informing prisoners that it was prohibited to change one's religion in prison was left in place by prison warders until 1997.

The advent of a post-apartheid society and a democratic order heralded significant changes as far as the religious rights of Muslim inmates were concerned. The present Muslim prison chaplain, Mawlana Azeem Khatieb started visiting the prison as a volunteer for the Muslim Prison Board in 1990. A graduate from the 'alim course at Dar-al-'Ulum Newcastle[59] in KwaZulu-Natal in 1989, he had been approached by a Muslim inmate from the prison whilst working as a registrar at the recently established Islamic College of South Africa (ICOSA),[60] the year thereafter. This prisoner had complained to him about the lack of qualified Muslim teachers within the prison. Subsequently, Mawlana Khatieb decided to start an outreach program

which entailed visiting four different prisons once a week. He did this on a voluntary basis for a period of eight years, until he was appointed as the first Muslim provincial chaplain for the DCS in September 1998.

The Constitution of 1996 guaranteed freedom of religion for all South Africans. Section 14 (1-4) of the *Correctional Services Act 111* of 1998 guaranteed freedom of religion for inmates in prison,[61] but it is not stipulated in the Act that this should be interpreted as meaning that all religious denominations within the prison system in South Africa ought to have the right to have their faith catered to by a chaplain. Indeed, there is every reason to think that chaplaincy is low on the level of priorities of the DCS.[62] Consequently, the Muslim provincial chaplain nominally caters for the spiritual needs of all non-Christian inmates in the prison system all over the province of the Western Cape. He also coordinates Muslim services for prison inmates on a national level, since there are few provinces in South Africa where DCS have employed Muslim chaplains. As such, he is at a severe disadvantage in comparison with his two Christian chaplain colleagues at the prison. They are only required to cater to the spiritual needs of Christian inmates at this one prison. Whilst the Christian chaplain at the prison has the rank of deputy director, Mawlana Khatieb as the Muslim provincial chaplain is a senior correctional official, and as such in principle subordinate to the Christian chaplain. As a consequence of the stretching of the personal resources and capacities of the Muslim chaplain, he is infrequently at this prison. At the prison, he is however supported by a team of five regular voluntary imams and Muslim proselytizers, who run classes and programs for Muslim inmates on a day-to-day basis.[63] They are remunerated with ZAR 50, – (approximately 6 Euros in 2006 rates) by DCS for every hour spent on teaching and counseling within the prison. In addition, their transport costs are covered.[64] When the Muslim prison chaplain was appointed in September 1998, it was on the basis of an application that he had submitted after the post was advertised. Mawlana Khatieb's candidacy was endorsed both by the MJC and the Muslim Prison Board, as well as Imam Aburrahman Bassier.[65] It is not possible on the basis of the interviews that I have conducted to reconstruct what lead to this post for a Muslim chaplain at the prison to be advertised by the DCS in the first place, and at the particular point in time that it was. One senior Muslim prison official ascribed the appointment to pressure "from the ground" – in other words, from Muslim inmates who were complaining to the DCS about infringements of their rights, such as their lack of access to food that was halal, and the fact that they were not being allowed to perform the morn-

ing 'id salah ('id prayer) on *'id al-fitr* (the day of celebration at the end of Ramadan, the yearly period of fasting). But these complaints are unlikely to have had much effect if it was not for the support for these demands from the voluntary prison imams, senior Muslim and non-Muslim prison officials and the 'ulama' organisations on the outside, who all used the new constitutional framework in order to demand greater rights for Muslim inmates. This same official recounted how he had used his DCS credentials to travel to a number of prisons in the Western Cape from 1997 and organised Muslim committees, whose demands for halal food and services of prison 'ulama' he had brought to the attention of the heads of different prisons.[66] He had worked in close cooperation with the leader of the Muslim Prison Board, and a Muslim representative on the Correctional Service Advisory Board at the time.

As Muslim provincial chaplain, Mawlana Khatieb has been instrumental in ensuring that the kitchens of various prisons in the Western Cape comply with the demands and rights of Muslim inmates for halal food through regular inspections, and in making sure that DCS officials have an adequate understanding of Islam, and of the rights of Muslim inmates, as well as coordinating the classes for Muslim inmates.[67] Educating DCS staff about Islam was seen as imperative by the Muslim prison chaplain. The voluntary prison imams were also actively involved in such efforts. The kitchen at this prison now has a number of Muslim cooks, and kitchen utensils and refrigerators meant for the use of preparing halal food are clearly marked as such. He has also worked closely with a Muslim NGO, PM, on HIV/AIDS prevention among inmates. But the Muslim prison chaplain is as a DCS official in an awkward position in a semi-closed system in which loyalty to the DCS is a first priority if one wants to keep one's work. In his interview with me, Mawlana Khatieb expressed the view that there were no DCS policies that were "contrary to Islam" at present. He attributed episodes in which Muslim prisoners' religious rights had been violated to unreformed or uninformed individual prison warders within the DCS.[68] At the time of my interview with him, Mawlana Khatieb was involved in a case in which a female Muslim social worker at a prison in Worcester outside of Cape Town had been fired from her position due to her refusal to work without a headscarf.[69] It is noteworthy that when this story broke in the local media, it was Sunni 'ulama' outside the prison system, and not Mawlana Khatieb, who commented on the case. Senior prison officials alleged that Mawlana Khatieb had faced threats of disciplinary charges from other DCS officials on the basis of his support for the female employee in question.

A common complaint from Muslim and other inmates in the prison relates to the frequent strip searches. In order to prevent drugs and/or weapons from being smuggled into the prison or hidden away in prison cells, inmates are made to strip naked in front of prison warders, who will then search their bodies.[70] Muslim inmates at the prison often approach Muslim prison imams with complaints about this procedure, which is seen as violating their Islamic rights to have their *awra*[71] protected. One of the prison imams told me that they had for a period of time been able to get prison warders to use screens between prisoners being strip-searched so that the individual inmate would not have to have his or her body exposed in public. But this only appears to have lasted for a short while. While the Muslim prison chaplain pointed out to me that he had written a document stating that according to Islamic rules "they [i.e. the prisoners] are allowed to be searched naked, but it must be done in a humane and dignified manner" – in other words "behind the screen" it would seem that he does not have the means available as a DCS official to ensure compliance with this ruling from other DCS officials throughout the prisons at the complex.

The prison: What kind of religious space?

A question of obvious interest in any research on Islam in prisons is the question of how, and in what terms, the prison space is defined by the 'ulama'. The assembly hall used for the purposes of a mosque[72] at the prison constitutes one floor on top of the Admissions' Centre. Permission to use this hall for that purpose was granted under the tenure of the Head of the Admissions' Centre in 1999, after the prison imams had requested this in a letter. The hall has been fitted with carpets and a *minbar* (pulpit, mimbar) has been put in. The MJC donated a sound system for the mosque. From one of the interviews with the prison imams, it appears that demands for a mosque had been made by Muslim inmates at the Admissions' Centre some time previous to the letter having been sent. The demands for a mosque predated the employment of the Muslim prison chaplain by the DCS. At the time Christian inmates did not have a prayer hall either. Following the granting of the rights to a mosque for the Muslim inmates, a demand for church premises were made on behalf of Christian inmates.[73] Prisoners at this and other prisons are only permitted to perform the salat al-dhuhr (the regular midday prayer) on Fridays, and not the jum'a (the Friday congregational prayer, which most Cape Muslims think of as making the performance of the salat al-dhuhr redundant on this day of the week).

The salat al-dhuhr is performed in congregation at the prison. The Islamic legal reasoning behind the decision by Mawlana Khatieb not to permit the performance of jum'a in prison on Fridays is that the Friday prayers at the prison are not open to the general public or to free Muslims, and that not all prisoners from the different prisons within the complex were able to attend the Friday prayers. A further consideration from his side was that in order for a jum'a to be valid, there must according to traditional Shafi'i understandings be forty sane, resident and mature Muslim males present, and that in the prison context, prisoners cannot be seen as 'resident' since they may only be in prison for a limited period of time.[74] Mawlana Khatieb based this understanding on a fatwa issued by the Cape Town Sheikh Mahdi Hendricks in 1979, which prohibited the holding of mass jum'a in public in the absence of a mosque.[75] It should also be noted that there are many prisons elsewhere in the province where prisoners are not allowed to come together for prayers at all for security reasons.[76] Interestingly, there are some differences of opinions between the various imams working in the prison on this particular matter. One of the voluntary imams argued that the Shafi'i requirement to have one jum'a accessible to all in one central mosque[77] has been waived through historical precedent and practice among Cape Muslims, and through the fact that Muslims now live all over the Cape Peninsula and do their Friday communal prayers in some 145 different mosques in Cape Town, unlike what they did in the first century of Muslim presence in Cape Town, and that it should therefore be possible to perform jum'a even in prison. He therefore thought a Hanafi interpretation of this issue preferable, and took this to mean that prisoners could in actual fact perform jum'a. What this voluntary prison imam said strongly seems to indicate that he takes Muslim inmates through a full jum'a whenever the Muslim prison chaplain is absent or unavailable:

> "…[…]…So on that code [with regards to that code] I have changed, although [the] mawlana [the Muslim prison chaplain] is within his rights – he has done that and he would like us to perform it also in that way. I have slightly changed it, so what we do is [that] we have jum'a, I make a full *khutba*, right?, and when I get off I make two *raka'at salat al-jum'a*, and immediately after that we make then four *raka'at dhuhr*, then…mostly because of the doubt that there is, okay?...and the fact that free people can not come in, but these sentenced guys [can]. When do you call yourself a…I've asked…I'm struggling with this question, when do you call yourself a resident, after how long, in any place?

The Friday salat al-dhuhr is the only occasion when Muslim inmates are able to pray in congregation in a space specifically designed for this purpose. It appears from the information from some of the prison imams that prison regulations were stretched considerably under the tenure of Jonathan Jansen in order to accommodate the religious needs of Muslim inmates. One of the voluntary prison imams told me about the existence of a 'B-order' from the DCS which basically stated that sentenced inmates were not allowed to mix with unsentenced inmates under any circumstances.[78] But under the leadership of Jonathan Jansen as Head of the Admissions' Centre, sentenced and unsentenced Muslim prisoners were in fact allowed to mix for Friday salat al-dhuhr in the hall serving as a mosque on top of the Admissions' Centre. This lasted until it was discovered that prison gangsters were using attendance at the Friday prayers as an opportunity to rob unsentenced prisoners of their possessions. Prison imams blamed lax security on the part of prison warders controlling the passage of sentenced prisoners to the unsentenced prisoners, but it was turned into such a problem that senior managers reneged on the tacit support that they had initially offered for the facilitation of mixed Friday prayers. At present sentenced and unsentenced prisoners have separate Friday prayers at separate times.

The Creation of Islamic spaces

The prison environment is, as we have seen in this chapter, not an environment generally conducive to the upholding of Islamic practice. Given that most prisoners in this prison are locked up in their cells for 23 hours a day with no activities of any kind, no work to do and no life skills training, religion is likely to be seen by some inmates as a possible "escape mechanism". One of the voluntary prison imams that I interviewed admitted as much, when he said that "there are no life skills, this is what I see, what rehabilitation is all about, but there are no life skills. The only thing they [the inmates] can do is [to go] to church or to mosque, or religious work, that's [what] they're looking forward to."[79] There are a number of conversions to Islam in the prison every month; in fact, so much so that prison imams generally seem to attribute growth in the number of Muslims within the prison to conversions inside rather than intakes of new Muslim prisoners.[80] In order to explain the attraction of Islam for inmates, one will have to look for factors that are not necessarily and exclusively religious.

On a cold Saturday morning in February 2005, I attended the Muharram program at the Juvenile section at the prison with a group of prison

imams. I had been invited by Mawlana Khatieb. Upon my arrival at his office, he filled in a DCS form which facilitated my access to the Juvenile Section of the prison. At the reception we were met by a chubby and red-faced middle-aged Afrikaner prison warder in the brown DCS uniform. Before I was allowed to enter the prison, my bag was searched, and my tape recorder removed. We were led through a passage lined with young male inmates, and into the room in which the Muharram presentation was to be held. The presentation was held in a relatively small room with sparse furniture in dull brown 1970s colours. A group of thirty to forty juvenile prisoners were squatting on the floor. Most were coloureds, but there was also a small group of five black Africans. The function was monitored by a black African prison warder.

I found a seat between the Muslim prison chaplain and three voluntary prison imams in a part of the room that was cordoned off by a small wooden bench. The Muslim prison chaplain, a tall man dressed in a white turban and a kurta, addressed the inmates. The prisoners were dressed in blue jeans overalls, with the exception of a few prisoners who appeared to be wearing their own clothes. A few were dressed in kuffiyehs and white and red Palestinian scarves which the prison imams apparently provided for them. One inmate later explained to me that only those who had already been sentenced were wearing their own clothes. A number of the prisoners had scars in their faces probably attributable to knife attacks. Some had visible gang tattoos. Many had virtually no teeth (often attributable to dagga- and mandrax-smoking, but excacerbated by lack of dental care in prison.) Their ages could have ranged from sixteen (16) to twenty-two (22). The Muslim prison chaplain held his twenty-minute speech in English, which would seem to be out of concern for me, rather than the prisoners' understanding of the contents.[81] In his speech, Mawlana Khatieb said that Muslims were being slaughtered "left, right and centre" in the world today, because their iman (faith) was weak. With the arrival of the New Year, he said, "we" should make a powerful change – by undertaking to study and to live by Islam. He encouraged the prisoners to study the Qur'an.[82] He talked about the fears that he assumed that they had for what life would be like for them on the outside. On the outside, he said, they would need work, a car, and a wife in order to survive. "You will see the Muslim doctors [on the outside] who live by the din [religion of Islam], that they have a nice house and a beautiful wife." To follow the numbers [the prison gangs], he added, is to commit *shirk* [heresy]. Mawlana Khatieb's speech did not seem to engage all the prisoners in equal measure. Some were dozing off, and others were displaying a clear lack of concentration. The next speaker was a voluntary prison imam.

He told the prisoners that even though they were prisoners, they ought not to feel rejected, "as you are our own brothers." He noted that there were some faces among those present that he had not seen before. He said to the prisoners that this did not matter, but reminded them that they should all attend the programs on Fridays.[83] The program ended with a short and simple dhikr or recitation. The prisoners then lined up in a queue, and paper plates of curry were dished out, along with soft drinks, which had all been brought in by the prison imams.

But it is not only functions like these which contribute to an understanding of the attraction of Islam in prison. Much more important it seems, is the creation of more sanitized and sanctified Islamic spaces on the inside. For prisoners looking for an escape route from the terror of the number's gangs in the communal cells, particularly in the sentenced sections of the prison, these spaces hold considerable interest.

At the prison's Admission Centre, there were communal cells that had been designated as "Muslim cells", or "Muslim rooms" in the words of the prison imams.

I have not been able on the basis of the interviews conducted for this research to establish exactly when the designation of certain cells as "Muslim cells" emerged, but there is substantial reason to think that this occurred in the late 1990s, under the tenure of Jonathan Jansen as Head of the Admissions' Centre. The voluntary prison imam at the Admissions' Centre told me that there were a total of eleven (11) such cells at the Admissions' Centre in 2005: four (4) cells on the section for sentenced prisoners, and seven (7) on the section for unsentenced prisoners. He claimed that access to these cells was controlled by prison imams and the amir of each such cell. An amir was in this context a Muslim inmate who was a practising Muslim, and who was elected by Muslim inmates in his cell. It can hardly have been coincidental that PAGAD leaders on the outside at the time were also referred to as *umara'* (pl. of amir). A person who converted to Islam could in principle gain access to a cell designated as a Muslim cell. It was the amir's responsibility to teach him about Islam on a daily basis. In a Muslim cell, no gangsterism should be practiced. This was understood by the prison imams in charge as for instance "no dagga [marijuana] smoking; no sex, no rape…[…] nor anything that is against Islam."[84] From "that very moment that you set your foot into that cell, you must then know that you have to live according to your religion."[85] The Codes of Conduct governing cells designated as Muslim had been formulated by the prison imams. It had been approved by Mr. Jansen, and had been put on the walls of such cells. The Muslim prison chap-

lain rated the exposure to Islam in a compact environment like the prison, and the fact that where [practising] Muslims gather in prison "that is a safe environment where there's no dealing in drugs, no gangsterism, no sodomy" as two of the most important reasons for conversions to Islam in the prison. The creation of such Islamic spaces did however depend on policing the boundaries between gang and non-gang space inside the prison, and it also crucially depended on the cooperation of unit managers (i. e. senior prison warders) on the floors on which the designated Muslim cells were located. The voluntary prison imam at the Admissions' Centre told me that it happened that unit managers put inmates that were nominally Muslim in designated Muslim cells without the prior approval of either the amir or the prison imam, and there were also occasions during which members of prison gangs had tried to infiltrate designated Muslim cells. Maintaining the boundaries between gang and non-gang space appears to have been facilitated by the presence of PAGAD prisoners in prison. There are – understandably – differing opinions about PAGAD between the various prison imams. Mawlana Khatieb, whose position as an official of the DCS meant that he had to tread carefully on this issue, was keen to display any notion to the effect that the PAGAD prisoners he met at the prison after 1999 were practicing Muslims when they first entered prison. They had "zero knowledge of Islam" he said, and if they eventually became practicing Muslims whilst in prison, that was credit due to the work of the prison imams.[86] Most of the converts associated with PAGAD had actually turned out to be informers, he alleged.[87] The voluntary prison imams would seem to have more leeway on this issue, because the one said that "I miss them, believe me I miss them, because they were practicing Muslims, and they were hungry for Qur'an recitations, they were hungry for teaching, you know"; whereas the other said that "the guys, that people that work with me, was [were] the PAGAD guys, right? Okay. It was not the ordinary inmate because they were scared, right? So the…the workforce behind me, yes, it was PAGAD, yes, and this is the truth." Before the DCS received instructions to break up PAGAD in the prison in 2000 (after it was alleged that PAGAD prisoners in the prison had used mobile phones smuggled into their cells in order to co-ordinate urban terror attacks on the outside), PAGAD prisoners were kept isolated from the gangsters on the E-Section at the Admissions' Centre.[88] However, a number of public confrontational stand-offs between prominent gangsters and senior PAGAD leaders in the prison in 1999 made it clear to inmates and prison warders alike that PAGAD were serious and not to be intimidated. Gangsters in the prison feared PAGAD, understandably, since a number of gang lead-

ers on the outside had been assassinated by PAGAD hit-men on the outside. Jonathan Jansen thought that gangsters in prison had come to realize that PAGAD members could not be manipulated as the other common criminals in the prison:

> "Yes, because you must know that one of the cultures of the gangsters is force, [being] the strongest, and PAGAD didn't stand back for the gangsters, there were a few times that there was fighting between individuals of PAGAD and gangsters, so the gangsters realized that they couldn't deal with the PAGAD members as they deal with the other prisoners, and as time went on, I think a kind of an understanding developed between the gangsters and PAGAD, because [the extent of] fighting was minimal, so there was a kind of understanding later on, as time grew on"[89]

The voluntary prison imam in charge of Muslim inmates at the Admissions' Centre when the first PAGAD prisoners started arriving said that he thought that PAGAD made the prison "quieter". Their arrival meant that gangsters in prison were "getting nervous." A Muslim prison warder described the times in which there were PAGAD prisoners in the prison as "the good times in prison; there were no robberies".[90] PAGAD prisoners stood up for the rights of Muslims in prison, he said, and recounted an episode which he interpreted as indicative of PAGAD's "standing up for" Muslim rights.

On the first day of Ramadan 1999, some three hundred inmates were on their way to Friday prayers in the mosque at one of the top floors of the Admissions' Centre. The previous afternoon, a number of PAGAD prisoners had been informed that they would be transferred to other prisons the same Friday. The Muslim inmates also had long-standing grievances about the lack of halal food, and PAGAD prisoners had on a number of occasions threatened with hunger strikes. That night, one of the voluntary prison imams was informed that Muslim inmates contemplated a sit-in at the mosque the following day in protest. On the way to the mosque, a number of Muslim inmates appears to have been prevented from accessing the ward at which the mosque was located by a Hindu warder of South African Indian origin, who in the words of one of the prison imams had over some time demonstrated an "anti-Muslim" attitude, for instance by keeping Muslim inmates waiting for hours before he unlocked the gates to the ward in question. The warder was subdued by prisoners, and locked into a prison cell. For a total of four hours, three hundred Muslim inmates refused to leave the ward. The ETT was called out, and wanted to move in, but a negotiating team consist-

ing of a senior Muslim prison official and a senior official of the MPB – who had been called in by the Muslim prison chaplain – eventually managed to defuse the situation, and get the prisoners to leave peacefully.[91] It is unclear what role PAGAD prisoners had in the planning of this prison revolt.[92] But PAGAD prisoners appear to have featured prominently among the riotous prisoners.

Most telling is however two of the voluntary prison imams' suggestions that PAGAD prisoners were involved in promoting and imposing self-styled "shari'a"-derived modes of governance in the Muslim cells when they were at the prison. This is a prison imam recounting his experiences on a Friday in the prison in 1999:

> "You [as a prisoner] smoke dagga now, in the Muslim 'room', you know, you know you mustn't smoke dagga, but you smoke dagga at one o'clock, at two o'clock in the morning, you sit by that window and you smoke your dagga. How they get it [the dagga], I don't know, right?, but they've done it, then they [the PAGAD prisoners] will wait until Friday, or they will call upon their amir groups to come together, and they will try to implement shari'a [i. e. shari'a-derived forms of punishment] as a form of punishment. I remember one punishment; one day this guy was told twice or thrice; he was warned about smoking dagga, but he didn't want to listen, so after the sermon [the Friday sermon] was completed, these PAGAD guys got up [in the mosque]; they are very, how can I put it?, professional, you know, not rude – [not] shouting, going on, that type of thing. [Not] like one would think like, what is the word that they like to use about the guys that bomb?...'fundamentalists', [they're] not like fundamentalists, but as [like] leaders. They would ask the head of them [the amir] to come forward, and they will ask me as the imam to leave the mosque – [or] alternatively we can watch [we, i. e. him or another prison imam, would be offered to watch], and afterwards we can criticise or we can guide [them], you know. So in other words, they gave us a prerogative, and you know what they did to this one guy? While I said to them [that] I didn't want to get involved in that type of thing, because it can become ugly, and then we can become branded, you know, we can be branded as being vindictive or whatever the word might be, so I said: 'No – I'll stand one side [aside]; this is your doing.' You know what they did? His punishment [for using dagga in a Muslim cell] was that three PAGAD guys must escort him to the ablution room. When they got to the ablution room, they took his head, and forced it into the toilet bowl, now, one would say this is horrific, right? Listen to what they said: 'If you are prepared to smoke that excretion, then you might as well also taste what excretion tastes like, and that was his punishment."

Contrary to what one may think, this appears not to have been a one-off with regards to PAGAD prisoners meeting out punishments to Muslim inmates violating the codes that they were trying to impose. Another voluntary prison imam recounted how he had walked down the aisle of one section at the Admissions' Centre one day, and spotted a group of PAGAD prisoners holding an inmate by his throat, and forcing his head into the toilet pan filled with urine and excreta in the cell. He had shouted at them, but they had told him that "you know what we do now, [don't you]?" The prisoner who was being punished had been caught with a money bag stuffed with dagga.[93]

Conclusions

We have come a half circle from where this chapter started, namely with the ex-prisoners in the black African townships who pointed to the power and authority wielded by PAGAD vis-à-vis the prison gangsters and prison warders when they were doing time in the prison as a rationale for their conversions to Islam, and whose narrative spurred me on to do this research. Given the environment of massive unemployment for unskilled black African and coloured male youth that these prisoners face on the outside, it is perhaps unlikely that they will ever make for so-called 'good' and 'practising' Muslims. Prison imams are perfectly well aware of this situation, and given their lack of resources and funds to follow them up on the outside, the best they can do is to contact imams in the communities into which Muslim inmates are released, once they are notified of this by the DCS. Sometimes they are able to facilitate piece-meal work for released Muslim inmates with Muslim employers, but this seldom proves very successful in warding off a return to potentially more lucrative criminal activities. Voluntary prison imams retold harrowing stories about young Muslim ex-prisoners being chained up by desperate relatives trying to prevent them from returning to a life of crime.

Prison imams in Cape Town have selected two core symbols in their attempts at asserting the rights of Muslim inmates vis-à-vis prison authorities in the post-apartheid era: namely the right to be provided with halal food, and to perform communal prayers once a week. The selection of these symbols of Muslim identity within prison space is not arbitrary. It can only be understood with reference to the core and minimal symbols of Muslim identity outside the confines of the prison walls, in the poorer communities in the Cape Flats from whence most Muslim inmates come. In these com-

munities, the boundaries between practicing and non-practicing Muslims are defined through certain minimal common denominators. Relatively few young Muslims, whether employed or unemployed, perform the five daily prayers, but in order to be accepted as a Muslim among one's peers, it is expected that one perform communal and congregational prayers at least once a week (on Fridays), and that one attempts to abide by the demands for halal food.

Prisons in contemporary South Africa – such as this prison – are intimidating and bewildering places both for prisoners and prison warders. This means that the accounts of prison transformation that I have presented in this article should be treated as the partial renderings that they are. And developments in this particular prison should in no way be seen as symptomatic of developments in other prisons in the Western Cape or in South Africa for that matter.[94] The hopelessly inadequate resources made available by post-apartheid governments; the all too facile solutions to dealing with crime that post-apartheid South African politicians have provided; the legacy of apartheid modes of prison governance; all these factors have lead to a situation in which prisoners' human rights are systematically violated on a day-to-day basis in this prison as in other prisons. It is against this backdrop one has to see some prisoners' turn towards Islam. As I have demonstrated in this chapter, a prison does not exist in splendid isolation from developments on the outside. There was a marked shift towards a stronger emphasis on prisoner's human rights and the need for prisoner rehabilitation instead of the traditional emphasis on incarceration as retribution, particularly in the latter half of the 1990s. Political and governmental support for this shift has however at best been partial and contradictory. But discourses around the human rights of prisoners, and the support granted by some senior prison officials, provided a space within this particular prison in which Muslim prison imams, Muslim prison officials and Muslim inmates could negotiate greater religious rights for Muslim prisoners in the form of rights to a mosque, and rights to halal food. The endorsement of concepts of human rights and constitutional rights by the prison imams who have been involved in this advancement of the rights of Muslim inmates must first and foremost be seen as tactical, in that it only entails a selective endorsement of these principles, and inasmuch as the human rights that the prison imams have argued for are limited in scope to the domain of what can strictly be defined as a religious domain.

Even though in a hierarchical system such as a prison, change is likely to come from above, rather from below, the pressure generated by Muslim

inmates who demanded their rights in the late 1990s cannot be avoided in accounting for the change. Furthermore, some Muslim inmates in cooperation with Muslim prison imams were instrumental in creating Islamic spaces within the prison. Probably with somewhat uncertain and contradictory effects, these are nevertheless spaces which may have provided some Muslim prisoners with a sense of dignity and self-respect which is virtually absent in the prison environment and in the world they meet on the outside upon their release.

My use of the notion of Islamic spaces harks back to the work of the French sociologist of Islam, Olivier Roy (1994). Roy suggested that political Islam or Islamism had failed in its attempt to gain control over the post-colonial state in Muslim societies, and that its project for worldly transformation would be replaced by the attempt to carve out privatised religious spaces in which Muslims could freely practice their religion. Roy's book is problematic for a number of reasons.[95] But the notion of a creation of Islamic spaces (if not private spaces as such) may usefully be retained. It is (re-)Islamized spaces such as these that prison 'ulama' and some Muslim inmates in this prison have done their best to carve out within the confined walls of the prison, and the violent underworlds of social death which they contain, in the course of the 1990s. In so doing, they have made claims that transcend the confines of the prison walls, and engaged the wider post-apartheid society on religious as well as secular terms.

6. **Global Flows, Local Appropriations** Islamic Rituals and Their Transformations in a Globalising Age

> 'I'd like to tell your readers not to believe anything you say about me, anything you say about any of us. No one could understand us from so far way.'
> —Orhan Pamuk, *Snow*.

Introduction

In the year 2001, a heated debate broke out among Muslim 'ulama' in Cape Town, subsequent to the screening of a documentary on Cape Muslims' ritual practices by the South African Broadcasting Corporation (SABC) on New Year's Eve 2000 (Long and Foster 2004: 67). The documentary had shown a group of Cape Muslims making ziyara to the kramat or shrine of Sayed Abduraghman Matarah or Tuan Matarah on Robben Island. One of twenty known *karamat* (pl. of kramat) of Sufi saints or *awliya* in and around Cape Town, this particular shrine has a particular significance for Cape Muslims, in that it is located on Robben Island. Robben Island was an historical place of banishment and imprisonment not only for black anti-apartheid leaders under apartheid,[1] but also for a number of early Cape Muslim religious leaders, such as Imam Abdullah ibn Kadi Abdus Salaam ('Tuan Guru', i. e. 'Master Teacher') who founded the first madrassa in South Africa upon his release after thirteen years imprisonment on Robben Island, Tuan Sayed Alawi as well as Tuan Matarah.[2] After Robben Island ceased to be a place of imprisonment and became an historical monument to colonial oppression and a World Heritage Site in the 1990s, access to the kramat on Robben Island also became easier for local Muslims. A significant number of Cape Muslims travel to the Island once a year on ziyara. It is one of the most impor-

tant of karamat maintained by the so-called Cape Mazaar Society. The Cape Mazaar Society had been established in 1982.

The SABC documentary purportedly showed a group of Cape Muslims performing dhikr and *du'a* inside the kramat.[3] This in itself was not a breach of the etiquette of visiting a kramat as understood by the Cape Mazaar Society.[4] But what irked some local Muslim viewers was the footage showing a Muslim putting his forehead on the satin cloth of the tomb, an act "suggestive of prostration," which the documentary appears to have presented as part of the ritual practices of Islam.[5] Among the participants in this part of the documentary were Cape Muslims of South African Indian origin. They were allegedly muridin of the Chisti-Habibi Soofie tariqa in Cape Town. A day after the screening of the documentary, Cape Town's most popular daily newspaper, the *Cape Argus*, published an angry letter to the editor penned by Sheikh Faa'ik Gamielden of the Masjid-us-Sunni in the upper-middle class suburb of Rondebosch East.[6] In the letter to the editor, Sheikh Gamieldien made it clear that in his view, the practices shown in the documentary had nothing to do with Islam at all, and he suggested that what the documentary had shown in fact amounted to nothing less than shirk or idolatry. In spite of the fact that the publishing house Independent Newspaper's *Cape Times* and *Cape Argus* published a number of letters, the mainstream non-Muslim media in Cape Town soon lost interest in this emergent debate. After all, the specifics of this debate were probably of minor importance and interest to a largely non-Muslim readership, even though the initial reactions had been spurred by the perceived need to represent Islamic ritual practices in an appropriate manner towards non-Muslims. But in the following months, a series of heated exchanges relating to this particular issue was published by the monthly Muslim community newspaper *Muslim Views*, which is distributed from mosques across the Cape Peninsula free of charge. It was also followed by a number of pre-prayer khutab relating to the topic in mosques in and around Cape Town.[7] It soon became clear that sections within Cape Muslim communities saw Sheikh Gamieldien's attack on the documentary as an attack on Sufi practices among Cape Muslims in general. Among the respondents were Sheikh Yusuf da Costa. Da Costa had subsequent to a visit by Sheikh Hisham Kabbani to South Africa in 1998 been made the *khalifa* (spiritual leader and guide) of the Haqqani branch of the Naqhsbandiyya tariqa in South Africa.[8] As such, but also due to the fact that he was a prominent and respected Cape Muslim academic,[9] da Costa had been central to what some observers (among them Tayob 1999*c*) had chosen to refer to as a "Sufi resurgence"

among Cape Muslims in the course of the 1990s. From da Costa's response, it was clear that this was no longer a debate restricted to the specifics of what Gamieldien had criticised, but rather about the contestation between Sufi orientations and reformist orientations to Islam in Cape Muslim communities. In none too subtle terms, Sheikh Faa'ik Gamieldien was labelled a "Wahhabi." The "Wahhabis" were described as "butchers" comparable to the Kharijites in historical times,[10] and it was alleged that Sheikh Gamieldien and some of his associates regularly travelled to the Saudi Arabian embassy in Pretoria for consultations and in order to receive funding.[11] This debate has been rendered as a "Sufi-Wahhabi" debate (cf. Long and Foster 2004), a term which for reasons that will become apparent later in this chapter is something of a misnomer and quite misleading. These are, however, pre-existing, readily available and socially effective conceptual categories with demarcations with regard to content that are assumed to be relatively clear-cut among local Muslims. This fact goes some way towards explaining why the debate was referred to in those terms. The dust settled on this debate after some months. But the levels of antagonism generated by it are illustrated by the fact that Sheikh Gamieldien withdraw from public meetings about the issue with reference to fears for his own safety,[12] and that there had apparently in subsequent years been no personal contact whatsoever between Gamieldien and da Costa, who had in earlier times worked quite closely together in various professional capacities.

Upon closer inspection, however, it becomes clear that Sheikhs da Costa and Gamieldien share many fundamentals with regard to their views on ritual practices and their ontological grounding in Islam. It should also be noted that they both originally had a background in mainstream modern Salafi understandings.[13] We should therefore conceptualise Sufi, reformist Sufi and Salafi/Wahhabi orientations to ritual in the context of contemporary Muslim Cape Town as part of a continuum, rather than as part of necessarily and inherently exclusive and antagonistic positions. This is important inasmuch as my exposition of the issues in this chapter will also demonstrate that Sufi positions with regard to Islamic ritual are often quite varied.

At stake in this debate were issues over internal and external legitimacy, the right to speak for Cape Muslims' pasts and presents, the role and place of rituals in variegated localised understandings of Islam, authority and influence among upwardly mobile Cape Muslim constituencies in the post-apartheid era, and normative views about what role and status views on ritual of other sections of a global and globalising umma should be accorded. These are some of the issues which this chapter will attempt at elucidating.

Deliberations over rituals are part of the life of any practicing Muslim in contemporary Cape Town. Antagonistic public deliberations over the appropriate role and function of ritual are but parts of the attempts of Cape Muslims in the contemporary era to delineate the boundaries between acceptable and unacceptable ritual practice. The mutual vitriol unleashed in this particular debate was in part engendered by the performative character of the modern print and visual media, which often encourages simplifications. It was through the media that the protagonists of this debate attempted to create and sustain particular audiences among Muslim 'publics'.[14] My contention in this chapter is that contestations over ritual are significant for what they can tell us about the contestations over identity, power and legitimacy within Muslim communities in contemporary Cape Town. They are also significant indicators of the globalisation of Islamic discourses and the historical shifts within such discourses, which for analytical purposes must be thought of as deriving from multiple points and locations within the Muslim world,[15] to be multi-directional rather than uni-directional, and as generating resistance as well as compliance. The contestation over ritual practice and interpretation has of course always been a global one in Islam. But the increasing density of trans-national contacts and networks enabled by the current phase of globalisation means that such contestations become more commonplace in Muslim communities previously thought of as 'marginal' or 'peripheral' in global Muslim imaginaries, such as those of Cape Town. Such contestations should however not be seen as mere masks for other interests, as the issues involved are seen as substantive and real for the adherents of the different and antagonistic positions. Reformist interpretations of Islamic practice and ritual among Cape Muslims are often seen as deriving from either Wahhabi/Salafi[16] centres of learning in Saudi Arabia and Kuwait or from Deobandi seminaries in India or Pakistan, but the material presented in this chapter suggests that such influences are moderated by the prevalence of Sufi rituals and practices among ordinary Cape Muslims, and that a number of 'ulama' in Cape Town have been affiliated with Sufi turuq and social networks in locations usually perceived as Wahhabi/Salafi or Deobandi. I do not imply any equivalence between Wahhabi/Salafi and Deobandi normative views on Islamic rituals, since these are often quite distinct. The Deobandi tradition originated as a Sufi reformist tradition, draws heavily on Sufi nomenclature and imaginaries, and would therefore appear in a lot of contexts to have had a much greater tolerance for Sufi rituals than the Wahhabi/Salafi traditions. Common to both traditions in Islam is however the emphasis on anchoring Islamic rituals in and through core religious texts.

Rituals are part of the ways in which Islam is localised (Lambek 2000: 63), which means that rituals constitute social and religious fields in which local and global traditions and interpretations intersect. Rituals are also performative media for the negotiation of power relationships (Bell 1997: 79) among Cape Muslims. But central to these negotiations of power relationships are also the status of certain rituals within and without Islamic traditions: rituals that in such a process of negotiation and definition may be defined as 'ibadat are generally much less amenable to alterations than rituals which are excluded from the ambit of 'ibadat.

One can think of Cape Muslims as forming communities of interpretation (cf. El Fadl 2001: 55) constantly engaged in constructing reality and meaning relating to particular ritual practices through their argumentative deliberations in public and in private contexts. Sen (2005: 12-16) has argued that argumentative deliberations are closely aligned to the inculcation of democratic values in public spheres.[17] Implicit in Sen's argument is the assumption that such argumentative deliberations need not be about democracy per se in order to be linked to the inculcation of democratic values. Public argumentative deliberations tend to exclude a large number of people due to limitations to participation in the public sphere based on symbolic capital such as social status, levels of education, gender and level of interest in participation.[18] Criteria of reasonableness are not always adhered to in such debates either.[19] But this does not detract from the argument that I will be making, namely that argumentative deliberations over ritual practices within Cape Muslim communities in the post-apartheid era are premised on, and closely linked to, argumentative deliberations central to democratic practice. Contestations over ritual practices therefore have much wider implications for Cape Muslim polities than what it might at first seem. These contestations also implicate non-participants, inasmuch as the public debate among the positions are directed at imagined audiences which are Muslim as well as non-Muslim.[20]

I will also argue that the MJC as the largest and most influential Sunni 'ulama' organisation in Cape Town has responded to the contestations of the appropriateness of certain rituals by attempting to occupy a centrist middle-ground between the antagonistic positions of, for instance, Sheikhs da Costa and Gamieldien. It does so through advocating a reformed Sufism, which grants space for Sufi rituals that are well established and prominent among Cape Muslims historically, such as the mawlid al-nabi, and denying it to other rituals that are popular with working-class Muslims in the townships of Cape Town, such as the *ratiep* [ratib], which are anathema to middle-class and reformist Muslim sensibilities. Furthermore, I argue that one can see the MJC's

attempts at positioning themselves as defenders of Islam in the context of post-apartheid Cape Town through issues on which there is broad consensus as an attempt to establish internal legitimacy through avoidance of or minimization of issues of internal contestation. This latter positioning can be seen as an attempt of generating impressions vis-à-vis non-Muslims of an internal consistency and homogeneity among Cape Muslims otherwise sharply fractured along the lines of social status, class, gender and ethnicity. The MJC's positioning in the post-apartheid context is part of a religious populism, which presented itself as a viable strategy in a context in which class fractures within the Cape Muslim communities expanded at the back of rising levels of general unemployment coupled with improved opportunities for upward social mobility for the relatively small category of highly educated Muslims on the back of affirmative action policies.[21] This religious populism has also emerged out of a changing societal context in which religious authority and legitimacy of the mainstream Cape 'ulama' is increasingly defined through their articulations of "Muslim interests" in the South African public spheres, and particularly through the visual and print media. In effect, this positioning is often exclusivist in that it defines "Muslim interests" as the only relevant parameters within which such positioning ought to take place (cf. also Moosa 1989: 78 on this), and "Muslim interests" as identical with the normative interests of the educated religious middle-class among Cape Muslims.

There are a number of ritual practices among Cape Muslims that are contested, and it would be simplistic to suggest that contestations follow clear Sufi and reformist delineations in each and every instance. This is why the debate between Sheikh Gamieldien and Sheikh da Costa often masked more than it revealed. Nor is there any clear-cut causal linkage between Sufi dispositions and a specific social status/class and/or educational background.[22] One of the clearest issues of contestation is, however, ziyara or the visiting of karamat and the practices and understandings it involves. It was questions pertaining to this ritual which formed the basis of the said debate, and it is therefore on this ritual that I have chosen to focus most of my attention in this chapter.

The research

In order to understand what kind of audiences the public deliberations over ritual practices that Sheikh Gamieldien and Sheikh da Costa engaged in were directed at – and what kind of audiences their deliberations were geared at generating, it is important to understand more about the broader social and religious contexts in which they took place. It is namely from

these contexts that their significance in the main is derived. The empirical research on which this chapter is based was undertaken in 2003 and 2004-05. In the course of this research, I interviewed a number of ordinary Muslims from different communities in Cape Town about their views on, and understanding of, certain rituals that are common among Muslims at the Cape. I also interviewed Sufi muridin and shuyukh, 'ulama' generally held to have more reformist[23] understandings of Islamic practice than adherents of tasawwuf, as well as musalees or followers[24] of the Tabligh Jama'at (TJ). The TJ is a Deobandi proselytizing and reformist organisation known in South Africa, and in Cape Town in particular, for its historical opposition towards certain Sufi understandings and rituals. The Sufi practitioners interviewed for this research belonged to the Naqshbandiyya-Haqqani and Tijaniyya-Niassene turuq, or were unaffiliated.[25] I also attended a number of Sufi gatherings, such as 'urs, various khattams, as well as adhkar, both in private and in organisational settings, as a participant observer. The interviews focused on the practice of ziyara (or, in common parlance among Cape Muslims, "visiting the karamats"), the issue of the so-called "two Eids" ['id*s*][26] and the issue of performing the dhuhr (regular midday prayer) after congregational jum'a prayers on Fridays. These are all issues that have been subject to much contestation within Cape Muslim communities in the course of the last decades, and significantly, are issues through which tension between local and global understandings of Islamic rituals are refracted. An important aim of my research was to ascertain how and where local Muslims of different persuasions draw the line between rituals which they define as part of "culture" (and therefore, non-essential, non-obligatory, and potentially problematic) and rituals defined as "religious", and to what extent their understandings and practices had undergone shifts attributable to local appropriations of global discourses of Islam.

Rituals in Islam and in the Anthropology of Islam

Even if observers have alleged that studies of Islamic ritual form the smallest subset of anthropological research on Islam (Starrett 1999: 293), the ethnographic literature on the rituals of Islam and of Muslims throughout the world is voluminous (see f. ex. Tapper and Tapper (1987); Combs-Schilling (1989); Boddy (1990); Abu-Zahra (1997); Werbner (1986); Holy (1989) for some examples). There are obvious reasons for making the distinction between rituals of Islam and rituals practiced by Muslims[27] – given that the definition of what elements of particular rituals, and the definition of which

rituals are 'Islamic' – vary according to variables such as context, ethnicity, social status and gender. Asad (1993) has suggested that ritual might be an altogether inappropriate analytical category in the study of Islam, inasmuch as it is intimately linked to a modern 'Western' understanding of ritual as symbolic activity, premised on culturally specific notions of self and societies. It seems more reasonable to suggest though – with reference to Bowen (1992: 656) – that anthropologists have traditionally focused on local ritual elements, rather than ritual and scriptural forms which most explicitly link Muslims across societal boundaries. In part, this might be explained with reference to the historical division of labour between anthropology and religious studies. Anthropologists appear to have had a Weberian 'elective affinity' for Islamic and other traditions that were definable as 'local' and 'exotic'. A common assumption in the so-called "anthropology of Islam" has also been that there was a relative paucity of exotic symbols and rituals in scripturalistic[28] varieties of Islam (Graham 1981: 57). The focus on localised varieties of Islam in the anthropology of Islam has also meant that the discipline has tended to ignore or neglect scripturalistic varieties. (El Guindi 1999: xiv). In its most radical formulations, this anthropological legacy lead to serious epistemological errors from proponents of nominalistic views of Islam, such as El-Zein's, who famously advocated a notion of plural "Islam*s* ", and concluded that a single true Islam did not exist for Muslims (El-Zein 1977: 227). The nominalistic view was premised on a denial of similarities in practices and discourses in and between societal and cultural contexts, and was unduly provocative towards practicing Muslims in that it also entailed a denial of the normative claim to an underlying unity and authoritativeness so central to most Islamic interpretations. Islam has of course in a very fundamental sense always been global and translocal, and perhaps no more so than at present, but anthropologists generally took a long time in coming to grips with this fact. The bifurcation between "local" and "global", "scripturalist" and "mystical" orientations to Islam which has been generated through the modern anthropological legacy – and particularly through the works of Geertz (1968) and E. Gellner (1981) – is also unfortunate in that this *illusio* misrecognises the many historical commonalities and common points of reference between Sufi and reformist understandings of Islamic ritual and practice.

According to Graham (1981) the closest conceptual approximation to "ritual" in Arabic and among Muslims is perhaps the concept of 'ibada (pl. 'ibadat), which can be translated as "act of worship and service" or "worship and service [of God)" (ibid: 61). Graham furthermore notes that it is most

commonly used as a designation of the ritual and religious duties of Muslims within fiqh or Islamic jurisprudence. Most narrowly, 'ibadat are interpreted by Muslims as the explicitly prescribed activities of worship (Bowen 1989: 600). Thus defined, 'ibadat might be contrasted with mu'amalat or social matters. If one conceptualises Islamic practice as a series of concentric circles, one can think of 'ibadat as a core of Islamic practice for Muslims, and mu'amalat as a circle encapsulating 'ibadat. In an attempt to formulate a universally applicable theory of ritual, the anthropologist Rappaport (1999) refers to formality, defined as "adherence to form" and invariance as core aspects of ritual (ibid: 33, 36). Inasmuch as ritual's power lies in its ability to represent the world as unchanging and beyond the creative powers of the individual actor (Bloch 1986: 189-91), the emphasis on formality and invariance in rituals is essential. The ritualistic character of much Islamic practice lead Islamicists such as Smith (1957) to analytically set it apart from the practice of other religious traditions by referring to mainstream Islam as "orthopraxic" rather than "orthodox."[29] This was echoed by Graham, who referred to the "thoroughgoing *ritualism*" and the "pervasiveness of ritual practices in Muslim life" (Graham op. cit: 63). There is clearly a lack of precision and distinction in these characterisations, since they seem to suggest that "ritualism" characterises the lives of all Muslims and all Islamic traditions to an equal extent, and since they are premised on a hierarchical dichotomy between spirituality and ritual derived from Protestant understandings of religion. If "ritualism" characterised the lives of all Muslims and of all Islamic traditions to an equal extent, it would be difficult to explain the historical and contextual shifts in ritual practices and their concomitant understandings among Muslims.

But ethnographic literature on the ritual practices of Muslims would generally seem to suggest that rituals defined as part of 'ibadat in particular local contexts at a particular point in time, are less amenable to alterations and contestations from within, than the rituals which are not defined as such.[30] This might be one explanatory factor for the high levels of conflict characterising situations in which the appropriateness (or the "Islamic nature") of certain rituals are contested from within, as was the case in the debate between Sheikhs Gamieldien and da Costa. With reference to Bourdieu (1977: 164), one might say that rituals are at their most effective when their enactment is seen as part of the doxic, or as an undeniable historical and religious obligation whose social and historical arbitrariness has been naturalised by the social actors' party to the understandings which underpin it.

The interpretation of religious texts and their ritual enactments are shaped by local contexts (Bowen 1993: 224). But understanding and practice of rituals are intimately linked to local and global power relationships – and consequently, certain understandings and practice carry greater weight due to their identification within particular locations, traditions and personalities. Bowen has pointed to this in his description of differences in the performance of particular Islamic rituals among Acehnese Muslims. Here, Islamic rituals that are part of 'ibadat took on *iconic* significances when seen as depictions of a wider set of social and ritual relations (Bowen 1989: 613). Bowen demonstrates that in this context, where there is a conflict between modern reformist understandings of Islamic rituals and their practice and the supposedly 'traditional' Sufi-oriented understandings, local Muslims see differences in the performance of Islamic rituals as signs of social distinctions, inclusions and exclusions (Bowen op. cit: 612). The same could be suggested in the case of perceptions of rituals among Muslims in Cape Town. Islamic knowledge and its display in ritual contexts are undoubtedly a source of power among Muslims in contemporary Cape Town – as elsewhere (cf. Lambek 1990: 26) – and it therefore becomes important for an anthropologist to capture both the power of scripture-based traditions and the variations in its local interpretations and enactments (cf. Bowen 1992: 656). Lambek (2000: 84) asserts that tension between local and global understandings of Islam are ubiquitous in Muslim societies. If so, it is no less so in an era in which Cape Muslims are exposed to global discourses of Islam on an unprecedented level.

A short history of ritual among Cape Muslims

The view that tasawwuf or Sufi mystical practices have been central to Cape Muslims ever since the first Muslims were brought to the Cape in 1658, appears to be virtually uncontested among historians of Islam at the Cape. The classical accounts of Cape Islam narrated the transplantation of pivotal Muslim founding fathers, and the practices which they were assumed to have brought with them to the Cape from the Dutch colonial possessions in the eastern Indian Ocean. Thus we learn that the so-called Orang Cayen, the first group of banished Muslim prisoners from the East, who arrived in Constantia, Cape Town in 1667, were linked to the Qadiriyya tariqa (da Costa 1994: 130). We also learn that Sheikh Yusuf of Macassar (1626-96), revered as the founding father of Islam in South Africa,[31] who arrived in 1694, continued the practices of the Khalwatiyya tariqa, one of several turuq into which he had been

initiated (ibid: 129-35). He is also held to have been initiated into the Naqshbandiyya tariqa (cf. Dangor 1997: 143) and the Alawiyya tariqa (Hendricks 2005: 157). In the course of the 1970s, the emphasis on individual historical figures in classical historiographic accounts of Islam at the Cape came under increasing attack from historians such as Shell (1974: 14), Bradlow and Cairns (1978: 106) and Davids (1980: 33) – but the ascription of introduction of ritual practices to particular historical personalities remained largely untouched. In the revisionist historiography of Cape Islam in the 1980s, the assertion that Islamic practices in colonial Cape Town was an (however subdued) instance of anti-colonial resistance became commonplace.[32] This view reaches its clearest expression in the work of M. A. Bradlow (1988), but has since been elaborated by among others Mason (2002, 2003). On a popular level, the narrative of resistance dominated the Cape Muslim representation of the past during the Tercentenary of Islam in South Africa in Cape Town in 1994, as Jeppie (1996*b*) has demonstrated. M. A. Bradlow suggested that anti-colonial resistance was expressed through Sufi turuq, who met clandestinely throughout the Cape Peninsula, and which provided a forum for both Muslim slaves and Muslim free blacks. According to M. A. Bradlow, this provided the background to the strong growth in the number of Muslims in the period between 1770 and 1840. This period saw the introduction of religious freedom, the institutionalisation of Islam, and the emancipation of the slaves (M. A. Bradlow op. cit: 75). Bradlow's views are echoed in Tayob's (1995) assertion that "The Cape was home to a widely dispersed militant mysticism" (op. cit: 42), and E. Moosa's (1993) characterisation of Islam under the VOC as an "underground faith" (op. cit: 36). The underlying assumption here is, as articulated by E. Moosa (op. cit: 31) and M. A. Bradlow (op. cit: 5), that the circumstances of colonial oppression shaped the type of religious practice found among the slaves and the political exiles in Cape Town. The religious self-expression of Cape Muslims – one would have to assume – was relegated to gatherings in private houses, the so-called *langgars*[33] (F. R. Bradlow and Cairns 1978: 19), and to adhkar or recitations at the various karamat, were shuyukh and muridin took part (M. A. Bradlow 1988: 121).[34] However, the problem remains – as admitted by Bradlow himself (M. A. Bradlow op. cit: 85) – that there is a lack of historical evidence for these assertions, due to the absence of written documentation of the lives of early Cape Muslims (Mason 2002: 11). There is little, if any, archival evidence of traditional Sufi networks or turuq in the early years of Cape Islam (E. Moosa op. cit: 40). Yet there is little doubt in the historiography of Cape Islam about the legacy of ritual practices left by the early Cape Muslims bearing a heavy imprint of tasawwuf.

It is quite common in ethnographic accounts of the ritual practices of Muslims to represent tasawwuf as if it was an appendage to Islamic practices, rather than an intrinsic part of these practices.[35] This conceptualisation is of course a product of the modern bifurcation between Sufi and reformist orientations to Islam. This bifurcation is in itself a product of the encounter between Islamic intellectual traditions and 'Western' modernities in the 19th and 20th century. We therefore need to be aware of the historical contingency of these conceptualisations, and of the fact that they would not have made the same sense to historical Cape Muslims as they appear to do to present-day Cape Muslims.

Davids (n. d.), the doyen of modern Muslim historians of Islam at the Cape, described the historical approach to tasawwuf among Cape Muslims as "shari'a-centric." He linked this alleged shari'a-centrism to the influence of Islamic texts originally aimed at correcting "deviant" Sufi practices among Muslims in Malacca and Kedah among Cape Muslims.[36] The shari'a-centredness of early Cape Islam is arguable, however. Mason (2002) has argued that the high number of conversions to Islam which Cape Town saw among its urban under-classes prior to emancipation in 1834, can only be explained with reference to the popularity of Sufi popular rituals such as the ratiep [ratib]. Conversion to Islam, like the performance of ratiep, should be understood as acts of anti-colonial resistance, according to Mason (op. cit: 23-24).[37] Often said to be linked to the Rifa'i tariqa, this ritual involves the piercing of body parts with skewers, and applying swords to the stomach, chest and neck without drawing blood, whilst participants drum tambourines and recite loud adhkar. It is often seen by its contemporary adherents as a means to "test one's faith."[38] A ritual such as the ratiep does not exactly fit in David's model of "shari'a-centredness", and he was therefore forced to contend that it was not central to the understanding of Islamic practice among early Cape Muslims, and that the 'ulama' defined it as part of "culture" rather than "religion" (Davids n. d: 22). He did so with reference to the testimonies of Cape Muslim 'ulama' to a colonial Commission on the so-called "Califa Question", a commission appointed in 1856 on the pre-text that the performance of ratiep in the houses of Muslims in central Cape Town had become such a public nuisance that the authorities contemplated banning the practice altogether.[39] But given that Davids asserts that the ratiep had been popularised in Aceh and the Malay Peninsula by the 16th century, and claims that it had been introduced to the Cape by none other than Sheikh Yusuf of Macassar in the 17th (ibid: 21), this begs the question as to whether early Cape Muslims could really have seen it as anathema to the shar'ia. It should also be recalled that

none of the Cape 'ulama' giving testimony to this commission in 1856 called for the practice to be banned – an unlikely attitude to take if they thought it completely contrary to the shari'a – as Davids suggested. The only manner in which this anomaly can be accounted for would be to suggest that the practice had become so popular among ordinary Muslims at the Cape that the Cape 'ulama' at the time dared not oppose it – an unlikely proposition if the first 'ulama at the Cape had ensured that shari'a-centredness was inculcated among local Muslims in the first place. Appearances before colonial commissions like these were likely to have been fundamentally shaped by colonial power relationships. So when Cape 'ulama' asserted that ratiep was not part of Islamic practice, it might also have had to do with a desire to represent the Islam practiced by their congregants as in broad alignment with the norms of civility and behaviour which colonial authorities demanded, or which they thought these authorities would demand of them. Davids' understanding of this is premised on a degree of ritual conformity among early Cape Muslims that might after all not have existed: as Shell (2000: 334) has correctly pointed out, "whatever Islam brought to the early Cape, it was not a Shafi'i uniformity." It therefore seems reasonable to suggest that Davids on this particular point attempts to impose a modern interpretative grid on historical data, and in so doing abandons historisation. History is, as has often been remarked, not about what ought to have happened.

A more general point is that Muslim communities at the Cape were historically, for a long period, and in spite of the fact that their complex geographical origins made them a cosmopolitan community if ever there was one, quite isolated and peripheral in relation to the rest of the Muslim world. There is for instance no indication that early Cape Muslims after the first generation of scholars such as Sheikhs Yusuf and Tuan Guru acquired advanced Islamic learning from the centres of higher Islamic learning in the Middle East (Jeppie 1996*a*: 141). Only with the introduction of steamships from the 1850s and onwards was regular contact with fellow Muslims in East Africa and the Middle East established (da Costa 1992: 8, Jeppie op. cit: 145). From then onwards, having performed the hajj (pilgrimage) became an important consideration (along with descent) in the selection of 'ulama' at the Cape. Unless such contact involved individuals identified by the authorities as opposed to white rule, interaction between Cape Muslims and Muslims in other parts of the world appears not to have been prevented by the authorities under segregation and apartheid.[40] But such contact remained limited to social and religious elites due to the prohibitive costs of travel for most of the 20th century.

Contestations over ritual practices among Cape Muslims and South African Muslims in general mark the history of Islam in South Africa. It is therefore a problematic assertion when an historian like Vahed (2003*b*: 313) alleges that schisms among South Africa's Muslims have largely been overlooked in the country's historiography. Davids (1980, 1985); Davids and da Costa (1994)) wrote extensively about the many disputes among Cape Muslims of Bo-Kaap in central Cape Town in the 19th and 20th century, as did Shell (1974, 1994, 2000).[41] These disputes led to an enormous proliferation of mosques in the small area of Bo-Kaap, as one of the parties to the dispute would often establish their own mosques and congregations. Cape Muslims were exposed to reformist ideas through contact with the Middle East, and particularly Egypt, from the latter part of the 19th century, and such ideas did form a part of local contestations from that time onwards. But what is certain is that such contestations became more pronounced when a later wave of reformist ideas about Islam and Islamic ritual practices made their mark in South Africa in the 1960s and 70s. This is a notion supported by authors such as Vahed (2003*a*:15), Dangor (1997: 149) and Naudé (1999: 396-97). The influence of reformist orientations to ritual practice in that phase can be linked to the spread of the visions and ideologies of the Deobandi reformist and proselytizing movement the Tabligh Jama'at (TJ) in South Africa in the 1960s (cf. Moosa 1989, 1997),[42] and the petro-dollar boom in the 1970s. The latter meant that an increasing number of young South African Muslims went to Saudi-Arabia and Kuwait on student scholarships, amidst an unprecedented inflow of Arab capital for the construction of mosques and madaris (cf. Jeppie 1991: 9),[43] as the religious establishment in Saudi-Arabia (which by that time also included a number of Salafis of non-Saudi origins) tried to spread Wahhabi and/or Salafi visions with the financial and political blessing of the al-Saud regime.[44] A number of young Muslims also graduated from institutions of higher Islamic learning in India and Pakistan in this period (Dangor op. cit: 149).[45] The Deobandi and the Wahhabi/Salafi visions of Islam were sharply critical of some of the existing popular Sufi practices of South African and Capetonian Muslims, which they condemned as *bida'* (innovations).[46] It was not as if the reformist bandwagon in South Africa rolled over unwitting Sufis: the Ahl-e-Sunnat-al-Jama'at of South Africa was formed in 1984 in response to the spread of reformist ideas (Vahed 2003*b*: 320), as was the Imam Ahmed Raza Academy in Durban, established in 1986 (Vahed op. cit: 319).[47] Sufi-oriented 'ulama' responded to the challenges of reformist interpretations by strengthening transnational ties with Sufi-oriented scholars of international reputation.[48] Tabligh activists in Cape Town had a hard

time locating a mosque that would accept and accommodate them, and the fact that they were eating and sleeping in mosques whilst on ghusht did generally not endear them to a local population generally unaccustomed to such utilisation of sacred spaces. In some instances, the contestations between adherents of Sufi rituals and adherents of reformist orientations in the following years led to violence, such as when a mawlid al-nabi celebration in Azaadville, Transvaal, which had been organised by Barelwis, was disrupted by hundreds of tabligh activists on March 7 1987, resulting in the killing of 55-year old Sheikh Mohideen Sahib and the injuring of six others (Vahed op. cit: 327, see also Naudé op. cit: 398). In the weeks prior to this incident, the attackers had been encouraged in their attempts to obstruct the celebrations by tabligh-affiliated teachers at the pro-Deobandi Madrasa 'Arabiyya Islamiyya in Azaadville (Moosa 1997: 36). One should be careful with attributing reformism to changes in levels of education and or aspirations to higher social status. But generally there does seem to be certain affinities between rationalistic and reformist dispositions among Muslims and higher levels of education and literacy. Therefore, the increasing influence of reformist orientations to Islamic practice and rituals cannot be seen in isolation from the enabling circumstances of increased levels of higher religious and/or secular education among South African Muslims in the 1960s and '70s.[49] It is also important to keep in mind the broader South African political context within which the contestations between reformist and Sufi orientations to Islam evolved. Islamism, which had close ideological affinities with the reformist conceptualisations of Islamic practice of Salafi/Wahhabi and Deobandi orientations, was appealing to the emergent activist Muslim youths in the context of apartheid South Africa in the 1970s and 80s, due to the promise of a vision of an Islam that was politically engaged and committed that it held out. 'Traditional' Sufi understandings were at the time identified with the acquiescence of earlier generations of Muslim leaders, and the accommodationist attitudes of the 'ulama' in Cape Town and elsewhere.[50] By the early 1990s, however, the fact that South Africa was going to be a secular country with a liberal constitution, and that Muslims were likely to have limited leverage on developments within it, had largely sunk in, and the developmental failures of state-imposed Islamism in countries such as Sudan, Pakistan and Iran (cf. Roy 1994) were already apparent to a number of influential South African Muslims. The South African 'ulama' as well as Muslim socio-economic elites were pre-occupied with positioning themselves as supporters of the impending democratic one-party state of the ANC. Politicised visions of Islam with aspirations to the power to trans-

form South African society and polities in general appeared to be a largely spent force among South African Muslims. In this particular context, reformist Sufism appeared to hold out the promise of a vision of localised Islam that was politically neutral, and geared towards privatised expressions of Islamic faith, and which therefore held a particular appeal to the emergent and the established Cape Muslim middle-class.[51]

Ziyara: A Contested Ritual

I have previously noted that ziyara, or pilgrimage/visit to the shrines of saints, and some of the rituals which those Muslims who do undertake ziyara engage in, is one of the most contested issues between reformist Muslims and Sufi-oriented Muslims in Cape Town. I have also noted that the early Cape Muslims in many respects constituted a periphery in the Muslim world. The distance to Mecca was great, and only a few prosperous Cape Muslims could afford going on pilgrimage before the modern era. It is therefore not surprising that ziyara should have come to be seen by a great number of early Cape Muslims as a substitute for hajj. Circumambulating the kramat of Sheikh Yusuf at Zandvliet, Faure as if performing tawaf – the circumambulating of the Ka'ba or the Holy Stone in Mecca, was common and popular. Davids (1995: 65) cites Imam Achmat van Bengalen, Tuan Guru's chosen successor and a prominent imam in Bo-Kaap, Cape Town, who at the beginning of the 19th century asserted that:

> "It has…[…] been permitted and constantly practiced since the death of the High Priest [Sheikh Yusuf, note the designation, which was common during colonial times], who was buried on the spot above mentioned, and which he so long occupied, to proceed tither *as to the most sacred place for us* to assemble for the worship of The Almighty." (My emphases).

The notion that ziyara could substitute for hajj was certainly not anathema to Sufi-oriented Muslims elsewhere either; some of whom even considered ziyara to be superior to hajj (cf. Ernst and Lawrence 2002: 94). Cape Muslims acquired the land on which Sheikh Yusuf was believed to have been buried in 1862. The kramat which is on this site at present was erected with funding from an Indian Muslim philanthropist, Sulayman Shah Mohammed in 1927 (Davids 1980: 144). There are no less than five karamat dedicated to Sheikh Yusuf on his home island of Macassar in present-day Indonesia,[52] and it is therefore not surprising that Davids (ibid.) concluded

that there was no certainty as to whether Sheikh Yusuf was really buried on the site at which the kramat in Zandvliet, Faure had been erected.[53]

The kramat of Sheikh Yusuf is certainly the most important for Muslims in Cape Town, but there are more than twenty different karamat dotting the landscape of the Cape Peninsula.[54] These karamat, it is commonly held by Cape Muslims, form a protective spiritual circle surrounding Cape Muslim communities. They have various functions, such as popular destinations for Sunday outings; locations for camps for Muslim youth during the Easter holidays; and as places for the performance of adhkar and *ad'iya* (pl. of du'a', supererogatory prayers) for Sufi turuq. But most importantly, they are destinations for ziyara prior to the main or minor pilgrimage (hajj or '*umra*). Ziyara in the latter context is usually performed in the course of a weekend before leaving on hajj. Such tours are often organised by ritual specialists, but some *hujjaj* (pilgrims to Mecca) go there on their own. The number of karamat visited is usually five. The specific karamat that are included on the itinerary may vary according to proximity to the hujjaj's homes, and according to personal preferences. But the kramat of Sheikh Yusuf at Zandvliet, Faure, is included on the itineraries of practically all who uphold the practice.

Reformist views

I begin my exploration of reformist views on Sufi rituals practiced among Muslims at the Cape with the views of members of the reformist movement, the Tabligh Jama'at. The opposition of tablighis to Sufi rituals is well known among Muslims in Cape Town. Even though there is often a convergence between the views of tablighis and that of Cape Muslims of a Salafi/Wahhabi orientation when it comes to Sufi rituals, their views ought not to be conflated.[55] Tablighi musalees are expected to adhere to an unquestioning loyalty to a reformist interpretation of the Qur'an and the Sunna, which in principle is said to deny any legitimacy to rituals for which one can not find explicit textual sanction. The affiliation with the Jama'at is usually expressed in bodily comportment as well as sartorially. Tablighi males sport trimmed and spiky beards, use a *miswak* (wooden stick used for the rinsing of teeth, in emulation of what is held to be Prophetic practice) instead of a toothbrush, wear blue, brown, green or white kurtas of simple cloth cut at the ankles, and are often seen in white turbans. This dress is held to be an emulation of the Prophet's dress. Analysts have noted that tablighis often seem to hold the idea that their dress and interpretations

have effectively bracketed the Indo-Pakistani origins of their orientations (Vahed 2003*b*: 316), but in the particular context of Cape Town, the TJ has historically been associated with Indian and South African Indian dress, culture and symbols, which have often been seen as an imposition.

Getting tablighis in Cape Town to articulate their reservations with regard to Sufi rituals is no small challenge.[56] In my interactions and conversations with tabligh musalees in Cape Town, questions about rituals such as ziyara and mawlid al-nabi were generally studiously avoided and evaded by my interlocutors. One of the cardinal principles of the TJ is precisely to avoid criticising fellow Muslims. Furthermore, one has to recall that theirs is not an orientation which puts a premium on intellectual endeavours if these do not lead one onto the "straight path" of what tablighis themselves hold to be "correct" Islamic practice. The list of religious books recommended and in usage by the jama'at is relatively limited. Visiting a *dar-al-'ulum* (Islamic institute of higher religious education) closely linked with the jama'at, and located in a farming area in Cape Town,[57] I was queried at length by a number of teachers and instructors at the institute. They were extremely skeptical, and repeatedly referred to the "onslaught against Muslims in the US and Europe", which they appeared to associate me with as a researcher. One mawlana queried me about what the point was for me to have spent eight years of my life doing research on the Cape Muslim communities if I had not yet reflected on embracing Islam. It is one thing to try to understand Islam "with your head" (i. e. intellectually) he said; quite another thing to understand it "with your heart." "The proof of the pudding lies in the eating", he asserted.[58] Furthermore, even though the jama'at rhetorically is wedded to religious egalitarianism, and the equality of all musalees before Allah, in practice TJ is rigidly hierarchical (and in this, the TJ structure often reproduces the structure of Sufi turuq). I would often be told that the question as to whether individual musalees could accept to be interviewed would have to be put before the elders at the Muir Street Mosque in central Cape Town in a *ma'shura* (consultation).[59] TJ egalitarianism could therefore perhaps most adequately be described as a *dissimulated egalitarianism*. Those that accepted to be interviewed would therefore be individual tablighis of a standing which implied that they had little to fear from the elders in terms of sanctions, or who were sufficiently marginal among local TJs for them not to be too bothered by the prospect. These interviewees' reluctance to discuss topics such as ziyara and the mawlid al-nabi does however suggest the practical effectiveness of the inculcation of dispositions and orientations prevalent among TJ musalees.

One of my TJ interviewees was a 42-year-old man I will call Khaled. He lives in a new residential development close to the farming areas in Cape Town. The development was so new that there were still only gravel roads at the time of my visit on 08.05. 2005, and the houses still had *erf* (plot) numbers instead of house numbers. A number of houses were in an unfinished state: Khaled told me that the owners in the area were building their houses step by step according to what they could afford. One building stood out: a green rectangular one-storey mosque had been completed a year ago. Khaled was self-employed. His wife did not work. They had seven children together. I had met Khaled at the Muir Street Mosque, and he had generously invited me to come for Sunday lunch at his home. It had been quite clear to me that Khaled had taken an interest in me because he saw me as a potential convert.[60] His home was sparsely decorated. We had lunch from plates of food placed on a cloth on the floor in the front room. I never saw or was introduced to Khaled's wife. TJ musalees in Cape Town are known, and distinguishable from local Muslims, for often enforcing strict gender segregation in public and private, and for their reluctance to allow their wives to work. From the unkempt appearances of his under-age daughters, who served the food, it was clear that the family was quite poor. A decorated sign in the front room stated: "In this house there is no democracy – because I never asked for your vote as your father" and "I expect you to do as I say, and not to undermine my authority in the house."

The lunch would stretch over no less than five hours, and during these five hours I was exposed to some of the formulations and invocations which are so recognisable to anyone who has been exposed to TJ musalees on da'wa. I was repeatedly told about the importance of embracing Islam before death would take me away from this life, because otherwise, in death I would no doubt face the "fires of hell." I repeatedly reassured Khaled about my guarantees for anonymity and confidentiality before I attempted to introduce my tape-recorder and to pose the questions I had. Off-record he was quite outspoken about the fact that he thought that a lot of the practices of local Muslims had veered from what according to him had been laid down by the Qur'an and the Sunna. But once I put the tape recorder on, he became much more conciliatory about practices such as ziyara and mawlid al-nabi. I realized at that point that I was being exposed to an attempt by him as a TJ da'i and musalee to avoid creating the impression of disunity, or *fitna*, with regard to ritual practices among Cape Muslims. Off-record, Khaled referred to "the true 'ulama' of our religion, who steer away from mawlid", and told me that he thought that "a [Muslim] man who says that

he does what his father and mother did [in referring to Sufi practitioners who defend their ritual practices on the basis that it is part of the Islamic tradition followed their forefathers], is worse than an animal, [in that he] allows himself to be guided by humans rather than Allah."[61] On record, he stated that "in Cape Town, visiting of the karamat [ziyara] is not a serious thing. The people of Cape Town are very innocent, that is, you know, that is they're not taking things to the extense where [to the extreme to which] other communities takes it, in the rest of the world." Cape Muslims, he said, never went to the karamat to worship the saint, or to ask favours of the saint [intercession]. Nor would they prostrate themselves when visiting the karamats, as he thought Muslims were doing in India.[62] Concerning mawlid al-nabi, he said that:

> "I personally feel that the Prophet never kept up his own birthday…um…[and] the Companions [of the Prophet] never kept it up. That's why I don't keep it up [celebrate mawlid al-nabi]. Um…but as I say, even the mawlids that they [the Cape Muslims] keep are within the [bounds], in the way they do it. With the intention they do it [with]. It's quite safe."

Khaled had been on hajj twice, in 1989 and 2000. In Cape Town, it is usual for Muslims to attend hajj classes with an 'alim in order to acquaint themselves with the rituals of hajj. Khaled emphasized that Islam is "very simple" and that the rituals of hajj were "a very simple affair", and thought the idea of attending hajj classes "ridiculous" for that reason. As indicated previously, it is a customary and popular part of preparations for hajj for local Muslims of Sufi inclinations to go around a select number of karamat in and around the Cape Peninsula before leaving for Mecca. Khaled had never gone though. He wanted to base his outlook in life on the Sunna of the Prophet Muhammed, and according to his understanding of the Sunna, the Prophet never went on ziyara. It might be seen as offensive to elicit the views of TJ musalees on ritual practices among Cape Muslims in this manner, given that the TJ prohibition against criticising fellow Muslims and thus to create fitna is what motivates their refusal to speak openly about their own views on and interpretations of these matters. But what Khaled expressed off-record represent widely shared views among TJ musalees, views that are well known to many non-TJ Muslims in Cape Town. Furthermore, and for the record, I did not at any point indicate to him that only what he said on-record would be cited by me. Given the taboo on addressing this topic directly among TJ musalees, there are few other means through which this information can be elicited.

Another TJ musalee, who had been with the jama'at ever since 1967, when he was first introduced to their da'wa as a fourteen year-old, and who was living in a flat in a coloured township with his wife and seven children,[63] reacted to questions about Sufi rituals such as *ratib al-hadat*[64] by referring me to a number of other people whom he thought would be qualified to give an opinion on the matter. It was quite clear that no amount of pressing the issue from my side was going to get him to state how he felt about these practices. Turning towards one of his sons, who was sitting in the background during the interview in the half-light of the flat, he said:

> "Ek kan nie dit vir hom sê nie, want[65]…it's an open, it's an open thing here, you understand what I mean? Hadat – we have to…um…um…it's a very sensitive thing."

One of the elders of the TJ in Cape Town, who had been with the jama'at since the 1960s and often spoke during their weekly gatherings at Muir Street, was adamant in his refusal to be interviewed on tape. I had made an appointment to see him outside a mosque in an underprivileged township of Cape Town on a Sunday in April 2005, where he often went on da'wa. After a wait of an hour, he appeared in and old and rusty car. He admitted that as a child in former District Six, he had grown up with ziyara, ratib al-hadat and mawlid al-nabi, but limited himself to asserting that he had "never been interested in those things."[66]

The responses and reactions of these tablighis to questions regarding Sufi rituals must be seen in the light of their fear for fitna, and in light of their adherence to the principle of not criticising fellow Muslims. Fitna connotes disunity and disassociation, is seen as a constant threat for Muslims, which originates firstly, with non-Muslims or "the enemies of Islam", and secondly, from Muslims who want to do the bidding of "the enemies of Islam" through the sowing of discord.[67] TJ musalees have learned through their training within the ranks of the movement the strategy of what is referred to as "the four "C"s." The "four Cs" include the obligation not to criticise, not to condemn, and not to confront[68] fellow Muslims when engaging in da'wa. In order to achieve the aims of the TJ of spreading its vision of Islam, it is important to TJ musalees not to be seen as opposed to fellow Muslims and their ritual practices, and differences of opinion with regard to rituals and orientations are therefore consistently under-communicated by TJ musalees. Khaled denied that it was possible to posit a split between adherents of the TJ and ordinary Cape Muslims. In order to do so in a man-

ner he thought convincing, he had to play down what he thought of Sufi rituals common and popular with Cape Muslims.[69] Parallels to the ways in which the concept of fitna functions as a signifier among TJ musalees can be found among the reformist 'ulama' who dominate the MJC. On the April 21 2005, I attended a mawlid al-nabi programme at the Auwal Mosque in Bo-Kaap, Cape Town. This is the oldest mosque in Cape Town, and the base congregation of the current President of the MJC, Mawlana Ihsaan Hendricks (he was appointed to this position on Feb 25 2006), who divides his time between the office of an imam at this mosque, and his work at the MJC. The Auwal Mosque caters for a predominantly middle-class Muslim congregation in an area which is still more than ninety percent Muslim. On the day in question, Mawlana Hendricks gave a dars or a lecture at the mosque on the occasion of the mawlid al-nabi. The speech was a call for unity. He lambasted the Muslim community[70] in Cape Town for having "wasted" its time on theological issues over the last hundred years, instead of concentrating on spreading the message of Islam to non-Muslims. As a Muslim, he asserted, one must not think that there are any similarities, and attempt to create such similarities, between the 'ibadat of Muslims, and the religious traditions of the *nasaridin* (the Christians), and the *yahudin* (the Jews).[71] He warned against 'ulama' returning from studies "overseas" and setting themselves up as "dictators" with regard to such issues as the mawlid al-nabi celebrations. Similarly, in a keynote address at a social function organised by the 'Friends of Al-Aqsa' at the Schotsche Kloof Civic Centre in the Bo-Kaap on May 15 2005, and attended by approximately a hundred Cape Muslims, Sheikh Ebrahim Gabriels, the President of the MJC until Feb 25 2006 alleged that: "The enemies of Islam, the British and Americans, are breaking up the umma. And we have assisted them in this, by breaking into Salafis, Tablighis, Sufis and so many more sects. As Muslims, our hearts are not unified, and that is why Palestine is still occupied. [And all the while] the Palestinians are crying out: Where are the Muslims!?"

Marching for Palestine on Al-Aqsa Day, Darling Street, Cape Town, 2005

PHOTO: S. BANGSTAD

There is a similar conceptualisation of fitna as undesirable and centrifugal at the heart of this discourse, but in contradistinction to the TJ under-communication of conflicts, conflict among sections of the Muslim communities of the Cape and elsewhere are here recognised for what they are, and unity is seen as something yet to be achieved, and as an end which will – rather miraculously – resolve all problems. But we need to ask what it is that reformists within the TJ and outside it find so problematic about certain Sufi rituals practiced by Cape Muslims. My interview with a mawlana affiliated with the TJ since the 1970s, Ighsaan Fortune, provides some clues in this regard. Born in the coloured township on Bonteheuwel, he had graduated from the Deobandi Dar al-'Ulum Newcastle in 1984. Since then, Mawlana Fortune has worked as an imam at a mosque catering for Muslims from an underprivileged area in Cape Town, in the field of social welfare, and as a primary school teacher. He is currently pursuing a PhD at one of the local universities in Cape Town. He told me that he had been on ghusht in India and Pakistan, and that he had visited the TJ *markaz* (global headquarters) in Raiwind outside Lahore. Aged forty-four (44) at the time of my interview with him, he was married with two wives and had ten children. Probably due to his own standing within the TJ in Cape Town, his own intellectual pursuits, and his more extensive contacts with non-TJ Cape Muslims as well as non-Muslims among professionals, he was more forthcoming on these issues than any other tablighis that I had been in contact with. Nevertheless, he remarked that I had been "sly" in interspersing my questions about

such rituals among many other and less sensitive questions. What is apparent from the interview is that what he and other tablighis see as problematic in the performance of ziyara are the principles of intercession, shafa'a, and tawassul or the seeking of means to get closer to God, that ziyara sometimes involves. Mawlana Fortune recounted how the TJ in Cape Town had had to move from mosque to mosque in the early years due to virulent opposition from local Muslims. He ascribed this to ignorance of the TJ on the part of Cape Muslims, but also, significantly, to the fact that Cape Muslims in his view were "steeped in deviations…deviations like bida' [innovations – refers to practices for which there are no clear injunctions in the Qur'an or the Sunna], and the jama'at was directly opposed to bida'." The "need for da'wa" was in other words "severe."[72] Mawlid al-nabi, Fortune asserted, "is an innovation, because it was never practiced by the Prophet (SAW)."[73] With regard to ziyara, Mawlana Fortune made it clear that the principle of visiting graves was not something he was opposed to in principle. But the appropriateness of it depended on one's intentions in doing so, and what one did whilst visiting graves. After all, "we are required to visit the graves – Allah (WTA) tells us [to do so]." As a Muslim, one is supposed to visit the graveyards because it "reminds you of the hereafter."[74] But, "we are supposed to visit the graves, and *not specific* graves" (my emphases).

> "We are not going to say do not go and visit the graves of the awliya [friends of Allah, saints]. [But] First of all, you must know whether the person is an awliya or a friend of Allah.[75] Secondly, if you go to visit the graves of the awliya, what is your intention [*niya*]? Now, people normally go and visit before they go on a journey. Before they go on hajj, 'umra [the minor pilgrimage] or travel, they go to visit the grave of the karamat…[…]…They go to Faure kramat [the kramat of Sheikh Yusuf at Zandvliet, Faure], or whatever the case may be. And when they are there, they put sugar[76], and the put a cloth on the grave. All these things are…um…un-Islamic practices. And they put flowers there, and they go [and] sit, and…and the worst thing is [that] they go and ask the person in the grave for assistance…[…]…and that is anti-Islam.[77] That is not part of Islam – to go and ask the grave [for assistance] because the Prophet (SAW) discouraged them from asking the dead…[…]…You cannot make the dead people hear – and you cannot even make the Sun, or the deaf or dumb person hear. Although we are told in the Qur'an, we are told in the Holy Qur'an that those people…um…as a matter of fact people…they are alive in their graves. But…umm…we do not ask them. We go directly to Allah (WTA). Our tawassul, our intermediary, is our Qur'an, our Sunna practices; our own deeds."[78]

Compare this with the statements of Sheikh Faa'ik Gamieldien on awliya and tawassul:

> "Now, let's assume that these people are friends of God, let's assume that they are very close to God, what is your Qur'anic or ahadith foundation for saying that you can use, in other words, tawassul, [that] you can use these people as intermediaries? The argument is that they are intermediaries because they are closest to God, and my question to that is always that any practice that a Muslim does must be taken back to the time of the Prophet Muhammed (SAW), and I always say, you know that "Who is the greatest friend of God? It was the Prophet Muhammed (SAW) – dead or alive – we know that he was a friend of Allah. Why is it [then] that none of the companions ever, never once went to his grave to say: "Oh, Prophet, we've got drought in Medina," [or] that 'Uthman never went to the Prophet to say "They are going to kill me, please help me"? Why did not a single…why is there not a single recorded incident of any one of them going to the grave of the Prophet (SAW) for *tabarruk* [lit. "to seek blessings from a saint"] as they call it, [in order] to get blessings from Him? *Not a single recording*. So obviously this… He is one God and you believe in Him, and you worship Him, when you ask Him, full stop, you put your trust in Him, and this is the theme of the Qur'an, to me this is Islam. To me all these accretions of the dead and all this has got nothing to do with Islam, and to me this has come via Hinduism, via the other religions that Muslims had before they became Muslims…[…]…To me, this is the knack of it, the whole question of *tawhid* [belief in the unity of God],[79] it just does not go together with it, you know, somewhere, somebody must tell me how this goes together."

The kramat of Sheikh Mohamed Hassen Ghaibie Shah al-Qadiri at Signal Hill Ridge, 2000. PHOTO: S. BANGSTAD

The findings presented in this section suggest that what reformists take particular exception to in the ritual of ziyara as practiced among some Cape Muslims of Sufi orientation, is the principle of intercession, or tawassul through the performance or rituals suggestive of a belief to the effect that the 'friends of Allah' or the awliya can intercede with Allah on their behalf. Reformist Muslims find no legitimacy for such beliefs in the Qur'an or the Sunna, and therefore find the practices unacceptable. Having explored the views of reformists on Sufi rituals, I will in the following focus on Sufi views and interpretations, and the variations therein. It will become clear in this section that Sufi views on specific Islamic rituals and their appropriateness may vary significantly.

Sufi views

It is important to realize that there is no unanimity among Cape Muslims of a Sufi orientation about the proper understanding of ziyara and tawassul, and which ritual articulations of the principles of ziyara and tawassul are appropriate and acceptable. When I put the reformist argument to the effect that it is not for humans but for God to recognise *wilayat* or the signs of sainthood to Sheikh Fakhruddin Owaisi, a *mukhaddim* or representative of the Tijaniyya-Niassene tariqa in Cape Town, he responded in the following manner:

Sheikh Owaisi of the Tijaniyya-Niassene tariqa in Cape Town at his home, 2005. PHOTO: S. BANGSTAD

> "You sound like a Salafi now, you know. First of all, who says that it is not for us to recognise saints? The saints are there for us, so if they are there for us how can you *not* recognise them? Allah spoke about the saints in the Qur'an, in Sura Yusuf [it is stated]: "Surely, on the friends of Allah, there is no fear and there is no grief." These are the people who are at peace with their Creator, so He spoke about them, not in a way knowing that this category is present, [but] these people are there and in every generation of Islam – mainstream Islam – we are in the presence of saints. This denial of saints is a new phenomenon, it is a phenomenon of the modern era, in fact it goes back to… in fact, its roots are not Islamic, in fact its roots are going back to [go back to], more to Martin Luther and Calvin than to Islam. It's kind of an Islamic Protestantism…[…]…"

Owaisi does not state anything explicit about whether or not he himself performs ziyara to any of the karamat in Cape Town. As a matter of fact the founder of the Tijaniyya tariqa, Ahmad al-Tijani, advised his followers to abstain from visiting the shrines of non-Tijani shuyukh (cf. Abun-Nasr 1965: 40). There are no recognised shrines of Tijani saints in Cape Town, but that does not mean that one can infer that Tijanis based in Cape Town do not undertake ziyara to local karamat. It is worth noting that both reformists and Sufis ascribe the presence of pernicious internal 'others' to the influence of non-Islamic 'others'. In the case of Sheikh Gamieldien, it is Hinduism that has lead to the distortion of Islamic ritual practices through Sufism. For Sheikh Owaisi it is Protestant and reformist Christianity that has lead to the modern denial of sainthood in Islam. Also interesting is the fact that he defines Sufi understandings and practices as part of the mainstream of Islam in Cape Town. This is with good reasons – given the ubiquitous presence of Sufi rituals among Cape Muslims.

My interviews with prominent Sufi leaders in Cape Town do however bring out their wish to anchor their understanding and recommendation of specific ritual practices in what can be defined as "shari'a-centric" approaches – by which I mean practices and understandings for which the Qur'an and the Sunna (as manifested in the Qur'an and in ahadith that are '*sahih*' or reliable) – provide clear and unequivocal sanction and legitimacy.[80] This is why their approach can best described as reformist Sufi.[81] The reformist Sufi approach attempts to take the edge out of Salafi/Wahhabi/Deobandi critiques of Sufism by reconstituting the historical field of Sufi practices and delineating it in conformity with the modern reformist requirements of shari'a-compliance. In interviews with me both Mawlana Mukhaddam and Sheikh da Costa acknowledged the presence of non-shari'a-compliant Sufi

practices on the fringes of Cape Muslim communities, but emphasized their own commitment to making sure that everything they ever recommended and took part in was in accordance with the shari'a. Here is Sheikh da Costa describing what he sees as the state of affairs in many turuq in South Africa at present:

> "…[…]…My view today is that many of the tariqa orders [turuq] where – I mean – I've come across in South Africa…They have to clean up their act, you know. Because they've brought into the operation of tariqas [turuq]…they've brought in…things that are not to be found in the shari'a at all. And I think that, I'm very sensitive about that thing, because my view is that *any practice in Islam*, whether you want to call it tasawwuf or whatever you want to call it, *there has to be sources for this in the Qur'an and in the Sunna*. That is my official view on the matter. And I would not dare to practice anything for which there is no textual source in the religion." (My emphases).

Late in 2003, and as part of his response to the reformist critique that he had been exposed to as a khalifa of Naqshbandiyya-Haqqani South Africa, Sheikh da Costa published a small booklet on tawassul (da Costa 2003). The book, published by an Islamic publisher linked to the Azzawia mosque,[82] leans heavily on a text on tasawwuf written by the Saudi Alawi Sheikh Ibn-Alawi al-Maliki-al Hasani, which had been published in Arabic in Dubai in 1995. As noted previously, affiliation to Sufi turuq are generally not exclusionary – with one exception – namely that of the Tijaniyya tariqa – muridin in one tariqa can take part in the rituals of other turuq if they so choose.[83] Sheikh da Costa himself had taken bay'a (oath of allegiance) with no less than four turuq (the Qadiriyya, the Chistiyya, the Alawiyya and the Shadhiliyya) before he took bay'a with Sheikh Hisham Kabbani of the Naqshbandiyya-Haqqani tariqa in 1998,[84] and continued to attend adhkar with other turuq even after he had done so.

In the late 1990s, the shuyukh of the nascent Sufi turuq in Cape Town co-operated quite closely, and built alliances on the basis of their allegiances to Sufi rituals and understandings (a point also noted by Tayob 1999*c*).[85] Da Costa has had close contact with Sheikh Seraj Hendricks, an Alawi sheikh based at the Azzawia Mosque in Cape Town, as evidenced by the acknowledgements in the book on tawassul. In the book, particular attention is paid to the issue of tawassul through graves. Da Costa (ibid: 54) alleges that those of his opponents who see tawassul through graves as equivalent to "grave worship" are guilty of making accusations without having consulted

the relevant source material on tawassul. His own defense of the practice is based on a hadith collection by ad-Darimi, in which it is narrated that the Prophet's favourite wife, 'Aisha stated to the early Muslims of Medina, who were experiencing drought, that they should "look intensely at the grave of the Prophet (SAW), and make it a window to the heavens, as there is no barrier between it and the heavens" (ibid.). Sheikh da Costa furthermore claims that the practice of tawassul is supported by all the founders of the main madhahib (schools of law) in Sunni Islam (ibid: 69-71).[86] He also asserts that tawassul has a much wider application in [Islamic] religious practice than previously assumed, and concludes that there is not a single element of it that involves worship of anyone else than Allah (ibid: 75). Da Costa's view is premised on the notion that core religious texts in Islam can provide unequivocal answers on matters pertaining to ritual, and regardless of whether one holds this to be the case or not, it should therefore be noted that he as a reformist Sufi operates on much the same epistemological terrain as reformist Cape Muslims.

Many Muslims of Sufi orientations in Cape Town would concur with da Costa's Sufi reformist views on the impermissibility under the shari'a to make ziyara in order to ask for blessings (*barakat*) and intercession (shafa'a) from the awliya through tawassul. But that is not all. There are those among Sufi-oriented Muslims in Cape Town who definitely do not see this as problematic, and I now turn to two such Muslims. They are admittedly in a minority in the broader Cape Muslim communities, and were absolutely aware of this, and at least in one of the cases did not want their views of intercession to become public. I have therefore changed some of their personal characteristics so as to make them as unidentifiable as possible.

Abdulaziz is a middle-aged man who has had much success in his profession. He lives with his wife and family in one of the most prosperous Muslim communities in Cape Town. Born to factory workers in District Six before the forced removals under the Group Areas act, Abdulaziz and his siblings were encouraged by their parents to go to university. I interviewed him at his home one afternoon in May 2005. Abdulaziz' home is above the means of most people in Cape Town. The family had a number of luxurious cars parked in the driveway, and the living room in which the interview took place had the most exclusive furniture in it. I felt strangely out of place. I had been introduced to Abdulaziz by his daughter, a student whom I had met at a forum for youth in one of the communities in which I was working. Abdulaziz explained to me that at the time at which he had grown up in the 1960s, the office bearers among the Cape 'ulama', who he claimed at

the time had mostly been graduates from Al-Azhar in Cairo and other institutions of higher Islamic learning in the Arab world, had taken to refer to local Sufi practices as bida', or innovations. So in Abdulaziz's home, mawlid al-nabi as it was traditionally practiced at the Cape was considered bida', as was the ratib al-hadat, and ziyara. Abdulaziz' father's main teacher had been Muhammed Cassiem (the father of the Islamist anti-apartheid activist Achmat Cassiem), who was generally opposed to tasawwuf practices, and who later developed close affiliations with the TJ in Cape Town (for M. Cassiem, cf. Ebrahim 2005: 126-28). Abdulaziz' narrative points to the fact that reformist and Sufi inclinations can in certain cases be part of the same individual life trajectory, and that Sufi inclinations can emerge out of a reaction to understandings and practices in a reformist family milieu. Abdulaziz thought that the historical practices of tasawwuf among Cape Muslims had been dying out in the late 1960s, but attributed the change of attitudes to the lecture tours of Mawlana Fazlur Rahman al-Ansari in 1970 and 1972.[87] That lecture tour lead to the establishment of a Qadiriyya tariqa in Cape Town under the direction of Abdurrahman da Costa, a brother of Sheikh Yusuf da Costa of the Naqshbandi-Haqqani tariqa in Cape Town.

Abdulaziz has been initiated into two Sufi orders or turuq. He has been on hajj twice. Abdulaziz often goes on ziyara to the karamat in and around Cape Town on his own, or with his family. He explained that when he was initiated into the first tariqa, he had been told to "ziyarat [visit] the awliya"

> "The *salihin* [the righteous, pious ancestors], they are there. When Allah (SWA) says: "Do not say of them that they are dead; they are alive" [in the Qur'an He says that] everybody is alive in the akhira [the Hereafter], everybody, right? That is, when He says you're alive, it means you're alive in this world and [in] the next world…[…]…So I know that they are alive in this world and the next. They are given that grace by Allah (SWT) to do that – to be operative. That is why a lot of people go there for illness and problems and so on. It is because it's like visiting a doctor, going to a specialist, or going to a psychiatrist…[…]…Some people are graced with barakat, some people are graced with barakat due to their nearness to the Supreme God, you see, and they are able with that barakat to help others. Even in my own experience…I was in hospital with a heart attack many years ago. My father went to get Sheikh X. When he recited a sura from the Qur'an, Surat al-Balad, I can tell you this, the pain went off my chest, and off my heart. I was fine when the sheikh finished that sura. That's my personal experience of how *people* can have barakat, and that barakat doesn't die with you when you die"[88] (my emphasis).

Harun is a middle-aged man originally from Durban. He arrived in Cape Town as a private businessman, but now worked in the public sector. He lived with his wife in a historically South African Indian community in Cape Town. They had two adult children, who live on their own. Harun had been involved with the Cape Mazaar Society for a number of years. In his interview with me, he recounted a number of supra-natural experiences that he and other friends had had at various karamat in and around Cape Town. He also recounted stories about Muslims as well as non-Muslims having been cured of various ailments through visits to karamat. Harun alleged that most Cape Muslims do undertake ziyara to the karamat, and asserted that those who are opposed to this are from the "Wahhabi"[89] school of thought. "We are very far from them," he said, "and we have no time for them. I would not even engage in a dialogue with them." During the media debate between Sheikhs Gamieldien and da Costa, Harun told me that he had written a letter to Sheikh Gamieldien, in which he said that he had referred to suras from the Qur'an in support of his own views, and demanded an apology from Sheikh Gamieldien for what he thought had been "a sinful statement" on Gamieldien's part. Gamieldien had in effect referred to fellow Muslims as *mushrikun* (idolaters), Harun thought, and since there was in Harun's view no substance to these allegations, he thought it would "reverbate" on Sheikh Gamieldien himself.[90] Harun was also critical of Sheikh Gamieldien for having raised these issues in the non-Muslim media in Cape Town, rather than internally, or through the Muslim community media in Cape Town. In effect, this made Sheikh Gamieldien a munafiq, a hypocrite engaged in "mischief-making" according to Harun.

> "[The view that you cannot go to the karamat for intercession] comes out of ignorance…[…]…God is always…um…grants you; judges you by your intention. You know, if you come there [to the kramat] and you…it depends on your status. You know, your level of intelligence. If you come there, and mistakenly, you ask the kramat, you know, say, look, "give me this or give me that," you will still get it. Because you are not, [it is not] that you are, they call it making shirk now. Shirk is now associating partners with God. Now how can any person in his right mind, that [who] says his prayers that are passed on to God, that [who] puts his forehead and nose onto the ground, belittles himself, and worships his God…[how can that person] go to the *qabr* [grave] and make shirk there, and say that that person is God? You see, these people [the Wahhabis], they are intelligent, but they have no wisdom…[…]…If a person does this out of ignorance, he can not be called a mushrik."

One notes in Harun's comments a classical rebuttal of reformist condemnations of Sufi practioners as mushrikun on the basis of using ziyara for the purpose of intercession. This goes as follows: If there is no explicit intention to commit shirk, and involvement in intercession is based on ignorance, then it can not be said that shirk has been committed. Harun ascribed his perception of a "lack of wisdom" on the part of reformists to the latter not having sat in the company of people with "divine knowledge." They concentrated on reading books, he contended, but "dubious books' by "dubious authors." For Harun, "nearness to the saints, is nearness to God," and he confirmed his belief that there are a select group of people who can communicate directly with the saints or the awliya.

> "There are people who got inspiration there, who got answers there, there are people whose problems have been solved there; people have been cured there."

But whether this was due to the influence of the saints, or whether it could be ascribed to divine inspiration, he said he did not know.

The MJC: Sustaining the Centre

"Things fall apart; the centre can not hold", W. B. Yeats once famously wrote.[91] Yet what is noteworthy in the case of the polarisation between Muslims of reformist and Sufi dispositions in the context of post-apartheid Cape Town, which in certain respects has become more pronounced with the resurgence of tariqa and sheikh-based Sufism and its attendant ritual practices in recent years, is the extent to which the centre has in fact held. In the following, I look at how the largest and most influential Sunni 'ulama' organisation, the MJC, has dealt with the challenges posed by this polarisation in recent years. In order to do so, it is important to establish some of the parameters within which the MJC defines its role and function within Cape Muslim communities. It is virtually impossible to do so without making some reference to the local particularities of the role and function of the 'ulama' historically, and the changes these have undergone in the course of the 20th century. Tayob (1999*a*: 21) has noted that in the distinctive discursive tradition of mosques at the Cape, the imam attained the status of nothing less than a revered Sufi sheikh. This does not mean, however, that the social status of the Cape 'ulama' was at all times matched by the material or financial status which one might have expected.[92] Mosques were organised around concepts of congregations

(Davids 1995: 54), and within these congregations a class hierarchy with the imam at the top was created. "The Cape mosque was led by one imam to the exclusion of any other contender," writes Tayob (op. cit: 24). The imams would often attempt to ensure that their position passed onto one of their sons upon their deaths (ibid: 55). This principle of male hereditary succession was of course a recipe for conflicts, which more often than not had to be resolved through appeals to the secular courts, or the establishment of new mosques and congregations.[93] Even though the system of paternal hereditary succession to positions of religious authority received a number of nails in its coffin in the course of the 20th century,[94] in practice it continues unabated in a number of communities in and around Cape Town.[95] But the Cape imams not only catered for the religious and spiritual needs of local Muslim members of their congregations (ibid.). They were also community workers of sorts, to whom their congregations turned in times of need. The imam prayed for the sick and dying, and taught children and adults at the madrassa. When the MJC was established in 1945, it was therefore a reflection of a turn towards a greater professionalisation of the role and function of the 'ulama', motivated by the absence of a *qadi* (Islamic judge) who could settle internal disputes in a determined and authoritative manner (Lubbe 1989: 62). But the fact that the MJC from its inception included most Cape 'ulama' meant that it was destined to become "a representative body, rather than an exclusive fraternity of theologians" (ibid: 65). It should be recalled that many of the Cape 'ulama' at the time had limited religious training, since one was not required to be an 'alim in order to become an imam at a mosque. This also meant that it was unlikely to turn into a body with homogenous and internally consistent legal opinions on all religious matters, since the Cape 'ulama' it claimed to represent included a number of 'ulama' who were adherents of the minority Hanafi madhhab at the Cape.[96] More than anything else, the MJC saw itself as the custodian of fiqh at the Cape (Lubbe 1994: 42), and the fiqh it adhered to was by and large Shafi'i, even though it permits Hanafi fiqh to be consulted in its formal legal rulings, *fatawa* (Lubbe op. cit: 43). The MJC opted for a non-political stance and a legalistic approach, directing its attention to religious matters (Davids 1985: 19). In contra-distinction to a number of organisations of Muslim youth, the MJC in the main defined apartheid as a non-religious issue, as long as apartheid governance did not encroach on the religious rights of Muslims. A precursor of this development was the extent to which the foundational 10-point programme from 1945 emphasized concerns such as recognition of the body by the government and the demand for recognition of Islamic marriages by the government (Lubbe 1989: 64-65). This non-political and legalistic stance

was challenged by the threats of expropriation of mosques under the Group Areas Acts in the 1950s and 60s, which led to the MJC condemnation of apartheid in 1961 (as the first religious organisation in South Africa to do so),[97] and the emergence of decidedly political Muslim youth organisations opposed to apartheid in the 1950s, '60s and '70s, organisations which increasingly also challenged "the 'ulama' hegemony" (Tayob 1992: 101).[98] But in spite of the fact that the MJC condemned apartheid as early as 1961, and was a part of the broad anti-apartheid movement, the UDF, for a short period in 1983-84, its stance under apartheid can best be described as one of "ambiguous accommodation" with apartheid. Lubbe (1994: 54) notes that the MJC has historically "greatly fluctuated in its maintenance of a political profile," and ascribes its political profile at any given time as being "determined by the grouping which, at a certain time, has the upper-hand in terms of power and influence" within the organisation (ibid: 55).[99] So how did the MJC survive the erosion of its authority under the multiple pressures of increased levels of education (religious and secular) among Cape Muslims, and its professionalisation and politicisation? In an incisive critique of the tendency of much anthropological scholarship on Islam in the 1980s and 1990s to argue that increased levels of literacy and higher levels of education among Muslims was likely to lead to a thoroughgoing destabilisation of the 'ulama"s internal authority and legitimacy,[100] Zaman (2002) has recently argued that the crucial question is not whether the traditional 'ulama"s authority has increased or decreased, but how that authority is reproduced by the ways in which it is constructed, argued, and defended (Zaman op. cit: 55). Zaman's critique appears to be appropriate in the context of an exploration of the role and function of contemporary Cape 'ulama', as it is often presupposed in academic literature that their authority and legitimacy is in some sort of a permanent crisis. If that was really the case, it is difficult to understand why so many Cape Muslims should continue to turn to the MJC for the services it provides.

The MJC controls most, but not all[101] of the approximately 145 mosques in and around Cape Town.[102] It exercises its control through monthly consultative meetings with its affiliated 'ulama',[103] and through its facilitation of scholarships for talented young male Muslims at institutes of higher Islamic learning on the Indo-Pak subcontinent and in the Middle East.[104] The MJC itself is not a homogenous organisation, and the extent to which their decisions and recommendations are accepted and implemented by affiliated Cape 'ulama' vary considerably from case to case.[105] In Cape Muslim communities, the MJC is often seen as, and sees itself as a 'centrist' organisation, which assimilates numerous positions, and which attempts to establish gen-

eral consensus among Cape 'ulama' when such consensuses are attainable.[106] Even though the shift towards education in the Middle East and Indo-Pak in the 1970s has implied that most of the 'ulama' at the MJC can be identified as having reformist orientations,[107] they are well aware of the fact that the ubiquity of Sufi ritual practices and understandings in the Cape Muslim communities in which they function is of a nature that makes a confrontational posture well nigh impossible to adopt. It should also be noted that they have had prominent Cape 'ulama' of Sufi dispositions, such as Sheikh Seraj Hendricks of the Azzawia Mosque, on their Fatwa Committee in recent years.[108] A confrontational posture with regard to Sufi rituals to which some of the MJC's 'ulama' may privately be opposed, would risk undermining the MJC's own legitimacy within Cape Muslim communities, as well as expose fractures in their internal body politic. On the other hand, too assertive and/or open support for Sufi rituals by Cape 'ulama' within the MJC would undermine their own legitimacy vis-à-vis their reformist colleagues. In response to the challenges posed by the assertiveness and popularity of tariqa and sheikh-based Sufism in the post-apartheid era, MJC has moved to a position in which it endorses some Sufi-linked rituals which is amenable to a reformist Sufi sensitivity, to an extent previously unseen. Chief amongst these rituals is the mawlid al-nabi. Condemnation of the mawlid al-nabi and other tasawwuf practices as bida' on the part of MJC and some of its affiliated Cape 'ulama' in the 1970s and 1980s would have been much more imaginable than what is the case at present.

Particularly noteworthy is the fact that the MJC has recently supported and endorsed an undated publication on mawlid al-nabi, "Regarding the Celebration of the Prophet's Birth", containing translations of texts on mawlid by the prominent Saudi sheikh of the Alawiyya tariqa, Sheikh Ibn Alawi al-Maliki al-Hasani (d. 2004) (al-Hasani n. d.), who had close links with the Alawi shuyukh of Azzawia Mosque in Walmer Estate, Cape Town. The texts have been translated and edited by the Saudi-born Sheikh Fakhruddin Owaisi, a follower of the Tijaniyya-Niassene tariqa and based at the Husami Mosque in Cravenby, Cape Town. The endorsement of such a publication on the part of the MJC is indicative of the perception on the part of the MJC of a need to assimilate the increased popularity of Sufi turuq in Cape under a reformist umbrella which will not unduly challenge the MJC's own legitimacy and standing. The MJC received the Tijaniyya-Niassene Sheikh Hassan Cissé at the premises of its Dar ul-Arqam in Athlone during his visit in August 2003. The MJC's President at the time, Sheikh Ebrahim Gabriels, also attended a dars (lecture) presented by Sheikh Cissé at the Tijaniyya-

Niassene zawiya in one of the black African townships, along with other MJC-affiliated 'ulama', such as Sheikh Abdurraghman Alexander. So even though some 'ulama' of the MJC are still prepared to describe the tasawwuf practices in which the Naqshbandiyya-Haqqani and the Tijaniyya-Niassene turuq in Cape Town engage as "extreme",[109] and Sheikh da Costa described the relationship of the Naqshbandis with the 'ulama' of the MJC as "not a very healthy relationship"[110] his observation to the effect that MJC 'ulama' are "to a large degree opposed to tasawwuf," but have largely "decided to leave those battles alone," because of the fact that tasawwuf practices are "too rich" and "too entrenched" among Cape Muslims seem pertinent, with the caveats I have previously noted. But the positioning of the MJC on matters relating to Islamic ritual ought to be seen as a reflection of the need to balance internal contradictions within the wider Cape Muslim communities in an organic manner. The contestation over rituals that the Cape Muslim communities have seen in the post-apartheid era has also provided the MJC with an opportunity to demonstrate its continued relevance as a centrist arbiter between conflicted and conflictive views.

Instead, the MJC reproduces its internal legitimacy in Cape Muslim communities through positioning the organisation as a defender of "Muslim interests" vis-à-vis the broader South African society, and vis-à-vis the outside world, on issues of a political-religious nature[111] on which there is more or less general consensus among Cape Muslims. This populist[112] positioning is discernible for instance with regards to the issue of Islamic Marriages (cf. Chapter III), the issue of ensuring provision of halal food for Cape Muslims and in defending Muslims in the global arena – for instance, through vocal support of the Palestinian cause.

Conclusion

In this chapter, I have argued that the public contestations over ritual practices within Cape Muslim communities, which was articulated in the media exchanges between Sheikhs Faa'ik Gamieldien and Yusuf da Costa can be placed within the larger framework of the long history of contestations between reformist and Sufi views on Islamic ritual in Cape Muslim communities, which stretches back to at least the 1960s. Opposition to Sufism is therefore "not essentially a modern phenomenon" even though it has become more pronounced in the modern era (Sirriyeh 1999: ix). I have identified reformist views with Wahhabi/Salafi and Deobandi understandings, and Sufi views with the traditional understandings of Islamic practice at the

Cape, and with the emergent sheikh- and tariqa-based Sufism in the late 1990s.

Globalisation is fundamentally implicated in these contestations, as the arguments and understandings on which they are based refract and mirror similar arguments and understandings in other parts of the Muslim world – and are sustained by alliances – imagined and real – with transnational communities of sympathizers. One also notes the importance all parties to the contestation over ritual attach to legitimising their positions through the invocation of core Islamic texts.[113] The assertiveness and popularity of reformist Sufi turuq in Cape Town that had emerged in the late 1990s shaped this debate in fundamental ways. It was in all likelihood this empirical and observable fact which occasioned the virulent response to a perceived infringement on the principles of 'ibadat according to reformist understandings.

I have argued that the media contestations over this issue in 2001 masked as much as it revealed, in that the antagonistic attitudes of the protagonists and their reversion to mutual labelling on rather spurious grounds, eclipsed the common ground shared by reformists and Sufis of a reformist orientation. It was a social and religious process akin to what the anthropologist Bateson (1937) once famously referred to as "schismogenesis."[114] This was precisely due to the fact that the unstated aim of these exchanges on the part of the protagonists was to constitute new and clearly delineated audiences among Cape Muslims. It was therefore as much about power and legitimacy within Cape Muslim communities as it was about the appropriateness of certain Sufi ritual practices. "Where there is power, there is resistance", noted Foucault (1978: 95), and as we have seen reformists and reformist Sufis alike draw on global imaginaries and arguments in support of their views on the limits of appropriate Islamic ritual practice. The latter tend to discursively constitute the former as alien impositions, and to cast themselves as staunch defenders of 'the local'. Opposition to Sufism can take the form of opposition to it in all its forms, or the form of criticism of some of its attendant ritual forms and expressions (cf. Sirriyeh op. cit. ix). I have demonstrated in this chapter that an aspect of the ritual practices of some Cape Muslim Sufis that reformists react strongly against is the practice of ziyara when this practice is combined with shafa'a or intercession. My findings suggest that the reformist views on this is largely shared by mainstream and reformist Sufi practitioners among Cape Muslims, for whom the anchoring of ritual practices in the Qur'an and the Sunna is seen as an important concern. As we have seen Sheikh da Costa is a sheikh for whom such concerns

are crucial, even though he differs with Sheikh Gamieldien as to whether the Qur'an and the Sunna provides a space for tawassul, or the seeking of means to get closer to Allah, and with many other Sufi practitioners in Cape Town over whether wilayat or saintliness is recognisable to humans. Sheikh da Costa and Sheikh Gamieldien are part of what Werbner (2002: 6-7) once referred to as a "buried intelligentsia" – religious intellectuals seldom heard and listened to outside the confines of their own communities – but their views and understandings matter and are important for a large number of Cape Muslims. But I have also contended that the public deliberations over ritual practice have wider implications, in that they refract notions of argumentative deliberations central to democratic practice (as argued by Sen 2005: 12-16), and ascribe meaning to such notions for Cape Muslims in the context of a post-apartheid Cape Town. With regard to the MJC, I have argued that their search for sources of continued legitimacy in Cape Muslim communities in a phase of increased assertiveness and popularity of both traditional Sufi practices at the Cape and sheikh and tariqa-based Sufism, has meant a shift towards a greater acceptance of certain Sufi rituals compatible with reformist sensibilities, such as the mawlid al-nabi. It has also meant an avoidance on the part of the MJC of confrontational positioning with regard to rituals that cannot be construed as "shari'a-centric", and a shift towards a populist positioning of the MJC as a defender of exclusivist and consensual "Muslim interests" in the public sphere.

Deliberations over ritual practices are part of social as well as religious phenomena, and must be analysed with reference to social relations and social relations of power and authority.

In conclusion then, we should be wary about traditional anthropological distinctions between an "official Islam" of the 'ulama', and the "popular" Islam of Sufi practitioners (cf. Abu-Zahra 1997: xiii); between "syncretistic ritual practice" and "Islamic orthodoxy" (Werbner and Basu 1998: 4); and of anthropological interpretations which posit tasawwuf as an understanding of Islamic thought and practice exclusively aligned with the urban Muslim under-classes.

Conclusions

Theorising the Secular and the Religious in Secularising and Re-islamizing Cape Muslim Communities

> 'How, then, can I translate into words the limitless Aleph, which my floundering mind can scarcely encompass?'
> —Jorge Luís Borges, *The Aleph*.

> 'Ineptitude consists in the desire to reach conclusions.'
> —Gustave Flaubert, *Letter to Louise Coulet from Damascus*.

The Ambivalence of Secularity and Religiosity

In the introductory chapter to this dissertation, I described an incident in a Muslim community in Cape Town, in which a group of adolescent Muslims walked out of a Muslim youth forum a few minutes prior to the evening prayers, and in so doing, completely ignored the remonstrations of the 'alim presiding over the forum. I implied that one of many possible ways of interpreting this incident would be to see it as a reflection of a decrease in the regulatory capacities to command individuals that this particular Cape 'alim, or the Cape 'ulama' in general, are in possession of. I also implied that it could be interpreted as part of a process whereby religiosity is increasingly relegated to the sphere of the private. Either way, seen as such, it provides an illustration of an ongoing process of secularisation within Cape Muslim communities.

This dissertation has attempted to describe and interpret some of the changes set in motion by processes of social and political transformation in a multi-confessional and multi-ethnic post-apartheid South Africa, and the ways in which these changes have impinged on Cape Muslim communities.

It has done so through the empirical exploration of what might at first seem as disparate and refracted topics. Social and political transformations of the kind that South Africa has seen in the post-apartheid era often generate ambivalence and ambiguities, complicity and resistance, and no more so than in societies as plural in their understandings of, and approaches to, norms and values, as post-apartheid South Africa is. What the topics explored in this dissertation have in common, however, is that they in various ways refract the multifaceted challenges faced by Muslim minorities in a secularising society in which the state and its Constitution is – at the very least – 'ambivalently secular'. That the state and the Constitution are secular should in this context be read as nothing more than that the post-apartheid order is premised on the separation of state and religion, and on an ideal of state neutrality toward the different religions which co-exist in South Africa. The ambivalence of this secularism arises from the fact that South Africa has a predominantly religious citizenry which often contest the secular and liberal norms, values and principles of the Constitution, and in doing so, often attempt to create tactical alliances with factions of the state which are at the outset less committed to such norms, values and principles.[1] The Constitution is in itself an unstable and contestable attempt at mediating between religious and secular principles, but one in which concessions to religious interests are constrained by overarching guarantees of individual equality.

In the heady rush towards providing an analytical framework within in which developments such as the Iranian Revolution of 1979 and the re-Islamization experienced in Egypt and many places elsewhere in the so-called 'Muslim world' throughout the 1980s could be accounted for, academics and other analysts working on developments there to a large extent seem to have embraced a paradigm in which the religious reigns supreme.[2] According to this paradigm, Muslims in most contexts are to be seen as pre-eminently religious – their actions, ideas and concerns motivated by interpretations of Islam. I have suggested at various points in this dissertation that I believe that in the context of a Muslim minority population in a predominantly secular and liberal post-apartheid order such as that in which the Cape Muslims find themselves, interpretations based on such a paradigm would fail to account for the interstices between the secular and the religious, how these formations are implicated in one another, and the myriad ways in which this societal secularisation impinges on the lives and the choices these Muslims themselves, and indeed, their 'ulama', make.[3] "The forms of life in which we find ourselves are not the windowless monads of

Leibnizian metaphysics. They are more like prisms, in whose shifting lights we move. Few, if any of us, are today radically situated subjects, embedded once and for all in a single way of life," writes John Gray (2000: 52), and his comments seem apposite here.

Secularisation and re-Islamization

In the introductory chapter of this dissertation, I suggested that the changes that the societal and political transformations of post-apartheid South Africa have set in motion among Cape Muslims might be interpreted with reference to the notions of secularisation and re-Islamization.

Secularisation and re-Islamization are equally modern phenomena, and they are intimately linked, and, indeed, pre-suppose, one another. They both derive meaning and content from globalised discourses and transnational networks, refracted through the prism of local social and political contexts. If anything, the data presented in this dissertation lend support to a contention that there is a plurality of responses among Cape Muslims to the changes and the challenges of living in what appears to be an increasingly secular society. One of the responses of the organised 'ulama' has been to position themselves as populist defenders of exclusivist and popular "Muslim interests", whether these interests are related to guaranteeing halal food and drinks for local Muslims (Ch. VI), demanding and advancing state recognition of Islamic marriages (Ch. III), or advancing the rights of Muslim inmates in prisons in Cape Town. The inherent paradox I have pointed to with regard to a number of these issues, is that in doing so, they often come to reproduce the distinction between secular and religious as constituted by the post-apartheid State, inasmuch as the demands that are being made are often made by invoking constitutional and human rights. This is not to suggest that religious rights are anathema to, or not part of, constitutional and human rights. Freedom of conscience and religion are among the most fundamental freedoms in a liberal and secular societal context, and one from which a number of other freedoms flows. But it is an interesting indicator of the extent to which the 'ulama' implicitly and very subtly have come to accept this secular framework as part of the doxic, or taken-for-granted, when demands for religious rights are framed in a discourse of constitutional and human rights. Especially so, when statements from influential sections among Cape 'ulama' (cited in Ch. IV) indicate that the Constitution to most extents and purposes is seen as an expression of secular norms "devoid of morality." The notion that the secular and the religious are implicated in

one another, which is at the heart of this dissertation, also means that secularisation refers to processes that simultaneously occur within and without Cape Muslim communities, and that the shadow (or light, according to one's positioning) of the secular might at times appear in the most unexpected of places.

But the observation that the voices of Cape Muslims are not reducible to those of the Cape 'ulama' has been of crucial importance to this dissertation. The plurality of Cape Muslim voices and views echoed in this dissertation also include voices that for various reasons stand in an uneasy and ambivalent relationship with the largely middle-class normativities and moralities to which the Cape 'ulama' adhere. These voices include the many black African converts to Islam, whose syncretistic interpretations and understandings of Islamic ritual and practice are often seen as anathema to Islam by the black African 'ulama' of their own communities (Ch. II). They include the Muslim women from underprivileged township communities, whose experiences of polygynous marriages often provide an implicit critique of the dominant middle-class male Islamic normativities of the 'ulama' (Ch. III), and the Muslim PWHAs (Ch. IV), whose lived experiences raises the spectre of the discrepancies between normative ideals of Islam and actual practices of Muslims. If one accepts Chaves's (1994) proposition that secularisation should be understood as a decline of the regulatory capacities of religious authorities on individual lives, then the discrepancies between the normative ideals of Islam, as represented by the middle-class Cape 'ulama', and the actual practices of Cape Muslims with regard to matters of personal morality and sexuality, are in fact indicators of an undergoing process of secularisation.

In the case of black African conversion to Islam, the re-valorisation of African Traditional Religion (ATR) implicit in the continued adherence to Xhosa 'traditional' rituals and in the compartmentalisation of these rituals and Islamic rituals, have much to do with the emphasis on Africanisation in the new social and political order in post-apartheid South Africa, and the impetus this provides for a re-valorisation of rituals definable as 'traditional' or 'indigenous' – however tenuous the relation between these social imaginaries and a basically unidentifiable original historical 'tradition' may be. In the second case, the implicit critique of the dominant middle-class Islamic normativities of the 'ulama' is at times drawn from notions of fairness and equity derived in and through social practice among Cape Muslim women in underprivileged township communities. The narratives of infection of Muslims living with HIV/AIDS in Cape Town on the one hand point to the

existence of divergent concepts or practices of sexual moralities (which I argue long predates the contemporary phase of secularisation in Cape Muslim communities) and on the other hand, in its often implicit appeals for understanding and compassion, point to local attempts to link Islamic concepts of compassion and understanding to global and discourses on human rights of a secular as well as a religious kind. This linkage is also promoted in and through the work for Muslim PWHAs by the NGO, Positive Muslims (PM). All of these chapters point to the critical need in the analysis of Muslim minorities in secular contexts not to presuppose that Islam provides an exclusive and determinative framework for the ideas and behaviours of Muslims in *localised* contexts. It also points to the need to be cautious about the pre-supposition that secularisation is a uniform social process unilaterally imposed upon Cape Muslims from outside, rather than parts of social processes which emerge from within Cape Muslim communities, as part of a rethinking of what fairness or equity might mean in the context of societal transformation and the divergences between the religious frameworks of dominant middle-class Cape 'ulama', and underprivileged Cape Muslim women in particular.

It has historically been something of an article of faith in some corners of the academic world, that the so-called 'Muslim world' (which of course less than most other worlds can be thought of, and conceptualised in isolation) is exceptionally immune to the forces of secularisation and democratisation (cf. e. g. E. Gellner 1992 for the former, Huntington 1996 for the latter). The first point to make is of course that it is an epistemological fallacy to presuppose – as much of the academic literature on democratisation does – that democratisation is inherently linked to secularisation, the latter understood as a differentiation of spheres. Studies of Muslims living in minority secular and/or secularising societal contexts, such as in Cape Town and South Africa, are more likely to give the lie to the notion that the 'Muslim world' is exceptionally immune to the forces of secularisation and democratisation. This is the case even though secularisation might at first appear in unexpected corners, such as in 'ulama' invoking human rights in order to advance Muslim religious rights (Chapter V), or in public deliberations over the appropriateness of certain rituals (Chapter VI). This indicates why the binaries between a secular 'West' and a religious 'Rest' which characterises so much contemporary social science literature based on data at macro-levels (cf. Norris and Inglehart 2004) provide what is at best an insufficient picture of devolopments in the contemporary world, and especially so in the current phase of globalisation.

The organised Cape 'ulama' have reached a somewhat ambiguous accommodation with the post-apartheid state, which entails acceptance of, and support for, its legitimacy, but moral reservations with regard to some of the liberal and secular norms and values which it appears to have ushered in. The precise nature of relations with the post-apartheid state and the post-apartheid nation is a contested issue among Cape Muslims (cf. Tayob 1998: 32-33), and is likely to remain so for the foreseeable future. This indicates the importance of exploring the interstices between supposedly 'secular' and 'religious' principles and imaginaries, rather than presupposing that these are to most extents and purposes clearly distinguishable and opposed entities. Casanova's definition of secularisation (Casanova 1994), which focuses on secularisation as a process through which the secular and religious spheres are differentiated in modern societies, rests on a binary between the secular and the religious which may be problematic if applied to particular social and political contexts. It is a binary which presupposes that what counts as secular and a religious spheres are clearly distinguishable in any given societal context. The data presented in this dissertation suggest that the religious and secular spheres are intimately and inextricably linked to one another, and that one gets into conceptual difficulties if one presupposes that secularisation can only be engendered in and through secular, rather than religious spheres. Casanova's definition of secularisation can also be faulted for being unduly restrictive, and not necessarily applicable in all contexts.[4] One can find traces of secularisation according to all three historical definitions provided by Casanova in the material presented in this dissertation.

Towards the 'post-secular'?

It could be argued that terms such as secularism and secularisation have become so ambiguous and imprecise through ideologisation and misuse that they are no longer useful heuristic devices for social science analysis. It could also be argued that to acknowledge the fact that modernisation – contrary to Weberian expectations – did not in fact mean a teleological march towards secularisation, means to abandon the paradigm altogether. It has recently become increasingly fashionable among certain contemporary philosophers[5] to refer to contemporary developments in secular societies as the precursors of the emergence of "post-secular" societies. The term has been developed in response to contemporary debates about Muslim minorities in European societies in particular, and

is clearly linked to a socio-political vision aimed at generating a space in the public sphere for the inclusion of religious articulations. It implicitly and explicitly acknowledges the role of religion in generating social cohesion in societal contexts characterised by consumerist individualism and its attendant and increasing problems of social inequality, environmental degradation, and social and psychological problems. It is therefore clear that the debate over secularism and post-secularism is not only a semantic debate, but also a normative one. The very term "post-secularism"[6] has the potential of creating and sustaining the changes in the relations between religious articulations and secular states that it seeks to explain. The term has hitherto been insufficiently theorised, to say the least. The extent to which it in fact indexes a new societal phenomenon, or merely provides a new terminology for extant societal phenomena, is also unclear. For Eber (2002) the term seems to refer to the reappearance of religion in a non-institutional form in public spheres in secularised societies. In the formulation of Habermas (cf. Habermas and Reitzinger 2006: 31-33) it also seems to refer to a growing acknowledgement in secular societies of the role of religion in facilitating social cohesion.

The applicability of this framework outside the European context would however seem to be limited. With reference to the data presented in this dissertation, it suffices to note that South African society in general is a secularising, but not a secularised society, and that institutional forms of religiosity still dominate in South African society. These are also features applicable to Cape Muslims.

Global Flows

In the anthropological literature on globalisation, it soon became an established fact that there are countervailing processes at work with regard to globalisation's impact on localised communities. Globalising processes of apparent homogenisation are implicated in, and give rise to, globalising processes of heterogenisation (cf. Friedman 1990: 311). The impact of globalisation on Cape Muslim communities is by no means uniform and homogeneous either. On the one hand, the liberal and secular norms and values to which important sections of the globalising social and political elites in post-apartheid South Africa adhere do have an impact, especially among sections of the professional class of highly educated Cape Muslims. This is discernable in the appropriation and invocation of human rights and constitutional principles in support of the rights of women in Islamic mar-

riages by some Muslim feminists (Ch. III) and in what I have termed the 'progressive' Islamic discourse on HIV/AIDS of some NGOs (Ch. IV), but also more paradoxically and unexpectedly, in the established 'ulama''s invocation of such principles in order to expand the rights of Muslim inmates (Ch. V). That the latter's appropriation has a primarily strategic and instrumental rationale does not detract from its significance. On the other hand, countervailing processes are at work at the same time, and are discernable in the organised 'ulama''s increased identification with 'communities of suffering' identified as Muslim. These are primarily, but not exclusively, found in the Arab Middle East, since it is here that the greatest affronts to globalised notions of affronts to Muslim dignity have taken place in the course of the so-called "war on terror." These communities of suffering are conflicts which the mainstream Cape 'ulama' clearly tend to see through the prism of the religious. But the appropriation of globalised discourses of Islam can also be seen in the local renderings of global Islamic discourses on reformist and Sufi orientations to ritual practice. But as I have pointed out, identification with transnational communities of Muslims in a time of suffering also provides a means through which the Cape 'ulama' insert Cape Muslim communities and themselves into the awareness of the umma as something other than the historically and geographically peripheral Muslim communities that they have traditionally been perceived as by other Muslims in the global arena.

Al-Quds Mosque, Cape Town, 2005. PHOTO: S. BANGSTAD

The secular and the religious in the post-apartheid era

In *Modern Social Imaginaries* (2004), the Canadian communitarian philosopher Charles Taylor raises the following pertinent question:

> "What is the feature of our "imagined communities" by which people very often do readily accept that they are free under a democratic regime even where their will is overridden on important issues?" (Taylor 2004: 189)

The post-apartheid state and its constitutionalism may define the parameters through which members and leaders of ethnic and religious communities articulate their interests and concerns in the public sphere, but it can no more determine the making of ethnic and religious identities, their historical and contextual shifts, and the power relationships between them, than the state which preceded it. The post-colonial conundrum in South Africa is (and in this it is hardly unique) that in an age of increased global flows of capital, ideas and images, the hold of the post-colonial state over the attachments of its citizens, and the legitimacy of its institutions, is tenuous and dependent on the extent to which it manages to fulfill the hopes and aspirations of its citizenry. Insofar as the intellectual precursors and models for the South African Constitution of 1996 were of a liberal democratic kind, and the Constitution sought to confine religious articulations to a space regulated and circumscribed by the state and to inculcate dispositions of religious tolerance and neutrality, the state itself can be seen as an agent of secularisation. The tensions between the imaginaries of the social and political elites of the state and the imaginaries of many religiously-minded Muslim South Africans are real, especially with regard to issues such as recognition of the rights of sexual minorities, the abolition of capital punishment, and the legalisation of abortion. In the present climate of global ideologisation of concepts such as secularism and secularisation by 'Western' secularists, Islamists and conservative Muslims alike, it is often conveniently forgotten that one of the sources of modern secularism as a political and social principle was the perception of a need to break the monopoly of a singular religion over the state and its institutions in order to create societies of greater inclusiveness, and societies conducive towards tolerance between the adherents of different religious. In Halliday's words; "secularism has, as much as anything, meant tolerance or legal neutrality *as between* different religions." (Halliday 1996: 239, ftn. 45). But the theory and the practice of secularism are often distinct entities. In the contemporary era one has seen a process towards monopoliza-

tion of the principle of secularism by non-religious citizenries, and this has been a process which to an increasing extent marginalises religious citizens and displaces the historical meaning of concepts of secularism. One of the many reasons why Muslims in South Africa welcomed the advent of a post-apartheid society was the fact that it broke the intimate and privileged relationship between Christianity and the South African state. This forms an important part of the explanation for the fact that the mainstream 'ulama' in Cape Town have in general opted for Muslim engagement with the state, its institutions and with its politics, rather than disengagement. The same can be said about most ordinary Cape Muslims. One also has to see this choice in light of the fact that the presence of Muslim minorities in Cape Town stretches back some 350 years, and that the sensitivity towards people of other faiths and backgrounds that coexistence in such a multicultural cityscape requires, has been generated over the same period of time. The social and political imaginaries of Cape Muslims are subject to historical ebbs and flows, but the increasing importance of the imaginary of the umma in a time of globalisation notwithstanding, these are for the most part firmly rooted within the localised articulations of Islam. A basic difference between Muslim minorities in other secular contexts and that of Cape Muslim minorities in South Africa, is that the South African public spheres, and the South African citizenry in general are simultaneously more pluralistic and religious in nature than what is the case in many other secular contexts, and that these therefore do not at the outset exclude articulations and invocations of the religious. In the areas in which the Cape 'ulama' are ambivalent about the Constitution and the liberal and secular values of the social and political elites of the country, they are in broad alignment with other parts of the population which define themselves as religious, albeit Christian. Their voices are being heard in the South African public spheres, along with the voices of South Africans of non-religious orientations.

Charles Taylor answered his question about what it is that makes people accept that they are free under a democratic regime even when their will is overridden on important issues in the following manner:

> "The answer they accept runs something like this: You, like the rest of us, are free just in virtue of the fact that we are ruling ourselves in common and not being ruled by some agency that need take no account of us. Your freedom consists in your having a voice in the sovereign, that you can be heard and have some part in making the decision." (Taylor op. cit: 189).

For Taylor it seems that the road to a peaceful multicultural coexistence goes through and acknowledgement of living in morally plural worlds, and through the inclusion, instead of the marginalisation of religious articulations and discourses in the public sphere. It is, I would argue, for these and other reasons that the South African example of public inclusiveness towards the Muslims on South African soil holds valuable lessons for other contexts on a critical contemporary issue. This is not to say, however, that the post-apartheid narrative is a straightforward narrative about progressively greater inclusion of social and religious minorities. The tensions between secular and religious normativities will characterise South African society, and the minorities within in South Africa, for years to come.

Religious authority

The notion that a dispersed and decentralised religious authority is "characteristic" of Islam, and that this has become accentuated in the modern age (cf. Casanova 2001: 1059) has surely become something of a fetish in academic circles since it was re-stated by Eickelman (1992). It is assumed that mass education and literacy, the facilitation of Muslim transnational networks by modern travel and the ever so "new" electronic and print media (Eickelman and Anderson 2003) facilitate unmediated and individual access to religious scriptures and the generation of new public intellectuals and the destabilisation of established religious authority. This, we have repeatedly been told, amounts to no less than a "participatory revolution" and a "democratisation of the religious sphere" (Casanova op. cit: 1061). The historical accuracy of the notion that there is no such thing as an *ecclesiae* or an institutional religious hierarchy in Sunni Islam is of course problematic in itself, inasmuch as one of the ideas which Muslims in many parts of the world, including in Cape Town (cf. Ch. I), assimilated during colonialism was the idea that there *ought to be* a religious hierarchy among the 'ulama' which mirrored that of the Christian ecclesiae. This hypothesis can only be maintained if one holds that Muslim societies existed in splendid isolation before the onset of the modern era, and in Cape Town, this was manifestly and demonstrably not so. Furthermore, if there was in fact no such thing as an ecclesiae in Islam, the hypothesis that it is in the modern era that the religious sphere in Islam has been democratised also seems somewhat more tenuous. But with reference to Zaman (2002) I have argued that the more interesting problematic than that raised by Eickelman and Casanova at present relates to how religious authority is sustained and reproduced. For

the developments described by the former does, as Zaman correctly notes, also provide the 'ulama' with new sources of legitimacy and authority. In the case of Muslims in Cape Town, the extent to which the organised in the largest and most influential Sunni 'ulama' organisation, the MJC, has managed to maintain the hold and allegiances of local Muslims and its central position in the diverse landscape of Cape Islam, in spite of limited resources, is, as indicated in Ch.VI, relatively remarkable. But this does not (*pace* Chaves) imply that the regulatory capacities of the Cape 'ulama' with regard to the lives of individual Cape Muslims have increased in the post-apartheid era. I would argue that even though the organised Cape 'ulama' have retained considerable authority and legitimacy, they have only managed to do so by partially shifting the bases of their religious authority and legitimacy. In the post-apartheid era, the 'ulama' of the MJC have increasingly become competitors on a democratic and potentially open and fluid market of religious ideas, in which legitimacy is directly linked to their marketability as defenders of Muslim religious and social interests through the modern visual and print media. The MJC compete on this market with a plethora of heterogeneous Muslim voices in the public sphere. Theirs is a position in which the sources of authority and legitimacy have become comparable to those of modern secular politicians (cf. Asad 2003: 187). It is therefore potentially more unstable, contestable and relative than what has been the case historically.

Cape Muslim and South African futures

I noted in the introduction that the South African Constitution of 1996 does provide a space for multiculturalist policies, especially with regard to systems of marriage and family law. As Robins (1998-99: 281) has noted, the public discourses of post-apartheid South Africa have leant heavily on local articulations of global discourses on multiculturalism. In terms of the demands that are being made by leaders of religious and ethnic communities in South Africa, these require the liberal-democratic South African state to recognise rights of a collective nature, rather than the individual rights that form the basis of classical and procedural liberal assumptions of rights. For the leaders of the communities that are making these demands, the implication is that the demands must be in conformity with, and respond to, practices and identities that can be represented to the post-colonial state and its constituencies as characteristic of members of these particular communities. This, in most cases, requires a process of cementing identities and orientations, along lines which I described as plurally monocultural rather

than multicultural in Ch. III. In certain respects, it may therefore be argued that when Muslim 'ulama' demand recognition of Islamic marriages and for polygyny, the category 'Muslim' must be seen as a relatively stable and fixed signifier, and Islam, and particular interpretations of Islam, be seen as determinative for those defined in and through this signifier, in order for demands to be politically and socially effective. But if there is anything that the critiques of multiculturalism that followed the era of post-structuralist academic hegemony (and the multiculturalist moment in global politics coincided with, and was of course closely aligned with the theorising of the latter) have taught us, it is that the communities constituted in and through the public discourses of the leaders of such communities when making demands on the state, often mask the fractured and conflictive nature of the interests of members of these communities, who are often divided by distinctions of social status, ethnicity, gender and so forth. We saw this in Chapter II, where the zones of intersection and the power relations between syncretistic and universalistic approaches to ritual and understandings in the case of black African converts to Islam were explored. We also saw this in Chapter III, where it was noted that there is a clear divergence between the actual experiences of polygynous marital situations, and the idealistic assumptions of the Draft Bill on Islamic Marriages and Related Matters. Ethnographic fieldwork provides a means to explore resonances and divergences (and there are many of both) between the interests of Muslim leaders and ordinary Muslims, and in this dissertation I have attempted to give voice to the many Muslims who are usually silenced in and through textual approaches to the study of modern Islam and modern Muslim communities.

Thirteen years after the introduction of electoral democracy in South Africa, and eleven years after the adoption of a new Constitution, South Africa can still very much be considered a society in the making. As in most late-modern post-colonial societies, there is no unitary conception of what it means to live a good life, and the norms and values which ought to underpin the realization of this life, in post-apartheid South Africa. The conceptions held up as ideals by the secular and religious factions of its citizenry often appear incommensurable. Conflict and contestation between adherents to formations defined as 'secular' and 'religious' seem inevitable in such a plural context, because it goes together with what it means to be human in a modern context (cf. Gray op. cit: 9). Cape Muslims, whether they define themselves as secular or religious, are therefore part of a much larger societal discussion which is unlikely ever to end. It is precisely the unresolved

tensions and ambiguities, fractures and fault-lines of a society in which the overriding logic of the state is based on the secularising impulses which institutional differentiation entails, but in which citizens are often aligned and identify with countervailing impulses, which will make developments among them so interesting to follow in the years to come. And as has been argued in this dissertation, in order to open the doors to understanding these processes, one could do worse than exploring the lives of individuals living in and through them.

Notes

Notes on nomenclature, spelling and transliteration

1. The argument made by Nattrass and Seekings in a recent book (2006) is that class has become more important than 'race' as a predicator of and for social inequality in the post-apartheid context, or in other words that "intra-racial inequality" has increased, whereas "inter-racial inequality" has decreased.
2. This is no more so than in the case of coloureds. However, the use of the term coloured still rankle with a number of those so categorised, who argue for a broader and more inclusive South African identity, as well as for the coloureds who have embraced an indigenous self-ascription as Khoisan in the post-apartheid era. Cf. Adhikari (2005: xv).

Notes Chapter 1

1. This particular community had a very strong civics association which had organised local Muslims in protest and demonstrations against apartheid throughout the 1980s. Educational levels are generally higher than in most other communities in Cape Town in which Muslims reside. The community had voted overwhelmingly for the ANC after 1994. This might be seen by some as somewhat paradoxical in that it was precisely the Group Areas Act Proclamations for the area under apartheid in 1954 that ensured that the area was maintained as an exclusively coloured Muslim area.
2. In the period in question it was the *Tuh-fatul Ikhwan* by Mawlana Muhammad Ibrahim Ba'kathah of Mumbai, India, published in India in 1999 (Ba'kathah 1999), and translated by Mawlana Yusuf Karaan of Strand, Cape Town. Karaan has held the post as Head of the Fatwa Department of the MJC in Cape Town for a number of years. Karaan has a Deobandi training and leanings, and Bakathah's work on fiqh appears to be in line with these leanings. The sheikh at the mosque in question had his religious training from Deobandi institutes in Pakistan and India.
3. The Coon Carnival, held after New Year's in Cape Town each year, dates back to the celebrations of the emancipation of slaves in 1834. It includes a march of coon troupes and bands through the streets of Cape Town. Associated with loud revelling and the culture of lower-class coloured non-Muslims and Muslims, it is the cause of much ambiguity on the part of Cape Muslims. The Coon Parade some weeks prior to the imam's comments was perhaps particularly offensive to religious sensibilities, in that it featured effeminate coloured male homosexuals/transvestites (*moffies*) who had much fun flaunting their identities as they passed through the area in question. Martin (1999) describes the Coon Carnival and its history.
4. What Mamdani (1996) has referred to as "the moment of de-racialisation" in South Africa arrived in a post-Cold War context in which the political elites of the ANC saw neo-liberal economics as the only feasible option (cf. Seekings and Nattrass (2006), Terreblanche (2002), Marais (1998) for analyses of post-apartheid macro-economics). Mamdani is wrong about the timing of this deracialisation, however, in that the deracialisation of the South African economy started in the early 1970s (cf. Seekings and Nattrass op. cit:

147), rather than the early 1990s. Unemployment has risen substantially throughout South Africa in the post-apartheid era, and more so among coloureds than black Africans (cf. Leggett 2004*b* for this point). The established educated middle-class professionals among coloureds have, however, seen post-apartheid worlds in which their opportunities have improved considerably on the back of affirmative action policies in the public and private sector. Affirmative action has largely benefited the black middle-class and employed working class (Seekings and Nattrass op. cit: 30). With its legitimising ideology of the 'African Renaissance' (cf. Kessel 2001), the Presidency of Thabo Mbeki, which was initiated in 1998, represented a shift towards a more classical form of black African nationalism in the post-colonial mould. Some of the developments in South Africa since 1994 also warrant the question as to whether Mamdani's "moment of deracialisation" is not linked to a concomitant "moment of *re*-racialisation." It is an open question whether the ANC's historical policies in this field should not rather be referred to as one of multiracialism, as alleged in the Black Consciousness critique of the 1970s.

5. Ridd's study (Ridd 1982) contained sections on the lives of Cape Muslims in parts of District Six (from which as many as 65 000 coloureds were forcibly removed from the 1950s and onwards when the area was declared 'white' under the dreaded Group Areas Act), but had by 1998 become more of an historical reference.
6. The findings from my cand. polit. research have been published in Bangstad (2004*a*, 2004*b*, 2004*c*); Bangstad (2005); and Bangstad (2006).
7. In his prison memoire *The True Confessions of an Albino Terrorist* (1984).
8. Such as the emphasis in public discourse and practice on individual universal human rights, the abolition of the death penalty, the recognition of the rights of homosexual and trans-gendered people, the permissive attitude towards pornography and public expressions of sexuality, the legalising of abortion, the abolition of residential segregation and influx controls, the increase in levels of crime in specific parts of South Africa (such as Cape Town in particular) etc.
9. The debate about whether apartheid, an ideology developed by Afrikaner social scientists of Calvinist-Kuyperianian backgrounds in response to the perceived threats against white political and economical hegemony from processes of black African urbanisation in the 1930s, ought to be analysed primarily with reference to ideational or material influences, is a long and unresolved debate in South African historiography. See O'Meara (1983); Beinart and Dubow (1995); Dubow (1995); and Gilliomee (2004) for some contributions.
10. The role played by former Anglican archbishop of Cape Town and later chairman of the Truth And Reconciliation Commission (TRC), Desmond Tutu, is but one example of this. It is also a fact that a number of leaders in the anti-apartheid struggle, such as the ANC's Albert Luthuli, Oliver Tambo, Nelson Mandela and the United Democratic Front (UDF)/South African Council of Churches' (SACC) Frank Chicane were practising Christians, and that this fact deeply affected their political thinking and their views on human rights. What is often not realised outside South Africa, however, is the extent to which the South African Anglican church's adoption of liberation theology in the 1980s, its attachment to human rights and inter-faith ecumenism, and the alignment of Anglican and other mainstream Christian church leaders in the South African Council of Churches (SACC) with the ANC in the 1990s (Bompani 2006: 1137), often reflected minority views among South African Christians in general. Cf. Tingle (1998). The largest black African church grouping in South Africa is for instance the African Independent or Initiated Church (AIC) of the Zionist Christian Church (ZCC). The ZCC openly courted

the apartheid regime in the 1980s (Egan 2007: 449), but its leaders adamantly refused to accept any responsibility for their acquiescence with apartheid during the 'church' hearings of the Truth And Reconciliation Commission (TRC) (Egan op. cit: 454).

11. This elite includes leaders and intellectuals aligned with the ANC, but is not co-extensive with it. The Constitution was the outcome of a series of constitutional negotiations which drew on a broad range of sources and interests, both nationally and internationally (cf. Ebrahim 1999). The Constitution is one of the most advanced in the world due to its adoption of international human rights principles as well as the inclusion of an extensive range of socio-economic rights. In fact, as a number of court cases since 1996 have demonstrated, the state has on a number of issues failed to live up to constitutional obligations, and there have also been great ambiguities within the ANC over the extent to which it ought to adhere to the constitutional values. As noted by Robins (2005: 2) the realisation of second-generation socio-economic rights enshrined in the Constitution has "failed to live up to expectations."
12. One can hardly think of a better example of this than the debate over the death penalty. The death penalty was declared as unconstitutional by the Constitutional Court in 1995. This caused outrage in conservative religious circles, and was roundly condemned by 'ulama bodies such as the MJC. Opinion surveys since then have all indicated that an overwhelming majority of South Africans are in favour of the re-instatement of the death penalty. I am not suggesting that all South Africans who are of this persuasion are somehow religious, but there can be no doubt that a great many see themselves as such.
13. Alexander (2006: 26) notes that the South African population census of 2001 recorded the religious affiliations of South Africans as 78,1% Christian, and 15,1% none. A random survey of South Africans cited by Alexander (ibid.) found that 76% of South Africans claimed that they attended a place of worship once a month.
14. Lodge's contention on this particular point is supported by the empirical findings from recent South African political survey data, as analysed by Mattes (2002).
15. Balcomb (2004: 6) points out that all political parties in South Africa, including the ANC, laid claim to the authority of the Christian gospel ahead of the first democratic elections in 1994. One also notes, for instance, how President Thabo Mbeki (1998 -) regularly invokes religious precepts and language in his speeches. It is of course difficult to ascertain whether this reflects a political assumption of a strategic need to invoke such language when addressing polities that are quite religious, or personal religious convictions. One also finds regular invocations of religious precepts and language in the speeches of Jacob Zuma, former Deputy President of South Africa and leader of the governmental initiative the 'Moral Regeneration Movement', as well as a strong contender for the presidency after Mbeki. For instance, in a speech at a function in KwaDuduza in KwaZulu-Natal in September 2006, Zuma described same-sex marriages as "a disgrace to the nation and to God" in a populist attempt to pander to religious constituencies in South Africa and within the ANC (Seale 2006). The polygynously married Zuma was acquitted of the charges of rape against a HIV-positive female ANC member in her twenties in 2006, but admitted to having engaged in extra-marital and allegedly consensual sex with her. Former Anglican archbishop Desmond Tutu repeatedly called on Zuma to refrain from standing for the Presidency due to Zuma's alleged personal "moral failings." (BBC World News Online 2006).
16. Parekh (2000: 6) defines multiculturalism as a normative response to the existence of a multicultural society, i. e. a society which includes two or more "cultural communities."

17. Both recognised in terms of Section 15 (3) of the Constitution of 1996. For further details, cf. Ch. III.
18. Du Plessis (2001: 461) notes that Section 31 (1) of the Constitution recognises, but "*does not directly guarantee*" the right of persons belonging to religious communities to practice their religion (my emphasis). The difference here is between an absolute and unalianable right, and a right which is premised on particular religious practices being in accordance with the rights as defined by the Constitution and the Bill of Rights. In other words, equality as guaranteed by the Constitution is the most important value, and trumps religious rights (cf. N.Moosa 2002: 51).
19. There can be little doubt that the analytical shift in academic discourse from explaining difference in terms of identity and culture instead of class had much to do with the influence of post-structuralism or post-modernism in academia in the 1980s and 1990s. An important but relatively neglected neo-Marxist critique of multiculturalism articulated by authors such as Barry (2001) and Malik (2000) holds the ideology of multiculturalism to be an ideological obfuscation or a 'false consciousness' of sorts, which is intimately linked to neo-liberalism and the post-structuralist denial of the universality of human values. They charge that it fails to address, and in some instances actually legitimises, the persistence of social and economic inequalities in multicultural 'Western' societies (cf. also Bauman 2001). This contention has found support from liberal philosophers like Appiah (2006) as of late. Appiah (op. cit: xiii) describes multiculturalism as "a shape shifter, which so often designates the disease it purports to cure." The riposte of multiculturalists is usually that socio-economic inequalities are but one form of inequality and that struggles for recognition are complementary to struggles for redistribution (cf. Parekh 2005: 2000). One notes, however, that all of these critics describe multiculturalism as if it were a concept on which there was conceptual consensus.
20. The Constitution also guarantees the right to freely change one's religion.This is a provision which is undoubtedly seen as problematic by a number of religious leaders, and not only Muslims.
21. The term 'the politics of disappointment' is drawn from Ajami (1998: 83-84), who uses it in the context of the disillusionment of secular Arab nationalists in the 1980s.
22. A "Moral Values Survey" conducted by the Human Sciences Research Council in South Africa in 2003 (Rule 2004; Rule and Mncwango 2006) for instance found that out of a national representative sample of 4980 South Africans aged 16 and older, 75% supported capital punishment in cases of murder, 78% stated that it was "wrong" for two adults of the same sex to have sexual relations, and 56% stated that abortion was "always wrong" in cases of serious defects of the fetus (Rule 2004). The report on the survey concluded that "government policy on "moral" issues is more "progressive" than the attitudes of the electorate" (ibid.)
23. Soares (2006: 87) notes how ordinary Malians welcomed the removal of the authoritarian regime in 1991, but increasingly started to complain about what they perceived to be a new climate of lax morals and permissiveness.
24. It should be noted at this point that the most prominent South African Muslim academics, such as Ebrahim Moosa, Farid Esack, Abdulkader Tayob, Na'eem Jennah and Abdulrashid Omar were all broadly sympathetic towards the liberation movement, and persistently argued in favour of engagement with broader South African polities and politics throughout the 1990s. As such, many of these Muslim activist-academics were centrally involved in providing legitimacy for the new electoral-democratic and constitutional order, as well as for ANC hegemony, within professional and intellectual sectors of South African Muslim communities during the transition to democracy. For

a case in point, cf. Jennah's attempts at sacralizing the first democratic elections in 1994 in Jennah (2005: 50). For an overview of political and intellectual developments within South Africa's Muslim communities in the transition to electoral democracy, see Niehaus (2005).

25. This communalist conception of Islam, in which Islam is posited as an "ethnic marker", marking the boundaries of a community as against others defined in terms of different religions (cf. Zubaida 1993: 152), is in itself a product of the contingencies of a post-apartheid political field.
26. Asad (2003: 187) asserts that in a modern and morally heterogeneous society, the only option religious spokespersons are left with is to act as secular politicians do by targeting the desires and anxieties of their religious constituents through persuasion rather than coercion. In Chapter VI, I demonstrate how much of the MJC's attention in the post-apartheid era has been focused on making sure that local Muslims' interests in religiously acceptable consumerist choices (halal food and drinks) are ensured. These are concerns which speak more to middle-class Muslim sensibilities than anything else. In a post-apartheid context in which multicultural minority recognition is granted on the basis of group categorisation and identification, the fact that there is no democratic procedure to determine who would represent Muslims in their dealings with the state means that there is a continuous pressure on 'ulama' organisations such as the MJC to demonstrate popular appeal both internally and externally, and the means to do so is more often than not through religious populism. That the religious spokespersons in modern societies must operate as secular politicians might be applicable as a statement about the norms of engagement in the public sphere, but is certainly not generally applicable. As is often the case in his work, Asad here demonstrates a lack of discernable interest in connecting concrete empirical specificities with theory-building.
27. The Africa Muslim Party (AMP), which has fielded candidates in provincial and national elections since 1994, has had limited success, even in the Muslim electorate, in spite of even going to the lengths of promising rewards in the afterlife [sic] for potential voters for the party in the 2006 municipal and provincial elections. Their campaigns have focused on calls for a re-instatement of the death penalty and opposition to gay rights. In Cape Town, the party received 19,318 votes and won three seats on the City Council in the Local Government Elections of March 2006. AMP was included in the municipal governing alliance, but was expelled from the alliance in early 2007, after it emerged that one of its councillors, Badih Chabaan had held secret consultations with the opposition ANC, aiming to topple the governing alliance. The party also appeared to have got into problems with its local Muslim constituencies when it emerged that the same Chabaan had previous undeclared business interests in the gambling sector, and was charged and convicted by the City Council for having brought the Council into disrepute by referring to a fellow Council member as a "cocksucker" (Voice of the Cape 2006*a*). The chairman of the AMP, Gulam Sabdia, suggested at a public hearing on the proposed *Civil Rights Union Bill* in Cape Town in October 2006 that homosexuals should be "punished" and "forced into exile" (Voice of the Cape 2006*b*). The *Civil Union Act* was the result of a demand from the Constitutional Court in *Fourie v. Minister of Home Affairs* 2006 that the South African Parliament enact legislation which provides for equal rights to marriage for homosexuals by Dec 1 2006. It stipulates that same-sex unions contracted under South African Law may be defined as partnerships or marriages. But it falls short of granting partners to such unions the same rights as partners to a heterosexual marriage, as defined by *The Marriage Act* of 1961, by providing for a

separate regime for such unions, and by allowing civil and religious functionaries to refuse to conduct ceremonies under the provisions of the Act. It was passed by the South African Parliament on Nov 14 2006, and signed into law by the Deputy President of South Africa, Phumzile Mlambo-Ngcuka, on Nov 30 2006. There is every reason to think that the AMP predominantly attracts Muslim voters, and the AMP certainly sees itself as representing "Muslim interests", but the Muslim electorate in Cape Town in general does not appear to vote primarily according to religious interests, nor as a religious bloc, even though the number of votes for the AMP does suggest substantial, and increasing support for the party's religious agenda among Cape Muslims.

28. It should be noted that in a plural and heterogeneous society such as South Africa, which is fractured along the lines of class, 'race' and ethnicity, census-taking is a notoriously difficult undertaking. Whilst the quality of the data and the output of the Statistical Services of South Africa or Stats SA appear to have improved significantly since the early 1990s, there is every reason to treat its population estimates with great caution. These should rightly be seen as estimates, rather than accurate figures. I have commented on this issue, with reference to the flaws of the estimates for the township in which I did fieldwork in 2000 in Bangstad (2005).
29. In *Requiem for a Nun* (1951).
30. Some of the most important historiographical works on Islam at the Cape are those of Shell (1974, 1994, 2000); Davids (1980, 1985, 1992, 1995); Jeppie (1996*a*); Bradlow and Cairns (1978); Da Costa and Davids (1994); and Mason (2003).
31. Hochschild (2005) provides a gripping account of the abolition movement in Great Britain in the 18th and 19th centuries.
32. Worden, Heyningen and Bickford-Smith (1998: 61) have for instance pointed out that Celebes or Sulawesi, a largely non-Muslim region, was the largest source of slaves for the VOC in Cape Town in the 18th century.
33. The shrine on the place at which it was believed that Sheikh Yusuf was buried was built in 1927 and funded by an Indian philanthropist, but pilgrimage to this site long predated this. There is historical evidence to suggest that many Cape Muslims prior to the modern era believed that the performance of *tawaf* (circumambulation) of the shrine could substitute for the performance of pilgrimage (*hajj*). Cf. Davids (1995: 65).
34. Slaves at the Cape were routinely beaten by their masters; forced to act out daily rituals of subordination, such as the washing of their master's feet and the wearing of distinctive dress; infantilised through the daily use of demeaning and diminutive names (Mason 2003: 72, 85, 86); and prohibited by law from forming stable family units (van der Spuy op. cit: 57). Female slaves were often raped with impunity by their masters (Ross 1979: 429). Insubordinate and rebellious slaves were often tortured to death in slow public spectacles, as described in Worden (1985).
35. This is in line with Ranger's suggestion that "colonialism not only *imagined* localized religions and communities, but also *created* them" (Ranger 1993*a*: 72). It has furthermore been noted that there was a general tendency among colonised elites to be assimilated to a greater extent than the colonised population in general (Donham 2001*b*: 19).
36. Indeed, title deeds to specific mosques were often held by imams, in order to ensure that positions of religious authority were kept within specific families (cf. Tayob 1995: 47).
37. Cf. Bangstad (2004*a*) for an analysis along these lines.
38. A case in point is the diary of an early Cape hajji, namely that of Hajji Manuel Bakaar (d. 1966), who performed the hajj in 1910-11. The pilgrimage this Muslim school principal performed with his wife was quite strenuous and took no less than 10 months, and also

took him to London, Zanzibar, Aden and Suez. It is also quite clear from the diary, which his descendants were kind enough to let me go through in 2000, that even though Hajji Bakaar was quite conscious about belonging to a global umma of Muslims, the fact of him being a subject of a British empire which encompassed many of the ports he passed through on his pilgrimage was for practical purposes no less important to him, also on the level of his personal sentiments. This is indicated by the fact that he requested to see the Prince of Wales at Buckingham Palace [sic] on his visit there, and the fact that one of his proudest moments, according to his descendants, was greeting King George VI of Great Britain upon his visit to the British naval base in Simonstown in 1947. Hajji Manuel's story reminds us of the need to treat the assumption that identification with the umma has always been a primary identification for Cape Muslims with caution. Even though I have come to disagree with Tayob's (1999*b*) notion that identification with the umma, and particularly its perceived victimisation at the hands of the foreign powers, is a thoroughly modern phenomenon among South African Muslims, it is quite clear that its present intensification more than anything else draws on the mediated imaginaries of contemporary modes of globalisation.

39. I owe this point to a presentation made by Dr. Eric Germain at the International Symposium on Islamic Civilisation in Southern Africa in Johannesburg 02.09.06.
40. The term is drawn from the social anthropologist Ebrahim-Vally's (2001) work on South African Indians. She hypothesises that the caste system was fundamentally destabilised by the social mixing of Indians from different castes in the course of the transport from India to Natal, and that the crossing of the waters therefore carried connotations of pollution for Indian Hindus as well as Muslims (cf. Ebrahim Vally op. cit: 137-38). Given the rapid reconstitution of caste-based notions among Indians in South Africa, this hypothesis appears somewhat unconvincing.
41. There has been considerable confusion over which madhhab South African Indian Muslims in Cape Town belong to. Ridd (1982: 86) claims that most South African Indian Muslims in Cape Town are Hanafis, as does da Costa (1985: xx), but that is as factually incorrect now as it was then.
42. Two notable exceptions are Oosthuizen (1992) on the history of the so-called Zanzibari Muslims of Durban, and Abrahams (1981) on the modern history of the black African Muslim communities of Cape Town.
43. Cape Town grew from 45 000 inhabitants in 1875 to 171 000 in 1904. Cf. Worden, Heyningen and Bickford-Smith (1998: 213).
44. The coloured category had been used to refer to all of Cape Town's population who were not white, but was adopted as a category distinct from black Africans ('Natives'), and intermediary between whites and black Africans by the colonial authorities at the Cape from 1906 and onwards.
45. The term 'Cape Malay' was a term invented in the 19th century (cf. Jeppie 1988: 7), and conflated an imagined ethnic/regional origin with religious identities. It was also historically inaccurate inasmuch as only a minuscule percentage of slaves imported to the Cape originated from the Malaysian archipelago (ibid.)
46. South African Indian Muslims in Cape Town, who were excluded from the category of 'Cape Malays', a fact which has led some observers to conclude that it was part of a deliberate strategy by the state administrators and politicians to split off coloured Muslims from South African Indian Muslims (cf. Taliep 1982), were forcibly removed from District Six and resettled in Doornhoogte (present Rylands) and Cravenby, which had been declared as Indian 'group areas' in 1957 and 1958 respectively (Dawood 1993: 107).

47. Charterist, refers to organisations committed to the non-racial principles and values of the Freedom Charter, which was formulated at the Kliptown Congress in 1955, and adopted by the ANC in 1956.
48. For the UDF, see Seekings (2000); Kessel (2000).
49. It was in fact the first religious organisation in South Africa to do so.
50. For analyses of the Muslim participation in the struggle against apartheid, see Esack (1988), Jeppie (1991).
51. This representation of Cape and South African Muslim pasts is still very much hegemonic, as was made clear to me during a dramatisation of the history of Islam at the Cape by the Muslim Students Association (MSA) at a symposium on Islamic Civilisations in Southern Africa in Johannesburg in September 2006. The dramatisation, which I attended, went so far as to suggest that Christian slave-owners at the Cape under Dutch colonialism tortured slaves who converted to Islam, and that Imam Abdullah Haron was martyred under apartheid for his religious beliefs. These contentions are both historically and factually incorrect. Fieldnotes, 03.09.06.
52. This caused no small embarrassment to the organising committee, which was dominated by pro-ANC intellectuals such as the late social historian Achmat Davids (1936-99). Davids at one point had to intervene in order to silence the crowd. The heckling and booing of Mandela was duly edited out of the video produced by the organisers. In the first democratic elections in 1994, Cape Muslims voted overwhelmingly in favour of the National Party (NP), the old apartheid party, which appealed to coloured voters in the province on the basis of fears of a post-apartheid ANC hegemony. In spite of the position of the Muslim politician Ebrahim Rasool within the Western Cape ANC, and the fact that post-apartheid governments have had a significant number of Muslim cabinet ministers such as Kader Asmal, Mohammed Vali Moosa, Abdullah Omar and Naledi Pandor (albeit mostly of quite secular habits and persuasions), the ANC's hold on the Cape Muslim electorate has remained uncertain and unstable. As in the case of the coloured vote in Cape Town in general, electoral support of the ANC post-apartheid appears largely to have been a middle-class phenomenon among Cape Muslims (cf. Lodge 2006*b*: 125-26 on coloured votes post-apartheid). Relations between the state and local Muslims were put under further strains with the emergence of a Muslim vigilante movement, People Against Gangsterism and Drugs (PAGAD) in 1996, which, under apparent influence of militant Islamists, gradually turned towards anti-state rhetoric, and were involved in assassinations of police officers and assassination attempts on magistrates as well as acts of urban terror (quite apart from their killings of scores of gangsters, drug dealers and innocent by-passers) from 1998 to 2000. It initially counted on the support of wide sections of Cape Muslim communities, as well as of the MJC. Cf. Bangstad (2005), and Ch. V.
53. Asad's discourse approach to Islam as an object of anthropological understanding rejects the universalistic approaches to Islam, such as the approaches of Ernest Gellner and Clifford Geertz, which posited a dualism between a supposedly 'orthodox' or 'high' and 'unorthodox' or 'low' Islam (cf. E. Gellner 1981 and Geertz 1968 in particular). Asad's approach to the anthropological study of Islam draws heavily on the work of Michel Foucault, and has been extremely influential in anthropology since its publication. It shares some of the problems of Foucault's notion of discourse however, in that social agency all but disappears from the purview of analysis, and some of the problems of essentialist approaches to Islam inasmuch as Asad appears to define Islamic discourses embedded in particular social contexts as the only relevant analytical parameters through which Muslims are to be understood. This is also essentialist in the sense that

Islamic 'traditions' and discourses in Asad's understanding are seen as having continuous genealogies. Asad has declared that he is "unsympathetic towards the constant celebration of agency in contemporary social science", and sees the "the intoxication with "agency" as "the product of liberal individualism" (Mahmood 1995: 11). Asad's critique of Geertz and modern anthropological approaches to religion can be found in Asad (1993). It is worth noting, however, (cf. Abu-Lughod 1989) that Asad has remained a theoretician of anthropology rather than a practitioner of the craft of ethnography for the better part of his career.

54. A case in point is provided by a former Muslim school teacher, who in 2000 recounted to me how in the township school that she worked at, she had experienced individual pupils altering their first names from names understood to be Christian to Arabic-derived and Muslim names in a manner of weeks, according to the religion of the man their mothers happened to be dating at the moment. I am not suggesting that this is common. But it certainly appears illustrative of the point I am making.
55. I owe the distinction between self-ascription and categorisation to the work of Jenkins (1996).
56. Roy's (op. cit: 208) comment to the effect that Muslim institutions rarely represent rank and file Muslims is perhaps apposite here. When such legitimacy is minimal or absent, institutions making claims to represent Muslims must do so through a constant process of internal and external positioning.
57. Brubaker's comments are made in the context of the study of ethnic groups, but are to my mind also pertinent to the study of religious groups.
58. I owe the term "excessive nominalism" to Bourdieu and Wacquant's (1999) critique of post-structuralist theoretisations of multiculturalism.
59. El Zein famously argued that the plurality of understandings and practices of Muslims ought to mean that one should refer to "local islam*s*".
60. This is in line with the suggestions made by Gupta and Ferguson (1997: 5) to the effect that a focus on locality, rather than the local, provides a possible answer to the methodological challenges to ethnography posed by globalisation.
61. The study of Muslim societies have historically been profoundly shaped by the Orientalist notion that Muslims are to be understood primarily through reference to the religious texts by which all Muslims supposedly live. The critique of Orientalism inspired by Said has also been excessively focused on textualism (Turner 1994: 7), so much so that some anthropologists have concluded that the discourse of Orientalism renders it virtually impossible to know anything real about the Orient (Ortner 1995: 185).
62. Especially in conservative Cape Muslim circles, where the perception of a "War Against Islam" being waged has, if anything, gained strength in recent years, on the back of Western invasions in Afghanistan and Iraq, and the understandable outrage over the ongoing carnage in the Occupied Palestinian Territories.
63. Calls for reflexivity were part and parcel of what can be referred to as a post-structuralist turn in anthropology in the late 1970s (Rabinow 1977; Dumont 1978). A problem with the turn towards post-structuralist conceptions of reflexivity in anthropology was however that it often turned into an often excessively narcissistic and introspective concern with one's location as a researcher in a particular social field. As Marcus and Fischer (1986: 42) noted; "the pleasure in relating fieldwork experience can be overplayed, to a point of exhibitionism, especially by writers who come to see reflexive meditation as not only the means but the point of writing ethnography."
64. This is important to note under present circumstances, as reception and reading of academic literature on Muslims are at present often made according to an assumed

binary between works that are seen as "defensive" or "critical" of Islam. The late secular humanist Edward Said was for instance quite disdainful of the Islamist reading (Reichmuth 2005: 309) of his works on representations of Muslims in literature and the media as a "defense of Islam" (cf. Viswanathan 2005: xvi, 372). A commitment to human rights has by no means been self-evident for anthropologists historically, as anthropology has more than any other academic profession come to be dominated by what Appiah (2006: 13) refers to as "professional relativism". It should be recalled that, for instance, the American Anthropological Association (AAA) for many years refused to endorse the UN's Declaration of Human Rights (UDHR), due precisely to its universalist assumptions, which were seen as sitting uneasily with a commitment to cultural relativism (Eriksen 2006: 6). At present, human rights discourse has been tarnished by its blatant rhetorical and selective abuse by the Bush II Administration of the US in the course of the so-called "war on terror", an administration which in its deliberate breaches of international human rights and international humanitarian conventions has probably done more than any other US administration since 1945 to undermine the global respect for this framework. The allegations that human rights discourse is motivated by ethnocentric biases and a wish to promote Orientalism and 'Western' imperialism (cf. Mayer 1999: 3) have once more resurfaced in post-structuralist-inspired anthropology. This line of argumentation is most clearly discernable in the work of Asad (cf. for instance Asad (2000)).

65. Methodological cultural relativism is distinct from normative cultural relativism, in that it is based on a conviction that the ethnographer has to immerse him or herself in a particular social field without attempting to impose his or her ideas and values on any informant, but does not mean that one abandons one's particular social and political pre-suppositions for the purpose of interpretation and analysis, as normative cultural relativism tends to. For further conceptual clarifications of this issue, cf. Spiro (1986).
66. For the linkages between secular humanism and human rights, see Ignatieff (2001: 64). Ignatieff argues that the secular ground of UDHR is "not a sign of European cultural domination so much as a pragmatic common denominator designed to make agreement possible across a range of divergent cultural and political viewpoints." (ibid.)
67. An-Nai'm has recently argued that "the Islamic tradition at large is basically consistent with most human rights norms, except for some specific, albeit very serious, aspects of the rights of women and freedom of religion and belief" (an-Na'im 2006: 791). A more thorough exploration is provided by Mayer (1999) and Peters (1998).
68. One of the main intellectual proponents of the idea that international human rights represent a "false universalism" is the U.S. legal scholar Richard Falk. Echoing Samuel Huntington's notion of the world as being divided into "civilizational blocs", Falk (1997) instead proposes that supposedly "Islamic interests" in a world of unequal power relationships be accommodated by granting the Muslim world "civilizational rights", which in effect would mean that the self-appointed male guardians of Islamic traditions in the Muslim world be granted the power to define the content and substance of these "civilizational" rights. Mayer (2000) provides a succinct critique of the flawed logic of Falk's propositions, and where this kind of logic leads to in the case of post-revolutionary Iran. The work of an-Na'im (1990) explores arguments for the reconcilability of Islam and human rights, whereas Waltz (2004) provides solid evidence for the involvement of Muslim diplomats in the formulation of international human rights post-World War II.
69. Casanova (2006*a*: 25) notes how the Catholic Church since the 1960s has embraced a secular discourse of human rights, and has been instrumental in its universalisation.

On this basis, he sees Asad's conflation of secular liberal democracy, human rights and Western modernity as tendentious (ibid: 28).

70. By "universalising and absolutising pretensions" I mean to refer to the evangelical idea that what is right for the secular minded must be right for all others, regardless of societal context, and must therefore be imposed on those who do not share these orientations. I ought to point out that Ajami's critique is primarily directed against modern Arab secularists, who have more often than not tried to impose secular orientations on reluctant or resisting populations by the uses of the coercive powers of an authoritarian post-colonial state. They might have been secularists. But humanists they were definitely not.
71. Casanova (2006*b*) writes perceptively about this in a global comparative perspective.
72. Hence, prominent and influential Islamist intellectuals, such as the Egyptian-Qatari Yusuf al-Qaradawi (1926-) and the Pakistani Abu'l A'la Mawdudi (1903-1979) both erroneously and polemically define secularism as "irreligiosity" (cf. Masud op. cit: 372).
73. I prefer to refer to modernities in the plural, since modernity might take many forms; Asad's (2006) and others usage of modernity in the singular has the unfortunate effect of generating the impression that modernity can only follow one homogenising and teleological trajectory.
74. Pina-Cabral effectively demonstrates why authors such as Tamimi (2000: 14) are wrong in assuming that secularism is a product of European Christianity in arguing that if this is the case, the existence of secularism in pre- or never-colonised non-European contexts, becomes virtually inexplicable. Sen (2005) makes a compelling case for a pre-colonial genealogy of Indian secularism. The idea of a uniquely Christian genealogy of secularism can be traced back to the seminal work of Max Weber on *The Protestant Ethic And The Spirit of Capitalism* (Weber 2001), in which Christian Puritanism was posited as an important vector in European secularisation.
75. The American philosopher Francis Fukuyama's notion of "The End Of History" (Fukuyama 1992) epitomises this extraordinarily simplistic line of reasoning.
76. In the 'Muslim world', this seismic analytic shift was the outcome of the re-alignment of theory and empirical data brought about by the Iranian Revolution of 1979 and the emergence of Islamism as an important social and political force throughout the Muslim world in the 1980s. This re-alignment can however be faulted for veering to the opposite extreme and in so doing, contributing to the reconstitution of Muslims, especially in the Arab Middle East, as pre-eminently religious. For a recent example of this, see Mahmood (2006).
77. And Asad among others can certainly be faulted for not doing so, inasmuch as he ceased to be an ethnographer in the late 1960s. It is also noteworthy that even if Asad's recent work must be seen as problematising the constitutive categories of 'Western' secularism, it is in the main based on a theorisation of European and or American material, and may not be applicable to the analysis of 'non-Western' societies at all. I thank Prof. Abdulkader Tayob for making this point in discussion (June 2006).
78. It is not altogether clear what particular social and political processes D. Gellner has in mind in making this assertion.
79. In a post-colonial African context, the South African state must be seen as a comparatively centralised, resourceful and influential state. However, it can no more determine the subjectivities of its citizens than it did under colonialism, segregation and apartheid. Posel's remark to the effect that visions of power seldom coincide with the more complex realities of its exercise seems apposite here (Posel 2000: 116). The assumed power of the South African apartheid state to create and determine identities was no more

apparent than in the academic literature on coloured South Africans. In an important revisionist contribution to the historiography, Adhikari (2005: ix, iix) has recently faulted previous academic literature on coloured identities for denying coloureds agency in the making of their own identities and for denying the essential stabilities of coloured identities throughout the era of white rule.

80. Hence we learn from Asad (1993: 236) that "the ruthlessness of secular practice yields nothing to the ferocity of religious," and from Mahmood (2006: 347) that "the secular vision is premised on a propensity to violence that is seldom questioned." It is obvious that statements like this stand in an uneasy relationship with Asad's assertion to the effect that the religious and the secular are implicated in one another. If Asad really held this to be the case, it is also hard to tell how he can see National Socialism and Stalinism as exclusively secular ideologies (ibid.), given that both grew out of societal contexts that were quite religious in comparative terms, and drew heavily on genealogies, symbols and imaginaries that can only be described as being of a religious nature. As Judt (2006) notes, "political Marxism was above all a secular religion," and the same might be argued with regard to National Socialism. With Maalouf, I would also argue that one needs to ask "not only what effect communism had on Russia, but what effect Russia had on communism" (Maalouf 2000: 60). Likewise, it is noteworthy that Mahmood (op. cit) consistently underplays the influence of the Christian Right and its messianistic, millenarian and evangelical understandings on the Bush II administration in order to create the impression that its policies must be understood as being motivated primarily by secular zeal. Mahmood is right to question the purported peacefulness of secular traditions, but to focus exclusively on the potential for violence in supposedly secular traditions, and to completely neglect the potential for violence in religious traditions, is to disregard the simple fact that both traditions are implicated in one another, and can both under certain circumstances be mobilised for violent and inhumane purposes, premised on the notion of being in exclusive possession of an absolutising historical 'Truth.' The emphasis on the violent potential of the notion of the Absolute in politics, regardless of whether such notions are based on secular or religious formations, is broadly consistent with the thesis of Hannah Arendt in *On The Origins Of Totalitarianism* (1951). Maalouf (op. cit: 51) incisively notes that "nobody has a monopoly of fanaticism; nobody has a monopoly on humane values."
81. The influence of American constitutionalism is for instance obvious in the presence of a Bill of Rights in the Constitution.
82. One should, however, not make the mistake of assuming that it is only societal secularisation which can lead to individualisation and privatisation of religious articulations. Even though most Iranians see themselves as religious, mosque attendance in contemporary Iran, which has seen a long period of sustained and state-initiated societal re-islamisation since the Iranian Revolution of 1979, is relatively low. Tezcur, Azadarmarki and Bahar (2006: 217) suggests that it is precisely the politicization of religion by the state which has lead to this privatisation of religion on the part of religious Iranians.
83. An exception is the radical Islamist fringe group, Qibla, whose leaders have repeatedly called on the Muslim electorate of South Africa to boycott democratic elections. Qibla's leaders were heavily inspired by the Iranian Revolution of 1979, and have continued their rhetorical adherence to the utopian idea of an Islamic state in South Africa. Qibla's ideological ambiguity is however demonstrated by the fact that the Qibla leader Achmat Cassiem accepted the provincial leadership of the Pan Africanist Congress (PAC) in 2006. Even though Cassiem is widely respected in Cape Muslim communities for his

personal sacrifices in the anti-apartheid struggle (he spent a total of 11 years in prison), Qibla has no more than a few hundred supporters in Cape Town as of present.

84. The fall of apartheid also meant an opening up towards the rest of the world for Muslim South Africans; more Muslims than ever before go on pilgrimage to the Middle East; travels to and contact with other parts of the Muslim world have been greatly facilitated; and the new freedoms of the South African media means that mediated images of Muslim suffering in other parts of the world is available on an unprecedented scale.
85. The "limit of the moral imagination" that Appiah refers to in this context means that one sees the suffering of religious 'others' globally as morally subordinate to the suffering of one's co-religionists.
86. In the context of academic literature on South African Muslims, this idea is for instance discernible in the work of Tayob (1995), even though he is much more interested in how resurgent movements position themselves with regard to the Islamic tradition and patterns of authority, rather than the question as to what extent the resurgence appeals to the Muslim masses.
87. Hence, for instance, we have Mahmood (op. cit: 323) making the sweeping generalisation of there having been "two decades of the ascendance of global religious politics" prior to September 11, 2001.
88. One of the more interesting cases in point is of course provided by one of the last fatawa or legal rulings issued by Ayatollah Ruhollah Khomeini in 1988. This well-known fatwa asserted that even the five pillars of the faith could be suspended if the interests of the Iranian state were to indicate a need to do so. Cf. Zubaida (2005: 445).
89. It is for instance quite clear, as a number of authors (among them Kepel 1993: 11) have noted, that modern re-Islamization movements in various parts of the Muslim world (such as Egypt and Iran) developed in reaction to secular nationalisms. My usage of the term re-Islamization also incorporates Islamism as a political and social response to societal change, but is not reducible to, or co-extensive, with it. In much the same manner as secularists construe Islamists as the Muslim 'other', Islamists construe secularism as its antithetical 'other'. Both understandings tend to ignore the ways in which they are implicated in each other.

Notes Chapter 2

1. For an introduction to apartheid city planning and its impact in Cape Town, see Western (1996).
2. Influx control, which had meant that black Africans without a work permit could not be in the 'Coloured Labour Preferential Areas' of the Cape for more than 72 hours, was abolished in 1986. The idea of moving all black Africans in Cape Town to Khayelitsha was dropped in 1985 (Cook 1992: 125).
3. A study of internal migration patterns in South Africa during the period from 1992 to 1996 and based on the population census of 1996, found that the Western Cape received the second highest number of migrants of all provinces in the country (187 000). Fifty-one (51 %) percent of migrants to the Western Cape were from the Eastern Cape (Kok et. al. 2003: 38-39). The Western Cape is one of the richest provinces in terms of GPD per capita, has a comparatively good educational and health infrastructure, and a substantial Xhosa-speaking population, which can also be assumed to be a pull factor

for migrants from the Eastern Cape. There are an estimated 48 000 migrants arriving in Cape Town each year, according to provincial estimates (Weaver 2004).

4. The official unemployment rate for Khayelitsha in 2001 was 35,3% (Jung 2005: 40), but as this is based on an extremely restrictive definition of unemployment, which in effect excludes people who have ceased looking for formal employment, there is every reason to think that it is incorrect. A survey from 2001, which included the magisterial district of Khayelitsha, found a broad unemployment rate of 46,3% (Nattrass 2002: 15), but as there is every reason to think that the other townships included in the survey have significantly lower rates than Khayelitsha, this rate probably also underestimate the rate in Khayelitsha proper. The survey also found that black African adults surveyed had on average been unemployed for no less than thirty-three (33) months (Seekings and Nattrass 2006: 328).
5. The name Makhaza is probably a Xhosa corruption of the name Macassar, the name of a neighbouring township, which has historically been a coloured township.
6. For examples, see Shell (1994); Davids (1980) for Cape Town, Brain and Bhana (1990); and Vahed (2001a, 2001b and 2006) for Durban. I am, however, not suggesting that the existence of a South African Indian Muslim community in Cape Town, and a coloured Muslim community in Durban has not been noted in the historical literature.
7. For reasons unknown, Jeppie and Vahed (2005) revert to the historically inaccurate designation of coloured Muslims as "Malays."
8. It should be noted that I am not denying the fact that Islam ideally knows no such divisions, I am only pointing to the fact that in practice it was more complicated than that.
9. A number of Muslim academics have noted the development of more numerous black African Muslim communities in South Africa in the course of the last decade, but there has been relatively little sustained empirical research on these communities. For some contributions, see Sitoto (1996, 2003); Fakude (2002); Rafudeen (2002); Mathee (2003); Vahed and Jeppie (2005).
10. In an article from 2005 (Bangstad 2005) I point to the flaws in the population census estimates for 1996 in the case of a small township community in Cape Town where I did my fieldwork in 2000. That census indicated a total number of residents of c.14 000. Informed local sources estimated a population of at least 30 000.
11. The idea that there is such a thing as a unitary and fixed rural Xhosa 'culture' readily identifiable for ethnographers is of course also highly problematic, inasmuch as rituals often held to be intrinsic to the definition of this 'culture' vary a great deal between sub-sections of rural Xhosas. A case in point is the fact that Bhaca, Mpondo, Xesibe and Ntlangwini Xhosas in the Eastern Cape do not circumcise at all. Historical evidence suggests that the Baca and the Mpondo ceased doing so in the 19th century (cf. Meintjies 1998: 7).
12. The underlying binary here is of course the binary between African 'tradition' (supposedly rural and tribal) and the Christian 'tradition' (urban and modern). Never mind that rural Xhosas in the Eastern Cape have been exposed to Western modernity and missionary Christianity for at least two hundred years, that 150 years of urban migration among Xhosas have meant that there is no such thing as a pure and unadulterated Xhosa 'tradition,' and that African Traditional Religion has been an urban phenomenon in South Africa for the same amount of time.
13. In South African anthropology the model was popularised by Philip Mayer (1961) in the form of the distinction between 'Red' (migrant, rural, heathen) and 'School' (resident, urban, Christianised) Xhosas in East London. The existence of similar emic models

among Xhosas in Cape Town was reported by Wilson and Mafeje (1963), based on work in the black African township of Langa. Mayer's distinction between 'Red' and 'School' has been heavily criticised, for instance by Magubane (2000) and Bank (2002).

14. As Adhikari (2005: 21-23) notes, the attribute of racial hybridity is virtually inherent to the concept of colouredness in the popular mind in the South African context, is the most prominent of the array of negative attributes associated with it, and is widely shared by white and black African South Africans. Coloureds are however not all of 'mixed descent', and Mumisa makes the basic mistake of adhering to emic misperceptions.
15. 'Slamse gevaar' ('Muslim peril') is a variant of 'swart gevaar' ('black peril' - the fear that black Africans would overrun urban areas under apartheid), and in this particular context, 'slamse gevaar' refers to popular notions to the effect that Cape Town is being overrun by Muslims and that Islam grows phenomenally in poor and marginalised black African and coloured communities on the Cape Flats. As a matter of fact, the recorded growth in the number of adherents to Islam in Cape Town between 1996 and 2001 was 11%, way behind the growth in the number of adherents to African Independent Churches (AICs) (54%), as well as for evangelical Christian churches (38%) (Bekker and Leilde 2003: 7). Population growth in Cape Town in this period has been closely linked to in-migration from the Eastern Cape, and the growth in the number of adherents to AICs in particular would seem to be closely linked to this in-migration. It is estimated that 32% of South Africans belong to AICs, which makes AICs the largest church grouping in South Africa (cf. Balcomb 2004: 10). In the case of Khayelitsha, it is worth noting that there are an estimated 274 church buildings, as compared to four mosques (Jung op. cit: 43). For examples of the subgenre of 'Religious Conversion to Islam' in popular South African media, see Bell (2004).
16. As noted by Germain (2000: 154) it is in the material and financial interests of both Muslim and Christian proselytizers in South Africa to overestimate the number of converts to Islam.
17. A researcher such as Sitoto (1996, 2000) has explored the fiqh (Islamic jurisprudential) concept of 'urf (custom, tradition) and its applicability to the attempts to reconcile Islam with 'traditional' beliefs among black South Africans. But that this remains an academic exercise is attested by the fact that none of the 'ulama' or the Muslim proselytizers that I interviewed invoked the concept in interviews with me. Futhermore 'urf has mainly been a Maliki concept (Vikør 2005: 167).
18. To give but one example of such instrumentalism: In 2003 I arrived at a shack in Khayelitsha's section C in order to interview a Xhosa male in his forties who had embraced Islam more than a year previously. He lived with a wife and five small children in an untidy shack. It was a Sunday morning. It was obvious from the dishevelled appearance of his children that his family was extremely poor. He showed us the yellow rationing card, entitling him to food and clothes that he had received at the mosque where we had been introduced to him. He apologised, and said that he wouldn't be able to talk to us after all, since he was on his way to church.
19. This included a female da'wa worker, who has been involved in da'wa in the black African townships and informal settlements of Cape Town since 1987, representatives of the Africa Muslim Agency (AMA) and the Islamic Da'wa Movement (IDM), and a prominent Indian philanthropist.
20. Dagga, an indigenous plant in South Africa, is known for its intoxicating effect. In common parlance in South Africa, the term is also used for, and often conflated with, marijuana.

21. This statement was made to congregants in the mosque after a Friday jum'a that I attended in 2003, by a Xhosa assistant to the coloured imam of the mosque, who cautioned a group of children that they should only come for bread "if their mothers were Muslims." A traditional form of da'wa which my research assistant disparagingly referred to as "ice-cream da'wa", this has the practical effect of relegating black African Muslims to the status of beggars. However, one should not think that this is merely the outcome of da'wa. On numerous occasions during my fieldwork, and especially during the month of Ramadan, I experienced being surrounded by black Africans purporting to be Muslims and rattling off memorised suras of the Qur'an outside mosques in economically prosperous Muslim communities before asking for donations. Black African 'ulama' see doing away with the image of black African converts to Islam as persons "who always come to reap benefits from the religion" on account of the actions of some of their followers as one of their main challenges (interview with black African imam 05.07.03).
22. Introductions to Black Consciousness in South Africa can be found in Gerhart (1978), Pityana and Ramphele (1992) and Halisi (1997).
23. In a revision of his ideas on invented tradition in colonial Africa, Ranger (1993b) opts for the term "imagined traditions" instead. In Ranger's views, the original term was meant to be restricted to the age of industrial capitalism and colonialism in which it was situated, and got "in the way of a fully historical treatment of colonial hegemony and of a fully historical treatment of African participation and initiative in innovating custom" (Ranger op. cit. 79, 81).
24. Islamic modernism, which can be broadly defined as an intellectual current of Islamic thought which emphasizes the need for reading the Islamic sources contextually and in the light of historical change, can be traced back to the work of the Pakistani-American scholar Fazlur Rahman (1911-88). Islamic feminism, an intellectual current which is characterised by calls for greater gender equality through an unreading of patriarchal interpretations of the Islamic sources, finds expression in the work of Wadud (1999) and Barlas (2002).
25. The Tijaniyya tariqa was established by the Algerian Sheikh Ahmed al-Tijani (c. 1737-c.1815) (Ryan 2000: 208) c. 1781, and has a significant following in West Africa and among diasporic West Africans in Europe and the USA. In Senegal, the Tijaniyya tariqa spread through the work of al-Hajj Malik Sy of Tivaoune (Abun-Nasr 1965: 143). The founder, al-Tijani, declared himself the 'Seal of Sainthood' (khatim al-wilaya), claimed direct descent from the Prophet Muhammad, and alleged that the latter had appeared to him in an awakened state (ibid: 31) in which the wird peculiar to the tariqa was revealed to him. Breaking with common practice in Sufi turuq, al-Tijani eventually forbade his followers multiple adherence to Sufi turuq (Ryan op. cit: 213). The split between the Tiaouvane and the Niassene Tijaniyya occurred around 1930, when a succession dispute between the sons of Abdoloulaye Niasse (1840-1922) led to Sheikh Ibrahim Niasse (1902-1975) declaring himself as a ghawth al-zaman ("Saviour of the age", one who had come to revive the brotherhood), and establishing his own zawiya in Medina Kaolack in Senegal (Gray 1988: 64-65). The present sheikh of the tariqa, Hassan Cissé (1954 -), is a grandson of Sheikh Ibrahim Niasse, and the son of his deputy, Sheikh Aliyu Cissé, and has held the position since the death of his father in 1982 (ibid: 77). He has continued along the lines of the transnational and pan-Islamic vision set out by Sheikh Ibrahim Niasse. The standard reference on the history of the Tijaniyya tariqa is Abun-Nasr (1965); Gray (1988) provides an introduction to the history of the Niassene branch.

26. The Tijaniyya-Niassene tariqa in Cape Town has also deflected attention from researchers such as Jung. It should be pointed out however, that I have had full access to the shuyukh and the muridin of the Tijaniyya-Niassene tariqa in other parts of Cape Town, and that this has yielded valuable background insights into the tariqa and its establishment in Cape Town. Molins-Lliteras (2005) provides an introduction to the tariqa's activities in the black African townships of Cape Town, but is somewhat flawed due to the fact that the interpretations of the material rely heavily on a select group of leaders in the tariqa.
27. The underlying assumption behind the perceptive anthropological critiques of Asad and Hefner is that the modern delineation of the phenomenon of 'religion' in modern social science, which privileges interioristic and systematized 'belief', is one which is ultimately derived from post-Enlightenment ideas about Christian rituals and practice. This is a view which has been most succinctly articulated by Asad (1993).
28. This suggestion is undoubtedly extremely provocative for black African academics involved in the reconstruction and reassertion of African Traditional Religion (ATR) in contemporary South Africa, such as Nukozola Mndende, a female Africanist academic affiliated with the University of Fort Hare and an outfit called the Icamagu Institute. In their view it would seem that the historical denigration of ATR from academics and missionaries alike, which is perceived to have been part and parcel of an historical dehumanisation of black Africans in South Africa, can only be rectified by an insistence that ATRs do offer a coherent and holistic religious worldview, perfectly understood and practised by its adherents, and as such on par with scripturally based monotheistic religions, but this obviously requires an awful lot of stretching of the available empirical evidence from their side. As Chanock (1985: 10) has noted, academics do not have access to a 'traditional' world as an identifiable baseline. For a particularly biased and embittered account of ATR, which substitutes Africanist polemics for academic analysis, see Mndende (2002). I would like to note the point that acknowledging the fact that the practice and content of rituals and understandings of ATR change over time, does not make the rituals and understandings of its adherents any less real or legitimate as religious orientations to the world from an analytical point of view.
29. Indeed, the 'Africanness' invoked by President Thabo Mbeki in his 'I am an African' speech from 1998 (Mbeki 1998) was inclusive of all South Africans who accept the country and their continent as their home.
30. Shell is clearly critical of this tendency, but has done relatively little to remedy it through his own research and publications.
31. 'Prize Negro' was the British colonial designation for a slave captured from the ships of Arab, French and Portuguese slavers in the Indian Ocean after the termination of the British overseas slave trade in 1808, who was indentured with British 'masters' at the Cape (Harries op. cit: 32).
32. The latter were Tsonga-speaking, and known as 'Shangaans' and 'Amatongas' (Harries op. cit: 46).
33. In doing so, they effectively took on the identity of their erstwhile enslavers, a fact which causes Harries no small wonder (Harries op. cit: 47). Since their motives were entirely pragmatic, I see little reason for this academic reaction.
34. Modern South Africa was created by the amalgamation of British and Boer-controlled territories after the Anglo-Boer War (1899-1902) under the Union of South Africa Act in 1910.
35. According to traditional and colonial South African historiography, the Mfengu were Nguni refugees from northern Natal who fled during the Mfecane, or the military cam-

paigns under the Zulu king Shaka between 1817 and 1828 (Switzer 1993: 58). According to Peires (2003: 98), the term derived from the Xhosa verb ukumfenguza, or to 'wander about seeking service.' The most important of these peoples were the Bhele, the Hlubi, the Zizi and the Ntlangwini (ibid.) Revisionist historians have however suggested that they were largely Gcaleka and Rharhabe Xhosa (Switzer op. cit: 59), but it is more likely that they were simply Nguni refugees who attached themselves to the Gcaleka and Rharhabe Xhosa upon arrival in the Eastern Cape. I thank Prof. Michael Whisson (personal communication, November 2006) for clarifications of this issue. The Mfengu in the Eastern Cape were settled in the proximity of colonial towns, often accepted Christianity, and on numerous occasions fought the Xhosa on the British side. In Switzer's words, they would later become "the vanguard of a new African elite in the colonial order" (Switzer op. cit: 60). The current South African President, Thabo Mbeki, is a descendant of Mfengus.

36. Under great pressure from British colonial incursions, and the outbreak of bovine disease in the 1850s, a fifteen-year-old Xhosa female by the name of Nongqawuse who lived in Xhosa territories east of the Kei river started having eschatological visions in which Xhosa ancestors ordered the Xhosa to kill all their cattle in preparation for the arrival of 'the New People' who would drive out the colonialists and restore the dignity of the Xhosa. The Xhosa were divided in their adherence to this millenarial call, which was the product of a Xhosa fusion of Xhosa and Christian revelations, but it has been estimated that 400 000 cattle were killed, that up to 50 000 Xhosas died of starvation, and that 150 000 Xhosas were displaced as a direct result (Switzer op. cit: 65-70). The most detailed modern account of the incident is provided by Peires (2005)
37. I have chosen to identify Mr. Ngxiki by his real name, since what he has to say is relatively uncontroversial, and since it is to be hoped that this can contribute to a situation in which his contribution as one of the pioneers of Islam in the black African township of Cape Town receives a greater acknowledgement than what has been the case thus far.
38. Incorrectly rendered as "Aubayr Sayyid" by Mumisa (2002: 287).
39. Deedat, an itinerant lay proselytizer would later reach international fame with his polemical attacks on Christianity. See Westerlund (2003) for an introduction. On lecture tours in Cape Town, Deedat often resided with MZ Sayed, and Sayed & Sons, the printing business owned by MZ Sayed printed most of the posters advertising Deedat's lectures in Cape Town. The IPB reprinted the IPC's literature and distributed it free of charge in South Africa and in Nigeria and Ghana. MZ Sayed was also instrumental in the establishment of the community newspaper Muslim News, of which Muhammed Haron was an editor. I thank Mr. Farid Sayed, editor of Muslim Views in Cape Town and a relative of MZ Sayed for this information, which was generously provided in an e-mail dated 17.01.2006.
40. Curiously, there is no reference to such involvement on the part of Sheikh Edwards in the biography by Ebrahim (2005).
41. There are some discrepancies between the dates provided by Ngxiki, and official reports. The community newspaper Muslim News reported that "six young Africans from Nyanga Location" had embraced Islam on 09.06.1961. Ngxiki's age at the time was given as 24 years.
42. The march was organised by the PAC in protest against the Pass Laws of apartheid. See Frankel (2001) for a recent analysis.

43. This point was emphasized by a South African Indian Muslim proselytizer and philanthropist who had been active in da'wa in black African areas in Cape Town since the 1960s, in an interview in 2003.
44. Interview with South African Indian philantropist and businessman, 2003. This interviewee had been instrumental in the establishment of the Al Hidaya Dawah Movement in 1982.
45. 'Cape Malay', a popular as well as official designation of coloured Muslims under apartheid.
46. Cf. McAllister (1993) for an analysis of the social functions of indigenous beer in Southern Africa.
47. See 'A Journey in Search of Faith,' Muslim Views July 1998.
48. Exploitation of black African labour at the hands of Muslim employers did not end with the fall of apartheid. Local newspapers in Cape Town reported on such a case as late as 2005 involving South African Muslim businessmen in Cape Town who exploited unemployed black Africans as cheap labour for the purpose of brick-making in Philippi. It was alleged that workers for the company included children; that they were accommodated in containers; that they worked without the required protective equipment; that they had no access to water or toilet facilities at the site; that they had not been paid salaries for weeks; and that site managers regularly sprayed them with insecticides. See Smith (2005).
49. In one such instance, I came across a Muslim widow with three unemployed children, who had decided not to inform her employer, a Muslim NGO, that she and her children were no longer practicing Muslims. Her wearing of Islamic dress at work added to the pretence.
50. Interview with his son, 05.07.03.
51. There is every reason to think that the creation of often spurious ritual and doctrinal similarities between Xhosa 'traditions' and beliefs, and Islam, has been actively encouraged by the du'ah to which Xhosa converts to Islam have been exposed to over the years. Germain (Germain op. cit: 150) refers to a "professionalisation" of Muslim proselytizing among black Africans in the 1980s, which included the adoption of Christian proselytizing techniques and an emphasis on similarities between Islam and African Traditional Religions. He cites a pamphlet issued by the Islamic Da'wa Movement (IDM) in 1985 titled 'Some points of Similarity Between Islam, Africa and the African' and written by Imam Essa al-Seppe of Durban as a case in point. Versions of the Cushitic hypothesis, presumably adopted from European historical literature, is widespread among Xhosa converts to Islam in Cape Town. Such versions hold that sub-Saharan Africans who practise circumcision must have adopted this practice from Muslims in North Africa. In other words, they must all have been Muslims prior to the Bantu expansion, and of Nilotic provenance. For Muslim academic reproductions of the Cushitic hypothesis, see Haron (1988, 1998), and Mumisa (2002).
52. Dreams as a pre-cursor of spiritual initiation among Sufi Muslims are of course known from a variety of societal contexts. Cf. Ewing (1990) for one example from Pakistan.
53. Among these are the Islamic Da'wa Movement (IDM), established 1984, which is involved in work among prisoners in Cape Town through the Muslim Prison Board (MPB), in providing Islamic literature in Xhosa and Zulu, and which supports imams and madrassa teachers in black African townships and informal settlements; the Africa Muslim Agency (AMA), a Kuwaiti-funded organisation which has provided relief and support for black African Muslims in South Africa since the late 1980s; the Mustadafin Foundation, which was established in order to provide support for victims of the political violence

in Crossroads, Cape Town in 1986, has links to the Islamist-orientated Qibla, and provides various forms of support and relief to poor black African and coloured communities on the Cape Flats in the form of feeding schemes, adult literacy classes and skills training; and the Shia Ahl ul-Bayt Foundation, which has established a jama'at khana in Phillipi, and the ultra-conservative Tabligh Jama'at (TJ), active in Cape Town since the late 1960s. Even though da'wa is not a primary occupation for these social welfare associations, ISWA (Islamic Social and Welfare Association), est. 1996, and SANZAF (South African National Zakah Fund), est. 1978, are important actors in the field of Muslim interactions with black African converts to Islam in Cape Town. The MJC's involvement in da'wa pre-dates the establishment of its Department of Da'wa in 1999, but it was not until then that the MJC tried to establish a co-ordinating role for itself in da'wa in the black African communities in Cape Town. It largely does so through the Masakhane Muslim Community, and through the provision of salaries for local 'ulama'.

54. Joubert/Afrika's autobiography, appropriately titled Mr. Chameleon (Afrika 2005), was published after his death from injuries sustained in a car accident in 2002. Afrika spent his last years living in squalor in a shack without electricity or sanitation in the Bo-Kaap.
55. It seems reasonable to see the MJC's allegations against Shi'ism in the 1980s in light of the fear among Sunni regimes in the Middle East that the Iranians would succeed in exporting the Islamic Revolution of 1979, and in light of the popularity of the Iranian example among anti-apartheid activists of an Islamist orientation, such as those of Qibla, in the 1980s. In Cape Town as elsewhere, the impact of the Iranian Revolution of 1979 transcended the Sunni-Shia divide.
56. Established by a Scottish actor turned convert to Islam, Sheikh Abd al-Qadir as-Sufi al-Murabit (Ian Dallas), the Murabitun is a transnational Muslim movement which claims allegiance to the Shadli-Darqawi tariqa and the Maliki madhhab, and is known for the anti-Semitic statements of its founder, for its calls for the worldwide re-introduction of the Ottoman dinar, its advocation of polygyny, and for the fact that it has at times opposed non-religious education for Muslim women. It has been active in South Africa since 1984, and particularly among black Africans (Esack 1997: 251, ftn. 3). It was introduced there by Sheikh Abd al-Qadir as-Sufi al-Murabit and Sheikh Fadlallah Haeri (Germain op. cit: 156). Allegations of misappropriation of funds directed against a black African Murabitun-member in the early 1990s led to a significant drop in the number of black African Murabitun-members nationally (Germain op. cit: 156). In the South African context, its leaders have exhorted followers not to vote on the grounds that voting is "not permissible" for Muslims, according to Esack (Esack op. cit: 216). I was personally able to verify the low number of black African Muslims in the movement's Cape Town branch at present through a visit to their Friday dhikr at the Stegman Road Mosque in Claremont in June 2005.
57. For the Masakhane Muslim Community, see Masakhane (2002). Though hailed as an important development by many 'ulama', Masakhane was soon beset by internal conflicts, and throughout my fieldwork it appeared to have had a nominal existence. Quick's international engagements, and the opposition he has faced from some local Muslims, means that he is now mainly active behind the scenes in the black African townships of Cape Town.
58. The Tijanis have also established zawaya (pl. of zawiya, Sufi lodge) in other parts of Cape Town. Whilst there appears to be considerable inter-ethnic interaction between the leaders of these zawaya, the muridin of these zawaya generally appear to be eth-

nically homogeneous, with the zawiya in the black African township being the only zawiya which attracts a significant number of black African Muslims.

59. Ryan notes that the claim of Tijanis to spiritual superiority over other Muslims has had great appeal in the West African context, and the antagonistic attitude towards other Muslims in the black African townships (such as my research assistant) must probably be understood with reference to this aspect of Tijani ideology.
60. For instance, in the course of a few months in the winter of 2006, over 30 Somali business-owners in the black African townships of Cape Town were murdered, and in several townships, Somalis fled their homes and properties in fear for the lives after attacks by local vigilantes. Local police denied allegations by Somali leaders in Cape Town to the effect that it was part of an organised xenophobic campaign by rival black African businessmen. Cf. Dolley (2006) for this.
61. For more on this particular group, cf. Ch. V on Islam in a prison in Cape Town.
62. Dissatisfaction with the requests for financial support from local Christian churches is a recurrent theme in the conversion narratives of female black African converts to Islam in Cape Town. Among young female converts, the social stigma among peers of not being able to afford the dresses that most church congregants wear on Sundays, is also often referred to.
63. Ubuntu is a concept found in all Nguni languages, and can broadly be translated as "humanism", or literally, as the belief that "people are people through other people." It was popularised as an instrument of nation-building in the 1990s by the former South African Anglican archbishop of Cape Town, Desmond Tutu, in his capacity as chairman of the Truth And Reconciliation Commission (TRC).
64. The highlight of the initiation ceremonies, which stretches over a month, is the cutting of the foreskin of the penis of the young initiate. The initiate should refrain from crying at this moment so as not to invalidate the transition from a boyhood (*ubukhwenkwe*) to manhood (*ubudoda*), and is supposed to scream "*Ndiyindoda!*" (lit. "I'm a man!) when he is being circumcised. The ikankatha or the nurse is supposed to be a senior male relative who has already undergone initiation, and looks after the wounds of the initiate in the bush, but is in urban areas these days more likely than not to be an unemployed male in his twenties (Meintjies 1998: 62).
65. A variety of the Cushitic hypothesis.
66. The "way of the forefathers" invoked by Sipho here is, as in the case of Thambeka, largely an imaginary construct based on interpretations of the recent past. As in the case of many indigenous peoples, the historical sources suggest that the corpses of ordinary Xhosa in pre-colonial times were left in the open veld, to be devoured by vultures or beast of prey (Hodgson 1982: 37). Only chiefs were buried.
67. Ebrahim Gabriels was at the time a student in Medina, Saudi-Arabia, but was to become the MJC President from 1998 to 2006.
68. Historically, the term amir referred to a military commander, governor or prince. In the present context, it refers to the self-designation of an initiated leader of a Muslim group or organisation.
69. It should be noted that this is one side of the story. There were unsubstantiated allegations to the effect that Sipho had siphoned off some thirty thousand rands (ZAR 30 000) collected in donations for the mosque at the time, which was later brought to my attention. Sipho recounted in his interview with me that there had been conflicts over who had the right to collect funds for the mosque at the time. The alleged use of the term "kafir" and "munafiq" on the part of the imam does not seem entirely consist-

ent, since the use of the latter term implies that he saw Sipho as a Muslim, however despicable, something the use of the former term precludes.

70. H. F. Jooste is a public hospital which serves some of the most underpriviliged black African and coloured areas in Cape Town.
71. There appears to be a relatively clear preference among former Xhosa migrants to Cape Town and their rural families for deceased migrants to be buried in the Eastern Cape. Conflicts similar to the one Sipho describes is noted by Bähre (2002).
72. For more on this group, see chapter V.
73. In a long-running debate between Horton and Fisher on the nature of African conversion, Horton argued that black Africans molded Islam in light of 'traditional' cosmologies, and only to the extent that it was compatible with such cosmologies, whereas Fisher countered that Horton underestimated the extent to which Africans had made Islam their own. It should be clear from what has been said in this chapter that my analysis of the empirical material is more in line with that of Fisher than of Horton. Cf. Horton (1971) and (1975), Fisher (1973) and (1985).

Notes Chapter 3

1. As reported in 'ANC President in Historic Meeting: Mandela Reassures Muslims', Muslim Views April1992.
2. Initiation, which in this case refers to the rituals surrounding the circumcision of male adolescents, is widely practiced among black African South Africans, such as the Xhosa. The practice leads to a number of deaths from dehydration and genital infections every year. Since 1995, more than 250 deaths and 221 cases of genital amputation have been recorded in the province of the Eastern Cape alone (Mthetwa 2005). The post-apartheid state has tried to impose stricter controls over initiation schools, with mixed results.
3. Virginity testing refers to public inspections of the hymens of pubescent girls, supposedly a cultural 'tradition' among the Zulus revived by the Zulu king Goodwill Zwelethini in 1984, and popularised by communal responses to HIV/AIDS pandemic in the province of KwaZulu-Natal. Virginity testing of girls under the age of 18 has been prohibited under the *Children's Rights Act* of 2005, which entered into effect in 2006, but Zulu traditional leaders have vowed to continue the practice, and extend it to pubescent males. See Mthetwa (2005). Scorgie (2006) explores some of the problematics relating to the prohibition of virginity testing.
4. Witchcraft accusations lead to an unknown number of murders in South Africa each year. Since 1994, there have a number of proposals to revise the laws pertaining to witchraft, so as to make them consonant with the belief systems of many black South Africans, who hold witchcraft to be real. See Ashforth (2004: 265).
5. A multicultural society is a society which includes two or more "cultural communities". The term "multiculturalism" refers to a normative and/or political response to the existence of a multicultural society (Parekh 2000: 6).
6. By teleological I mean to refer to the fact that the history of MPL is often one seen as marked by social and evolutionary progress, defined in temporal terms.
7. It ought to be recalled that the shari'a historically referred to a much more extensive body of thought and practice than that of "law" in a 'Western' context. For this point, see Masud (2001).

8. The section was included after lobbying of constitutional negotiators by Islamic factions (N. Moosa 1996: 50, 358).
9. In the words of N. Moosa, "equality is the most important value in the final South African Constitution, and, furthermore, trumps religious rights" (N. Moosa 2002: 51). Nevertheless, for reasons I will return to later in this chapter, this does not seem to completely resolve potential conflicts between constitutional guarantees for gender equality and the guarantees for equality between different religions.
10. For some examples, see E. Moosa (1988, 2001); N. Moosa (1991, 1995, 1996, 2003); Rautenbach (1999, 2000); Sachs (1992); Tayob (2005). E. Moosa and Tayob must be regarded as Islamic scholars, whereas N. Moosa, Rautenbach and Sachs are legal scholars.
11. A notable exception is Tayob (2003b), an article based on interviews with with Muslim women in Durban who were divorced or undergoing divorce, in 2002.
12. The Cape Flats refers to residential areas on the plains south and east of Cape Town's city centre. The Cape Flats is mainly inhabited by coloured and black Africans forcibly removed from, or denied access to tenure in the city centre under the laws of racial segregation during apartheid, and their descendants. See Western (1996 [1981]) for an introduction.
13. Established in 2001 by a group of female Muslim lawyers and activists, Shura Yabafazi was set up in order to ensure, in the words of one of its founder members, that "women's voices are heard" in the debate on MPL (cited in Jennah 2001: 106-7).
14. Personal information from Ms. Munadia Karaan (conversation 05.09.06). As a radio talk show host at Voice of the Cape (VOC), a community radio station, Karaan has had considerable experience with the grievances of female Muslim callers to her show. These shows have on several occasions in recent years focused on polygyny.
15. This included Sheikh Faa'ik Gamieldien and Prof. Najma Moosa at the University of the Western Cape (UWC), who both served on the MPL Commission, Prof. Farid Esack, a former Gender Commissioner in South Africa and at present a Professor at Harvard University, Mrs Waheeda Amien at the National Association of Democratic Lawyers (NADEL) in Cape Town, Mrs Fatima Essop at the Cape Bar, and Mawlana Ihsaan Hendricks of the MJC. Mawlana Yusuf Karaan, Head of the Fatwa Department at the MJC, was approached for an interview, but declined to be taped and requested that the questions be put to him in written form. These were forwarded to him, but never yielded any response.
16. Rautenbach uses the term "polygamous" throughout her article, as does E. Moosa (2001: 147). It is also noteworthy that the drafters of the proposed Islamic Marriages and Related Matters Act use the same nomenclature.
17. Mamdani (1996) described the colonial South African state as "bifurcated", pointing to the existence of two separate legal realms. In this bifurcated state of legal dualism, rural black Africans, as "subjects", were governed by a re-constructed African Customary Law, designed to give male chiefs a semblance of autonomy. Under this version of African Customary Law, black African women were designated as legal minors. Muslims, who were largely urban, were considered as "citizens", and as such, subjected to South African Law. Under the impact of missionary Christianity and urbanisation, polygyny became rarer among black Africans. It was more prevalent among wealthy chiefs, but was never completely eradicated (Hunter 1936: 202). However, Mamdani fails to reflect the fact that up until the introduction of apartheid, the tension between liberal universalism and cultural relativism ran as a fault-line right through the South African colonial state, and that the state was in practice less bifurcated than it made

itself out to be, for instance due to black African population movement between the two realms from the 1850s and onwards.

18. The Institute of Islamic Shari'ah Studies (IISS) was founded in Salt River, a suburb of Cape Town, in 1972, but is currently located in Heideveld. It is now as then headed by Sheikh Abdul Kariem Toffar, a sheikh educated at the University of Jordan in Amman (Mahida 1993: 105). Even though Moosa (2001) does not state this explicitly, there is reason to think that the letter to Prime Minister Vorster was authored by Toffar. The Institute also made submissions to the South African Law Commission on the Draft Bill in 2000.
19. It should be recalled that Ebrahim Moosa, as chairman of the MYM, was a close and interested party to these debates at the time.
20. As it turned out, the first democratic elections in April 1994 failed to ensure ANC control over the provinces of the Western Cape and KwaZulu-Natal. Only a minority of Muslims in the Western Cape voted for the ANC in 1994.
21. The MPLB's President, Sheikh Nazeem Mohamed's insistence that Muslim women attending MPLB meetings had to wear headscarves was indicative of these profound divisions (cf. Jennah 2006: 35).
22. The MPLB included Call of Islam and the MYM. The MJC, along with five other 'ulama' bodies had united under the banner of the United 'Ulama Council of South Africa (UUCSA) ahead of the first MPLB meeting (Jennah 2003: 96).
23. During the parliamentary debates on the Civil Union Bill in November 2006, the idea of an omnibus bill on religious marriages, which would include Islamic marriages, was mooted by government representatives. It seems clear that the Commission for Gender Equality (CGE) drafted such a bill on its own initiative, and without consulting any interested parties, sometime in late 2005 (Waheeda Amien, personal correspondence, December 2006). The CGE's Draft Bill bears the title Recognition of Religious Marriages Bill. I have had access to a copy of this Draft Bill. It appears to leave polygynous marriages unregulated, and to offer less protection for the marital property and for the ensurance of adherence to age of majority for Muslim women in Islamic marriages than the SALC Draft Bill. The lack of consultation and transparency means that it will be difficult to provide the required legitimacy for it within South African Muslim communities. At the time of writing (11.01. 07) it is unclear whether the government will proceed with the CGE Draft Bill. See also Ismail (2007) for further details.
24. It is however not quite clear what Rautenbach refers to when she refers to "MPL as it is". Her article makes no reference whatsoever to the SALC Issue Paper or the SALC Discussion Paper, so one may safely assume that she is referring to MPL in the abstract. Interestingly, Rautenbach authored the submission on SALC 2000 from the University of Potchefstroom's Private Law Department (Rautenbach 2000). The University of Potchefstroom has historically and traditionally been a conservative Christian university for white Afrikaners. In her submission, Rautenbach opposed the recognition of polygynous marriages on the grounds that it was "doubtful whether polygyny would stand the test of constitutionality" since it "may be argued that polygyny discriminates against women in that it allows only men to marry more than one wife" (ibid: 15).
25. Waheeda Amien, personal communication, 01.10.06.
26. This has happened in cases such as Khan v. Khan 2005 Daniels v. Campbell 2003, Amod v. Road Accident Fund 2000, and Rylands v. Edross 1997.
27. Cf. Peletz (2002) and Bowen (2003) for this.
28. But CEDAW may in fact be of less consequence in the South African case than what it may seem at the outset. South African courts are according to the guidelines for

the interpretation of the Bill of Rights contained in section 39 (1) of the Constitution only required to "consider international law" (du Plessis 2001: 445) when interpreting the Bill of Rights. In other words, South African courts are obliged to "have regard" to such norms "where applicable" (Kathree 1995: 434), rather than to enforce its provisions without reservations. What "considering international law" or "having regard to" international law ought to mean in particular cases will therefore in all probability be subject to legal interpretations. I thank Mrs Wesahl Domingo, a law lecturer at the University of the Witwatersrand, for alerting me to this point at a conference on 'Islamic Civilizations in Sub-Saharan Africa' in Johannesburg 08.09.06.

29. Most notably, the joint submission by the Gender Unit at the University of Western Cape, Shura Yabafazi (SY) and the National Association of Democratic Lawyers (NADEL) in the Western Cape, which was penned by Mrs. Waheeda Amien. The submission asserts that the practice of polygyny "offends" against the principle of gender equality (Amien 2001: 18), and that it should therefore "be made unlawful", except for polygynous marriages entered into before the commencement of the Act, since application in such cases would place "undue hardship" on the spouses of such marriages (ibid: 19).
30. Presentation to the An-Nisa'a Women's Forum, Alexander Sinton High School, Athlone, Cape Town 27.11.04. An-Nisa'a is a women's forum affiliated to the Naqshbandiyya-Haqqani tariqa of South Africa.
31. The present Minister of Education in South African, Mrs Naledi Pandor (herself a Muslim) has with a view to this suggested that the "failures" of The Recognition of African Customary Marriages Act in respect of regulating polygyny be considered in the debate on the Islamic Marriages and Related Matters Act (Pandor 2002: 17-18).
32. This appears to be a rather spurious legal argument, in that it does not address the fundamental question as to whether the provisos regarding polygyny discriminate against women or not. Waheeda Amien (interview 09.12.2004) is of the opinion that polyandry would have to be recognised alongside polygyny if the constitutional guarantees of gender equality were to be taken in earnest by Parliament. This appears to be a view shared by Farid Esack (Anon 2000).
33. With reference to Casanova (1994: 211) secularisation can be defined as "a differentiation of the secular spheres from religious institutions and norms."
34. It is for instance quite clear that the MJC has opposed the regulations on polygyny proposed by the Commission (Mawlana Yusuf Karaan, Head of the MJC's Fatwa Department, conversation, 2005). This should however not be taken to mean that they will oppose the Act, as the logic appears to be that some sort of recognition of MPL is better than none. The official position of the MJC is that the proposed MPL bill is shari'a-compliant, and that they will support it (Mawlana Ihsaan Hendricks, interview 29.06.05).
35. Toffar is at present a lecturer at the International Peace University of South Africa (IPSA), which was established after ICOSA merged with the MJC's Dar ul-Arqam in 2004. He holds a PhD in Arabic and Islamic Studies from the University of KwaZulu-Natal.
36. Sheikh Toffar served as the first national chairman of the IUC from 1994 to 1995.
37. The implicit reference here is the initial demand by South African 'ulama' organisations to have MPL exempted from the provisions in the Bill of Rights on the understanding that the Interim Constitution of 1994 allowed this. It is clear from the final Constitution of 1996 that any legislation will have to pass constitutional muster.
38. The support offerred by Cassiem and the IUC through the radio station Radio 786 was for instance an important factor in the popularity of the vigilante movement PAGAD (People Against Gangsterism and Drugs) among ordinary Cape Muslims in the first

years after it reached the headlines with its campaign against gangsterism and drugs on the Cape Flats in1996.

39. There are however voices within the Jamiatul 'Ulama Natal in KwaZulu-Natal in particular who are strongly critical of the Draft Bill, and who have expressed these reservations in public.
40. The principle underlying takhayyur is that a Muslim may choose to follow the judgement of any recognised madhhab (Esposito 1983: 50). The principle of takhayyur as well as the principle of talfiq, namely combining the views of different madhahib to form a single regulation (Esposito op.cit: 69), were central to the re-interpretations of the shari'a of Muslim reformists such as the Egyptian Azhari scholar Muhammed Abduh (1849-1905) (Esposito op.cit: 50-1. Adherence to one particular madhhab, on the other hand, is referred to as taqlid (Bowen 2003: 148, Krawietz 2002: 3)
41. This is but one instance of legal interpretations based on principles of takhayyur (eclectic expediency) in the proposed bill. Mahmood (2005: 171, fn.13) claims that according to the Hanbali and Maliki madhahib, a woman has the right to stipulate in her marital contract that she may seek divorce if the husband takes another wife. However, the academic literature on the topic clearly indicates that in classical fiqh, the right to include stipulations and conditions concerning the rights of marital partners in marital contracts was only admitted by the Hanbali madhhab (Esposito 1983: 98 and Ali 2003: 3), and especially so with regard to the right of a Muslim woman to include stipulations about the husband taking other wives as leading to dissolution (Kamali 1999). According to Hanbali interpretation, the norm regarding contracts is permissibility (ibaha), and since polygyny is permissible, rather than required for Muslims in terms of the shari'a, a Muslim woman would be free to make this part of the stipulations of the marital contract (ibid: 129). In opting for the right of a Muslim woman to make such stipulations in her marital contract, the MPL Commission has settled for a legal principle based on Hanbali fiqh which in effect restricts polygyny to a larger extent than what Shafi'i or Hanafi interpretations of fiqh on this point would have. According to Ali (2006: xvi), al-Shafi held that Muslim men were not, and could not be, bound by marital contract stipulations.
42. It is worth noting that a requirement of consent from the first wife does not exist in classical interpretations of any of the Sunni schools of Law, or madhahib. It could be argued that the Hanbali madhhab implicitly recognises such a requirement, however, inasmuch as a Muslim female according to this madhhab has the right to make stipulations in her marital contract to the effect that the husband's taking of further wives will lead to unilateral dissolution of the marriage. It is worth noting that the state-initiated reform of MPL codes in predominantly Muslim Morocco, presented in 2003 did establish a requirement of explicit consent from the first wife (cf. Maddy-Weitzman 2005: 405).
43. This presents another potential problem, since there is among poorer Muslims in township communities a tendency for Muslim children born outside of wedlock or born from marriages that are subsequently dissolved to be raised and financially supported by their biological mothers, rather than their biological fathers, since male absconding from such responsibilities are not unusual, given meagre available resources.
44. Equivalent to 566 euros in 2006 rates.
45. Darar is only recognised as a ground for divorce in Maliki fiqh (Esposito 1983: 56).
46. The ultra-conservative Deobandi-orientated Majlis ul-Shurah of the Eastern Cape have already indicated their disapproval of the proposed bill, and in Cape Town, the Islamist-orientated Islamic Unity Convention (IUC) may be expected to follow suit.

47. The fine was originally set at ZAR 50 000,-, but subsequently revised, due to pressure from the 'ulama bodies (Faa'ik Gamieldien, interview 15.02.05).
48. It has to be said, however, that in Islamic traditions, as well as in the practices of polygynous Muslim males in many contemporary contexts in the Muslim world, male lust is not seen as anathema to the institution of polygyny. Polygyny is often conceptually linked to male wealth and male sexual prowess among its male Muslim practitioners, and the Qur'anic permission for it is sometimes explained and legitimised through reference to male lust. I thank Abdulkader Tayob (08.09.06) and Harald Motzki (11.11.06) for pointing this out in personal correspondence.
49. This is an issue of considerable contestation within modern fiqh, but it is clear that classical fiqh does not require the consent of the first wife in order to validate a polygynous marriage.
50. The age of sexual consent in South Africa is 16 years. Marrying and having sexual intercourse with girls under the age of 16 constitutes rape under present South African Law. It is perhaps particularly troubling that in the two instances I uncovered (one monogamous, one polygynous) the men who contracted these marriages were both 'ulama'. Two instances in which black African Muslim men in their sixties have married girls aged 16 and 18 in recent years, was also brought to my attention. The MJC has been far from unequivocal in its support for age restrictions pertaining to marriage. A central 'alim with the MJC, Sedick, (Sedick 2003: 4) indicates, with reference to classical Islamic interpretations, that in his view a person is a child only until the age of sexual maturity, marked by the onset of menarche for girls, and that the adoption of Western concepts of sexual maturity by South African Law has been instrumental in generating an "uncontrollable and unmanageable teenage sexual activity" (ibid.)
51. The term "ulama'-shopping" refers to the deliberate searching out of 'ulama' whose interpretations of Islamic sources for instance regarding rights to marriage and divorce accords best with the desired results of the individual Muslim who has sought him out. It is not uncommon among contemporary Cape Muslims.
52. Interview with female Murabitun murida, 07.07.05.
53. Tabligh Jama'at (TJ), an ultra-conservative movement for reform and proselytization among Muslims worldwide, was established in Mewat in India in the 1920s. It has been present in Cape Town since 1967. With regard to gender relationships and the segregation of women in the private and public spheres, the musalees of the jama'at are in general much more conservative than other Cape Muslims. For an introduction to the jama'at in South Africa and Cape Town, see Moosa (1997).
54. Afrikaans, lit. "What lies ahead of us is not in our hands; it is in Allah's hands."
55. Pre-marital sex resulting in pregnancy is far from unusual in Cape Muslim communities. In a sample of 600 applicants for divorce at the MJC and the National Ulama Council in Cape Town, Toefy (2002) found that 57% had contracted the marriage due to premarital pregnancy. Women from underprivileged township communities were overrepresented in the sample.
56. Afrikaans, lit. "I only went along with it because the religion says, okay, he can take another wife."
57. There is no reason to doubt that this was the case. We were introduced to the daughter. She had clearly visible marks and bruises from her father's recent beatings on her face.
58. Under the Group Areas Act, thousands of non-white residents of District Six, close to the city centre of Cape Town, were forcibly removed to the Cape Flats in the 1970s.

59. This notion is regularly invoked by the 'ulama' in order to legitimise the institution. The idea is that there is a lack of marriageable Muslim men available to women due to demographic imbalances, and that polygyny provides a solution to this situation, given that marriage is a fundamental tenet of Islam.
60. Afrikaans, lit. "Men's sex drives are different than women's, their whole minds are focused on sex."
61. These Muslim women were of course right in the sense that it is a thoroughly modern conceptualisation of marriage which holds 'love' to be the fundamental basis of marriage. In classical Islamic sources, marriage was "a particular kind of exchange by individuals fullfilling complimentary roles" (Ali 2006: 149) which did not necessarily include love nor mutual consent as a pre-requisite.
62. See also Bangstad (2004b).
63. This is in line with findings from research in Muslim countries such as Iran and Morocco, which suggests that polygyny is one of the main reasons for marital breakdown and subsequent divorce (Mir-Hosseini 2000: xv, 127). The Morrocan state has in recent years moved towards restricting male Muslim rights to polygyny through a reform of its legal codes on family law, the Mudawwana (cf. Maddy-Weitzman 2005).
64. As a legal principle, maslaha has most often been associated with Maliki fiqh (Ramadan 2004: 38). For Abu Hamid al-Ghazali that which ensures the protection of religion, life, intellect, lineage and property is to be considered maslaha (Ramadan op. cit: 39). Historically, those among Islamic scholars who have supported taking maslaha into account have emphasized the need for maslaha to be consistent with the Qur'an and the Sunna (Ramadan op. cit: 41) .

Notes Chapter 4

1. Information supplied by Dr. Ashraf Mohamed, interview 12.07.05. The cause of death became known in the community, and this might have re-inforced the notion that it was a 'gay disease'. Instead of there being a proper ghusl (ritual washing of the body, here: prior to burial), the body was wrapped in plastic, and hosed down.
2. This strand of the virus became known as HIV-1. A seemingly less virulent strand, known as HIV-2, was identified in 1985. Barnett and Whiteside (ibid). In South Africa, HIV-1 is the most common strand of the virus.
3. Transactional sex refers to various forms of exchanges of sex for material goods in environments marked by inequality. Common in many parts of sub-Saharan Africa, it should not be conflated with sex-work (cf. Walker, Reid and Cornell 2004: 23).
4. Approximately half of South African women murdered in 1999 were killed by their intimate partners. The rate of intimate femicide in South Africa was 8,8 per 100 000 of the female population aged 14 years or older that year. According to Vetten (2007: 430), this is the highest rate of intimate femicide reported by research anywhere in the world.
5. On the responses of apartheid governments to HIV/AIDS, see Grundlingh (2001); for the ANC governments', see for instance Mbali (2003), van der Vliet (2004), and Heywood (2005).
6. Shisana et. al.'s study has been criticised by various experts. In this prevalence study, there was a relatively low response rate (73,7%), and a low level of consent to give a specimen for an HIV-test (65,4%) (Shisana et. al. 2002: 11). The field workers who

conducted the study were professional nurses, and given that these often appear to be seen by youth in South Africa as moralistic and conservative (Michael Whisson, personal communication, 2005), this is likely to have lead to a sample skewed in terms of age, as well as having influenced responses to the accompanying questionnaire. It has also been alleged that in some provinces, ethnic minorities were overrepresented in the sample. See Bateman (2003) for some of these critiques. However, I have chosen to use this survey on the basis of my opinion that it provides a more accurate picture than that of the antenatal surveys. For an alternative to this prevalence study, see Dorrington et. al. (2001).

7. It is noteworthy that there is a strong tendency towards a heteronormative academic discourse here.
8. Given that men have a tendency in surveys to overestimate their number of sexual partners, and women to underestimate their number of sexual partners due to moral concerns, and especially so in patriarchal societal contexts, the findings of this survey may not indicate more than a general trend.
9. In the 1993 *Prevention of Family Violence Act*.
10. It needs pointing out that due to factors such as rape victim's intimidation by, or economic dependency on, perpetrators of rape; pervasive general public distrust in the South African Police Service (SAPS); the absence of police stations and effective policing in historically black and underprivileged areas; and extremely low conviction rates for rapes in South African courts, there is every reason to believe that only a fraction of actual rapes occurring in South Africa are ever reported to the police. In a national survey of female victims of sexual abuse, Rasool et. al. (2004: xvi) found that only 39% of the sample who had been sexually abused by a relative ever reported the abuse to the police.
11. Berger (2005) argues against the reductionism of explaining AIDS solely through the prism of gendered power relations. But he is mistaken in implying that the fact that South African women are less likely to report condom use than men supports such a critique. The problem with condoms is of course that their use require mutual consent.
12. Through Section 9 (3) of The Constitution of South Africa, 1996.
13. It is important to note that the term "the political and social elites of post-apartheid society" is not coterminous with the ANC as a ruling party. Particularly in the field of sexual and gender rights it is important to keep in mind that these have largely been achieved through the courts and through pressure from civil society, rather than as a result of government support. As noted by Erlank (2005: 197) there is a strong tension between the liberal discourse of formal equality and the presence of socially conservative and traditional forces within the ANC.
14. In a document issued by the MJC, its present 1st Deputy President, Sheikh Achmat Sedick states that "the Bill of Rights and the Constitution allow immoralities to grow and flourish" (Sedick n. d: 20), and alleges that the struggle of the feminist movement to change the "traditional view of women from homemaker[s] to persons in [their] own right" has resulted in a "dramatic increase in marital problems, family violence [and] a soaring divorce rate" (op. cit: 15).
15. In nation-wide focus-group research on attitudes with regard to gender relationships among South African men, conducted in 2003 for the Human Sciences Research Council (HSRC), Toefy (interview 26.11.2004) found that Muslim males along with urban Xhosa males, were most likely among South African male respondents to hold notions definable as patriarchal.

16. Detailed in Schoepf (2001).
17. Among them Leclerc-Madlada (1997); Robins (2004).
18. For one notable exception, see Garner (2000).
19. There are no available statistics on the rates of children being born out of wedlock to Muslim parents in Cape Town. Matters would in any case be complicated by the fact that many Muslims in township communities in Cape Town have children with non-Muslim partners, and that Muslim children born from polygynous marriages were likely to have been registered as illegitimate in statistics (cf. Burman op. cit: 21) until recently. But Moosa's interviewees among Cape 'ulama' and social workers in 1990 described illegitimacy as "rife" within Cape Muslim communities (E. Moosa 1992: 177). E. Moosa (op. cit: 178) linked higher rates of illegitimacy to deteriorating economic conditions in some sections of these communities. Moosa's interpretation to a large extent accords with my own findings during research in a coloured Muslim township community in 2000 (Bangstad 2004a).
20. This image of oppressed Muslim women in need of 'saving' by secular 'Western' feminists reappears frequently in recent feminist writing on multiculturalism and integration in Europe. However, it is generally no longer the religion of Muslims, but their cultures that are identified as the sites of their oppression. For an example, see Wikan (2002). The binary between culture and religion that secular feminist anthropologists such as Wikan presuppose is in itself analytically problematic.
21. Wadud, an Afro-American Muslim, professor of Islamic Studies and the author of 'Qur'an and Woman' (Wadud 1998), an influential and widely read book in 'progressive' Muslim circles in South Africa in the 1990s, had some weeks previously taken the step of leading the Friday prayers of a sexually mixed congregation of Muslims in New York in the US. The incident caused outrage among conservative 'ulama' in Cape Town, and was the topic of a number of pre-prayer khutab in and around Cape Town. It should be noted, however, that Wadud has consistently resisted the label 'Islamic feminist'.
22. An indigenous plant, dagga is similar to marijuana, and a very common recreational drug in Cape Town.
23. By 2005, he was nowhere to be found. Rumours had it that he had landed up in prison for drug-dealing.
24. In spite of the fact that purposely infecting someone with HIV is a criminal offence under present South African legislation, he would hardly have been the first. Leclerc-Madlada (1997) describes how some HIV-positive Zulu youth in KwaZulu-Natal in the 1990s tried to infect as many unsuspecting partners as possible before passing away.
25. Miller's story is covered in Ahmed (2004) and Mohamed (1999).
26. There have, however, been exceptions. Kader, PM's director from 2000 to 2006, informed me that a Muslim PWHAs who had approached PM for support had been turned down. He had committed a series of incestuous rapes of his own underage daughter (Kader interview, 15.10.03).
27. These included Sh. Achmat Sedick, at the time 2nd Deputy President of the MJC and in charge of the MJC's HIV/AIDS portfolio, Achmat Cassiem of the IUC, Sh. Abdulhakim Quick of the MJC's Department of Da'wa (2003), Ms. Rehana Kader, Executive Director of Positive Muslims from 2000 to 2005 (2003), Prof. Farid Esack (a founder member of PM), Mrs Shaheeda Allie of the Muslim Aids Programme (MAP), Dr. Ashraf Jeda'ar of the Islamic Medical Association (IMA), Mr. Yoesrie Toefy of the HIV/AIDS desk at HSRC in Cape Town, and Dr. Ashraf Mohamed at the HIV/AIDS unit at the Cape Peninsula Institute of Technology (Cape Tech).

28. The scale of international funding for HIV/AIDS prevention programmes in South Africa, and the attention accorded it by local and international media have resulted in a proliferation of researchers working in the field. Some PWHAs interviewed for my research had previously been in contact with researchers or reporters in the field of HIV/AIDS. Given the inherent social and economic inequalities between researchers (often white and middle-class) and PWHAs (more often than not poor, black and marginalised), it is not surprising that some PWHAs feel that they are 'exploited' by researchers furthering their own careers. The amount paid in remuneration for interviews may have been symbolic, but is comparable to the amounts paid out by other researchers in the field.
29. Research has demonstrated that PWHAs are much more likely than other South Africans to be suffering from depression and other mental health problems. For an introduction to this topic, see Freeman (2003).
30. Rehana Kader, a psychologist who has done counseling of PWHAs for five years, has confirmed that even in the context of support groups, in which professionals have done their utmost to provide a secure environment for disclosure, PWHAs do alter the narratives about how they came to be infected (Kader, personal communication, 2005).
31. The spectre of colonial medicine and its construction of the black African body as diseased have clearly haunted the Africanists within post-apartheid governments (Mbali 2002: 13). For a sample of the Africanist analyses of HIV/AIDS within post-apartheid government circles, see Gumede (2005: 149-74) and Heywood (2005: 101-7). In a public speech in 2001 President Mbeki accused South African AIDS activists demanding access to anti-retroviral treatment for all South Africans of seeing black people as "human beings of a lower order," and as "natural-born carriers of germs" "doomed to an inevitable mortal end because of our devotion to the sin of lust." (cited from ibid: 1) – an indication of the extent to which the President himself subscribed to a version of the Africanist paradigm on HIV/AIDS. In a revisionist contribution to the literature on HIV/AIDS policy making in South Africa, Butler (2005) has recently proposed that post-apartheid policy-making in this field has been defined and constrained by strategic policy considerations with regard to affordability and implementability of ARV treatment programmes, rather than denialism in presidential circles. But if that really was the case, it is difficult to understand the time and energy Mbeki and his associates spent advocating unspecified 'African solutions' and engaging dissident science. It is also difficult to reconcile this view with the fact that presidential denialism from 1999 onwards actually represented a shift in the ANC's stated policies on HIV/AIDS, and with the vilification of AIDS activists and medical scientists demanding general access to ARVs, some of whom were accused by close Mbeki confidante Peter Mokaba (d. 2002, of suspected AIDS-related illnesses) of plotting "a genocide" on black people (ibid: 21-22). Most other sub-Saharan countries have faced constraints on HIV/AIDS policy making similar to South Africa's, but as far as can be ascertained, South Africa's government is the only one to have engaged dissident science on HIV/AIDS. After years of contestation from TAC and other NGOs, and open critique of South African governmental denialism on HIV/AIDS from executives at UNAIDS in 2006, the HIV/AIDS portfolio was transferred from the Minister of Health, Manto Tshabalala-Msimang to the Deputy President, Phumzile Mlambo-Ngcuka in September 2006. This shift was welcomed by the TAC, as it appeared for the time being to have marginalised denialists within the ANC.
32. RDP houses are basic one or two-room brick houses constructed for the poor with government grants. A pondokkie (from Malay pondok, hut, shed) is a rough shelter or shanty (Silva et. al. 1996: 561)

33. Mandrax or 'buttons' is a combination of methaqualone and diaphenhydramide or diazepam, which comes in tablet form, but is smoked in 'wit pype' ('white pipes') made from the beer bottles by its users. Originally a sedative available on prescription, it was withdrawn from the legal market in South Africa in 1977. South Africa is the only country in the world where this synthetic drug is found (Leggett 2002: 41-2). A higly intoxicating drug, it has been the most popular hard drug in coloured communities in Cape Town since the 1980s, but is at present being replaced by 'tik' (crystal metaamphetamine or 'crack') as the drug of choice on the Cape Flats.
34. In the prisons in Cape Town, it is relatively common for young male inmates to have sex with senior gang members in exchange for protection against assault by the gangs, as well as in exchange for material favours. Furthermore, homosexual rapes are common. The levels of HIV-infection in prisons are high. For more on this, see Gear and Ngubeni (2002) and Steinberg (2004).
35. Afrikaans, vulgar, "cunt."
36. TAC, funded in Cape Town in 1998 by AIDS activists, has been instrumental in promoting access to anti-retroviral treatment for ordinary HIV-positive South Africans, through a series of court actions against the South African government and international pharmaceutical companies. TAC and its leader, the gay Muslim-born activist Zackie Achmat was nominated for the Nobel Peace Price in 2005. See Robins (2004) for and analysis of TAC's activism since 1998.
37. Afrikaans, vulgar, "arse", "arsehole."
38. Anti-retroviral drugs are usually prescribed when the CD-4 count drops under 200. Cf. Robins (2006: 322), ftn. 6.
39. It has to be taken into account that the area in which Fairuz lived was an underprivileged area in which the local 'ulama' are likely to have been non-salaried, and that the PWHAs I interviewed in this area did not appear to have much contact with Islamic religious structures in general.
40. In the medical literature on HIV/AIDS, unprotected peno-anal sex is linked to higher risks of transmission of the virus than unprotected vaginal sex (Q. Abdool-Karim 2005: 249). It stands to reason that forced peno-anal sex would further increase this risk.
41. See for instance Geffen (2005) for this.
42. Epstein (2005) documents how evangelical Christianity, its endorsement by the governing elite of present-day Uganda and bankrolling by a neo-conservative US administration, which requires countries signing up for USAID-supported HIV/AIDS programmes through the presidential initiative of PEPFAR to promote abstinence rather than condomising, and to distance themselves from vulnerable groups such as sex workers, has completely shifted the emphases of HIV/AIDS prevention programmes in Uganda. See also the Human Rights Watch report (Human Rights Watch 2005).
43. Prof. Farid Esack, interview 14.06.05.
44. In a succint critique of the tendency to extrapolate 'Islamic' understandings of sexual ethics from its modern Muslim renderings, Ali (2006: xxv) notes that extra-marital sex (as in sex with female slave concubines) was common in pre-modern Islam, and taken for granted by all madhahib. There is considerable silence about same-sex sexual acts between females in classical Islamic sources, simply because many legal effects of sex appear to depend on penile penetration (Ali op. cit: 80).
45. Celibacy is presumably included on the basis that marriage and sexual intercourse within marriage has always been seen as a fundamental tenet of Islam, but it is not normally included under zina by Islamic scholars, which demonstrates the eclecticism of Sedick's approach to religious scriptures. The hadith that is most frequently cited in support of

the alleged unpermissibility of celibacy in Islam is in fact weak (mursal), and as such, non-authoritative (Ali 2006: 162, ftn. 20). It is worth noting that some of the greatest fuqaha' (legal scholars) of the classical era, such as an-Nawawi and Ibn Taymiyya, never married. This also applies to the modern polemical Muslim public intellectual Sayyid Qutb, whom Sedick cited as an important source of inspiration in the interview with me.

46. Interview with Sheikh Sedick 16.05.05.
47. Rasool (1962 -), a Muslim former anti-apartheid activist with the UDF and ANC-aligned 'Call of Islam' was MEC for Health in the Western Cape from 1994 to 1998, and provincial leader of the ANC from 1998 to 2005. He has been the Premier of the Western Cape from 2004.
48. Having studied with the former president of the MJC, Sheikh Ebrahim Gabriels, in Medina, Sheikh Irefaan Abrahams is reported to be close to MJC leadership. It is also a factor that Abraham's Surrey Estate Mosque is located a stone-throw from the offices of the MJC in Cashel Avenue, Athlone.
49. In an interview with Sunday Times 23.10.05, Sedick described homosexuality as "abnormal" and "perverted". See van der Merwe (2005).
50. Interview with Dr. Ashraf Jeda'ar of the IMA-SA, 28.07.05.
51. The tensions between secular and religious values in the South African Constitution of 1996 has been explored by E. Moosa (2000).
52. In this he is at odds with for instance the well-known Islamic legal scholar El Fadl who interprets the Islamic legal maxim al-darurat tubih al-mahzurat ("necessities will render the forbidden permissible") as implying that the preservation of human life is a greater and more basic priority in the order of Islamic values than the safeguarding of God's rights (El Fadl 2001: 65, fn. 12).
53. Tukamanies are persons who perform the ritual washing of the deceased prior to the burial.
54. According to the Shafi'i madhhab, a female may only contract marriage with the permission of her wakil (male legal guardian) (E. Moosa 1988: 74-5). In a recent case at Claremont Main Road Mosque, the guardian of a prospective bride requested that her suitor undergo an HIV-test before consenting to the marriage (Fahmi Gamieldien, personal communication, 2005).
55. The following section is based on Ahmed (2004); Esack (2004), as well as interviews with Ahmed (05.07.03); Kader (15.10.03); and Esack (14 and 29.06.05) – all of whom have been involved in the organisation from 2000.
56. The contributions to Safi (2003) provide an insight into what this paradigm can be said to entail. South African Muslim scholars affiliated with this paradigm are Profs. Farid Esack and Ebrahim Moosa, as well as Sa'diyya Shaikh.
57. In fact, so much so that Positive Muslims in the beginning of 2006 employed a non-Muslim as its new executive director. Opting for the term "theology of compassion" instead of a "fiqh of compassion" also indicate a level of inclusiveness towards non-Muslims on the parts of PM.
58. This kind of critique has been levelled at Esack from international Islamic scholars such as Murad (1998). Murad's contention about part of Esack's theoretical oevre has been that it represents an attempt to align a 'progressive' Islamic agenda with Cristian liberation theology and an international human rights' discourse, and that it does so at the cost of fidelity to reasonable interpretations of the Islamic legal traditions.
59. I am of course aware of the fact that these are contested and contestable terms, and that they often reflect the tactical positioning of those that adhere to, or oppose these

paradigms as much as anything else. There is for instance no reason not to see religious paradigms on HIV/AIDS as equally modern as those of secular bio-medical paradigms.

60. As far as the bio-medical model is concerned, this is a conclusion supported by the findings of Campbell (2003). She argues that HIV prevention has too often been guided by 'Western' science and 'Western' policy approaches, regardless of whether these are appropriate for local conditions (ibid: 14). Her study of HIV prevention programmes in a peri-urban mining community in South Africa represents a sustained documentation of the need to combine bio-medical approaches with efforts to empower women and enhance their abilities to negotiate safer sex practices through socio-economic development.
61. One of the PWHAs infected through unprotected sex with a marital partner was in fact a male. His ex-wife was a drug-addict, and he explained that she had become infected through having sex with other men in exchange for drugs, or money for drugs, and had subsequently transmitted the virus to him.

Notes Chapter 5

1. Demilitarisation of the Prison Service was formally introduced overnight on 01.04. 1996 (Sloth-Nielsen 2007: 380). The prison service was militarised under apartheid in terms of the provisions of the Correctional Services Act 8 of 1959. Militarisation meant that prison officials wore military uniforms with insignia indicating the ranks; that prison officials took part in regular military parades, and were expected to address each other according to their ranks, and that they became members of the reserve force of the South African Defence Force (SADF) upon resignation of their contracts, and until the age of 55 (Dissel 1997: 17-18). Militarisation also meant that prison officials had the right to punish prisoners for bad conduct at their own discretion and through means such as flogging and withholding food.
2. So called due to the fact that the gangs are referred to by their numbers. There are the 26ers, the 27ers and the 28ers. Membership is granted on the basis of passing rituals of induction which traditionally involved engaging in prescribed and ritualistic acts of violence against other inmates or warders.
3. For an introduction to the early history of South African prison gangs, see van Onselen (1984).
4. Even though contemporary writers on South African prison gangs like Steinberg are prepared to admit that prison gangs are malleable and change in response to historical and social forces, they maintain the notion that number's gang mythology has remained virtually unchanged over most of the 20th century (Steinberg 2004a: 5). Given that gang mythologies are quite intricate and have mainly been transmitted by word of mouth for most of the 20th century, one could be forgiven for thinking this a somewhat implausible view.
5. Steinberg asserts that the enormous wealth which the drugs trade on the Cape Flats generated for a number of leaders of street gangs in the 1980s and 90s upset the traditional hierarchies and divisions between the prison gangs and the street gangs. Leaders of street gangs, who had the upper hand over the leaders of prison gangs, effectively appropriated prison gang lore and rituals and brought it onto the streets. See Steinberg (op. cit: 56-7).

6. Gear and Ngubeni (2002: 5) note that even though the codes of the 26ers and 27ers explicitly prohibit sodomy, members of such gangs are in fact also involved in it.
7. See Gear and Ngubeni (2002) for an introduction to the topic of sex and sexual coercion between male inmates in South African prisons. It is important to note that the sex engaged in by male inmates is often patterned on heterosexual relationships. Hence, the passive partner is referred to as a wyfie or a wyfietije ('wife, small wife'), and overt homosexuality among inmates is generally frowned upon.
8. See Goyer (2003) for an introduction to HIV/AIDS in South African prisons. She notes that the number of natural deaths in South African prisons rose by 584% between 1995 and 2000 (Goyer op. cit: 25) This increase is widely held to be attributable to inmates' deaths from AIDS-related illnesses. Even though terminally ill prisoners are entitled to medical parole under the Correctional Services Act 111 of 1998, only 4.5% of terminally ill prisoners were granted such parole in 2004, according to the Inspectorate of Prisons (Fagan 2005: 23). A judgement by the Durban High Court in the so-called Westville Prison Case on 22.06.06, found that inmates in Westville Prison in Durban who were living with HIV/AIDS were entitled to free provision of anti-retroviral drugs (ARVs) by the DCS. The case against the DCS had been brought by the TAC and other South African NGOs on behalf of Westville Prison in Durban. It sets a legal precedent for enforcement of the rights to such provision by the DCS in the prison system throughout South Africa. Pieterse (2006) provides an overview of litigation with regard to medical care for inmates in South African prisons after 1994.
9. However, when attending a photographic exhibition in my company, he had no problems pointing out a young male "wyfie" on a picture taken in an overcrowded communal prison cell in the prison the same year. The "wyfie" was the only male lying face down on his bunk bed, in a ritualistic demonstration of deference to his 'husband' sitting at his side. At the very least, this suggests a policy of non-interference in this system on the part of prison warders. Most of Gear and Ngubeni's interviewees, who were ex-prisoners (and some of them from the prison referred to in this article), reported that prison warders 'sell' prisoners to other inmates so that they can be used for sex. They also noted that few prison warders appear willing to take complaints from inmates who have been abused (Gear and Ngubeni op. cit: 67. 69).
10. In the 2005 report of the Inspectorate of Prisons, only prisons with an occupancy rate of an incredulous 250% or more, are listed. Johannesburg Medium B in Gauteng (383.38%) and Umtata Medium in the Eastern Cape (362.24 %) top the list. The prison complex referred to in this article had an occupancy rate of no less than 194% in 2002 (Parker-Lewis 2003: 14), and that rate appears to have been more or less stable since then, but this rate masks the fact that some of the prisons in the complex have much higher occupancy rates than this. The Inspectorate of Prisons is a body established under Section 85 of the Correctional Services Act 111 of 1998, and is tasked with monitoring the conditions in prison and the treatment of prisoners, and to report to the President and the Minister of Correctional Services. It is lead by Judge Johannes J Fagan. It has not been accorded the powers to force DCS or any prison manager to comply with its recommendations.
11. In an article published in its 03.08.2006 edition ('Fear Factor'), The Economist noted that South Africa spent no less than 3% of Gross Domestic Product (GDP) on its police, courts and prisons, in comparison with an average of 1% of GDP in other countries. The Judicial Inspectorate of Prisons has projected an estimated growth in expenditure on prisons in South Africa of no less than 242% between 1997 and 2008 (cited in Sloth-Nielsen op. cit: 386).

12. A national victimisation survey from 2004 indicated that 53% of South Africans felt that crime had increased since 1994 (Leggett 2004a: 150). Leggett, a criminologist, concludes that it is difficult to say whether levels of crime on a national level have actually increased or decreased since 1994 (ibid.: 152), and pointed out that the number of recorded homicides had actually decreased substantially on a national level since 1994 (ibid: 151). However, as I have indicated in Bangstad (2005: 195), levels of violent crime such as homicide, rape and aggravated robbery in Cape Town, as recorded by the South African Police Service (SAPS), showed a marked increase in the period 1994-2000.
13. As indicated for instance by the statements of Mr. Khulekhani Sithole, a Comissioner of Correctional Services appointed under a Minister of Correctional Services from the Inkatha Freedom Party (IFP). In 1997 Sithole suggested to a press conference that prisoners be incarcerated in deep disused mineshafts. Prisoners, he said, were "animals" who "must never see daylight again." (cited in van Zyl Smith 2004: 232). Commissioner Sithole left the department "under a cloud of alleged corruption" in 1998 (cf. Sloth-Nielsen op. cit: 380).
14. The Criminal Law Amendment Act 105 of 1997.
15. Information provided by Mawlana Azeem Khatieb, interview 04.05.05. Note that the percentage of inmates that are Muslim roughly corresponds to the percentage of Muslims in the general population in Cape Town, i. e. 10%.
16. Information from Muslim prison warder at the prison, 25.11.04. He suggested that there were a total of 5 Muslim prison warders at the time; 4 of whom were male.
17. Interview 22.06.05.
18. As a case in point, Dissel (1997: 19) notes that as late as 1990, 90% of officers' positions in the prison service were filled by white personnel.
19. I have not encountered any information which would lead one to suggest that DCS aims at such representativeness. The DCS is not required by present South African legislation to ensure this.
20. Through acts of legislation such as The Employment Equity Act 55 of 1998, post-apartheid governments have tried to ensure a more equitable representation of "previously disadvantaged groups" in the public and private sector. The DCS "embarked on a massive affirmative action drive" from 1996, a transformation which was accompanied by inadequate training and development (Sloth-Nielsen op. cit: 380). Coloureds and South African Indians, as well as women and the physically challenged, have been included among those defined as previously disadvantaged. But in practice and to most extent and purposes, affirmative action policies have been instrumental in ensuring greater representation of, and control by, black Africans in the public sector, and this is perhaps nowhere more apparent than in the prison system. This is why Mamdani's (1996) designation of the post-apartheid era as one of pure and simple "deracialisation" rather misses the point.
21. Possibly a linguistic Africanisation derived from "cheeky". The names of gangs in Cape Town are indicative of gang member's identification with models drawn from American underclass culture, as represented in movies and music. Thus we have The Americans, The Hard Livings, The Sexy Boys [sic], Dixie Boys, The Genuine TV Kids [sic] and so forth.
22. Fieldnotes 15.07.03.
23. PAGAD prisoners first entered the prison in 1999. After sentencing, PAGAD prisoners would immediately be transferred to other prisons on the instruction of the DCS. When it was discovered that PAGAD prisoners had cell-phones with which they had commu-

nicated with people outside prison at a time during which PAGAD was suspected of involvement in acts of urban terror, it caused something of a public scandal.

24. Bombings aimed at public venues such as supermarkets, discotheques, gay bars and synagogues.
25. What role militant Islamists and their discourse played in PAGAD has been the focus of some contestation in the academic literature on PAGAD. The founder members of PAGAD were generally not sympathetic towards militant Islamism, and wanted the movement to be inclusive towards non-Muslims. Some of these founder members, who eventually left the organisation, were later to claim that militant Islamists linked to Qibla had taken control over the organisation. There are, however, some indications that gangsters may in the late 1990s have used PAGAD as an instrument for settling scores among themselves; there were a significant number of ex-gangsters involved in PAGAD activities. Interview with legal representative of PAGAD prisoners, 11.02.05, and interview with voluntary prison imam 03.03.05.
26. Published in Bangstad (2005).
27. Ballington (1998), cited in Muntingh (2001: 54) suggests that rates of recidivism among released prisoners in South Africa are between 85 and 94%. There is no reason to think that levels of recidivism should have decreased substantially since 1998.
28. The Muslim prison chaplain at the prison, told me during a visit 19.02.05 that he had been approached by two other researchers in the course of the 15 years that he had been active visiting the prison, but none of them had a particular interest in pursuing the topic of Islam in prison. Fieldnotes 19.02.05.
29. But see Dannin (1996); Khosrokhvar (2004); Beckford, July and Khosrokhvar (2005) for exceptions.
30. Western 1996 [1981]: 255, citing Midgley (1977), pointed out that South African murder rates had already by 1970 by far surpassed US murder rates.
31. The high levels of violent crime such as homicide, attempted homicide and rape are particularly noteworthy in the case of South Africa. According to Leggett (2004a: 148) high levels of homicide are usually correlated with high levels of social inequality.
32. Or 402 out of every 100 000 South African (ibid: 15). The U.S.A has the highest level of incarceration at 715 per 100 000. In Fagan's overview, which provides statistics that are not necessarily from the same year for all countries, South Africa is fifth in the world in terms of levels of incarceration. South Africa also has the by far highest incarceration rates in Africa (Roelf 2006).
33. This equaled an incarceration rate of 413 per 100 000 (ibid.)
34. Prison authorities have repeatedly used amnesties and remissions in order to alleviate overcrowding in South African prisons in the post-apartheid era. These measures have had limited success since levels of overcrowding tend quickly to return to previous levels, and since such remissions and amnesties often cause popular outrage (cf. Sloth-Nielsen op. cit: 384)
35. The figures are based on DCS figures from 2003, and are cited in Leggett (2004b: 21-2).
36. Cf. f. ex. Kinnes (2000); Standing (2003). Shaw (2000: 34) is somewhat prototypical of this line of argumentation in contending that gang formation in Cape Town has been "the survival strategy of the poor." If that is so, it begs the question as to why gang formation in Cape Town was characteristic of coloured communities, and not black African communities, when the latter were much more marginalised under apartheid. Criminologists also uncritically adopted Pinnock's highly speculative estimate to the effect that there were between 80 000 and 100 000 gangsters in Cape Town in the early 1980s.

Pinnock's estimate would have implied that most coloured male youth in the relevant age groups were gangsters at the time, and this is of course highly improbable. It is equally improbable that the number of gangsters in Cape Town has remained virtually unchanged over the course of the last 25 years, as the uncritical reproduction (minor caveats notwithstanding) of Pinnock's figure in South African criminological literature ever since would lead one to suggest. I would like to point out that what I am advocating here is not the wholesale abandonment of materialist explanations of criminality and gangsterism in Cape Town. I am merely pointing to the need to incorporate considerations of criminal identities, culture and symbolism in such analyses, and the need to see circumstances of deprivation as enabling, rather than determinative circumstances of criminality and gangsterism. I thank Mr. Gerald Stone for sharing his insights on this matter with me.

37. It is for instance well known among criminologists as well as legal professionals in Cape Town that the careers of senior police officials and their gangster informants were intimately linked under apartheid. The prominent Cape Flats gangster Rashied Staggie of the 'Hard Livings' gang, based in Manenberg, was a police informer for many years under apartheid (he is currently serving a long sentence in Helderstroom Prison for rape), in return for which he received considerable leverage to expand his murderous drug and liquor business empire on the Cape Flats. The prominence to which he rose in the early 1990s would seem to suggest that these relationships continued even after the fall of apartheid in 1990. The senior police officers who worked with and protected Staggie had prosperous careers in the apartheid South African Police (SAP).
38. See f. ex. Glaser (2002) on the youth gangs of Soweto 1935-76.
39. The prison warder in question had asked for two days' leave in connection with 'id-al-fitr earlier that year. He had applied for leave in writing, but had been unable to provide the exact day for 'id (due to the fact that most Cape Muslims follow the sighting of the moon, rather than the lunar calendar). When he returned from his leave he had been asked "where the fuck he had been" by his senior, and when informing him about the reasons, had been told by him that "I don't give a fuck about your Christmas." Fieldnotes 25.11.04.
40. See f. ex. Haysom (1981); Schurink, Schurink and Lötter (1986), Lötter (1988); Gear and Ngubeni (2002); Dissel (1997); Dissel and Ellis (2002); Steinberg (2004a, 2004b, 2005).
41. POPCRU (Police and Prisons Civil Rights Union), established illegally and in defiance of the prison service in 1989, by coloured prison officials opposed to the apartheid regime and sympathetic towards the anti-apartheid movement. The ANC was initially quite skeptical of POPCRU, and questioned the fact that POPCRU leaders had only defied the prison service at the end of the 1980s, but a series of meetings between POPCRU leaders and ANC leaders such as Mandela in the early 1990s lead to the alignment of POPCRU with the ANC, and its official recognition as a trade union linked to the ANC-affiliated trade union alliance COSATU in 1995. POPCRU claims to organise some 75 000 members throughout South Africa at present. See www.popcru.org.za. Even though POPCRU was established by coloured prison officials, the management of this trade union is now squarely in the hands of black African trade union leaders. It would however be wrong to assume that POPCRU had been intended to function as an instrument for the advancement of the professional interests of coloured prison officials. POPCRU leaders worked hard to include black African prison and police officials in the 1990s. For a history of POPCRU, see Gillespie (2003).
42. According to the South African population census of 2001, 53,9 percent of the population of Cape Town were coloureds, as opposed to 26,7 percent black Africans (Stats

South Africa 2001: 12). Influx control under apartheid meant that black Africans without work permits or rights of residence could only remain in the Cape Town for a period of 72 hours at a time. It was combined with the so-called Coloured Labour Preference Policy (CLPP), introduced in the 1950s, which gave coloured laborers preferential treatment over black Africans.

43. MADAM was established in Cape Town in 2005. MADAM was organised from the private house of Mr. Jonathan Jansen at the premises of the prison complex. When I interviewed him at his house on 14.07.2005, it turned out that the interview was followed by a MADAM members' meeting.
44. It also follows that my reference to MADAM leaders and members as coloureds would undoubtedly be seen by them as insulting. But it needs to be re-stated that my use of this designation is in line with official South African post-apartheid nomenclature, and that it is a nomenclature accepted by most coloureds in post-apartheid South Africa. Furthermore, embracing a Khoisan identity in the context of present-day South Africa is essentially an act of political affirmation, often motivated by a perception of black African political dominance. Many of those who embrace this identity-marker do not have any discernible Khoisan heritage. Indeed, they need not have it in order to do so. This was brought out by the fact that a South African friend of mine, an academic who has undertaken extensive research on the Khoisan resurgence in South Africa, and whom I had invited to attend the interview, was identified by MADAM members present as a possible Khoisan. He is in fact of Mosotho and white parentage, and was extensively quizzed by them about Khoisan organisations that they could link up with. Fieldnotes 14.07.05.
45. Formally, any DCS official who speaks to the media is supposed to seek permission to do so from his or her seniors. In most cases, DCS officials do not adhere to this regulation, and the DCS is well aware of it. There is every reason to think that reporters of local media have lists of phone numbers of a number of DCS officials and warders. The regulation was therefore being selectively applied in the case of these officials affiliated with MADAM, since they had crossed a line with regard to what the DCS was prepared to accept to see in print. A number of senior DCS officials affiliated with MADAM – among them Jonathan Jansen - were dismissed from the service in late 2005 (Mike Besten, private communication 18.01.06).
46. One need of course not point out that under circumstances not all assaults are likely to be reported either.
47. Throughout the four years (1996-2000) that it commanded public attention in Cape Town, PAGAD leaned heavily on the invocation of pan-Islamic imagery borrowed from conflicts in the Middle East. The donning of green headbands with Qur'anic inscriptions prior to engaging in acts of warfare was popularised by Iranian soldiers in the Iran-Iraq War (1980-88), and adopted by the Islamist movements Hezballah in Lebanon and HAMAS in Palestine.
48. The death was recorded as suicide, but this prison official made it clear to me that he thought that it would not have happened if the ETT had not rushed into his cell.
49. The new emphasis on human rights and rehabilitation of prisoners does seem to have had some effect. By the year 2000, the number of reported warder assaults on prisoners had dropped to 11 from 78 in 1995 (Steinberg 2004a: 70). Steinberg does however note that there appeared to be a discrepancy between the official discourse of senior DCS officials at the prison, and the concerns about safety and security of ordinary DCS staff at the prison (ibid: 71).

50. To moer in this context means something akin to "to beat up, trash or to beat the shit out of." See Silva et. al. (1996: 469-470). The verbatim statement of the prison warder in question was: "This is where we moer them. Here, no one's going to know. If they want to be treated like dogs, we will treat them like dogs." Fieldnotes 27.04.05. The section of the prison where this had occurred was opened up for the general public for a photographic exhibition on Freedom Day 27.04.05 which I attended. It is a relatively isolated section of the Admissions' Centre which contains a number of small holding cells, and would from the point of view of the ETT members be ideal for the purpose of violently assaulting riotous prisoners.
51. This voluntary prison imam was later removed from the Admissions' Centre and to another prison in the complex on the initiative of DCS officials. He attributed this to the departure of Jonathan Jansen as Head of the Admissions' Centre. After Jansen's departure, he said that; "Muslim movements had experienced a lot of problems with the management and staff at the Admissions' Centre." The direct order for his removal came through his superior, Mawlana Azeem Khatieb. Interview 03.03.05.
52. Interview 03.03.05. This prison imam also told me that he had been present at a meeting at which other Heads of the prison had accused Jonathan Jansen as Head of the Admissions' Centre of being favorably inclined towards Muslims.
53. I owe this information to Dr. Eric Germain (conversation, 31.08.06), who as a historian on Cape Islam has undertaken extensive research in the archives in Cape Town. According to Germain, the first newspaper references to Cape Town imams engaging in work in prisons dates from 1925. It is worthwhile noting that access to prisons for Cape imams in the initial phase of apartheid in the 1950s appears to have been facilitated by the musicologist, poet, administrator and self-styled 'friend of the Cape Malays', Dr. Izaak D. du Plessis of the Coloured Affairs Department (CAD), who wrote a much maligned work on the 'Cape Malays' in the segregationist mode of analysis prevalent at the time (du Plessis 1946).
54. I have analysed some of these shifts in Bangstad (2004b)
55. Young male Muslims appear to have been as involved in gangsterism as male youth of any other religious affiliation. One of the first and most notorious gangs, the Mongrels of Hanover Park, originated as a vigilante movement in District Six prior to the forced removals, and was subsequently transplanted to the Cape Flats. Its leaders were from a Muslim family with the surname of April. It was described by Pinnock (1984).
56. The establishment of the Boorhanool Recreational Movement was also clearly inspired by a wish to create facilities for sports and leisure in an Islamic environment which would be conducive towards preventing young Muslim males from drifting into crime.
57. Bassier is the prison imam visiting Robben Island whom Mandela refers to in his autobiography (Mandela 1995).
58. Interview with Mawlana Azeem Khatieb 04.05.05.
59. The Dar al-'Ulum Newcastle was the first Islamic theological seminary in South Africa, and opened in 1973. It is a Deobandi Institute and has relatively close links to the Tabligh Jama'at (TJ), a transnational reformist movement in Islam with origins on the Indo-Pak subcontinent in the 1920s, and active in South Africa since the 1960s. The Muslim prison chaplain claimed not to be a tabligh, but dresses in the Indo-Pakistani sartorial style of a tabligh in public. It should be noted that TJ affiliation is sometimes not openly admitted to outsiders, as I have experienced on various occasions. A number of voluntary prison imams have a background as musalees or followers of

the TJ. For more on the TJ in South Africa, cf. E. Moosa (1997). On the origins of the TJ in India, cf. Sikand (2000).

60. ICOSA, established in 1990, operated from the premises of the up-market Al-Quds Mosque in Gatesville. In 2004, it merged with the MJC's educational institute, the Darul Arqam, to form the Islamic Peace University of South Africa (IPSA).
61. The Act has been implemented in what the Inspectorate of Prisons has described as a "piecemeal manner." The sections of the Act relating to freedom of religion consequently only entered into effect as of 31.07.04 (Fagan 2005: 19).
62. In the words of Mawlana Khatieb, the DCS does not appear to see chaplaincy as "critical at the moment." Interview 04.05.05.
63. During my visit to the prison on 19.02.05, Mawlana Khatieb informed me that due to other assignments, he had not been able to be present at this prison for a period of two months. From other interviews, it is clear that Muslim inmates had some grievances relating to the fact that he had not been at the prison for 'id al-fitr in 2004, and had been unable to ensure that the Muslim prisoners were able to have their 'id salah, and to receive 'id food parcels on the occasion. Fieldnotes 25.11.04.
64. Interview with voluntary prison imam, 17.05.05. It is however clear that the DCS in remunerating these imams for their services restrict the number of weekly hours for which they grant re-imbursement. According to DCS regulations on this issue, one session is supposed to last one hour. This imam told me that due to the fact that over 600 inmates attended his programs, he had no chance of finishing the daily program in the one hour that DCS had allocated for it, and which the DCS re-imbursed him for. Normally he would spend four (4) hours on such a session, but only get re-imbursed for one (1) hour.
65. The director of the Muslim Prison Board was himself a regular visitor to various prisons, and is at present the Cape Town director of the Islamic Da'wa Movement (IDM), which has been actively involved in proselytizing in coloured and black African townships and informal settlements in Cape Town since the 1980s.
66. Interview 22.06.05.
67. In his interview with me, he told me that he had produced a guide titled Understanding Islam that had been distributed to DCS staff.
68. One such episode had occurred some six months prior to the interview. It related to an episode in which Muslim inmates at Drakenstein Prison in Paarl had been served pork during Ramadan. Mawlana Khatieb had complained about this in a letter to officials at Drakenstein, and made his complaint publicly known through Muslim community radio stations, but had not received any formal response to the complaint. According to Khatieb the episode was the result of a prison warder at Drakenstein having deliberately given pork to inmates working in the kitchen, knowing fully well that Muslim inmates were not to be served pork.
69. The case was widely reported in the local media. DCS fired the woman since the woman's refusal to remove her scarf was held to contravene the dress code of the DCS. Muslim 'ulama' in Cape Town protested heavily about what they perceived to be an infringement of the constitutional rights to freedom of religion of the individual in question, since they alleged that Muslim women are required by Islam to wear a headscarf. The case was brought before the Labour Court by the MJC on the grounds of an unfair dismissal which the MJC hold to be in violation of constitutional rights to religious freedom (as reported in Kassiem (2005); Joseph (2005)). Subsequent to an agreement between the MJC and the DCS, the woman was re-instated in her position as social worker on 01.09.06 (Sapa 2006).

70. This includes searching the anal cavities of male and female prisoners, and is therefore not surprisingly seen by many inmates as an invasive infringement of one's dignity. One Muslim prison warder explained to me that in his experience, opposition to strip searches was most commonly found among prisoners with a Muslim background, but was also frequent among Xhosa inmates. In most cases, he said, prisoners do comply with orders to strip for searches after some explaining, but there are cases in which prison warders are left with no other choice than to use force in order to strip-search prisoners. Fieldnotes 25.11.04.
71. Denotes parts of the body that are not meant to be exposed in public according to Islamic understandings. For males, the awra refers to the area from the navel to the knees.
72. It is obviously not a mosque in any conventional sense of the term (since a mosque should in principle be open and accessible to all Muslims), and is variously referred to by Muslim staff, prison imams and Muslim prison officials as a salah khana or a jama'at khana or a small mosque or prayer room. Since Mawlana Khatieb as Muslim prison chaplain used the designation "mosque" for the hall, this is the designation I will use for the purposes of this chapter.
73. Interview with voluntary prison imam, 03.03.05.
74. Practice on this particular issue appears to vary greatly in and between contexts. I am informed by Prof. Robert Dannin of the New York Metropolitan University (e-mail correspondence 19.01.06) that Muslim inmates in a penitentiary facility outside New York have been performing jum'a since 1973, and by Prof. James Beckford of Warwick University (e-mail correspondence 30.01.06) that Muslim inmates in England and Wales generally do have the option of performing jum'a. The extent to which Islamic legal (or fiqh-) deliberations are invoked by Muslim prison officials also vary, but in the former case appears to have been of a minor importance. It should be noted that Shafi'i fiqh is neither dominant among Muslims in the U.K nor in the US.
75. Sheikh Mahdi Hendricks (1908-1981) was a renowned scholar and linked to the Azzawia Mosque in Walmer Estate in Cape Town. Educated in Mecca, Hendricks was a sheikh of the Sufi Alawiyya order or tariqa. Cf. da Costa (1998). Sheikh Hendricks was according to his descendant, Sheikh Siraj Hendricks, at the time opposed to any overt politicisation of religious space and rituals (interview, Sheikh Siraj Hendricks, 07.09.06). It bears mentioning in this context that the Hendrick's family is originally partly of rural Afrikaner descent, that Sheikh Hendricks was part of a coloured middle-class in Walmer Estate, Cape Town, and that he maintained relatively close contact with white South Africans under apartheid.
76. Interview with Mawlana Khatieb 04.05.05
77. Jum'a appears to have been held in one central mosque in Cape Town until the arrival of Hanafis in Cape Town in the 1860, and on the strict condition that there be more than forty (40) congregants present (Davids 1980: 52-56). It was at the time a marker of allegiance to a particular imam, as it had similarly been an expression of allegiance to a particular caliph or governor in early Islamic history. The proliferation of mosques and the flouting of Shafi'i interpretations regarding jum'a led to a heated dispute among Muslims in Cape Town, with 'ulama' and fuqaha' called in from Saudi Arabia, Zanzibar and Turkey in various attempts at resolving it. It is referred to as the "Shafi'i-Hanafi" dispute in historical literature on Cape Muslims, and continued unabated until the MJC resolved to leave the question as to whether to perform jum'a or not to the discretion of individual imams after 1945 (ibid: 60). For details, see Davids (1994: 81-102) and Davids (1980: 49-61).

78. The rationale for this obviously being that prison gang culture is considerably stronger among sentenced prisoners, and that this might have a negative influence on unsentenced prisoners.
79. Interview 17.05.05. There is a very strong critique of the lack of fit between DCS discourse on rehabilitation of prisoners, which has characterised the prison system for the last ten years, and the actual realities in which life-skills training which may enable such rehabilitation to take place is virtually non-existent. The imam in question had been a vocational teacher at high schools in underprivileged coloured townships in Cape Town prior to taking up prison work.
80. At the time of my interview with him, Mawlana Khatieb claimed to have a total of 15 applications for conversion on his desk. A potential convert is required to fill in a declaration in three copies, one of which goes to the Muslim prison chaplain, one to the prisoner's DCS file, and one is kept by the prisoner. Juvenile prisoners are required to inform their parents about their decisions, and are supposed to be visited by a Christian pastor before conversion is accepted. Prison 'ulama' pointed out that a declaration of intent to convert would not lead to an immediate taking of the kalimat shahada (the declaration of faith in front of an 'alim or similar figure which marks formal acceptance as a Muslim). Prisoners are at least in theory scrutinized by the prison imams with whom they are in contact for a period before the conversion is accepted as genuine.
81. Coloured inmates of working-class backgrounds are more likely than not to have Afrikaans as their first language.
82. This is apparently easier said than done. The voluntary prison imam who works in the Juvenile Section told me in his interview with me that one of the greatest challenges he faced in working with juvenile prisoners was that a great number of them are actually or functionally illiterate.
83. When I walked around in the back courtyard and chatted with the young inmates afterwards, they told me that a number of those present at the function were not Muslims at all, and had only come for the food and the drinks. Among those, I noted a young white unsentenced prisoner who was only let in after the food was served. It seemed quite clear that a senior Afrikaner DCS prison warder controlled access to the room for prisoners. From the queue of black African and coloured inmates in the hallway outside, it might seem as if this prison warder was offering some kind of preferential treatment. Fieldnotes 19.02.05. Voluntary prison imams in prison report that there are often non-Muslim inmates attending functions, and even Friday dhuhr prayers. One of them suggested that some of these inmates might be there in order to monitor what is going on for DCS.
84. Interview, voluntary prison imam, 17.05.05.
85. Interview, voluntary prison imam 03.03.05.
86. It seems apposite to note at this point that PAGAD both outside and inside of prison represented a youthful challenge to the leadership hegemony of established 'ulama', whom PAGAD's military wing, the 'G-Force', eventually started targeting in attacks on the outside. The Muslim prison chaplain's comments is directed against any notion to the effect that PAGAD members may have acted in any independent leadership position within the prison, a contrary notion many PAGAD members would have every interest in endorsing, as a means to generate wider legitimacy for the movement inside and outside the prison.
87. During the crackdown on PAGAD in the late 1990s, it is known that the National Intelligence Agency (NIA) recruited a number of prisoners to infiltrate and monitor PAGAD circles within the prison. Some of these converted to Islam in order to do so.

88. Information from Muslim prison warder 25.11.04.
89. Interview: Jonathan Jansen, 14.07.05.
90. It bears mentioning that this particular warder was removed from the ETT and prevented from having any contact with PAGAD prisoners, as he was being regarded by other warders and senior prison officials as being too sympathetic towards PAGAD.
91. When queried about this particular incident, Mawlana Khatieb claimed not to have heard about it. This story went unreported in South African media, but it has been confirmed through my interviews with one of the voluntary prison imams, the senior Muslim prison warder who negotiated with the Muslim inmates on the day, as well as with Mr. Jonathan Jansen. One interviewee confirmed that Mawlana Khatieb as Muslim prison chaplain was indeed at the prison on that particular day.
92. The senior Muslim prison warder involved in the negotiations blamed sinister "Third Forces" for what had transpired. He recognised a prisoner believed by prison management to be an NIA informer among the coordinators of this prison revolt. The prisoner in question was identified by Mr. Jonathan Jansen as Shaheem 'Doc' Ismail in his interview with me. Ismail, a Muslim former dentist, was sentenced to 12 years in prison in March 2005 for having plotted the assassination of a Cape Town magistrate, about to sentence him to four years in prison for the murder of a security guard in 2007 (Witbooi 2005). The notion of a "Third Force" arose in the context of the inappropriately named "black-on-black" violence under late apartheid, held by anti-apartheid activists to be instigated by the apartheid regime in order to saw discord among anti-apartheid activists. The most noted example of "Third Force" involvement was apartheid security forces' documented arming and supplying of Inkatha supporters involved in hostel violence in black townships on the Witwatersrand and in KwaZulu-Natal in 1990-94. See Silva et. al. (1996: 716). As Ellis (1998: 293) has pointed out, the term is a misnomer, inasmuch as it implied that there was in fact a force between the African National Congress (ANC) and the National Party (NP), operating independently of the repressive apparatuses of the late apartheid regime. "Third Force" allegations appear to be quite common among coloured prison staff at the prison even at present. The prison environment lends itself to such a mode of rationalisation, and an undefined "Third Force" was regularly invoked with regard to incidents involving PAGAD prisoners that prison warders had problems explaining.
93. It is apparently not too difficult to get dagga and other drugs such as mandrax smuggled into prison, as long as one as an inmate can afford to bribe corrupt prison warders into turning a blind eye to it.
94. The UCT Criminologist Wilfried Schärf in an interview dated 22.02.05 noted that on a prison visit he had made to Malmesbury Prison outside Cape Town in 2004, he had discovered that Muslim inmates at Malmesbury were incensed about the food not being halal and that their religious needs were not seen to. Prison staff had apparently not even been willing to entertain a meeting with a delegation of Muslim prisoners about their religious rights and needs. Malmesbury is one of 12 provincial "centres of excellence" selected by the DCS, is much less overcrowded, and much more modern than the prison in which my research was undertaken.
95. Even though political Islam to a large extent has failed to transform itself into a movement with its hands on the reins of state power in the Muslim world (and Roy's presupposition that this was the aim of all or most Islamist movements is in itself highly problematic), it has transformed itself in substantial ways, and in many respects appears as appealing as ever to ordinary Muslims. To my mind, the term political Islam is a misnomer, precisely due to the fact that it fails to account for the fact that Islamist

movements were never exclusively focused on political reform or revolution to the detriment of personal religious reform. Roy offers a partial revision of his ideas in Roy (2004). For the purposes of my argument, the notion that Islamic spaces are becoming inherently private is also problematic, since it refracts a public/private distinction which may not be appropriate in all circumstances and contexts.

Notes Chapter 6

1. Such as Nelson Mandela, Ahmed Kathrada, Govan Mbeki and Walter Sisulu of the ANC, and Robert Mangaliso Sobukwe of the PAC.
2. According to Davids (n. d. : 13), Tuan Matarah or "Hadji Matarim" was an imam banished to Robben Island by the Dutch East India Company in 1743, allegedly for having preached Islam in one of the Dutch colonies in Southeast Asia. According to Davids, he died on Robben Island ten years later, and was buried there. Mahida (1993: 7) gives the year of death as 1755. The unpublished manuscript, 'Slaves, Sheikhs, Sultans and Saints: The Kramats of the Western Cape', was the last manuscript completed by the late Cape Muslim social historian Achmat Davids (1936-99). It has hitherto not been published. I am grateful to Dr. Anne Bang for making the manuscript available to me. The kramat of Tuan Matarah on Robben Island was erected in the 1960s (Mountain 2004: 107).
3. I have unfortunately not had the opportunity to see the SABC Documentary in question myself. My rendition of the representation of rituals contained therein therefore relies on what was referred to in the media, as well as information provided to me in interviews by the protagonists in the subsequent debate, namely Sheikh Yusuf da Costa of the Naqshbandiyya-Haqqani tariqa of South Africa (interview 14.12.03) and Sheikh Faa'ik Gamieldien (interview 15.02.05).
4. In the chapter on the "etiquette of visting a mazaar or kramat" of the Cape Mazaar Society's standard publication, *Guide to the Kramats of the Western Cape* , it is stated that as a visitor to a kramat "one should avoid loud and unnecessary conversations and worldly indulgence. One should recite the Holy Quran; even the smallest surah, Durood Shareef, and indulge in Zikr-ul-laah [dhikr] etc. One should make dua to Allah with the Waseela of the Auliyah after Esaale-e-Sawaab." (Cape Mazaar Society n. d. 13). Note the use of Urdu-derived transliterations in the text. I have retained the transliterations used in the text. The Cape Mazaar Society was formed by a group of twenty-five (25) middle-class coloured and South African Indian Muslims in 1982, and had as its stated aim to maintain the "Holy Shrines of our forebears, who sowed the seeds of Islam in Southern Africa." (cited from Naudé 1999: 394). It was founded at the instigation of a South African Indian Muslim from Durban, who had visited the kramat on Robben Island, and alleged that he had been cured of a bladder problem which had incapacitated him after offering ad'iya (supplications) at this kramat. The kramat at Robben Island was in a state of disrepair at the time, and the Cape Mazaar Society set out to refurbish it. It was only later that the Cape Mazaar Society turned its attention to other karamat in the Cape Peninsula. The Dargan Society was amalgamated with the Cape Mazaar Society in 1982. Interview with founder member of the Cape Mazaar Society, 01.03. 05.
5. Interview with Sheikh Faa'ik Gamieldien 15.02.05.

6. Rondebosch had been a white suburb under apartheid. The early 1990s saw an influx of upwardly mobile Cape Muslims to Rondebosch East, and on its heels, the construction of new mosques, such as the Masjid-us-Sunni.
7. Most important of which was probably the pre-prayer khutba of Sheikh Seraj Hendricks of the Alawiyya tariqa and of the Fatwa Committee at the MJC on Friday 12.01.2001. This is reproduced on http://www.mail-archive.com/msa_ec@listbot.com/msg02227.html. Accessed 25.03.06.
8. In an interview with Imam Hassen Walele 23.07.03 he alleged that both he and da Costa had been made *khulafa'* (pl. of khalifa, spiritual leader) of the Naqshbandiyya-Haqqani tariqa in 1998. Personal rivalries between Walele and da Costa, and a conflict over Walele's inclusion of Qadiri 'standing *hadras*' in his Naqshbandiyya-Haqqani sessions, led to a split between the two khulafa'. A hadra is a rapid recitation of parts of the Qur'an. The Naqshbandiyya-Haqqani order practices the so-called *dhikr khafi* or 'silent dhikr', performed whilst sitting, whilst the Qadiri standing dhikr is known for its force and intensity. Sheikh da Costa found the inclusion of this practice inappropriate in light of the lack of historical precedent for it in the Naqshbandiyya-Haqqani tariqa. Sheikh Walele alleged that he had the permission of the Grandsheikh of the Naqshbandiyya-Haqqani, Sheikh Nazim al-Haqqani (who is based in Lefki in Turkish Cyprus) to perform it. There were also conflicts over resources and organisational structure between the two personalities, and these issues led to an effective split between the two khulafa' sometime in 2002. Haron (2005: 285, fn. 61) dates the split to early 2004, but since the two personalities were already operating different congregations as early as 2003, there is every reason to suggest that it actually predated 2004. Sheikhs da Costa and Walele both continued to claim allegiance to Sheikh Nazim al-Haqqani. A letter signed by Sheikh Nazim and posted on the Naqshbandiyya South Africa website at www.naqshbandi.org.za in 2005 (Armien Cassiem, personal information, 2006), but subsequently withdrawn, was designed to make it clear that Sheikh da Costa was considered the khalifa of the Naqshbandiyya-Haqqani tariqa in South Africa by al-Haqqani. Reliable local sources allege that Sheikh Hassen Walele's followers are dwindling in numbers, and that funding from some local businessmen of South African Indian origin for his activities has been withdrawn.
9. Prior to his retirement, da Costa had been a Professor and Head of the Faculty of Education at the University of the Western Cape (UWC) in Bellville, Cape Town, and had published widely on the sociology, demographics and the history of Cape Muslims. For some examples, see da Costa (1986); da Costa (1996); da Costa and Davids (1994).
10. The Kharijites ("Secessionists") were disparate groups which emerged out of the conflicts over leadership in the generations after the death of the Prophet in the Arabian Peninsula. The Kharijites were known for an exclusivist attitude towards Muslim identification, and readily engaged in *takfir* or the act of declaring fellow Muslims as unbelievers (kafirun) or idolators (mushrikun) if they dissented from their views. They also called for the violent removal of any political authorities held to be in error (E. Moosa 1989: 76). Much blood was spilt as a result (Waines 1995: 108).
11. Long and Foster (2004) provide a useful summary and analysis of the debate, but unfortunately do not provide exact references to the letters to the editors of the various publication they cite.
12. Referring to one of the public meetings which was organised in connection with this debate by the Sunni 'Ulama Council of South Africa, Mawlana Ahmed Mukhaddam, a Qadiri Sufi and principal of Islamic College of South Africa (ICOSA) at the time, indicated that organisers had guaranteed Sheikh Gamieldien's safety. Interview 14.10.03. Some of

Sheikh Gamieldien's detractors exploited his unwillingness to attend a public meeting by producing a video of the meeting in which the empty seat on which he should have sat was repeatedly zoomed in on (Haron 2005: 273).

13. Da Costa, who is Gamieldien's senior in age, started out in the secular and socialist Non-European Unity Movement (NEUM) in the 1950s. By the 1970s, he had become a central figure in the Muslim Youth Movement (MYM) in Cape Town, which at the time had clear Islamist leanings (cf. Tayob 1995 for the MYM), was wedded to a program of re- Islamization, and gained strength on the basis of the increased number of Muslim students in higher education in the 1970s and 80s. Da Costa and Gamieldien are known to have worked together on the South African National Zakah Fund (SANZAF), established in 1977 as an off-shoot of the MYM (ibid: 113), and Gamieldien was apparently introduced to MYM through SANZAF (Abdulkader Tayob, personal information, 2006).
14. Brubaker (2004) refers perceptively to the ubiquity of "groupism" – or the tendency to ascribe collective characteristics to members of a particular group - in contemporary societies. Muslims are of course often perceived by the non-Muslim media as a homogenous group, and Islam as the determinative signifier for Muslims. But it should be recalled that Muslims are consumers of non-Muslim media in South Africa to the same extent as non-Muslims, and that "groupism" is not anathema to Cape Muslims either. Identification as Muslim is of course variable, and in some particular circumstances Cape Muslims may engage in politico-religious mobilisation on the basis of their religious identities as Muslims (such as when demonstrating in support of Palestinians on Al-Aqsa Day, or when condemning cartoons alleged to be blaspheming the Prophet Muhammed), on other occasions not. The contestations over ritual, and the labels invoked in the debate I refer to here illustrate the extent to which collective identifications among Cape Muslims are fractured and must be analysed according to their particular and temporal manifestations.
15. The Arabo-centrism of much anthropological writing on Islam – which has been noted by for instance Abu-Lughod (1989) – has implied that alterations in Islamic understandings and practice among Muslims all over the world are more often than not attributed to unidirectional flows of ideas from the centres of learning and pilgrimage in the Middle East. It should be noted however, that for Cape Muslims centres of learning on the Indo-Pak subcontinent have been of almost equal importance to the centres of learning of the Middle East historically, even though the influx of petro-dollars from the 1970s and onwards meant that the balance shifted in the direction of the latter.
16. It should be pointed out that Wahhabi and Salafi discourses and interpretations of Islam have different historical genealogies and must be seen as distinct intellectual traditions. However, I think El Fadl (2003) is correct in arguing for an increasing convergence between the two intellectual traditions on the back of transnational networks and reciprocal contacts in the modern era.
17. Taylor (2002: 112) usefully defines a public sphere as a common space in which members of a society meet through a variety of media, and wherein they discuss matters of common interest. The notion of public spheres was introduced in modern social science through the work of Habermas (see particularly Habermas 1989). In Habermas' original formulations it was linked to particular historical and social formations, namely that of the male bourgeois public at the time of the European Enlightenment, but as Göle (2002: 174) points out, the idea of a public "circulates and moves into contexts" other than Western ones. South Africa in the post-apartheid era is arguably part of a 'Western' context, or is at least seen as such by many Cape Muslims (cf. Bangstad 2006), who do not necessarily perceive themselves as forming part of 'Western' imaginaries, though.

18. Warner (2002: 55) refers to this as "constraints of circulation." At the outset, it should be noted that the contestations over ritual at issue in this chapter are not equally important to all Muslims in Cape Town, and that Cape Muslims of lower social status are more often than not excluded from these public deliberations.
19. The debate I refer to in this chapter quickly degenerated into a type of labelling of one's opponents which had little to do with reasonable arguments, as we have had occasion to see.
20. The concern over the representation of Islam in the South African public sphere which is implied in the contestations over ritual between da Costa and Gamieldien is indicated by the fact that it was a SABC documentary for a largely non-Muslim South African audience which sparked the debate in the first place.
21. Unemployment in the Western Cape, which is one of the richest provinces in South Africa, rose by 50 percent in the period between 1995 and 2002. Approximately 80 percent of Muslims in Cape Town are categorised as coloureds. Unemployment levels among coloureds in South Africa increased by 35 percent between 1994 and 2002, significantly more than among black Africans. Cf. Leggett (2004b: 23). 55 percent of a sample of coloured Muslims were classified as 'not working' in 2002 (Vahed and Jeppie 2005: 253). Background data from Statistics South Africa's population census in 1996 suggested that close to 50 percent of Cape Muslims lived below or close to the poverty line (Heinrich Matthee, personal communication, 2000). Only 2 percent of a 2002 sample of coloured Muslims had tertiary degrees (Jeppie and Vahed op. cit: 254). The enthusiastic adoption of neo-liberal policies by the ANC in the 1990s meant the virtual collapse of many secondary industries (most notably, the textile industry) in Cape Town through the abolishment of import tariffs and trade protections. These were industries which employed hundreds of thousands of low-and semi-skilled coloured workers. The labour absorptive capacity of the modern sectors of South Africa's economy has according to observers been significantly reduced in the post-apartheid era, and it has mainly been the 30 percent of the population with the highest levels of income, savings and skills that has benefited from economic growth (Terreblanche 2002: 432, 452). In the 1990s, "inter-racial inequality declined, but intra-racial inequality increased", so much so that inequality is "increasingly a function of class, rather than race" (Seekings and Nattrass 2002: 1, 25). Highly skilled and educated Cape Muslims have benefited from the affirmative action policies of post-apartheid governments, which require the private and public sector to give preference to members of "previously disadvantaged" groups, such as black Africans, coloureds and South African Indians, with regard to employment and promotions, so as to ensure more adequate representation.
22. In ethnographic accounts, participation in Sufi ritual practices have historically more often than not been seen as part of a "popular Islam" and it has been assumed that this articulation of Islam predominantly appeals to underprivileged Muslims. Gilsenan, in his classical study of the Shadliyya tariqa in Cairo in Egypt (Gilsenan 1973), asserted that popular Sufism was of "little relevance" to the world of the professional middle-class, and that the Sufi orders of Cairo functioned as sources of religious status for those who lacked social status (Gilsenan op. cit: 142-43). This might have been correct at the time and in that particular context, but cannot necessarily be generalised to Sufism elsewhere. My material from Cape Town suggests that the sheikh and tariqa-based resurgence of Sufi practices in Cape Town in the last decade has had as strong an appeal to middle and upper-class Muslims, with high educational levels, as working-class Muslims. With permission from Sheikh da Costa, I have for instance had access to the complete list of signed-up members of the Naqshbandiyya-Haqqani tariqa in Cape Town. The residential

addresses of these members strongly suggested a pre-dominance of middle-class and upper-middle-class Muslims, in spite of da Costa's assertion in my interview with him that members of the Naqshbandiyya-Haqqani tariqa in Cape Town came from "all walks of life." Schielke (2006) provides an insightful albeit implicit critique of Gilsenan's (1973) study on popular Sufism in urban Cairo.

23. I have opted for the term reformist instead of literalist in this dissertation. Pace much academic literature on reformist movements in Islam, it is an obvious point that reformists who insist on the importance of anchoring understanding and practice in the Qur'an and the Sunna, cannot adequately be described as "literalists". As much as any other Muslim understanding of Islam, theirs' represent a particular understanding and interpretation of Islamic texts, and therefore cannot be conflated with "literalism."
24. Terminology used by the Tabligh Jama'at is reflective of the appropriation of religious terms normally used for all Muslims. This has the practical effect of asserting the idea that the TJ are only ordinary Muslims, and TJ ideology merely representative of 'Islam' rather than a particular ideological version thereof. One finds similar rhetorical strategies among Wahhabis/Salafis in Saudi-Arabia. Cf. El Fadl (2005: 74).
25. Affiliation to a particular Sufi tariqa is a relatively new and a predominantly modern phenomenon in Cape Town. The organisational structures of the Naqshbandiyya-Haqqani and Tijaniyya-Niassene turuq were established as late as in the late 1998 and 2002 respectively. The Qadiriyya tariqa in Cape Town was established in the 1970s. But adherence to Sufi practices outside the context of particular turuq among Cape Muslims is widespread, and has been so since the establishment of Islam at the Cape.
26. Central to the issue of the so-called "the two Eids"['ids] in Cape Town is the question as to whether one should celebrate 'id al-adha [The Feast of Immolation or Sacrifice] according to the local sighting of the moon (which is undertaken with "the naked eye" and has historically implied a lack of co-ordination between Muslims in various parts of South Africa, and between South African Muslims in South Africa and their fellow citizens on pilgrimage, hajj), or according to the determinations of the religious authorities in Saudi-Arabia. The determinations of the latter are officially based on scientific astronomical criteria (cf. Moosa 1998: 47). But it is often alleged that they are based on practical and pragmatic administrative and infrastructural criteria. After an agreement between the main 'ulama' organisations in the Cape was reached in 1988, it was expected that Cape Muslims would celebrate 'id al-adha with Mecca as from 1989, but the agreement broke down when the largest and most influential organisation, the MJC, pulled out of it over concerns about internal divisions, and the lack unanimity in and among their affiliate mosque congregations. Cf. da Costa (1995: 36, 40) and Gamieldien (2005: 72). As a result, some thirteen (13) local congregations broke ranks with the MJC, and have celebrated 'id with Mecca ever since (da Costa op. cit: 41). It caused rifts even within families in the course of the 1990s. The present stance of the MJC is that they aim at achieving unity on the issue, but pending such a resolution it has called for tolerance between adherents of divergent opinions on it. An undated but recent booklet edited and published by the MJC (MJC n. d.) significantly only contains fatawa in support of determining 'id al-adha according to the local sighting of the moon.
27. There are equally good reasons to abandon the idea that anthropologists become "anthropologists of Islam" when writing about the lives of Muslims, since it would seem to imply an inherent assumption to the effect that Islam defines and determines the behaviour and understandings of Muslims, a clearly untenable assumption, particularly in the case of Muslims living in secular and largely non-Muslim contexts, such as Cape Muslims.

28. The term "scripturalistic" is of course also somewhat problematic, since it implies that some Islamic traditions are seen as being closer in its adherence to Islamic scripture (Qur'an, the ahadith) than others. In doing so, it tends to reproduce the ideological worldview of, say, Salafis and/or Wahhabis and Deobandis. Within these intellectual traditions, the relevance ascribed to ahadith vary substantially, and furthermore, the enormous wealth of historical and religious literature generated by Sufi intellectual traditions pose significant problems for an understanding which sees Salafi, Wahhabi or Deobandi understandings as more "scriptural." It must be noted that I do not see reformist Sufism as less "shari'a-centric" than any of these traditions.
29. Even though this might not have been the intention of Western Islamicists such as Smith, the implicit assumption is likely to have been that for Muslims, engagement with the intellectual tradition in Islam was ultimately of lesser importance than adherence to "correct" ritual practice.
30. This is not to suggest that there are, or need be, a priori consensuses within particular communities of interpretation at particular times and places about what constitutes 'ibada.
31. Quite incorrectly so, since the first Muslims who were brought to the Cape arrived decades before Sheikh Yusuf. The popular notion of Sheikh Yusuf as the 'founding father' of Islam in South Africa was reproduced through the Tercentenary Celebrations of Islam in South Africa in 1994 (cf. Jeppie (1996) and Ward (1995)).
32. It is virtually impossible to read the work of most of the radical South African social historians of the 1980s without reference to the immediate political context in which they wrote. Social history at the time had a presentist obsession with locating instances of resistance to colonial oppression in black South African history – and sometimes went to considerable length to identify such resistance where little of it was immediately apparent. In their work on the Tswana, the social anthropologists Comaroff and Comaroff (Comaroff (1985), Comaroff and Comaroff (1991)) saw Tswana symbolic and material culture as centrally concerned with and articulated by resistance. It was alleged that the classical binary between resistance and non-resistance was spurious (Comaroff 1985: 263). This represented an ingenious move which in practice meant that many instances of compliance and accommodation with colonial repression among the Tswanas, such as that of the Tswana leaders of the Zionist Christian Church (ZCC) under apartheid (who received and fêted none other than the apartheid President P. W. Botha in the 1980s), could now be represented as the exact opposite. It is therefore a move which has been criticised for instance by Donham (2001b).
33. The term langaar is derived from Melayu, and historically referred to a private prayer room.
34. M. A. Bradlow asserted that the reason why there was no historical evidence for the presence of such networks was that these networks had to remain hidden and unrecorded due to colonial oppression. Hendricks (2005: 181) finds it likely that there were such networks, but faults M. A. Bradlow and others for not contemplating the difference between an ijaza tabarruk (an initiation or teaching certificate for the sake of obtaining the blessings of a Sufi order) and an ijaza irshad (an initiation or teaching certificate which bestows the right to initiate others into the order). This seems to rule out the continuous authorised chain of transmission (sanad ijaza) within Sufi networks at the Cape (Hendricks op. cit: 198), which M. A. Bradlow (1988) presupposed.
35. This point is also made by Sheikh Seraj Hendricks of the Alawiyya tariqa in Cape Town in an interview with Mr. Armien Cassiem, 03. 08.05. I thank Mr. Cassiem for making the transcript available to me with Sheikh Hendricks' permission.

36. Most importantly, the so-called Sirat al-Mustaqim ('The Straight Path'), a text produced by the Shafi'i scholar Nur al-din (d. 1858), a religious scholar appointed by the Sultan of Aceh as a "Shaykh al-Islam" [chief mufti]. Davids notes that Mayson (1963 [1861]) stated that this book was an important source of law for Cape Muslims. Davids' assumption is a problematic one, because it ascribes enormous influence to religious texts in an underprivileged and marginalised community at the Cape, in which there is every reason to think that levels of literacy must have been extremely low. Elsewhere, Davids has referred to a text of Tuan Guru, produced by Tuan Guru while he was a prisoner at Robben Island in 1781, as the seminal and most influential text for Cape Muslims in the 19th century (Davids 1985: 41), but he did not link this text to the problematic at hand here.
37. Mason's interpretations of the historical data are not entirely unassailable either. Rendering the performances of ratiep as acts of resistance is premised on a dualism between social and spiritual factors (itself a dualism which is the product of particular social and historical formations), in which social factors over-determine spiritual factors. We simply do not know for certain why slaves converted to Islam in such numbers in early Cape Town.
38. I attended a number of ratiep performances during fieldwork for my cand. polit. degree in social anthropology on a Cape Muslim community in a southern township of Cape Town in 2000. The practice was widely popular among local Muslims of working-class backgrounds, but the lower-middle-class as well as the 'ulama' viewed the practice with considerable ambivalence. In South Africa, ratiep has also been found among South African Indians in Durban and Cape Town, and among the so-called 'Zanzibaris' (i. e. descendants of Macua-speaking East African Muslims). Ratiep is also found in Zanzibar, and in Sulawesi. Ratiep as practiced in South Africa has been the topic of no less than two PhD dissertations, namely those of Desai (1993) and Karim (1998).
39. Documents relating to the so-called "Califa Question" were collected by the Dutch-born almanac-writer and reporter Josephus Suasso de Lima (1791-1858), a Dutch-reformed Church member and Freemason, and published in de Lima (1857).
40. I spent a number of days in the archives of Muslim Views in Cape Town in June 2005. Muslim News, which was launched in 1961, and ceased publication in 1986, was the predecessor of Muslim Views. The latter inherited the archives of Muslim News. Throughout the 1960s and '70s, the visits of non-South African Muslim scholars, qari'un (pl. of qari', reciter, especially of the Qur'an) and dignitaries featured prominently, as did articles written by Islamic scholars from the Middle East and the Indo-Pak subcontinent. I thank Muslim View's current editor, Mr. Farid Sayed, for granting me access to these archives. For a history of Muslim News, see Haron (1995) and Haron (2004).
41. Most prominent among these disputes being what has become known as the "Shafi'i/Hanafi"-dispute, which involved a conflict over whether Friday communal prayers (jum'a) should be held in one central mosque or not. This conflict split the Cape Muslim communities at the time according to adherence to school of law (madhahib), and affiliation with particular imams, and was not completely resolved before 1945, in spite of mediation by for instance Islamic scholars called in from Zanzibar.
42. The Tabligh Jama'at (TJ) is a Deobandi reformist movement established in India in the 1920s by Muhammed Iliyas in reaction to Hindu attempts at converting underprivileged Muslims in the Mewat region. It is now the largest transnational movement for proselytizing in Islam. Masud (2000) and Sikand (2002) provide useful introductions to the origins and ideology of the TJ, and Moosa (1997) and Cilliers (1983) provide introductions to the TJ in South Africa. The TJ was introduced to South Africa by the Umzinto

businessman Goolam Mohammed 'Bhai' Padia, a Muslim of South African Indian origin, who had been introduced to it on pilgrimage to Mecca in 1962 (Moosa op. cit: 32, Vahed 2003: 317). The TJ gained its first adherents in Cape Town in 1966, but relations between tablighis and local Muslims were fraught with tension throughout the 1960s and '70s. The community newspaper Muslim News reported the presence of tablighis in Cape Town under the headline "Attack on Tableeghi Jamaat Defended" on May 20th 1966. The centre or markaz of the TJ in Cape Town is the Muir Street Mosque in former District Six. The TJs access to this mosque was in its time facilitated by the prominent Cape 'alim Sheikh Abubakr Najaar (d. 1993). He was at the time a prominent member of the MJC. Information from interview with Mawlana Ighsaan Fortune 08.04.05. With regard to the movement's orientation to Sufi ritual practices, it can best be described as forming part of a reformist Sufi continuum. A number of umara' in the movement internationally have been involved in Sufi turuq as well (cf. Moosa op. cit: 42-43). It is often assumed that the TJ is a- or non-political (see f. ex. Ruthven 1997: 141), but this reflects a very restrictive notion of the political. It is a notion which mistakes a proselytising strategy of TJ which has enabled it to operate freely in a global context for a substantial conviction. Cf. also Gaborieau (1999) and Sikand (2006) for this. E. Moosa noted perceptively in a 1989 article (E. Moosa 1989: 80) that "it is deceptive to believe that [Muslim] conservatism does not have a political posture." It is true that the TJ leadership, which was more often than not drawn from a section of conservative middle-class South African Indian Gujerati businessmen under apartheid, was either non-committal or at times even supportive of apartheid (interview with Farid Esack, 29.06.05). Esack recalled that the revered 'Bhai' Padia in 1986 had expressed great enthusiasm about the Nkomati Accords between South Africa and Mozambique, through which the apartheid regime of P.W. Botha managed to deprive the ANC of its bases in Mozambique, after years of military incursions, assassinations of Mozambican political leaders and open threats. But in Cape Town TJ also attracted a number of political activists opposed to apartheid and affiliated with the Cape Muslim Youth Movement (CMYM), among them the radical Islamist Achmat Cassiem's father, Muhammad Cassiem. Interview Achmat Cassiem, 10. 07.05. For many of the anti-apartheid activists who were at some point affiliated with the TJ in Cape Town, their TJ affiliation was a passing moment in their intellectual and activist development. Profs. Farid Esack and Ebrahim Moosa can be counted among these. South African tablighis reported to me that they have faced increasing problems with obtaining visas after September 11, 2001. This is probably due to the fact that former tablighis in countries such as France, Saudi Arabia and Pakistan (cf. Khedimillah 2001, Sikand 2006) have been linked to acts of terrorism, and that the 'Western' intelligence agencies suspect that TJ networks have been used as recruiting grounds for terrorists. It has also been alleged that some of the British-Pakistani suspects of the alleged foiled terror plot in August 2006 had attended Islamic camps run by the TJ in Pakistan (Norton-Taylor, Laville and Dodd 2006). The allegations of linkages between TJ and terror does however appear mostly to be based on unsubstantiated associational logic which ignores the fact that TJ operates as an open organisation to which all Muslims are in principle welcomed through da'wa, and the fact that terror suspects have passed through its ranks is something TJ shares with a number of Muslim reformist organisations of similar orientation.

43. The first institution of higher Islamic learning in South Africa was the Dar al-'Ulum Newcastle in KwaZulu-Natal, a Deobandi institution established in 1973 (Mahida 1993: 105).
44. Such scholarships, which provided six (6) years of free Islamic higher education in Saudi Arabia and funding for regular return visits to family in South Africa for qualified appli-

cants from Cape Town, was provided through the Rabitat al-'alam al-Islami (The Muslim World League), established in Mecca in 1962 (al-Rasheed 2002: 102), and its affiliate, The World Assembly of Muslim Youth (Naudé op. cit: 393), established in 1972. Under state patronage and with petroleum revenue, the Saudi established a number of Islamic universities in the 1960s and 70s (al-Rasheed op. cit: 122). Al-Rasheed notes that on the part of the autocratic al-Saud regime, the emphasis on the Islamic credentials of the state and the regime, which translated into attempts to export Salafi/Wahhabi interpretations to other parts of the Muslim world in the 1970s and '80s in particular, was geared at countering the influence of Nasserist and Baathist Arab nationalism in the same period (ibid: 106, 123). The Kuwaitis also provided scholarships for South African Muslims wanting to pursue higher Islamic learning at Kuwaiti universities through the Africa Muslim Agency (AMA) (Yoesrie Toefy, interview 2005), established in 1981.

45. Among the more influential of those who graduated from Deobandi institutions in India and Pakistan were Mawlana Yusuf Karaan. He is at present Head of the Fatwa Department at MJC, and is reported to have close links with the TJ. There is also Mawlana Qutbodien Kagee, for many years an imam at the Habibia Soofie Mosque in Rylands, Cape Town, which is known as a stronghold of the Chisti-Habibi Soofie tariqa in Cape Town, even though Kagee was also known as a tabligh. Mawlana Farid Esack and Mawlana Ebrahim Moosa were both former musalees of the TJ, and graduated from Deobandi institutions in Pakistan and India respectively. Esack and Moosa, who later became known as prominent anti-apartheid activists and academics, broke with the TJ over its non-commitment with regard to the anti-apartheid struggle.
46. One should not assume, however, that all Cape Muslim 'ulama' who returned to Cape Town as graduates of Islamic universities in Saudi Arabia and Kuwait returned as convinced and committed Wahhabis and/or Salafis. For instance, Sheikhs Ahmed and Seraj Hendricks of Azzawia both studied at the Umm al-Qura University in Mecca in Saudi-Arabia, but as adherents to the Alawiyya tariqa, they interacted with Alawiyya underground networks in Mecca, and took bay'at with the respected Alawiyya Sheikh Muhammad Ibn al-Alawi al-Maliki al-Hasani (d. 2004) during their studies there (Haron 2005: 276).
47. Haron (2005: 275) gives the year for its establishment as 1983, but Vahed's dating is confirmed by Mahida (1993: 132).
48. A number of important Sufi scholars have visited South Africa on lecture tours over the years. Among those who made the greatest impact on Cape Muslims were Mawlana Fazlur Rahman Ansari of Pakistan (1970 and 1972), whose South African lectures were published in 1999 (Ansari 1999), and was broadcast on Radio 786 (one of two Muslim community radio stations in Cape Town) in the late 1990s (Haron 2005: 275). Other visiting Sufi scholars included Sheikh Umar Abdullah al-Qadiri of The Comores Islands (1981) (of the Qadiriya tariqa), Sheikh Muhammad Ibn al-Alawi al-Maliki al-Hasani of Saudi-Arabia (1997) (of the Alawiyya tariqa), Grandsheikh Nizam Adil al-Haqqani of Turkish Cyprus (1999) (of the Naqshbandiyya-Haqqani tariqa), and Sheikh Hassan Cissé of Senegal (of the Tijaniyya-Niassene tariqa) in 2002 and 2003. Cf. Haron (op. cit.) for further details.
49. South African Muslim academics themselves have not been strangers to the "I was blind, but now I can see"-mode of explanation which is indicative of at least a temporal preference for rationalistic and reformist conceptualications of Islamic practice. Hence Suleman Essop Dangor, a professor of Arabic and Islamic studies at the University of KwaZulu-Natal in Durban, asserts that his fellow South African Indian Muslims "no longer indulge in many of the earlier forms of ritual and practices" due to the "introduction of Islamic education" (Dangor 1997: 149, my emphases). Dangor's peculiar choice of verbs may of course be read as an indication of his own positioning.

50. The best introduction to strands of Islamic thinking in the context of the anti-apartheid struggle remains Esack (1988). It is important to note that Muslim anti-apartheid activists in the 1970s and '80s were divided on the issue of co-operation with non-Muslims in the context of the anti-apartheid struggle, and their views on the prospect of a secular democratic order dominated by non-Muslims in South Africa. The Call of Islam was broadly aligned with the ANC. The MYM gradually evolved from Islamist skepticism towards co-operation with non-Muslims to an embrace of the new democratic order, whilst retaining much of its Islamist orientation with regard to its analysis of the international context. The radical Islamists of Qibla on their part rather consistently maintained their utopian vision of South Africa as a potential future Islamic state.
51. It is of course important to note here that the networks of Sufi turuq can serve multiple functions. This includes social functions such as providing muridin with networks through which financial capital may be mobilised for different extra-religious ventures, and through which financial capital may be converted into symbolic capital.
52. Ebrahim Salie, personal information, 2003.
53. In the view of the Cape Mazaar Society, which maintains the kramat, however, he is definitely buried there. Cf. Cape Mazaar Society (n. d.: 19).
54. The Cape Mazaar society lists twenty (20) karamat in its official publication (Cape Mazaar Society n. d.)
55. It should be kept in mind that the TJ originated as a reformist Sufi movement on the Indian subcontinent, and that TJ ideas and practices are therefore in a very profound sense a product of a Sufi historical milieu. See f. ex. Gabourieau (2006) for an exploration of this topic.
56. Outstanding social anthropologists working on research on the TJ elsewhere in the world have noted similar problems with engaging in empirical research on the TJ. (Conversation with Prof. Marc Gaborieau, Paris, 04.12.06).
57. Founded in 1998, it offers higher diplomas in Arabic and Islamic studies. It catered for 80 male students at the time of my visit on 19.04.05. The students are mostly local Muslims from underprivileged backgrounds, but five students were reported to be from Thailand and Malaysia. The main method of instruction appeared to be rote memorisation. The dar al-'ulum is surrounded by farms, and the only entrance is provided by a gravel road. There are no signs providing directions to it. My visit was facilitated by an 'alim who had graduated from the institution. The institute has since been amalgamated with another institute in the Cape.
58. Reconstructed from fieldnotes, 19.04.05. It appears that I failed the test, because subsequent requests for interviews with the teachers at the institute were all declined.
59. I was introduced to a number of elders at Muir Street Mosque on 01.07.05 in an attempt to facilitate access, but my request to interview any of them was declined, after the most senior among them decided that he wanted nothing of it. I was told that "if I wanted to know more about Islam, I should contact the MJC" [sic]. Fieldnotes 01.07.05.
60. Officially, the TJ does not engage in da'wa or proselytizing among non-Muslims. In TJ circles, da'wa is understood primarily as calling fellow and often "fallen" Muslims to the faith. This explains why a significant number of TJ musalees in Cape Town are former drug-addicts and criminals. However, I have spent enough time among TJ musalees to know that the principle of non-proselytizing towards non-Muslims does not apply in practice.
61. Fieldnotes 08.05.05.
62. There are of course quite deliberate attempts at playing down the existence of such rituals and understandings among Cape Muslims in these statements.

63. He had never had any regular work, and explained that this was because "everyone knows that I'm not a worker." His wife had not been working either. The family survived on donations from family and friends. His wife had given birth to fourteen (14) children, but six (6) of these were stillborn, and one (1) child had died some months prior to my interview with him in a traffic accident. The family appeared to be living in utter squalor, and the clothes of my TJ interviewee were full of holes from wear and tear. Fieldnotes and interview 30.06.05.
64. Involving the performance of adhkar at private homes, it is usually held on Thursday nights among Muslims in Cape Town, and is often held in commemoration of deceased relatives, traditionally called a merang (Davids 1980: 95). Its introduction in Cape Town is often attributed to the Alawiyya tariqa (cf. f. ex. da Costa 1994: 113).
65. Lit. "I cannot say this to him." Code switching is quite common among coloured working-class Muslims; Afrikaans is preferred in private and intimate settings. English is often used in public, and in interaction with non-locals. In coloured working-class communities in Cape Town, the English register often functions as a marker of individual aspirations for social mobility.
66. Fieldnotes 24.04.05.
67. Rather paradoxically, the confining of discussions of certain views to informal exchanges among the initiated seems to import the (Sufi) distinction between dhahir ('outward, manifest') and batin ('inner, esoteric') knowledge. I owe this point to Samuli Schielke (personal correspondence, 2005).
68. Observant readers will note that there are only three "C"s referred to here. The fourth one was not mentioned by my interviewee. Interview 08.05.05.
69. Tayob (1989) provides a useful introduction to the function of the concept of fitna for conservative Muslims in South Africa.
70. Note the use of the singular form of the term, which is being deployed rhetorically in this and many other instances by MJC 'ulama'. It is linked to common-sensical understandings of the term, which suggests that Cape Muslims as a community shares a set of values and norms that are consensual.
71. The Muslim exclusivism that this and similar statements sets up is noteworthy for its implicit denial of the fact that the ahl al-kitab (People of The Book) worship the same God, and share the same humanity.
72. Interview 28.04.05. It should be noted that one of the reasons why many Cape Muslims are opposed to the TJ and provoked by them is precisely the underlying assumption in TJ proselytizing that local Muslims have to be taught how to practice their faith anew, as if 350 years of Islamic practice at the Cape had been a complete waste of time. Fortune stated that people moving away from the 'ulama' to the jama'at (TJ) implied that local Muslims were in the process of "beginning to learn their din [faith]." It does not take much imagination to see the colonising worldview, and the potential for denigrating attitudes towards local Muslims' historical ritual traditions in these statements. A far from unusual reaction to the da'wa of the TJ is offered in the following statements of a Sufi-oriented South African Indian Muslim: "These people will come from a thousand miles away, they will come from Bangladesh, which is ten thousand miles away or kilometers or whatever, spend twenty thousand rands to come here, come to my door here, and tell me that I must go to mosque?! What about these people? Is everybody good there? Is everybody [a practicing] Muslim in Bangladesh?! No! There are bad people there [too]. So why don't you work among them?" Interview 03.04.05. The notion of egalitarian scripturalism, which not unlike puritan visions of Christianity such as Protestant Calvinism ascribes responsibility for ethical living to individuals without the use of intermediaries (such as

priests or the 'ulama') is central to the TJ vision, and Mawlana Fortune indicated that he saw this as another reason why Cape Muslim 'ulama' in particular historically saw the TJ as a threat. It is often asserted that Islam does not have an ecclesiae, but in the context of Cape Islam it would certainly not be incorrect to assume that the 'ulama' did in fact, and in many respects still do, function in an ecclesiastic capacity (cf. Moosa 1989: 74). Tayob (1999a: 21) has noted that the Cape imam historically was revered as if he were a Sufi sheikh.

73. Not all Muslim 'ulama' of a reformist disposition in Cape Town share this view of the celebration of the mawlid al-nabi. For instance, it is clear from my interview with Sheikh Faa'ik Gamieldien that he, like a number of shuyukh affiliated with the MJC, upholds the mawlid al-nabi, and is supportive of it. This is but one reason why Sheikh da Costa's labeling of him as "Wahhabi" is misplaced, since the celebration of mawlid al-nabi among Cape Muslims would in fact be anathema to all Wahhabi interpretations. But at mosques funded by philanthropists close to the TJ in underprivileged areas of Cape Town, the mawlid al-nabi is generally not celebrated at all.
74. It should be recalled that in the qasi-Manichean worldview of the TJ, the world in the dunya, or the this-worldly, is secondary and only important as a preparation for the akhira, the hereafter, where Muslims who have practiced their din according to TJ understandings will be amply rewarded.
75. And according to reformist understandings, it is of course not possible for humans to determine whether a person is a waliy or not, because in doing so, humans accord themselves godly prerogatives. This is a view shared by Sheikh Faa'ik Gamieldien, who stated that according to his view, "the only person who knows that they [the awliya] are friends of God is God himself." Interview: 15.02.05. This is a main dividing line between Muslims of Sufi orientation, and those of a reformist disposition. Some Sufi Muslims in Cape Town think that it is indeed possible to determine whether a living person has saintly characteristics or is a "friend of Allah." Wilayat or saintliness is according to some Sufis detectable through the appearances of a living sheikh in one's dreams, or through supernatural experiences with a living sheikh in which one realises that the sheikh can read one's mind both in closeness and in distance. Interview: Sheikh Fakhruddin Owaisi, 19.02.05. Sheikh Owaisi is a Saudi-born sheikh of Alawiyya backgrounds who has lived and taught in Cape Town since the late 1990s and is affiliated with the Tijaniyya-Niassene tariqa in Cape Town. He lives in the predominantly South African Indian estate of Cravenby, where he is employed as an imam at the Husami Mosque. In the context of an analysis of sainthood in Moroccan Sufism, Cornell (1998: 272) has noted that sainthood is a social phenomenon, inasmuch as the extraordinariness of a saint is recognised in practice before it is defined in theory. This is an observation which sheds considerable light on Owaisi's statements with regard to wilayat.
76. Reminiscent of food offerings in Hinduism and Buddhism, this is particularly abhorrent to reformist Muslims, and even to many of a reformist Sufi orientation. In his interview with me on 04.12.03, Sheikh da Costa recounted how he had once seen traces of rice offerings at the dargan [dargah] (Persian-derived term for Sufi saint's shrine) or kramat of Mawlana Abdul Latief at the Habibia Soofie Mosque precinct in the South African Indian area of Rylands. It was clear from his statements that he was adamantly opposed to the practices this implied.
77. It is worth noting that Mawlana Fortune sees both the placing of flowers on the graves of the awliya and asking for assistance as anti-Islamic practices. More moderate and less confrontational reformists would not necessarily take exception to the former.

78. Central to the vision of the TJ is in other words, the notion that whatever is being done by TJ musalees must be in accordance with the Qur'an and the Sunna. Non-TJ Sunni Muslims have found fertile grounds for criticism on this point, since a sanction for the annual gathering of the TJ, the ijtima', can hardly be said to be found in the Qur'an or the Sunna (Tayob 1995: 73).
79. Tawassul is in other words for Sheikh Gamieldien a form of shirk [idolatry], because it is contrary to the belief in the unity of God, or tawhid.
80. On several occasions, I was referred by Tijaniyya-Niassene mukhaddimun (pl. of mukhaddim, representative) in Cape Town to a specific text about Sheikh Hassan Cissé co-written by an American convert to Islam who had become a murid of the Tijaniyya (Wright and Muhammed 2003). I obtained a copy of the text, which appears to have been printed in Ghana and distributed with funding from the Tijaniyya-Niass tariqa, through Sheikh Owaisi. The point of this reference was obvious. It was an apologetic and hagiographic account of Sheikh Cissé (an appendix lists his "Achievements in 2002-03") broadly acceptable to them, not the least because it skirts around the claims to sainthood, infallibility, descent from the Prophet Muhammed, and communication with the Prophet Muhammed through visions by the founder of the tariqa, Sheikh Ahmad Tijani (1737-1815) (cf. Abun-Nasr 1965: 27-57 for details). These are of course claims which makes the tariqa seem rather less shari'a-compliant in the eyes of many fellow Muslims, than the authors of the text would have us think (cf. Wright and Muhammed op. cit: 12 on this). Wright and Muhammed's pamphlet trades on the status of the American University of Cairo (AUC), where they appear to have been students at one time, since the layout of the pamphlet makes it seem as if it was a publication sanctioned or commissioned by the AUC. It was at one point made quite clear to me by the Tijaniyya-Niassene sheikh at their zawiya in a black African township in Cape that my research and scholarship would only be acceptable to local Tijanis if I converted to Islam, and took bay'a from a local mukhaddim of the tariqa. This, it was pointed out to me, was in fact what the author of the pamphlet, Mr. Muhammed, had done, and it was accordingly suggested that my access and understanding would be much advanced by a similar conversion.
81. Or – alternatively – neo-Sufi, even though the latter is a designation which has by now become outmoded. Tayob (1995: 72) has described how Sufi-oriented 'ulama' responded to the allegations of bida' by modern reformist by making sure to anchor their understandings and rituals in Sunna, a similar approach to that pursued by Sheikh da Costa.
82. Dome Publications, which has also brought out a number of Sheikh da Costa's other titles on tasawwuf in recent years.
83. Tijanis are prohibited from taking part in the rituals of other turuq, since it is held that the Tijani wird (litany) was revealed to the founder of the tariqa, Sheikh Ahmed al-Tijani (1737-1815) in a vision by none other than the Prophet Muhammed. Al-Tijani claimed the title of khatim al-wilayat ("Seal of Sainthood") for himself, and the belief in Tijaniyya superiority over all other turuq and the belief in the superiority of Tijani adherents over all other Muslims have characterised the tariqa ever since (cf. Ryan 2000: 214). I have had occasion to observe their ritual exclusivity myself, as I was present when a group of Tijanis attending a khattam al-Qur'an with muridin of the Alawi and the Naqshbandi turuq at the Azzawia Mosque in Walmer Estate in 2005 walked out en masse after the initial salah. The standard reference on the Tijaniyya in West Africa is Abun-Nasr (1965). Molins-Lliteras (2004) provides an interesting, but somewhat flawed account of the Tijaniyya-Niassene tariqa in Cape Town.
84. Interestingly, Sheikh da Costa ascribes his interest in tasawwuf to his brother, Abdurrahman da Costa, but also to the lectures given by the Qadiri Sheikh, Fazlur Rahman al-

Ansari, who visited Cape Town in 1970 and 1972 on a lecture tour. As a young man, da Costa had graduated from Trafalgar High School, and had identified with the quite secular politics of the Non-European Unity Movement (NEUM) in Cape Town. NEUM was a socialist organisation with strong Trotskyite leanings which opposed segregation. It had been established in 1943. Under the leadership of Goolam Gool and Benny M. Kies, it mainly organised coloured teachers and other professionals. It was quite influential among coloured intellectuals in Cape Town well into the 1970s, but failed to establish broader alliances due to its refusal to take part in any resistance in breach of the law, and its opposition to resistance which was not based on multi-racial interests. Cf. Lewis (1987: 215-17, 221-224); Davenport and Saunders (2000: 365-66). Fazlur Rahman al-Ansari was also cited as an important influence by none other than Sheikh Gamieldien in his interview with me.

85. The Naqshbandiyya-Haqqanis have for instance had close contact with the Alawiyyas at Azzawia Mosque in Walmer Estate, the Chisti-Sabriyyas at Habibia Mosque in Rylands, as well as with the Tijaniyya-Niassenis in the black African townships. The Naqshbandiyya-Haqqanis are reported to have provided support in the form of building materials for the building of a Tijaniyya-Niassene zawiya in a black African township in 2002.
86. As pointed out previously, the Shafi'i madhhab predominates in Cape Town, but there are also a significant number of Hanafis.
87. This is of course a somewhat monocausal explanation, and ought therefore to be treated with some caution.
88. Interview 13.05.05.
89. In the interview with Harun, there is a conflation between Wahhabism and Deobandism, hence Harun repeatedly referred to tablighis as "Wahhabis." Interview 03.04.05.
90. In an authentic hadith cited by al-Bukhari it is stated that "Whenever a man accuses another of being a kafir or a wrong-doer, this accusation will rebound on him if the one accused is not in reality a kafir or wrong-doer." It is likely that it is this, or a similar hadith which is being invoked by Harun here. I thank Prof. Abdulkader Tayob (private correspondence, September 2006) for pointing this out to me, and Samuli Schielke for providing the reference (private correspondence, November 2006).
91. In William Butler Yeats (1865-1939), 'The Second Coming',1920.
92. In a work of popular historiography, Ebrahim (2005) describes the life of the prominent Bo-Kaap imam, Sheikh Ismail Hanif Edwards (1905-58). It is clear from Ebrahim's biography that Edwards in spite of being a revered teacher, at times lived almost in penury. Salary levels for Cape 'ulama' are still low, relative to the cost of living, especially for 'ulama' working in poorer communities which often cannot afford, or are unwilling to support the luxury of a salaried imam.
93. Davids (1995: 55) notes that no less than eight mosques were established in less than forty years in the small and restricted community of the Bo-Kaap in the course of the 19th century, as a result of such conflicts.
94. Most important of which was the Claremont Main Road Mosque case in the 1960s and '70s. The conflict revolved around the issue as to whether the congregants of the mosque had the right to appoint the imam or not. The congregants were opposed to the nephew of the deceased imam assuming the mantle of imam in 1964, without having been duly elected nor appointed. A battle in the secular South African courts which was to last until 1977, ensued. The mantle of imam in the mosque had been passed between male members of the Abdoerrauf family by means of hereditary succession since 1854, and members of the family clearly felt that as descendants of the first imam at the Cape, Tuan Guru, they were entitled to do as they pleased. The MJC supported the congrega-

tion, arguing that the most qualified male was entitled to the post, and that it was the congregation's prerogative to elect the imam (Gamieldien 2005: 41).

95. I had the opportunity to observe this in the coloured township community in which I undertook research in 2000. In this community, the imam was in the process of promoting one of his sons, barely out of his teens, to succeed him as imam, against strong opposition from some sections in the congregation, who felt that the latter was not qualified, or that there were other more qualified candidates. They had raised this issue with the MJC, but apparently to no avail.
96. Hanafi fiqh was introduced to the Cape by the Kurdish scholar Abu Bakr Effendi, sent to the Cape upon the instigation of the British authorities at the Cape, in 1862 (Shell 2000: 338). It received further impetus with the arrival of Indian Muslim traders in Cape Town in the wake of the introduction of Indian indentured labourship in the province of Natal in 1860. Sheikh Abubakr Najaar, the MJC President from 1978 to 1982 was a Hanafi (Lubbe op. cit: 72).
97. The Group Areas Act of 1950 and its amendments was a central pillar of apartheid, introduced in order to facilitate residential segregation according to 'race'. All people classified as 'non-white' in areas declared as 'white' under the Act were forced from their homes and properties, and prevented from doing business in such areas. The Act affected most Cape Muslims in some form or the other. The main concern for the MJC was that mosques as awqaf or inalienable communal property not be affected by expropriations.
98. Among these, the Cape Muslim Youth Movement (CMYM) in 1957, Claremont Muslim Youth Association (CMYA) in 1958, the Muslim Youth Movement (MYM) in 1971, the Muslim Students' Association (MSA) in 1974, Qibla (1980) and Call of Islam in 1983. The CMYM was closely aligned to the Non-European Unity Movement (NEUM). The now defunct Call of Islam was closely aligned with the UDF and the ANC. The most prominent politician to have come out of the ranks of the Call of Islam is the present ANC Premier of the Western Cape, Ebrahim Rasool. Cf. Esack (1988); Tayob (1995).
99. Esack (op. cit: 490) indicates that it was due to the fact that a number of members of the MJC executive in 1983 – among them one Faa'ik Gamieldien, as well as Esack himself - identified with the Call of Islam, that the MJC affiliated itself to the UDF. When these executive members withdrew from the MJC, the latter's lack of principled commitment to the anti-apartheid struggle became apparent, according to Esack (ibid: 489).
100. The critique is clearly directed against anthropologists such as Eickelman (1992). I have explored the issues in the context of a township community in Cape Town in Bangstad (2004b).
101. Among the mosques over which it does not exercise any control are the Claremont Main Road Moque in Claremont (a mosque which identifies itself as 'progressive'), the Ahmedi Mosque in Grassy Park (belonging to the Ahmedis, who are considered heretics by mainstream Sunni Muslims), and the mosque of the Ahl ul-Bayt Foundation in Ottery (which is Shia).
102. This figure is based on the annual Companion/Taraweeg Survey published by the Boorhanool Islamic Movement in the Bo-Kaap. Its listings for 2004 contained 137 mosques in Cape Town and the Boland, and a further 13 mosques and prayer rooms (locally referred to as jama'at khanas) which were at the time in the process of being built.
103. Information provided by Sheikh Achmat Sedick, 2nd Deputy President of the MJC, in an interview, 26.05.05. Sheikh Sedick became 1st Deputy President of the MJC in 2006.
104. Since the MJC is the largest Sunni 'ulama' organisation in Cape Town, and has managed to position itself as the legitimate representatives of Cape Muslims, their words carry

considerable weight with Islamic organisations and institutions outside South Africa. An indication of this is provided by the fact that letters from the then President of the MJC, Sheikh Nazeem Mohammed, resulted in the expulsion of two male students, who were brothers, from an Islamic university in Saudi-Arabia in the 1970s. The MJC incorrectly alleged that their father was an Ahmedi, due to the contacts he had with the Ahmediyya in Cape Town. Along with Baha'is, the Ahmedis were being targeted in campaigns of vilification and marginalisation orchestrated by the MJC in the 1960s and '70s. These campaigns had been unleashed by Ahmedi and Baha'i proselytizing activities. The rector of this particular Islamic university in Saudi Arabia gave the two students the option of publicly condemning their father, or being expelled. They chose the latter. The information was provided by Muslims who attended the father's funeral in July 2005.

105. As evidenced by the fact that the MJC has never managed to establish consensus among its affiliated 'ulama' on the issue of the so-called "two Eids"['ids], and has faced considerable opposition with regard to the implementation of their policy on HIV/AIDS. Interview with Mawlana Ihsaan Hendricks, 1st Deputy President of the MJC, 29.06.05, and Sheikh Ahmed Sedick, 2nd Deputy President of the MJC, 26.05.05. Mawlana Hendricks became President of the MJC on 25.02.06.
106. Much like the University of Al-Azhar, whose fuqaha' (legal scholars) are irreducible to any one doctrinal position.
107. The President of the MJC until 25.02.06, Sheikh Ebrahim Gabriels obtained Islamic degree from a university in Saudi Arabia. Sheikh Sedick's degree is from a Wahhabi/Salafi university in Kuwait, and Mawlana Hendrick's degree is from a Deobandi institution in India, as is the degree of Mawlana Karaan (the Head of the Fatwa Department). Sheikh Abdulhakim Quick, the US-born transnational preacher who has headed the Department of Da'wa at the MJC since 1998, has an Islamic degree from the University of Medina in Saudi Arabia, as well as a PhD degree in History from the University of Toronto, Canada.
108. On the other hand, Sheikh Gamieldien returned to the MJC executive in February 2005, a position he had also held during the early 1980s.
109. Interview with Sheikh Abdulhakim Quick of the MJC's Department of Da'wa, 03.09.03.
110. Interview: 04.12.03.
111. The extent to which the MJC 'ulama' position themselves as religious populist politicians on "Muslim issues", and the extent to which it marks a radical departure from the ways in which MJC 'ulama' engaged the public sphere in the past, is often not realised. MJC 'ulama' were generally extremely reluctant to make public statements that could be construed as political throughout apartheid (1948-1994). Cf. Esack (1988) and Jeppie (1991). One could point to various reasons for this shift in positioning, such as (1) the new openness created by the introduction of electoral democracy in 1994, (2) the ways in which global and local media, and their consumers, define relevance through media appearances and engagements to an extent previously unseen, and (3) alterations in the role and function of the 'ulama', which means that the 'ulama' have become professionalised religious functionaries, and that their functions and sources of legitimacy have become increasingly restricted.
112. Populism is an elusive concept in political theory. But according to Taggart (2000) it can be appropriated by a wide range of political positions (Taggart op. cit: 4); has a fundamental ambivalence about representative politics (ibid: 3); develops in response to a perception of crisis and in reaction to liberal democratic politics (ibid: 21, 116); and deals in collectivities, which it identifies in idealised terms (ibid: 3).

113. Tayob (2006: 18) has in another context pointed out that the only consistent feature of modern Islamic discourses has been the extent to which religious texts have provided tools of legitimisation in these discourses.
114. Bateson argued that all social relationships and social groups create differences and divergences of opinion, attitudes, norms and values. Schismogenesis refers to the process by which these differences and divergences accumulate and produce a schism within a particular group, thus generating new social divisions with divergent normative structures. Cf. Seymour-Smith (1986: 254).

Notes Conclusions

1. In line with the model suggested by Posel (1991) in her analysis of the apartheid state, for the purpose of this dissertation, I see the post-apartheid state as an arena for contestation between different social and political forces whose interests vary, rather than as a homogenous entity dominated by a hegemonic interpretation of norms and values.
2. It is also noteworthy that this paradigmatic shift in the 1980s to some extent coincided with the shift from an emphasis on 'class' to an emphasis on 'culture and 'religion' in 'western' academia in the 1980s. This shift towards post-structuralism appears to have had a more than tangential relation to the waning of Communism and the ascendancy of neo-liberalism in the empirical world in the same period of time.
3. It is perhaps a bit of a paradox that I should be making this assertion as a PhD Fellow for the past four years at the International Institute for the Study of Islam in the Modern World (ISIM), or, in other words, as a PhD Fellow at an institute whose very name seem to imply that Islam ought to be at the centre of any analysis of Muslims. But I think I have most of my colleagues there with me in stating that Islam is one, but certainly not the only relevant variable in the analysis of Muslim lives in modern contexts.
4. Casanova based his study on findings from Spain, Poland, Brazil and the US. This means that the hypothesis of secularisation which emerged out of his work is not necessarily applicable on a global scale.
5. Most notably, Jürgen Habermas, Charles Taylor and Abdolkarim Soroush.
6. Habermas's first use of the term "post-secularism" appears to date from a speech in Frankfurt, Germany on 15 Oct 2001. The term had been in use among political philosophers for a number of years prior to this. Habermas's discussion of the term can be found in Habermas and Ratzinger (2006: 31-33). I thank Dr. Frank Peter for providing references on the term and its historical lineage.

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Glossary

Transliterated Arabic, Farsi and Urdu terms

The transliterated terms in this glossary are based on Waines (1995), Wehr (1974), Lapidus (2002), Hendricks (2005), and Ali (2006).

- *abaya* – black overgarment worn by Muslim women, which covers the whole body, save face, feet and hands.
- *adhan* – call to prayer.
- *ahl al-kitab* – people of the book, orig. adherents of monotheistic religions.
- *akham* – commandments or rules of the shari'a.
- *al-hamdu lillah* – praise be to Allah, thanks to Allah.
- *'alim, pl. 'ulama'* – scholar (of the religious sciences). Also used in a general sense about Muslim clergy.
- *amir, pl. umara'* – the title of a military commander, governor or prince. Here: self-designation for an initiated leader of a Muslim group or organisation.
- *akhira [al-akhira]* – the hereafter.
- *aya, pl. ayat* – Qur'anic verse.
- *awliya, sg. waliy* – saints.
- *awqaf, sg. waqf* – religious endowment.
- *awra* – parts of the body that are not meant to be exposed in public according to Islamic understandings. For a man, the awra is the area between the navel and the knees.
- *batin* – inner, esoteric.
- *barakat, sg. baraka* – blessings.
- *bay'a, pl. bay'at* – oath of allegiance.
- *bid'a, pl. bida'* – innovation.
- *da'i, pl. du'ah* – one who invites, propagandist. Here: Muslim missionary, proselytizer.
- *darar* – (moral or financial) harm, damage .
- *dargan [dargah]* (Farsi) – saint's tomb or shrine.
- *dars, pl. durus* – lesson, lecture.
- *dar al-'ulum* – Islamic seminary of higher religious education.
- *da'wa* – lit. calling others to Islam. Proselytizing, missionary work or activity.
- *dhahir* – outward, manifest.

- *dhikr, pl. adhkar* – recitation of religious texts, incessant repetition of certain words or formulas in praise of Allah.
- *dhikr khafi* – in Sufism: silent dhikr. (khafi – hidden, secret, unknown).
- *din* – religion, faith.
- *dinar* – here: Ottoman coinage.
- *du'a', pl. ad'iya* – invocation of God, supplication, supererogatory prayer.
- *dunya* – this world, life in this world, wordly existence.
- *faskh* – lit. cancellation, revocation, dissolving. Unilateral dissolution of marriage on the part of a Muslim wife, usually in return for the dower.
- *fatwa, pl. fatawa* – formal legal opinion.
- *faqih, pl. fuqaha'* – jurisprudent (and theologian), expert of fiqh.
- *fiqh [al-fiqh]* – Islamic jurisprudence.
- *fitna* – discord, dissension.
- *ghawth al-zaman* – 'saviour of the age', self-proclaimed title of the Tijaniyya founder, Sheikh Ahmed al-Tijani.
- *ghusl* – the major ritual ablution, a washing of the whole body, for example after sexual intercourse or prior to burial.
- *ghusht (Urdu)* – period of proselytizing in Tabligh Jama'at circles.
- *hadat or ratib al-hadat* – here: ritual of recitation of religious texts, usually held in private homes on Thursday evenings.
- *hadith, pl. ahadith* – narrative relating the deeds and utterances of the Prophet and His Companions.
- *hadr* – rapid recitation of the Qur'an.
- *hajj* – the official pilgrimage to Mecca.
- *hajji [hajj, pl. hujjaj]* – honorific title for a male who has performed the pilgrimage to Mecca.
- *halal* – lawful, legal licit, that which is allowed.
- *'ibada, pl. 'ibadat* – lit. acts of devotion, religious observances. Proscribed activities of worship.
- *ibaha* – permissibility.
- *'id al-fitr* – the Feast of breaking the Ramadan Fast.
- *'id al-adha* – the Feast of Immolation, the Feast of Sacrifice.
- *ijaza irshad* – an initiation or teaching certificate for the sake of obtaining the blessings of a Sufi
- order.
- *ijaza tabarruk* – an initiation or teaching certificate which bestows the right to initiate others into a Sufi order.
- *ikhtilaf* – lit. variety, diversity, difference of opinion. Here: internal normative pluralism.

- *ijtima'* – lit. gathering, assembly, meeting. Here: annual gathering of the Tabligh Jama'at in South Africa.
- *imam* – prayer leader.
- *iman* – faith.
- *jama'at* – lit. group, community. Here: congregation.
- *jama'at khana* – here: small mosque or prayer room.
- *janaza* – funeral.
- *jum'a* – Friday congregational prayer.
- *kafir, pl. kafirun* – unbeliever, infidel, atheist.
- *kalimat shahada* – lit. word of testimony or witness. Here: Islamic profession of faith.
- *khalifa, pl. khulafa'* – lit. successor, caliph or vicar. Here: spiritual leader or guide.
- *khatim al-wilaya* – 'seal of sainthood', self-proclaimed title for Sheikh Ahmed al-Tijani, the founder of the Tijaniyya tariqa.
- *khattam or khattam al-Qur'an* – here: recitation of the Qur'an in Sufi circles.
- *khutba, pl. khutab* – speech, lecture. Specifically: Islamic Friday sermon.
- *kramat [karama, pl. karamat]* – lit. miracle worked by a saint. Here: saint's tomb or shrine. *kuffiya* – here: skull cap for males.
- *kufr* – infidelity, unbelief.
- *kurta* (Urdu) – a loose shirt falling somewhere below the knees of the wearer.
- *liwat* – anal sexual intercourse between men.
- *madhhab, pl. madhahib* – school of Law in Islam.
- *madrasa, pl. madaris* – (Islamic) school.
- *markaz* – headquarters (of Tabligh Jama'at).
- *maslaha* – interest. Here: public interest, common good.
- *ma'shura [mushawara]* – consultation.
- *mawlana* – form of address to a sovereign. Here: religious scholar with training from institutes of higher religious education in India or Pakistan, or from institutes of Indo-Pak provenance in South Africa.
- *mawlid al-nabi* – annual celebration of the birth of the Prophet Muhammed.
- *minbar* – pulpit, mimbar, platform.
- *miswak [also siwak]* – traditional wooden stick used for rinsing of teeth.
- *mu'amalat, sg. mu'amala* – social matters
- *mudawwana* – lit. body of laws. Here: Moroccan legal code based on Maliki fiqh.
- *mufti* – an expert in shari'a qualified to give authoritative legal opinions.

- *mukhaddim, pl. mukhaddimun* – lit. servant, agent, leader. Here: representative in Sufi order or brotherhood.
- *munafiq, pl. munafiqun* – hypocrite.
- *murid, f. murida, pl. muridin [muridun]* – novice in or follower of a Sufi order or brotherhood.
- *mursal* – weak, incompletely transmitted (of a Prophetic tradition resting on a chain of authorities that goes no further back than the 2nd generation after the Prophet).
- *musalee* (Urdu) – lit. person in prayer. Here: follower, used in connection with the Tabligh Jama'at.
- *mushrik, pl. mushrikun* – idolater, polytheist, one who associates partners to Allah.
- *nafaqa* – adequate support, especially of the wife.
- *nasiridin [nasrani, pl. nasara]* – Christians.
- *nikah* – marriage, marriage contract.
- *niya* – intention.
- *qabr, pl. qubur* – grave.
- *qadi [qadin, pl. qudah]* – judge.
- *qari', pl. qari'un* – reciter (especially of the Qur'an).
- *rak'a, pl. raka'at* – a bending of the torso from an upright position, followed by two prostations (in Muslim prayer ritual); prostration cycles in prayer.
- *ramadan* – the ninth month of the Muslim calendar, annual month of fasting.
- *ratiep [ratib]* – Sufi ritual linked to the Rifai'i order or brotherhood.
- *sabr* – patience.
- *sahih, pl. sihah* – reliable, with reference to ahadith.
- *salah, pl. salawat* – Islamic prayer, the official Islamic prayer ritual.
- *salat al-dhuhr* – midday prayer.
- *salat al-'isha'* – evening prayer.
- *salat al-maghrib* – prayer at sunset.
- *salihin [salihun, sg. salih]* – pious, righteous ancestors.
- *sanad ijaza* – authorised chain of transmission of initiation in Sufism.
- *sayed [sayyid, pl. asyad]* – title of Muhammed's direct descendants, descendant of the Prophet.
- *shafa'a* – intercession.
- *shari'* – legislator (under the shari'a).
- *shari'a [al-shir'a]* – lit. 'the path that leads to the source.' In modern usage, 'Islamic law.'
- *sheikh, pl. shuyukh* – master, master of an order (Sufism); title of scholar.

- *shirk* – heresy, associating partners to Allah. Polytheism, idolatry.
- *sunna [al-sunna]* – the way of the Prophet Muhammed, the Sunna of the Prophet, i.e. his sayings and doings, later established as legally binding precedents.
- *sura, pl. suwar* – chapter of the Qur'an.
- *tabarruk* – to seek blessings from a saint. To be blessed by someone, to ask someone's blessing.
- *takfir* – charge of unbelief, seduction to infidelity.
- *takhayyur* – lit. to choose, select. Here: eclectic expediency as a technique in law reform.
- *talaq* – male unilateral dissolution of marriage, divorce.
- *talfiq* – lit. to piece together. Here: combining the views of different schools of law to form a single regulation.
- *taqlid* – adoption of the legal decision of a madhhab, filial adherence to one particular school of law.
- *tariqa* – Sufi order or brotherhood.
- *tasawwuf [al-tasawwuf]* – Sufi practices, the Sufi way of life
- *tawaf* – circambulation of the Ka'ba in Mecca (as part of the Islamic pilgrimage ceremonies).
- *tawassul* – lit. attainment, achievement. The use of a means to approach Allah.
- *tawhid* – belief in the unity of God, monotheism.
- *umma* – the global community of Muslims. Nation, people.
- *'umra* – the minor and non-compulsory pilgrimage to Mecca.
- *'urf* – tradition, custom.
- *'urs* (Urdu) – commemoration of the birth of the Prophet Muhammed in the form of recitations.
- *wajib* – obligatory, compulsory.
- *wakil, pl. wukala'* – legal guardian, deputy, proxy.
- *wallahi* – (exclamatory): I swear by Allah.
- *wilayat, sg. wilaya* – signs of sainthood, saintliness.
- *wird* – litany, a specific of day or night devoted to private worship (in addition to the five prescribed prayers; a section of the Qur'an recited on this occasion.
- *yahudin [yahudi, pl. yahudiyun]* – Jews.
- *zawiya, pl. zawaya* – Sufi lodge
- *ziyara* – lit. visit. Here: pilgrimage.

Xhosa, Dutch, Afrikaans and Malayu terms

The terms and explanations in this glossary are based on Silva (1996), Kirsch and Skorge (2001).

- *Amakwaduka* – rural newcomers to urban areas, 'outsiders'.
- *Amakwerekwere* (derogatory) – 'foreigners', non-South African black Africans.
- *Amaqabane* – 'comrades', often UDF-affiliated activists opposed to the 'witdoeke' in factional fights in Crossroads during the 1980s.
- *Amasiko* – Xhosa traditions
- *Amathongo* – ancestral spirits.
- *Assegai* – spear.
- *Bandieten* – political prisoners under the Dutch.
- *Dagga* – indigenous plant with intoxicating effects. Also used for marijuana.
- *Doekie* (diminutive of *doek*) – headscarf.
- *Gat* (vulgar) – arse, arsehole.
- *Inkankatha* – 'nurse', male guardian during Xhosa initiation.
- *Igqira, pl. amagqiras* – traditional healer.
- *Itafile Intaba* – Table Mountain.
- *Kraal* – enclosure for cattle or other livestock in a rural homestead.
- *Langaar* – small Islamic prayer room during colonial times.
- *Mandrax* – highly intoxicating drug in tablet form.
- *Merang* – alternative term for hadat or ratib ul-hadat.
- *Mfecane* – displacement caused by the military campaigns of the Zulus under King Shaka Zulu between 1817 and 1828.
- *Mfengu* – Nguni refugees from the Mfecane who attached themselves to the Xhosa tribes in the Eastern Cape in the 18th century.
- *Moer* – to beat, assault.
- *Moffie* (derogatory) – male homosexual or transvestite, effeminate male homosexual.
- *Mozbiekers* – colonial designation for black Africans from Mozambique.
- *Ndiyindoda* – exclamatory: I am a man!
- *Poes* (vulgar) – cunt.
- *Pondokkie* (diminutive of *pondok*) – small shack.
- *Sabela* – prison lingo.
- *Slamse gevaar* – Muslim 'peril'.
- *Stoep* – small front porch or veranda.

- *Swart gevaar* – black 'peril'.
- *Tik* – crystal metaamphetamine.
- *Tukamanie* – Muslim professionals who perform the ritual washing of the bodies of the deceased.
- *Ubuntu* (Nguni languages) – the principle that one is a person through other persons.
- *Ubudoda* – manhood.
- *Ubukhwenkwe* – boyhood.
- *Vrye Zwarten* – Free Blacks during colonial times.
- *Witdoeke* – paramilitary group in Cape Town's Crossroads' settlement in the 1980s.
- *Wit pype* – white pipes used for mandrax consumption.
- *Wyfie, wyfietije* – wife, small wife. In the prison context, term referring to younger male inmate who takes on the sexual role of a wife in return for goods or favours.

Appendix I

Informed Consent

I hereby declare that I have been interviewed by Research Assistant x/Research Assistant xx/Sindre Bangstad for the research project 'Polygynous Marriages in Transition in the Cape Muslim Community'. This project is administered by Mr. Sindre Bangstad, a PhD Fellow at the *International Institute for the Study of Islam in the Modern World* (ISIM) in Leiden, The Netherlands, and financially supported by *Shura Yabafazi* (SY), a Muslim womens' NGO established in 2001 with the aim of increasing awareness about Muslim womens' rights in Islam. SY has made submissions to the project committee on Muslim Personal Law (MPL) at the *South African Law Commission* (SALC), and intends to make submissions to Parliament when the proposed 'Islamic Marriages and Related Matters Act' eventually comes before Parliament in South Africa. By signing this informed consent document, I agree to Mr. Sindre Bangstad and SY making use of the transcript of this interview for the purpose of research and subsequent publication, and its possible utilisation in submissions to the Parliament of the Republic of South Africa by SY, subject to the following conditions, which will be strictly adhered to by Mr. Bangstad, his research assistants, and SY:

(1) That my real name is not used or divulged in submissions and/or publications, nor supplied to any other 3rd party by Mr. Bangstad, SY and/or his research assistants.
(2) That personal details such as residential address, place of residence and/or any other details which may identify me to a third party will not be used by Mr. Bangstad and/or SY.
(3) By signing this document of informed consent, I declare that I have been duly informed about the research and its utilisation, and that I accept the conditions outlined in this document. I understand that this permission is binding, and may not be revoked.

Cape Town … / … 2005

……..
Name and signature

Appendix II

Informed Consent

I hereby declare that I have been interviewed by Research Assistant x/Research Assistant xx/Sindre Bangstad for the research project 'Muslims Living With HIV/AIDS in Cape Town'. This project is administered by Sindre Bangstad, a PhD Fellow at the *International Institute for the Study of Islam in the Modern World* (ISIM) in Leiden, The Netherlands, and is financially supported by *Positive Muslims* (PM), a Muslim NGO in Cape Town established in 2000 with the aim of offerring support and counselling for Muslims living with HIV/AIDS in Cape Town and increasing awareness about HIV/AIDS, its treatment and prevention in Muslim communities in Cape Town. In exchange for such funding, Mr. Bangstad has agreed to write a report on his findings to PM. By signing this informed consent form, I agree to Mr. Bangstad and PM making use of the transcript of this interview for the purpose of research and subsequent publication, subject to the following conditions, which will be strictly adhered to by Mr. Bangstad and PM:

(1) That my real name is not used in submissions and/or publications, nor supplied to any 3rd party by Mr. Bangstad, his research assistants and/or PM.
(2) That my personal details, such as residential address, place of residence, place of work and/or any other details which may identify me is not to be used in any publications by Mr. Bangstad and/or PM.
(3) That Mr. Bangstad block out any references to my name in the interview transcripts, prior to handing copies of these over to PM.
(4) By signing this document of informed consent, I declare that I have been duly informed about the research and its utilisation, and that I accept the conditions outlined in this document. I understand that this permission is binding, and that it may not be revoked.

Cape Town … / … 2005

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Name and signature