

LOWERING THE GAZE: REPRESENTATIONS OF MUSLIM WOMEN IN SOUTH AFRICAN
SOCIETY IN THE 1990s.



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CHAPTER 1

Gender, Islam and the Production of Social Value in the Public Sphere

This chapter serves to introduce the theoretical concerns of the mini-thesis and maps out the framework within which the question of gender in public culture can be studied. It further outlines debates around the proposed framework of visual representation and ways of looking. It is particularly concerned with the question of imaging. It analyses how the gaze, images and imagining have influenced the construction of Cape Muslim historiography. Further, it explains the ways in which visual material has the effect of unsettling orthodox interpretations of theological text through an interrogation of the image and the gaze and the role that Muslim women have played in the public domain. It argues that Muslim public practice has not mirrored the professed belief system of gender equity. This has had the effect of playing into Muslim stereotypes that has further weakened the position of Muslim women in spite of their continued production of social value.

Muslim women's lack of access to mosque space has left them with few opportunities to direct or influence the interpretation of the theological texts. The mosque is an almost strictly gendered space that is seen as a key platform from which Muslims are exhorted to fulfil existing obligations and where new practices emerge as part of the creation of tradition in the Muslim community. I would further like to argue that it is the acts and interventions of the women who have claimed Islam and its belief system in its entirety as their own and then shaped this to fit their lives that will enable Muslims to rethink existing attitudes to women in Muslim communities.

What has been the effect of the existing modes of representation of Cape Muslim women on their work in public organisations? This is the central question on which this thesis pivots.

Muslim women in the Cape have been inadequately understood in the public domain and the value of the work that they do in the many Muslim social welfare organisations is overlooked and goes largely unnoticed. It is, of course, known that women take part in social work,

organise charity functions and provide counselling services at many organisations in Cape

Town and its surrounds. This work includes the production of social value. What is intriguing

is that, Muslim men have been disproportionately visible in the mainstream. It is evident that there are unseen elements at play that dictate who and what gets shown. That these rules not only affect the Muslim public sphere but also the mainstream public domain is telling of the discourse that has been constructed around Muslim women in the Cape.

Muslim women, history and the public sphere

The Islamic landscape in the Cape is made up of an established hierarchy of male Islamic scholars who claim descent from those rebels who were exiled and enslaved by the Dutch when they subjugated and ruled parts of the Indian Ocean world including the islands of the Malay-Indonesian archipelago. Rebels were enslaved and shipped by the Dutch East India Company (VOC) to serve as a prime source of labour from the 17th century onwards in the Dutch colony at the Cape of Good Hope. Along with the human capital that their labour represented, slaves brought with them their belief system.¹ Many of these people who were Muslims from the archipelago or who were influenced by Islam from the archipelago and exiles and slaves at the Cape, were mostly *Sunni* Muslims who followed the *Shaafi'i* school of thought. The fact that they were *Shaafi'i* Muslims is in itself significant because this dictated aspects of the type of Muslim cultural forms that developed in the Cape.

The Muslims, who arrived later, came to South Africa from the Indian subcontinent, or what is now India and Pakistan. They followed the *Hanafi* school of thought and that may be why the

¹ JA Naudè, 'Islam in South Africa: A general survey', *Institute of Muslim Minority Affairs*, Vol. 6, No.1, January 1985.

traditions followed by the Muslims in the Northern provinces of South Africa were, and still are, different from those in the Western Cape. One of the main differences, for the purposes of this study, relates to women's access to the public domain and specifically mosque spaces.² Another significant addition to Muslim society in the Cape was Abubakr Effendi who was an emissary sent to the Cape by the Ottoman Caliphate in 1862. He is credited as being the founder of the *Hanafi* orthodoxy in the Cape and was also responsible for the red fezzes with a black tassel worn by the Muslim men and the face covering worn by the Muslim women in Cape Town.³

It is not my aim to elaborate on how Islam came to the Cape nor its subsequent development and establishment, but rather to examine how the early Cape Muslims constructed a framework for the survival of Islam. The very survival of Islam as a complete belief system with attached cultural modes of expression and conduct, and a hierarchy of scholars has been a phenomenon that has received much attention from South African and European researchers.⁴ The type of interest has ranged from work of a historical, social and anthropological nature. One of the main reasons that had motivated these studies, particularly in the post-apartheid era, had been to study the Cape Muslims as a minority community that had seemingly preserved their

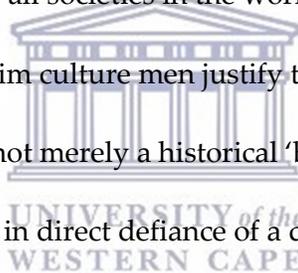
² Faaiza Shaik, *Women's access to Mosque space*, Unpublished M.A. thesis, University of Natal, Durban, 1998, p. 25.

³ Achmat Davids, *The History of the Tana Baru*, The Committee for the preservation of the *Tana Baru*, Cape Town, 1985.

⁴ See Sindre Bangstad, *On Deen and Dunyah: Muslim Identities in an Urban Community in Cape Town*, MA Thesis in Social Anthropology, University of Bergen, Norway, 2001. For a South African historical commentary on Muslim involvement in South Africa see S.V. Sicard, 'Muslims and Apartheid: The theory and practice of Muslim resistance to apartheid', *Journal Institute of Muslim Minority Affairs*, Vol. 10:1, January 1989, p. 199 – 222.

cultural belief system for more than three hundred years.⁵ However, these studies had failed to examine the lives of Muslim women. It was almost as if the initial role and image of Muslim women in the Cape had seemingly prevailed and remained the same for the last three hundred years.

Women in Muslim cultures have largely been relegated and confined to the home and had been encouraged to practice their religion in private rather than in public. It can be argued that they were subject to the dictates of the males of their families. According to western feminists, much of this reality is shared with virtually all societies in the world except for one feature: how this male domination is justified. In Muslim culture men justify their dominant role by invoking Qur'anic tradition and this makes it not merely a historical 'battle of the sexes', as in secular societies, but seemingly puts women in direct defiance of a divine injunction.



For the most part, the kind of Islam that continues to hold sway over many areas of the Muslim world subscribes to an interpretation of the *Qur'an* made more than a thousand years ago.

Hefner in his article on 'Public Islam and the problem of democratisation' says the following,

In the early modern era, reform-minded rulers in the Muslim world initiated modernizations intended to respond to the political challenge of the West. The enormity of Western colonization also

⁵ See Kerry Ward, "The '300 Years: The making of Cape Muslim Culture' Exhibition, Cape Town, April 1994: Liberating the Castle?", *Social Dynamics*, Vol. 21:1, 1995, p. 96 – 131 and *The Road to Mamre: Migration, memory and the meaning of community c 1900 –1992*, Unpublished MA Thesis, University of Cape Town, 1992.

prompted Muslim reformists outside of the state to demand that the door of religious interpretation (*ijtihad*) be reopened. Over the course of its long history, the Muslim world had seen a series of religious reformations, most of which called for a return to scripture and the recorded example of the Prophet Muhammad. But the reformers of the late nineteenth and early twentieth century gave this scripturalist imperative a new twist. For them, the message of Islam required that Muslims avail themselves of science, education, and modern forms of association. This reformation was intended to give Muslims, not just the purity of the Word, but the resources and aptitudes of political modernism. By the middle of the twentieth century, however, the great experiment of Islamic modernism seemed to have settled into a stale orthodoxy.⁶

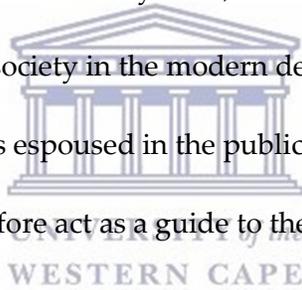
It may be the case that many of the world's more than half a billion Muslim women live in extreme poverty, have little education, bear large numbers of children and remain excluded from their society's public realms. Yet, it can also be argued that Muslim women have also found public spaces in which they articulate their resistance to this cultural hegemony. It may not be comparable to the way that western and secular women conduct their activities and articulate arguments and rights about gender equality.⁷ Nevertheless, within the strictures of an interpretation of a code of behaviour as prescribed by the Qur'an and the Prophet Muhammad, these Muslim women have attempted to forge spaces within which their expression and practice is an articulation of themselves as women within an Islamic framework and where the work they do will have intrinsic value.

⁶ Hefner quoted in Evan Charney, 'Political liberalism, deliberative democracy, and the public sphere', *American Political Science Review*, March 1998. (See also Keddie 1968; Rahnema 1994)

⁷ See also Soraya Assad, 'Current Status of Literature on Muslim women: A case study', *Journal Institute of Muslim Minority Affairs*, Vol. 10:1, January 1989, p. 171 – 198.

The 'Islamic' Public Sphere

In secular spheres of society the notion of public has come to mean very particular things. The secular public sphere emphasizes the importance of the 'freeness' of spaces of articulation and their relative separation from the organs of the state. Evan Charney describes this as a space "where citizens can freely debate, deliberate, and engage in collective democratic will formation".⁸ According to Jurgen Habermas and various other scholars, the public sphere is not in a common public space, as in the Greek polis, or in a Rousseauan general assembly attended by all citizens but it is located within civil society itself, that is, within all the manifold forms of associational life that comprise civil society in the modern democratic state.⁹ This would therefore mean that values and ideals espoused in the public sphere would be the space for responsible public opinion and therefore act as a guide to the formulation of legislation. It seems, however, that the public sphere is clearly delimited. Habermas also says that with "the historically shifting boundary between the public and private spheres has always been problematic from a moral point of view."¹⁰



Another theorist on the role of the public sphere in democratic polities, Seyla Benhabib asserts, "Democratic politics challenges, redefines and renegotiates the divisions between the good and

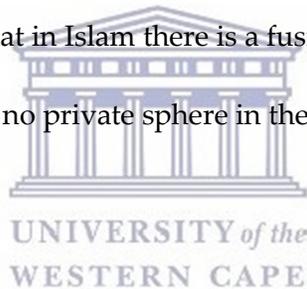
⁸ Evan Charney, 'Political liberalism, deliberative democracy, and the public sphere', *American Political Science Review*, March 1998.

⁹ Ibid.

¹⁰ Jurgen Habermas, quoted in Evan Charney, 'Political liberalism, deliberative democracy, and the public sphere', *American Political Science Review*, March 1998.

the just, the moral and the legal, the private and the public."¹¹ She further argues that those acts that were previously considered to be part of the private domain, such as certain aspects of worker-employee relations, are now seen as 'public', because they now fall under the jurisdiction of the state by virtue of there being legislation that regulates all labour activities.

The notion of 'public' in Islam is very different from the notion of 'public' in the secular sense of the word. As in western secular circles there is the differentiation between the individual and the state, but that is where the similarity ends. Secularism demands the separation of the self from state, and relegates all things to do with the self – including religion – to the private sphere, whereas in Islam everything including actions in the private sphere is regulated by a moral code. This in essence means that in Islam there is a fusion of the public and private sphere to such an extent that there is no private sphere in the secular sense of the word.



Therefore I would like to suggest that there is not one meaning to the word 'public' but rather different levels of 'publicness' and privacy that are dependent on factors like gender and age. So how would one define the Islamic public sphere? If we look at what can be made public by Muslims, it will give us more of an idea of what constitutes the public domain. Divine injunction circumscribes what both men and women can expose in the public domain. It is generally accepted that for women, the physical limitations in the company of men that they may marry are that they must be covered so that only their face, hands and feet are exposed. When in the company of women only, limitations do not cease and these are that she must be

¹¹ Seyla Benhabib, *Situating the Self: Gender, community and postmodernism in contemporary ethics*, 1992, p. 99 - 100.

covered from the navel to the knee. Men have to be covered from the navel to the knee in the company of both men and women. These physical limitations influence who appears and also how they appear in public and they also dictate whose opinions can be heard. These physical markers mean that those who do not conform will invalidate what they might say by virtue of their appearance.

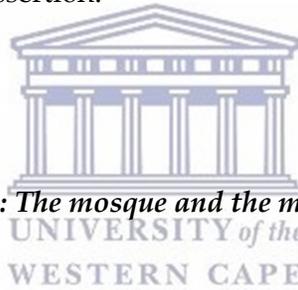
It is not always possible to recognize a South African Muslim because she may choose not to show her religious identity in external, visual ways. She may not wear a scarf or other form of Islamic head covering. In fact many Muslim women simply do not believe that it is religiously essential that they dress in one way or another. For others, the wearing of 'Islamic dress', whatever form that might take, is not only an outward and visible way of affirming their identity with and pride in Islam, but also is understood to be God's specific requirement for women. It is becoming more and more difficult to use these visual markers to identify and 'tag' whether someone is 'Muslim' or not. However, the question that needs to be answered is: does the mere wearing of a headscarf or veil make you Muslim?

The attitude towards the headscarf seems to suggest that only women who wear headscarves seem to be acknowledged as Muslim. The increasing numbers of women all over the world who have consciously opted to wear the headscarf do not suggest that this is purely a sign of

religiosity. Indeed, the circumstances of increased adherence to visual codes have often been political. Indeed, in her article in the *Christian Century*, Jane Smith argues that,

The reasons some women choose to interpret the *Qur'an* verses on dress as a mandate for at least covering their hair have as much to do with politics as with religious responsibility. It is not a coincidence that the first evidence of an Islamic revival involving adoption of Islamic dress began shortly after the 1967 and 1973 wars in Israel/Palestine.¹²

The presence of outward Muslim signs through dress thus may have little to do with religiosity and everything to do with political assertion.



Gender and the production of culture: The mosque and the museum

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On the 12 August 1994 Amina Wadud-Muhsin made history in South Africa when she delivered a pre-*Khutbah* lecture in a mosque in Cape Town. This event raised questions about the gendered organisation of mosques as public spaces. Conventionally, the pre-*Khutbah* (sermon) lecture is delivered by the Imam or Sheikh, a title given to the head of the congregation who is a man, which is followed by the *Khutbah*. All of this takes place before the *Jumu'ah* or Friday midday prayer that is compulsory only for men. Although women are allowed into the mosque and do frequent mosques in Cape Town, *Jumu'ah* is traditionally seen as a male activity in a male space. The invitation that was extended to the American Muslim

¹² Jane Smith, 'Women in Islam: Clothes and convictions', *Christian Century*, 30 January 2002.

theologian created uproar within the Cape Muslim community. In a booklet published a year later by the Claremont Main Road Mosque the chair of the board of governors, M. Adam Samie said,

The pre-*Khutbah* itself was delivered in a highly charged atmosphere to a small group of worshippers at the Friday *Jumu'ah* congregational prayer. It was the first time that a woman had delivered a pre-*Khutbah* at a Mosque in South Africa and there were many who opposed this development. It remains a testimony to the courage of this quietly spoken woman that she was not intimidated, and proceeded to deliver such a powerful and eloquent exposition of her beloved faith.¹³

At the time, however, the local community of and beyond the mosque was divided as to whether it was in the first instance proper for a woman to address a congregation of men, and in the second instance whether it was allowed according to the *Shari'ah* for a woman to make the pre-*Khutbah* lecture.¹⁴



The Claremont Main Road Mosque is well known in Cape Town for being politically very progressive and a socially pioneering mosque, quite at odds with the mainly strict orthodox Muslim community. When women demanded mosque space, a separate space was not created but rather the mosque was divided down the middle into two halves. This meant that men and women stood next to each other during prayer, a situation that was widely criticised by the more orthodox in the Cape Muslim community. However, when I asked Moulana Ihsaan Hendricks, Deputy President of the Muslim Judicial Council (MJC) his opinion on the Wadud-

¹³ Amina Wadud-Muhsin, *Islam: Engaged Surrender*, Claremont Main Road Mosque Publication, 1995.

¹⁴ See also Faaiza Shaikh's commentary in *Muslim women's access to Mosque space*, Unpublished thesis, 1998.

Muhsin incident he responded by saying that he did not want to believe 'it was wrong for her to read the pre-*Khutbah* lecture':

I don't believe that it was wrong at all because one has got to understand and analyse...her presentation.... Was it in contradiction [to Islam]? [Was it] violating Islam?¹⁵

According to Hendricks, it was not wrong at all. He clarified his opinion by saying that he did not think it was the fact that Amina Wadud-Muhsin spoke but rather the idea that a mosque in Cape Town was changing the rules for the gendered division of an Islamic public space,

In a Mosque traditionally, in South Africa men and women [do not sit next to each other, yet here they] were sitting on the same floor although there was a dividing mechanism such as the chain,...this is the revolutionary approach...taken by the Claremont Main Road Mosque, and I think largely this is what upset the community.¹⁶

The retractors quoted a variety of *Ahadith* and *Qur'anic* verses that supposedly disallowed this practice.¹⁷ The congregants were mostly urbanites, young graduates and professionals, men and women who professed to be devout Muslims but felt stifled by the orthodoxy imposed by various other mosques and congregations in Cape Town. Part of this orthodoxy disallowed women to deliver a talk to a congregation that mostly comprised men, even though she may be covered according to the strict standards as laid down by Islamic Law.

¹⁵ Interview with Moulana Ihsaan Hendricks, Deputy President of the Muslim Judicial Council (MJC), April 2002.

¹⁶ Ibid.

¹⁷ *Ahadith* is the plural form of *hadith* that refers to the traditions (sayings, actions, and lifestyle) of the Prophet Muhammad. Muslims believe that the *Qur'an* was revealed by God through the Archangel Gabriel to the Prophet Muhammad. The *Qur'an* is understood as the Scripture of the Islamic faith from which all divine injunctions are taken. See also the *Encyclopaedia of Islam*, new ed. Leiden: EJ Brill, 1960-.

This incident highlighted not so much women's access to the mosque space but more the fundamental issues around the visibility of women and also the regulation of a woman's voice in a public space. The mosques in the Western Cape have always, space permitting, allowed women to pray in the main hall of the mosque or created separate spaces, unlike in the cities of Johannesburg and Durban where women have only gained access to mosques from the early 1990s. The exception to this unlimited access by women to mosques in the Western Cape was the Friday *Jumu'ah* prayer. If the mosque was not big enough then priority was given to men, effectively excluding women from being able to participate in the *Jumu'ah*.

The theologians in both Johannesburg and Durban subscribe to a more fundamentalist orthodoxy which interpreted the Islamic injunction of modesty to mean that not only was a woman's uncovered body not to be seen by strange men but her access to public spaces - where she will be seen by strange men - should also be restricted and so should the use of her voice in public be regulated.

In the depiction of Muslim women in photographs in the Bo-Kaap Museum, as they were displayed in the late 1990s, the subjects were presented and present themselves for public (at least familial) 'consumption'. This was been done within the confines of Islamic regulations governing the presentation of women as subjects to the 'outside' world. In other words, women were presented in long dresses (in very few cases a *burka*), alongside their families, seldom alone and often with an acute sense of colonial fashion. This constituted an inscription of

power on the human body about which much has been said in the Cape Muslim discourse. There were different kinds of power that were being inscribed (and rejected) as well as specific regimes governing those kinds of power. An example of this is where JA Naudé described the dress of the Cape Muslim community as being Turkish influenced where the 'men wear a red or black fez and the women a colourful headscarf. Otherwise they dress in the familiar Western way'.¹⁸

Performing Culture in Islam

Another visual display that depends on a distinctive mode of dress as well as the massing of large numbers of people is the *Hajj* (pilgrimage) that is made each year to Mecca in Saudi Arabia. There are approximately two million people who perform it each year, following a set sequence of movements along a set itinerary. Male pilgrims dress in a prescribed costume of two pieces of unstitched white cotton that cover the body from the navel to the knee and the one shoulder like a Greek *toga*. Female pilgrims generally wear long white dresses and head coverings so that only their face, hands and feet show. The ritualised performances are conducted according to an exact sequence of movements that shows the high importance that Islam places on public performances and outward displays and declarations to establish and confirm allegiance to the community of Islam. Indeed here we can see that 'performance is intentional' and 'it aims to be transformational or effective'.¹⁹ It strives to affect human affairs,

¹⁸ JA Naudé, 'Islam in South Africa: A general survey', *Journal Institute of Muslim Minority Affairs*, Vol. 6, No. 1, January 1985, p. 22.

¹⁹ William O. Beeman, *Language, Status and Power in Iran*, Bloomington: Indiana Press, 1995, P 6 – 10.

leaving the individuals involved in the performative act in a changed state. This approach is in contrast to many anthropological approaches to culture that view cultural products as passive derivatives of the cultural dynamics of a given society.

Another example is the ritualised arrangements of the Friday congregational prayer, where the faithful men of the community gather to listen to a lecture and a *Khutbah*. According to Victor Turner, 'If man is a sapient animal, a toolmaking animal, a self-making animal, a symbol-using animal, he is, no less, a performing animal', and if one looks at the purpose of the *Khutbah* it is not only to fulfil the divine injunction but also for the Imam to be able to teach or discipline his followers as necessary.²⁰ Indeed Turner sees 'man as a self-performing animal - his performances are, in a way, reflexive, in performing he reveals himself to himself', but at the same time 'one set of human beings may come to know themselves better through observing and/or participating in performances generated and presented by another set of human beings'. Since the institution of the two Muslim community radio stations in the Western Cape, Radio 786 and Radio Voice of the Cape in the 1990s, these *Khutbah* can now be heard live on whichever radio station broadcasts on that day. The performance of culture no longer required actual physical presence and visual spectacle.

However, the burden of providing visual evidence of Islam and the presence of Muslims has seemingly rested with Muslim women from whom continuous visual public affirmation was

²⁰ Victor Turner, *The Anthropology of Performance*, 1986, p. 81.

demanded.²¹ To be Muslim within the confines and limitations as set out by the canonical texts and Islamic scholarly interpretations by its scholars has been seen as a requirement for entry into the paradise of the hereafter. These interpretations seem anachronistic in an age where belief systems hinge on personal gain and satisfaction rather than an unseen deity. It would seem that for Muslim women to discard the veil could almost be seen as conceding defeat. Is the veil a visual sign of compliance with Islamic patriarchy? Is it a sign of oppression?

The veil cannot be dismissed as oppressive and a symbol of the existing patriarchal hegemony in Muslim society because that would simply be too easy and it would ignore the aspect of female agency completely.²² The argument assumes that the whole issue of veiling is purely male driven. In her book *Veil: Modesty, Privacy and Resistance*, Fadwa El Guindi expresses strong displeasure with the colonial-era exoticization of veiling, as well as with the negatively critical interpretation inherent in much of past and present feminist discourse surrounding the veil. She argues that

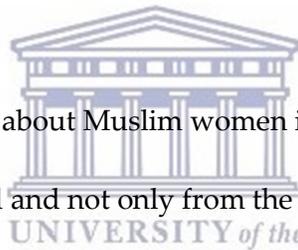
Western-ideology feminists (in the East and the West) have dominated the discourse on the veil, viewing it as an aspect of patriarchies (sic) and a sign of women's backwardness,

²¹ In an interview with an English language newspaper for the Arab region, the *Arab News*, Dr. Abdullah Omar Naseef points out that the *Qur'anic* verse that relates to interaction between the sexes was first revealed as follows, 'Tell the believing men to lower their gaze and to be mindful of their chastity.' (24:30) 'And tell the believing women to lower their gaze and to be mindful of their chastity' (24:31). He further explains that this clearly shows that the order was given to men first to adjust their behaviour and then it was addressed to women but Muslim practice sees women almost exclusively shouldering the burden of obedience to this injunction. Quoted by Syed Z. Abidin in, 'A word about ourselves', *Journal Institute Muslim Minority Affairs*, Vol. 10, No. 1, January 1989.

²² See discussion on agency and the colonial legacy in Homi Bhabha, *The Location of Culture*, Routledge, London, 1994.

subordination and oppression. This uni-dimensional approach narrows the study of the veil ... and leads to a distorted view of a complex cultural phenomenon.²³

She suggests that veils and modest Islamic dress grant Muslim women private spiritual space particularly in the public sphere. She explains that those Muslim women who observe the veil should not be pitied but they should be seen as free from the male gaze and from sexualized attention, and must rightly be understood to be observing, and drawing pride from three tenets central to the behaviour of a Muslim: privacy, humility, piety and moderation.²⁴



A number of claims have been made about Muslim women in South Africa and there are a number of examples that can be cited and not only from the first decade of democracy but from the 1970s as well.²⁵ One of the most feted Muslim women at the dawn of the millennium has been the late Zainnunissa 'Cissie' Gool, 'humanist, political activist and city councillor', a 'daughter of Cape Town' who had been 'virtually obliterated' from the historical memory of Cape Town and its people.²⁶ In addition, after 1994, the names and faces of Muslim women journalists, writers, filmmakers and politicians have appeared with more frequency in the public domain. Journalists and writers like Khadija Magardie²⁷, Zubeida Jaffer²⁸ and Rayda

²³ Quoted by Silja J.A. Talvi in 'The Veil: Resistance or Repression?', *LiP Magazine*, www.alternet.org, 19 December 2002.

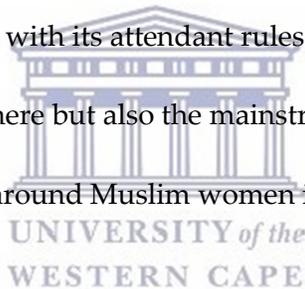
²⁴ Ibid.

²⁵ In an ethnological study done in 1977 by Hill, Cissie Gool is cited as an example of the changing role of Cape Muslim women.

²⁶ Gairooneesa Paleker, 'Cissie Gool: An icon for Women's Day?', *Muslim Views*, August 2002, p. 8.

²⁷ CNN African print journalist of the year 2002.

Jacobs²⁹ have been active in the public domain, while politicians like Naledi Pandor³⁰ and Tasneem Essop,³¹ playwrights like Nadia Davids³² and actors like Quanita Adams³³ and Thahira Sayed³⁴ have also been prominent. These might not seem to be adequate examples of Muslim women reclaiming public space. I would like to argue that these are imperfect examples. These women can be seen as having asserted themselves as women but not necessarily as Muslim women and not with the express aim of furthering or advancing the cause of Islam or Muslim women. They might not have operated within the parameters of what is socially acceptable in the Muslim community. They may, in fact, have limited the transformative possibilities for Muslim women by taking themselves out of the Islamic public sphere and inserting their activities into a secular public sphere with its attendant rules of performance. That these rules not only affect the Muslim public sphere but also the mainstream public domain is telling of the discourse that has been constructed around Muslim women in the Cape.



²⁸ *Muslim Views*, 'Jaffer captures a vital moment in South African History', August 2003, pg. 3. See also *Treasure*, Fadia Mohamed (ed.), Cape Town. Copies can be obtained at the District Six Museum in Cape Town.

²⁹ 'Rayda Jacobs launches her new work', Book Promotions, *Muslim Views*, August 2003, pg. 20.

³⁰ Also known as Naledi Nadia Pandor, a prominent African National Congress (ANC) politician and Member of the South African Parliament.

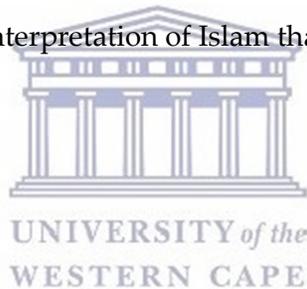
³¹ A prominent African National Congress (ANC) politician and Member of the Provincial Government of the Western Cape.

³² She won the *Fleur du Cap* award for best new director in 2004. *Fleur du Cap* is a well known wine producer in South Africa. This is a South African award to acknowledge outstanding talent in the industry. See also, 'Inner world of Muslim women surveyed', *Cape Argus Tonight*, 17 October 2002.

³³ She won the *Fleur du Cap* award for best new actress in 2004.

³⁴ An actor in the popular post 1994 South African soap opera 'Generations' on the South African television channel SABC 1.

In an interview with Nadia Davids on her play *At Her Feet* Leila Davids explores the different notions of freedom that Nadia Davids posits in her play.³⁵ The play *At Her Feet* essentially begins to unpack the freedom that South African Muslim women take for granted and it questions why there are limits set upon the freedom of Muslim women. In a very basic way, it begins to ask what determines the boundaries of women's freedoms: religion, tradition or politics. Leila and Nadia Davids are two sisters who come from a Muslim family in Cape Town. They are probably like any two sisters in Cape Town except for the fact that they have chosen to define how they wish to practice their Islam.³⁶ If one looks at the broader history of Islam then this is not unusual but viewed from within the parochial confines of a Cape Muslim society that follows a very literal and orthodox interpretation of Islam that is largely based on ritualistic performance, it is unusual.³⁷



The performance culture evident in the Islamic way of life is dependent on a complex set of visual codes that is based on the life of the Prophet Muhammad but this has also changed and has become very culture specific. This includes the specific dress codes for men and women, modes of behaviour, the public congregational prayers, the public call to prayer and also the Hajj or pilgrimage. This would mean that in some respects Muslims from Egypt and Muslims from South Africa would do exactly the same thing but it may also look completely different

³⁵ Leila Davids, 'At her Feet', *Annual review of Islam in South Africa (ARISA)*, Issue 5, December 2002, pg. 8. See also *Cape Argus Tonight*, 'Inner world of Muslim women surveyed', 17 October 2002.

³⁶ See also Faried Essack, *On being Muslim: finding a religious path in the world today*, Oxford : Oneworld , 2000.

³⁷ The Kharijites are an example of a group of Muslims who decided to break away from mainstream Islam during its earliest days.

because of cultural variations in dressing, speaking and acceptable behaviour. This is not to say that the achievements and activities of the women mentioned in the previous paragraph are Islamic or un-Islamic but they defy the traditions and mores that seemingly had been established. I would further like to argue that it is the acts and interventions of the women who have claimed Islam and its belief system in its entirety as their own and then shaped this to fit their lives that will more effectively enable Muslims to rethink existing attitudes to women in Muslim communities. It is possibly easier to be more militant, more revolutionary, to rebel and resist and attempt to change hundreds of years of supposed patriarchal hegemony than it is to go back to the sources and re-look at revelation.

Images of Muslim Women



For the purposes of this research, I conducted interviews and spoke to Muslims, particularly Muslim women working in the social welfare sector, in organisations such as Islamic Social Welfare Association (ISWA), South African National Zakaah Fund (SANZAF), *Masjidul Quds* Ladies Council and the Muslim Judicial Council (MJC) in order to establish how they saw themselves - their self-image - and also how they saw the role of a Muslim woman within the public sphere.³⁸ Judging from the interviews conducted with various Muslim women active as social workers and social auxiliary workers, conventional wisdom within the Muslim

³⁸ As a participant –observer doing research I was weary of the pitfalls that the interviews represented and realised that I would need to become an observer and also I needed to demonstrate a certain amount of empathy during the interviews so as not to risk alienating the subjects by having them think I was a liberal secular feminist.

community seems to endorse the sentiment that the Islamic practise that denies Muslim women the right to interpret the *Qur'an* and the prophetic narratives is oppressive and should change.

One of the respondents, Maryam Blom, said,

I could see in other countries...women are powerful - that is the non-Muslim women, if I may call them that. But then I look [at] some Islamic countries [and] women are, I won't say women are oppressed, because we've got certain rights but if we only exercised on that rights that were granted by Allah.³⁹

Blom continued by saying that although she may have been given these rights it did not mean that she would want to be publicly active, implying that it was important to have the freedom of choice to decide on the level of public visibility that she wanted.

Are we saying, am I saying I want to do what my husband [does], going from door to door and giving *garsh*? Going to the masjid and having a sermon? Do I want to [deliver] a sermon in the masjid? What is it that I want to do as a woman?⁴⁰

A further response from another group of women on the issue on whether women should speak in public was an unequivocally answered in the negative. These women belonged to a religious grouping of women, more commonly known in Cape Town as a '*Moulood Jamaa*' who gathers

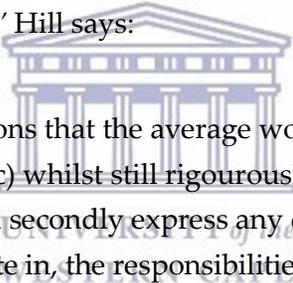
³⁹ Interview with Maryam Blom, a social auxiliary worker at Islamic Social Welfare Association (ISWA), Belgravia, Cape Town, February/April 2002.

⁴⁰ Ibid.

each week to worship and dedicate time to the remembrance of Allah.⁴¹ They also ran a soup kitchen from a mosque in one of the suburbs of Cape Town that is on the Cape Flats. These women's response when asked what they thought of Professor Amina Wadud-Muhsin's pre-*Khutbah* lecture was:

A woman can speak but...*Jumu'ah* is very sacred and I don't feel that the time was right for her to speak in front of the pre-*Jumu'a Khutbah*. ...[W]omen can go very high but there are times when, [for] a Muslim woman in the Shari'ah, you've got your place, and your place is not to stand in front.⁴²

In her description of a 'Moulood Jamaa' Hill says:



It is in these organisations that the average woman can firstly enjoy intertainment (sic) whilst still rigourously protected by orthodox morality; and secondly express any desire to achieve leadership or participate in, the responsibilities of committees and large-scale organisations (involved in catering for the hundred or so guests).⁴³

What was significant was the forcefulness that was demonstrated during the interviews with the women and also their openness and willingness to share their experiences. The interviewees were at pains to classify the kind of people that they serviced, who they referred to as 'clients'.

⁴¹ A *Moulood Jamaa* is a voluntary women's organisation formed to celebrate the birthday of the Prophet Muhammad.

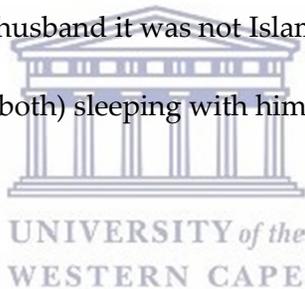
⁴² Interview with Hj. Mymoena Essa and Hj. Ayesha Rahbeeni of the *Masjidul Quds* Ladies Council, Pinati Estate, Cape Town, April 2002.

⁴³ Rosemary Hill, *The role of Muslim women in Cape Town: aspects of ethnicity and change*, Unpublished Honours thesis, University of Cape Town, 1977, p.102.

The group said that the type of client that came to ISWA, was typically middle class and that many of them had no idea of their rights as a Muslim woman.

And even in their houses the husbands tend to manipulate the woman because she [doesn't] know her role as a Muslim wife. Then she so much wants to please the husband *dat sy nie weet nie dat wat hy sê is part van die shari'ah is nie, dan dink sy is part van die deen dan is 'it nie part van die deen nie. Is part van wat hy wil hê.*⁴⁴

They gave an example of a man that had come in the day before and had married two wives. He wanted both of them to sleep in one bed with him. Nurul Huda Smith clearly pointed out that though he demanded it of them as a husband it was not Islamic. "And they are so soft, kind-hearted people, the reason for them (both) sleeping with him in one bed, '*hulle wil nie vir hom omkrap nie*'".⁴⁵



When asked about their opinion on the social conditioning of women Maryam Blom, a social auxiliary worker, responded that women are socialised differently from men and said that this was reinforced by the local male Muslim scholars.

I have noticed...when you hear the Imam and the Sheikh speak about the obedience of a woman towards her husband the man

⁴⁴ Interview with Nurul Huda Smith, social worker and Director of the Islamic Social Welfare Association (ISWA), Belgravia, Cape Town, February/April 2002. Translation: 'Then she so much wants to please her husband that she does not know that what he is saying is not part of the *shari'ah* (Islamic law), then she thinks that it is part of the *Deen* (Islamic way of life) and then it is not'.

⁴⁵ Interview with Nurul Huda Smith, social worker and Director of the Islamic Social Welfare Association (ISWA), Belgravia, Cape Town, February/April 2002. Translation from Afrikaans: Colloquial expression meaning 'they do not want to upset him/make him angry'.

[seen as] the *wakil* (legal guardian), the man is [seen as] the caregiver... From that time the women were suppressed by the men because the lectures [advocated] how a woman should behave with her husband. Without unveiling the other section where Allah [says] two human beings should live equally... [and there should be] mutual respect between the two.

Maryam Blom went on to relate this view of gender relations to relations between parents and children as advocated by the clergy. 'they will speak just about the parents' and say that 'parents should be respected but they don't say children also [need] to be respected.'⁴⁶ She further said, 'I think it is maybe over the years how we were indoctrinated...this is why women maybe shut down, they don't speak. So now maybe you sit with a case where a woman is married for thirty years, for forty-five years, she comes now and now she wants to know about her rights.'⁴⁷



Maryam Blom attributed the liberties that were taken by the *'ulema* (clergy) to the supposed ignorance of Muslim women of the *Qur'an* and the means to interpret it from the Arabic. As an example she used a verse, which translated, means that if a woman wants to enter paradise (*jannah*) then she must be respectful towards her husband. She went on to explain that if she had read the verse she would not have known what it meant because she did not know the Arabic language. 'We didn't know what Allah was saying [to us and]...we may interpret these

⁴⁶ Interview with Maryam Blom social auxiliary worker and at the Islamic Social Welfare Association (ISWA), Belgravia, Cape Town, February/April 2002.

⁴⁷ Ibid.

Arabic verses differently [to men]. [The 'ulema says that] we must be respectful towards our husbands if you want to enter *jannah* as a woman'.⁴⁸

The respondents further reiterated that it was not out of ignorance that they deferred to their male counterparts but for clarity on aspects of the faith because in the existing patriarchal system tradition took precedence over the Islamic prescripts.

I think that in many Muslim organisations you will find that generally there are a lot of Muslim women that are quite dynamic.... Women are out there. Because women also [do not] want to be disrespectful and women also [fear] the law of *Allah*. ...that is why I have learnt the law of *Allah*. Like [that] lady said yesterday...if she had to know that she [did not have to get married] that night, she would have [stopped the marriage]. She did not know it was her right [to refuse]. I think we sometimes confuse tradition...with what really is right.⁴⁹

Redefining the application of divine injunctions

There have been moves by Muslim women to rethink the existing interpretation of the Qur'an particularly those verses that touch on women's rights. However, these interpretations have been adopted from the secular liberal feminist framework. The aims of the secular liberal feminists have seemingly been to liberate Muslim women completely from the oppressive belief system represented by Islam while the aims of the Muslim feminist have been ostensibly to free

⁴⁸ Ibid.

⁴⁹ Interview with Maryam Blom, a social auxiliary worker, at the Islamic Social Welfare Agency (ISWA), Belgravia, Cape Town. February/April 2002).

Muslim women from the oppressive interpretations that govern the Islamic public sphere. It is evident that young Muslim intellectuals may at times have found an ideological partner in the liberal feminist stable but this partnership would seem to be a tenuous one. It is possible that the resistance articulated by Muslim women in the face of the hegemonic scholarly interpretations will be lost because they have been trying to prove, not that the Islamic scholarly interpretations were biased or prejudiced, but that the injunctions themselves have become irrelevant.

In the South African debates around the formulation of the Islamic Marriages and Related Matters Bill, the Muslim Personal Law Commission under the direction of Judge Mohamed Navsa invited all interested and affected parties to take part and comment on the discussion paper issued by the commission. Representatives from organisations as diverse as the Commission of Gender Equality (CGE), the Muslim Judicial Council (MJC) the Gender Desk of the Muslim Youth Movement (MYM) of South Africa, Qibla, and Shura Yabafazi, an NGO concerned with gender rights advocacy, lobbied for the rejection of certain injunctions on the basis that they infringed on the rights of women.

What was surprising was not so much their protests but that the debate itself was happening. The current Muslim discourse holds that Muslim women do not speak in public but rather maintain their silence particularly on matters of a religious nature. The Islamic scholars were

confronted with Muslim women gender rights activists not all of whom conformed to the stereotype of a Muslim woman, i.e. veiled, silent and sitting in the back row. It is around this dispute that many Muslim feminists parted ways with their western feminist counterparts.

For Muslim feminists, the revelation is not necessarily flawed, but it is open to interpretation. Divine injunctions themselves cannot be changed or ignored. However, this is the point of departure from which every Muslim begins. *Islam* means submission and a *Muslim* is the one who submits. It is not only a lifestyle choice but also a matter of faith because it means the acceptance of the divine without question or doubt and the also the acceptance of the prescripts that regulates the life of a Muslim from birth to death and into the hereafter. It is similar to the concept of a social contract as described by Rousseau in Western political philosophy. The 'social contract' is between man/society and the state where the submission to Islam is between man and God. The arguments for reinterpretation are not to negate and re-establish a social system but to look at changing its terms of reference and in turn influencing the application of the divine injunctions. What it would also do is relocate those women's lives that were spent trying to find dignity as Muslims into an Islamic landscape as opposed to a supposed heretic wasteland.

The example of Cissie Gool is an apt one. Her public persona was not one that was based upon her Muslim identity. Although she came from a Muslim family there were no visual markers

that singled her out as a Muslim in the public domain. Yet, at the turn of the 20th century, she was seen as a key example of the strong Muslim woman. Gairoonisa Paleker in an essay written for the *Muslim Views* in commemoration of Women's Day 2002, described her as a Muslim woman living on the 'margins of mainstream Muslim society' mainly because of her families levels of education, political views and activities.⁵⁰ In the same article Paleker says that Cissie Gool 'divorced her husband and lived with a younger man' but does not state this as a reason for Cissie Gool being criticised by Muslim society. What is increasingly evident is that in hindsight young intellectuals from different communities in the Cape have been trying to search for the ideal Muslim woman as projects of recovery. The conventions surrounding the depictions of the ideal Muslim woman are probably as important as the conventions governing the public presentation of women in general. This indicates that Muslim identities have been fluid and not premised on belief only but also based on a cultural and political beliefs and practices. From the perspective of this study, the retrospective claiming of Cissie Gool as a Muslim woman suggests that women can only become agents of change of their own self identity when they step outside a specifically Muslim framework.

Rosemary Hill's study of the role of Muslim women in Cape Town, which she did in 1977, was a sociological study that looked at aspects of ethnicity and how the role of Muslim women had changed since the 1940s. Hill asserted that the Cape Muslim community was modelled on the

⁵⁰ Gairooneesa Paleker, 'Cissie Gool: An icon for Women's Day?', *Muslim Views*, August 2002. p. 8. See also the film titled 'Cissie Gool', Audiovisual archive of the District Six Museum, Cape Town, 2002. It was also screened at the South African Documentary and Film Festival, Cape Town, 21 March 2002.

Mediterranean model where honour and shame formed an integral part of a social ordering device in which public judgments conferred a moral label on practices in society.⁵¹ She further asserted that this social ordering device was linked to a man's status in society, which could rise or fall depending on the public evaluation of his honour or shame. According to Hill, the preservation of honour and chastity, and the prevention of shame formed an important part of orthodox Islam.⁵² She proceeded to outline this because it was such an important part of both the social and religious identity of a Muslim woman.

It follows that according to Hill's analysis of the time a good and moral Muslim woman was one who did not bring shame onto her family. Has the question of shame persisted in forming an important part of the 'honour discourse'? South African society has changed considerably since the late 1970s. Changes have included the liberation from the discriminatory policies of apartheid and the promulgation of a new Constitution. These have created a new framework for a renewed quest for social and gender equality South African society.⁵³ The attainment of freedom and along with that the rights of equality, free speech and opportunity have meant that Muslim women could operate outside of their parochial, orthodox communities and claim their religious rights from an unbiased secular state system. It has meant that Muslim women could feel free to comment on the content and substance of the proposed Muslim Marriages and

⁵¹ Rosemary Hill, *The role of Muslim women in Cape Town: Aspects of ethnicity and change*, Unpublished Honours Thesis, University of Cape Town, 1977.

⁵² Ibid.

⁵³ WIN News, 'South Africa: Discrimination Against Women Persists', *Institute of Development Studies report*, University of Sussex, Winter, 2001.

Related Matters Bill recognising it as a right and without thinking that it was a privilege. It may be that it will be easier to give effect to some of the more hidden aspects of the *Shari'ah* through the state judiciary.

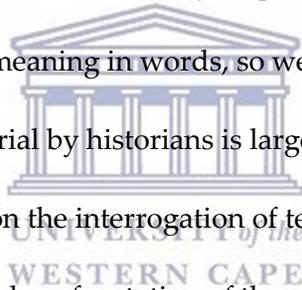
Visual images and textual images

As far back as the collective memories stretch, man has made likenesses of himself and the world around him. He has been the progenitor of his image that has dominated in a thousand forms. In the same way, he has dominated the construction of the image of woman. Religion and other organised systems of belief have always been characterized by their need to impose a system of regulation upon man. Islam is no different and one of man's behavioural characteristics it sought to regulate was that of looking. Through various injunctions in the Qur'an and especially verses 30-31 in the chapter 'The Light' Allah called upon believing men and women to 'lower their gaze'.⁵⁴ The concept of lowering one's gaze had inter alia both theological and sexual connotations. The idea that to 'gaze' did not merely mean 'looking' and that 'looking' is not an isolated act is not a new one and even in the Islamic tradition, metaphor and analogy is as old as the revelation itself. In fact the Islamic exegesis prides itself on being able to peel away the layers of meaning in a single Qur'anic letter.⁵⁵ The Qur'anic exhortation demanding the lowering of the gaze must therefore have a literal and metaphoric meaning.

⁵⁴Qur'an. Trans. Yusuf Ali, 1979.

⁵⁵ The Qur'an is written in the Arabic language and in some verses the sentence consists of the combination of random consonants which has been the source of much debate as to its meaning. They are considered to be one of the miracles of the Qur'an. See MT Al Hilali and MM Khan (trans.), Qur'an, Maktaba Dar us Salam, Riyadh, 1994, pp. 478, 699, 804.

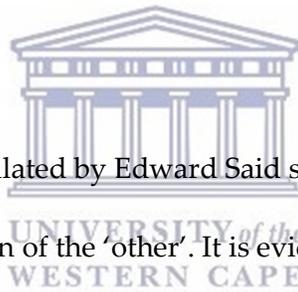
Sources in history have heretofore been thought of as language-based text, namely words. Although language does naturalise something to us, it is by its very nature logocentric. This logos, or scripture-based rather than pictorial nature of language, is part of why historians/historiographers have sometimes been seen as scopophobic. Scopophobia can roughly be translated as 'the fear of looking'.⁵⁶ Traditionalist scholars of Islam in the Cape have by and large been scripturally oriented and have held extreme views on the acceptability of the production of images. It is important to note that language does not simply reflect the nature of the social condition in which it is embedded. In many respects, language constitutes that condition. As we analyse contained meaning in words, so we expose meaning in visual material. The mistrust of visual material by historians is largely unfounded. One could argue that the academic tradition is based on the interrogation of texts, and one text that is in need of interrogation is the image. A powerful confrontation of the gendered history of Muslims with the domain of visibility may in fact be able to hasten both a visual and cultural turn. Patricia Hayes has argued that although the idea that language may have retarded the ability to fully engage with the layers of history contained in images, it maybe premature to assume that we have even taken the 'linguistic turn' that would enable us to express the meaning contained in images.⁵⁷



⁵⁶ Laura Mulvey, 'Visual pleasure and narrative cinema', *Visual and other pleasures*, Laura Mulvey (ed.), 1989, p. 16.

⁵⁷ Patricia Hayes, 'The Colonising Camera', *Photographs in the making of Namibian History*, Wolfram Hartman, Jeremy Silvester, Patricia Hayes (eds.), 1998.

Images in Islam were discouraged from the very beginning. The first community of Islam was characterized by iconoclasm. The very clashes between the pre-Islamic Arabs and the first Muslims were defined by the stand that was taken on the idols in and around the *Ka'aba*.⁵⁸ Even though the idols were removed from the *Ka'aba* the strong pre-Islamic tradition of Arab poetry, well known for its eloquence, continued. In fact, the *Qur'an* was revealed in the rhyming verse characteristic of Arabic literary expression of the 7th century Arabian Peninsula. Consequently, the poetry of the Muslim peoples, that included the land from Spain in the West to China in the Far East, and Zanzibar in the South, was filled with metaphor and description and was in a style that was filled with images.

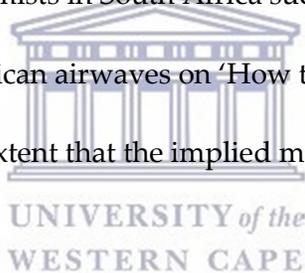


The discourse of orientalism as postulated by Edward Said suggests that the colonization of the image was a step towards the creation of the 'other'. It is evident that whoever controlled the means of the creation of the images controlled the form of representation that was displayed. Women did not imagine themselves. They continued to be imagined and envisioned by men in poetry and prose. Ways of looking became proscribed/prescribed/ circumscribed by these writings, many of them fanciful and even fantastic like the infamous 'Arabian Nights'. It is also characteristic of Sufi poetry to use the fulfilment of earthly love for a woman as a metaphor and a symbol for the attainment of divine love and approval. In her book, *Scherezade*, Fatima Mernissi suggests that in 'the West' men did not feel threatened by women and also did not see women as disruptive to their power. In fact women operated totally outside of the power grids

⁵⁸ The *Ka'aba* is a square building situated in the Mosque of the *Haram* in *Makkah*, which is the site where Muslims congregate for the *Haj* or pilgrimage in Saudi Arabia.

used by men in 'the West'. Women were portrayed as sex objects, as playgrounds upon which male fantasies could be realized. On the other hand, she argues, 'eastern men' feared women and exercise control by defining them spatially.⁵⁹

The interrogation of the literal meaning of the words of revelation, the *Qur'an*, has created a whole misogynistic publishing industry in India and Pakistan, amongst the *Wahhabi* scholars of Saudi Arabia and also in the *Shi'a* heartland of Iran, which has spawned publications advocating the seclusion and non-education of girls and women and unregulated polygyny. This has influenced the fanatical Islamists in South Africa such that they have their followers broadcast programmes on South African airwaves on 'How to beat your wife'.⁶⁰ The subversion of the verse has evolved to such an extent that the implied modesty has come to apply only to women.



What is of concern is whether Muslim men have lowered their gaze. Modesty and moderation in dress and behaviour have been demanded from both believing men and women. Yet it is evident that Cape Muslim society has developed norms where it is frowned upon for Muslim women to adopt Western dress but it is completely acceptable for a Muslim man to wear a tight jeans or suggestive clothing or bare his torso and legs in public. These norms have been

⁵⁹ Margot Badran, 'Scherzade Goes West Post – 11 September', *Al Ahrām*, Issue 573, 14 – 20 February 2002. Al-Ahrām online www.ahram.org.eg/weekly

⁶⁰ M Gumisai, 'South African Human Rights: Tuning in on how to beat your wife', www.oneworld.org/ips2/feb98/radioislam.html

influenced by the fact that Muslims are a minority in a country influenced by various western moral norms with multiple indigenous intonations. Rosemary Hill commented on the already changing role of women and concluded that the already public definitions of shame, honour and modesty for Muslim women were changing.⁶¹ An incident she described where a Muslim woman won the Miss Miami beauty contest suggests much about the schizophrenic nature of Cape Muslim morality. The incident spawned outrage that made headlines in the *Cape Herald* where Sheikh Nazeem Mohamed, then chair of the Muslim Judicial Council (MJC), condemned it and Sheikh Abu Bakr Najaar of the Islamic Council of South Africa (ICSA) described it as 'barring their bodies for all to view like prize oxen'.⁶² As Muslim women move away from orientalist and also reactionary writings about them and towards constructing an alternative paradigm in which historical and social restrictions and limitations can be transcended through their own agency, then the myths and misconceptions about Muslim women will diminish. More importantly it will allow Muslim women to draw on an objective history and ideal.



Muslim Women and the Visual Archive

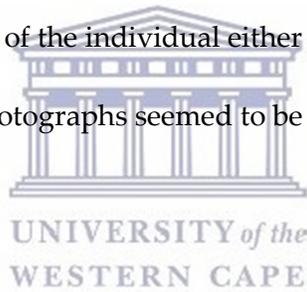
The images that have been collected by the National Library of South Africa (NLSA) seem typical of an orientalist collection. The photographs were not part of a cohesive whole in that they were randomly catalogued. They were not all captioned and dated and the categories of classification seemed arbitrary.

⁶¹ Rosemary Hill, *The role of Muslim women in Cape Town: Aspects of ethnicity and change*, Unpublished Honours Thesis, University of Cape Town, 1977.

⁶² Ibid. See also *Cape Herald*, 8 October 1977, South African Library Archives, Cape Town.

The photographs, paintings and drawings that were marked and dated from the 19th century depicted men and women engaged in everyday activities of work and society while the later images produced during the early to mid 20th century were mostly studio photographic portraits of women. These portraits generally took the form of the requisite head and shoulder portraits of individual women or women within a family group as mother or wife.

Some full-length individual portraits of women spoke to the independence of the subject in that it was difficult to ascertain the status of the individual either as mother or wife. The ambiguity may have been intentional, as the photographs seemed to be intended as a romantic keepsake by a male admirer or sweetheart.



According to Graham Clark,

The photograph displaces rather than represents, the individual. At virtually every level, and within every context, the portrait photograph is fraught with ambiguity. For all its literal realism, it denotes, above all, the problematics of identity, and exists within a series of cultural codes which simultaneously hide as they reveal...its enigmatic and paradoxical meaning.⁶³

⁶³ Graham Clark, 'Introduction', *The Portrait in Photography*, Graham Clark (ed.), Reaktion Books, London, 1992, p. 4.

In contrast to the collection of sterile studio photographs are the numerous newspaper photographs of young Muslims that appeared in the *Cape Herald*. The *Cape Herald* was part of the Argus group of newspapers and was supposed to service the news needs of the coloured community of the greater Cape including the Eastern Cape. It was functional up until 1986. Looking at copies of the *Cape Herald* from 1970 up until 1979 one can clearly see a pattern of orthodoxy emerging within the Muslim community. This can be traced through the modes of dress adopted by the Muslim women who were photographed. However, at no point during those ten years were photographs of Muslim women absent from the pages of the *Cape Herald*. The photographs were mostly to be found on the front page or on the society pages. Muslim women were also featured in advertisements where they endorsed products like tea.⁶⁴ (**Figures**

1 and 2)

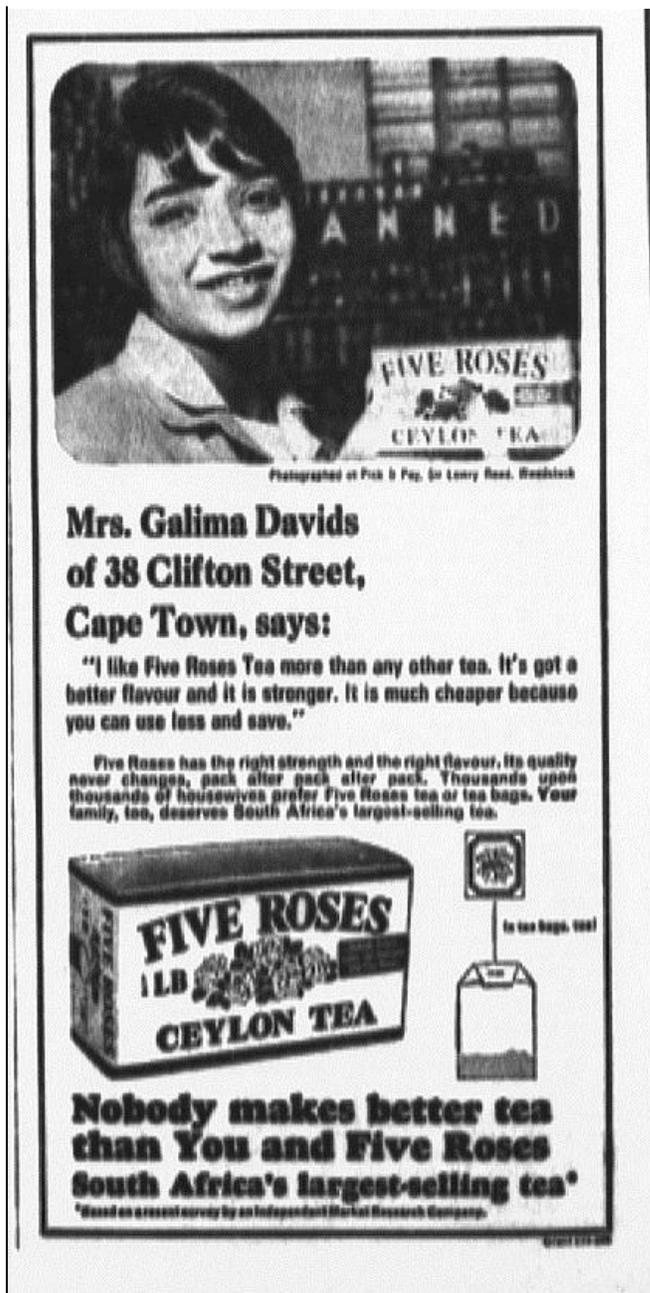


⁶⁴ *Cape Herald*, 28 February 1970, South African Library Archives, Cape Town.



UNIVERSITY *of the*
WESTERN CAPE

Figure 1



Photographed at Pick & Pay, 50 Lenny Road, Woodstock

**Mrs. Galima Davids
of 38 Clifton Street,
Cape Town, says:**

"I like Five Roses Tea more than any other tea. It's got a better flavour and it is stronger. It is much cheaper because you can use less and save."

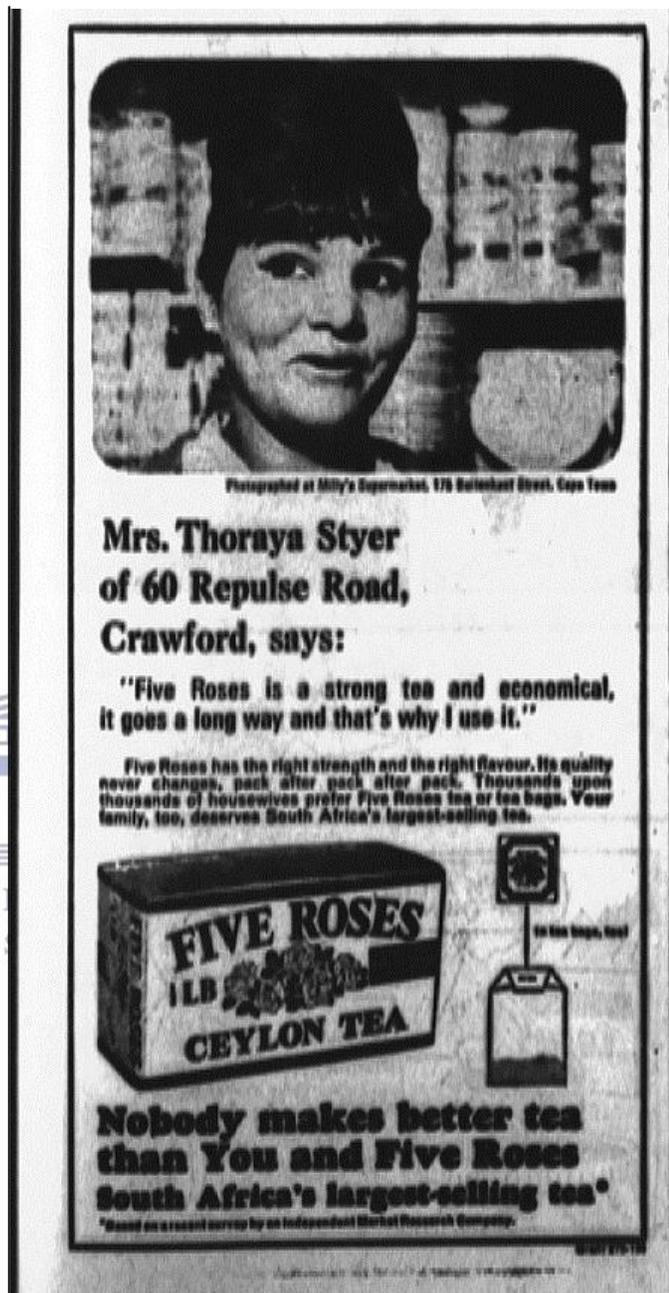
Five Roses has the right strength and the right flavour. Its quality never changes, pack after pack after pack. Thousands upon thousands of housewives prefer Five Roses tea or tea bags. Your family, too, deserves South Africa's largest-selling tea.



**Nobody makes better tea
than You and Five Roses
South Africa's largest-selling tea***

*Based on a recent survey by an Independent Market Research Company.

Figure 2



Photographed at Mitty's Supermarket, 179 Buitendijk Street, Cape Town

**Mrs. Thoraya Styer
of 60 Repulse Road,
Crawford, says:**

"Five Roses is a strong tea and economical, it goes a long way and that's why I use it."

Five Roses has the right strength and the right flavour. Its quality never changes, pack after pack after pack. Thousands upon thousands of housewives prefer Five Roses tea or tea bags. Your family, too, deserves South Africa's largest-selling tea.



**Nobody makes better tea
than You and Five Roses
South Africa's largest-selling tea***

*Based on a recent survey by an Independent Market Research Company.

Nowhere in the newspaper, that was liberally sprinkled with Muslim women, did any of the Muslim women wear headscarves or long black robes. The one photograph showing covered

Muslim women was of Iranian revolutionaries holding machine guns.⁶⁵ Towards the end of the 1970s the Cape Muslim clergy were starting to voice their opinions on the young Muslim women who were taking part in beauty contests. From the changing dress codes in the newspaper it appears that the Muslim women were taking note. In the early 1970s the front page of the Cape Herald carried a standard photograph on the front page of a woman in a bathing costume. At least once a month the model was of a young Muslim woman in a bikini.⁶⁶ (Figures 3 and 4)

Figure 3



⁶⁵ Ibid., 1 January 1979.

⁶⁶ *Cape Herald*, 24 January 1970 and 25 April 1970, South African Library Archives, Cape Town.

Figure 4

CAPE HERALD, JANUARY 24, 1970



Towards the end of the 1970s the photographs of Muslim women began to change. They were still taking part in beauty contests but they were rarely being photographed in bathing costumes.⁶⁷ However there was still very little evidence of headscarves. **(Figure 5)**

Figure 5



In the same month that the Cape Herald reported on the Islamic Revolution in Iran the Cape Herald ran a front page story captioned, 'Halaal Row at Sonesta'.⁶⁸ **(Figure 6)** These newspaper

⁶⁷ Ibid, 27 October 1979.

articles seemed to trace the transition of the Cape Muslim community from a moderate, even 'liberal' tradition to a more conservative and orthodox tradition. 'Liberal' here is used in the broadest way to include the colloquial meaning of not being compliant with orthodoxy. Many 'traditional' Muslims when they use the word 'liberal' to describe something intend it as a criticism and is usually conflated with the term progressive Muslim.

Figure 6

CAPE HERALD LATE NATIONAL
 10 cents DECEMBER 22 1979 Third

HALAAL ROW AT SONESTA



Muslims told not to eat resort food

MUSLIMS visiting Sonesta, the popular holiday spot near Hawston, have been told by the Muslim Judicial Council not to eat the food there because it is not halaal. But the Sonesta management says that this is not so, and that their food is halaal.

The bitter wrangle has developed after the watchdog body of Muslims had received complaints that Sonesta's halal certificate was a bit of a joke and claims were being made that they no longer complied with the requirements for a certificate.

Sheikh Mujahid Hendricks, an instructor with the MJC, said that he had received complaints about the halal aspect of food at the holiday spot.

"I found that there wasn't a Muslim employed in the kitchen and that Sonesta did not say their meat from a halal butchery in Cape Town, but imported in Hawston," he said.

And there is no halal establishment in Hawston because we haven't issued a halal certificate there.

THEIR OWN

"We can only appeal to Muslims going to Sonesta to take their own food," Sheikh Mujahid said.

But Mr J Virgis, the general manager, denied emphatically the "unsubstantiated" accusations of the MJC.

"We are well aware of the needs of our Muslim customers and we try to please all our customers," he said.

"We buy our meat at Avonius Muslim Butchery in Ravenswood and the owners can confirm this. We have been buying there since we received last year and I have the receipts to prove it."

"If we bought at a Hawston concern, they would notice it."

CHIEF

"About the Muslim required in the kitchen, I can only say that our chef has been with us since the place opened and we did not have a Muslim in the kitchen when our last halal certificate was issued.

"We have asked for another certificate but Sheikh Mujahid Hendricks told me that it could not be granted because we served liquor in the lounge. They must understand we are a holiday resort and we have to cater for everybody," he Virgis said.

About the liquor aspect, Sheikh Hendricks said: "We were given assurance at the time we issued the last certificate that the liquor requirement would be totally divorced."

Bodies not identified

Two women killed by trains within hours of each other in two separate train accidents last month, have still not been identified.

One of the women who is about 70 years old was knocked down and killed by a train at Haxsonberg Station on November 26.

According to a police spokesman, the woman was short, fair with grey curly hair and had no teeth.

The other train victim was a 40-year-old cripple who was killed at Bonthele station on November 27. She was of medium build with black and grey hair and had no teeth.

These two women are two of the five unidentified bodies in the last liver mortuary.

THERE was fun and games for the children of Cape Herald and Argus workers on Sunday when they gathered at the Liesbank Park Sportsfields in Observatory for their annual Christmas F&S. The highlight of the day was the arrival of Father Christmas in a horse-drawn cart accompanied by two trumpeters.

<https://etd.uw.edu>

Clarke further asserts that in the same way that a photograph is as much about what it includes as what is excluded it also reduces individual stature to a two-dimensional status and thus 'at once hides and distorts the subject before the lens'.⁶⁹

Thus the portraits' meaning exists within wider codes of meaning: of space, of posture, of dress, of marks, of social distinction. In short, the portraits meaning exists within a world of significance which has, in turn, already framed and fixed the individual. The photograph thus reflects the terms by which the culture itself confers status and meaning on the subject, while the subject as image hovers problematically between exterior and interior identities.⁷⁰

Looking at photographs of Muslim women from the archives, or Cape Malay women - as they are catalogued, this rings true. These fragments, saved as they were for posterity or otherwise come out of a period when photographs were rare and when the photographic session in the studio, and it was always in a studio, was arranged well in advance. The photograph became

⁶⁹ Graham Clark (ed.), 'Introduction', *The Portrait in Photography*, Reaktion Books, London, 1992, p. 3.

⁷⁰ Ibid.

not just a frozen moment but a frozen event, where what was outside the frame was as important as what was on film, from the moment of decision to have the photograph taken, either by the subject or the photographer, the fixing of the appointment, the booking of a studio and the choice of attire. Would it be a group photograph or an individual portrait? How would it be developed and printed? Was it for a family album, to commemorate an event, to illustrate a story or for a newspaper?

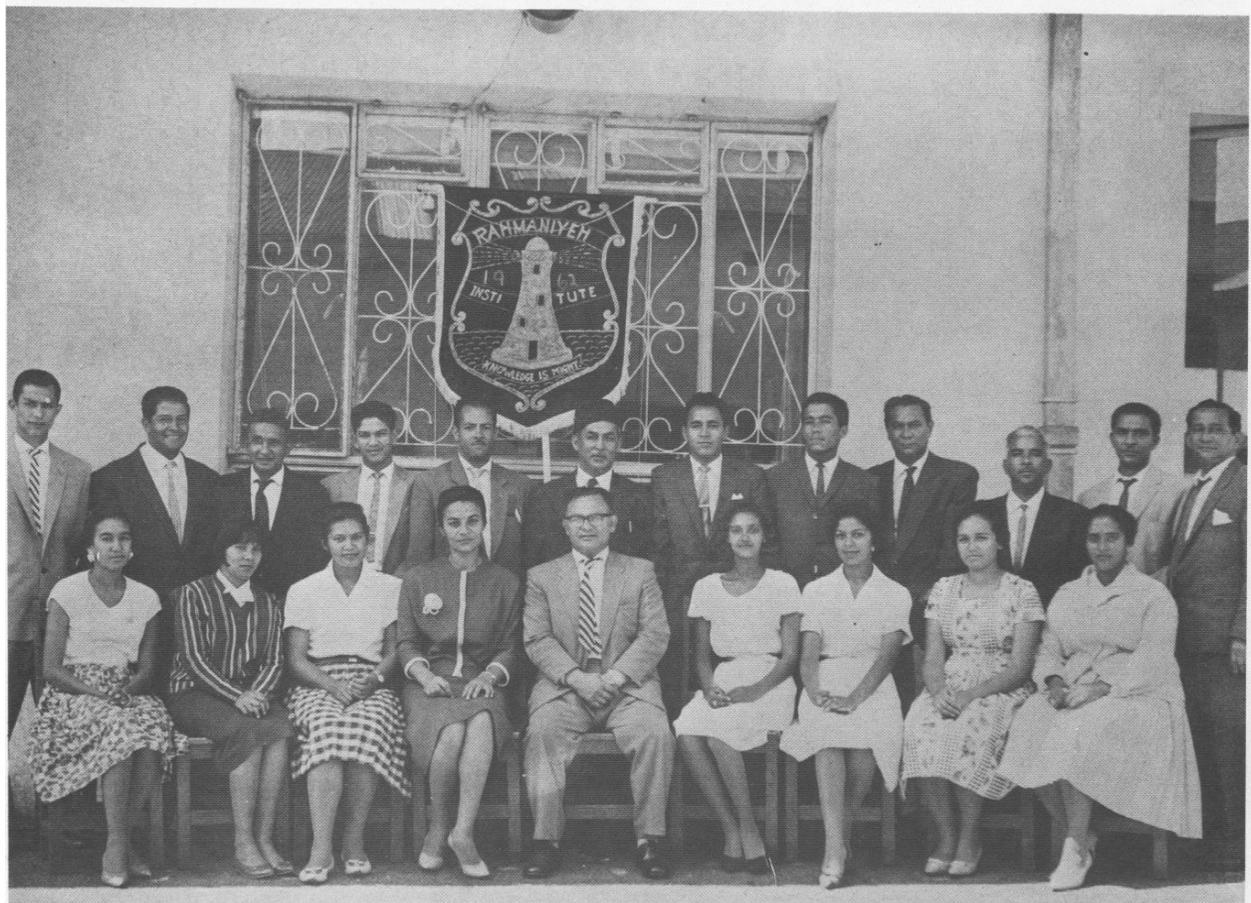
As much as the portraits of Cape Malay women were images of an individual, one has to ask: Did they epitomise the spirit of the age? These may be the ambiguities and ambivalence suggested by Susan Sontag, '...facing the camera signifies solemnity, frankness, the disclosure of the subject essence.'⁷¹ But it can be argued that the film also seals and hides the nature of this essence as the chemicals mix to records and reveal. Through examination of these portraits it seems that what was being created was a public image from a private world. Through piecing together clues from the individual portraits it is hoped that a composite order will emerge.

A commemorative booklet printed and issued by the Rahmaniyyeh Primary School in 1998 was a material indicator of the school's awareness of its place in history. Rahmaniyyeh Primary School described itself as the 'oldest Moslem secular school in South Africa' In 1988 it celebrated 75 years of its existence and described its role as having been not only been 'responsible for the education of countless Muslim children' but they also claimed a part in educating them about

⁷¹ Ibid.

the `very basics of the Deen of Islam.'⁷² In a magazine printed to commemorate the occasion, *Rahmaniyyeh* traced the history of the school through a narrative that used text and photographs of its opening day, its founder, its first teachers, its religious leaders and its achievements.

Figure 7



1962

STANDING: A ABRAHAMS, I SAMAAL, A MANUEL, M ARMADIEN
 E SAMAAL, SHEIK M E GAMIELDIEN, S SABAN, S DOLLIE
 N ABRAHAMS, M G ADAMS, S ADAMS, A B ABRAHAMS
SITTING: J SHAHABODIEN, K AREND, M v d LILLY, F KAMALDIEN,
 A ADAMS (PRINCIPAL), F HOOSAIN, G RHODA, W JOSEPH
 S MARTHEZE

⁷² Rushdi De Vries, 'Message from the Principal', *Commemoration: 75th Anniversary Rahmaniyyeh Primary School Magazine*, 1988.

As much as they are a record for posterity, the portraits of the staff of teachers at *Rahmaniyyeh* through the years can also be seen as traces of a history of the emerging orthodoxy of the Cape Muslim community. This transition can be seen in the shift from the beehive hairstyles of the 1960s to the large Palestinian *keffiyeh* type headscarves of the 1980s. **(Figures 7 and 8)**

In an official context, the photograph validates identity: be it on a passport, driving license, or form. It has the status of a signature and declares itself as an authentic presence of the individual.⁷³



⁷³ Graham Clark (ed.), 'Introduction', *The Portrait in Photography*, Reaktion Books, London, 1992, p. 1.

Figure 8



It can be argued that the staff portraits presented a community 'snapshot' that was in complete contrast to the monolithic Islamic orthodoxy that was preached by the Cape Muslim clergy through their long robes and authoritative headgear of the red *fez* and white turbans. The bare heads and the bare legs of the Muslim women teachers speak to a moderate Cape Muslim culture of tolerance and personal interpretation and a more heterogenous image of the Muslim woman as opposed to a hegemonic and monolithic interpretation of Islam in the 21st century.

(Figure 9)

Figure 9



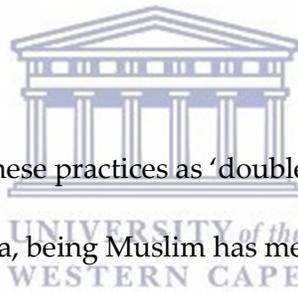
CHAPTER TWO

Social Value: Shaping of Muslim Women's Identities

This chapter examines the role of Muslim women in Cape urban society through an examination of their interactions within the public domain and as part of social welfare organisations. The structure of Cape Muslim society suggests that the organisations that exist in this domain are also gendered. It does this by exploring the main threads and problems of Cape Muslim historiography and the gendered ways in which it has been constructed and also where the burden of morality rests in Muslim society. This chapter will also examine the genealogy of the Muslim social welfare organisation and how conventions for gender relations were set in the public domain. Through these institutions the history of the agency of these organisations can be traced in the constructed images of Muslim women in the Cape. This chapter is concerned with how Muslim women experience working in the public domain.

In the 1990s it was a popular perception that Islam had specialised gender practices that were absolute and inalienable. This was illustrated when Amina Wadud-Muhsin delivered her pre-*Khutbah* lecture in a mosque in Claremont, Cape Town in 1994. Apart from the definitions that are put forward by Islam to explain the essence of women, there were many cultural norms and

practices that defined women and in particular Muslim women. The *Qur'an* made this distinction because it referred to 'women' and to 'believing women' as when it referred to men, it referred to 'men' and 'believing men'. It would seem that these definitions that were derived from *Qur'anic* injunctions directed and shaped the *Shari'ah* (Islamic Law) as we have come to know it. The methodology used by Muslim jurists to derive the *Shari'ah* was not an unmediated process. While the *Shari'ah* was held up as undisputed fact by many, this study suggests that it is possible to question this. Indeed, in her book *Qur'an and Woman* Amina Wadud-Muhsin argues that perhaps the *Shari'ah* should be re-examined and re-interpreted by Muslim women jurists.⁷⁴



Women's rights activists have seen these practices as 'doublespeak' for discrimination. For Muslim women living in South Africa, being Muslim has meant that various oppressive regimes have been exerted and have existed on many levels. Muslim women were and still are subject to a multiplicity of discriminatory regimes: as black persons, as women and as Muslims.⁷⁵ The organizations that exist in the major cities of South Africa direct the community on issues they face and each has its own set of beliefs, policies, traditions and practices governing the conduct and behaviour of women in public spaces. That the mosque came to be seen as both a key theological and socio-political platform in the Muslim community immediately set up the way power seemed to be gendered in the Muslim community. In her study on Muslim women's rights to mosque space Faaiza Shaikh used women's access to

⁷⁴ Amina Wadud-Muhsin, *Qur'an and Woman*, Penerbit Fajar Bakti Sdn., Kuala Lumpur, 1992.

⁷⁵ It has been suggested that Muslim women who are lesbians possibly suffer from quadruple oppression.

mosques as an indicator of Muslim women's religious participation. She argued that mosque space became gendered and since in most Muslim communities and countries the mosque was a key religious and socio-political platform, it in turn dictated the parameters of the involvement of Muslim women in the public arena.⁷⁶

In her ethnographic study of Muslim women in Cape Town, Hill described a non-traditional society trying to conform to what it thinks should be the cultural norm. She asserted that it was 'inherent in the *purdah* ethic' that there was 'a clear definition of sexual roles to which status is attached so that it is this aspect that tends to be deterministic'.⁷⁷ She noted that in the 1970s it was the norm that 'domestic services are women's work whilst religious leadership and dealings with the outer world are consigned to men'.⁷⁸ Although this apparently strict separation of roles seemingly did not work in the Cape because 'women often have to earn money', she seemed to suggest that the issue of Muslim women working was something that the society would rather not encourage and it is only because of an economic need that they had circumvented the prescribed orthodoxy.⁷⁹

This approach raises questions about the social identity of Muslim women in the Cape. It suggests that the identity hinges on the traditional, ethnic and cultural mores of the time. It also

⁷⁶ Faaiza Shaik, *Women's access to Mosque space*, Unpublished M.A. thesis, University of Natal, 1998.

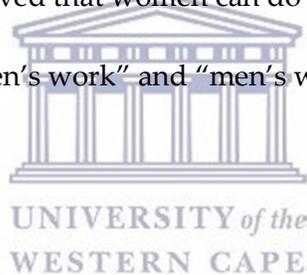
⁷⁷ Rosemary Hill, *The role of Muslim women in Cape Town: Aspects of ethnicity and change*, Unpublished M.A. Thesis, University of Cape Town, 1977.

⁷⁸ Ibid.

⁷⁹ Hill, *The role of Muslim women in Cape Town: Aspects of ethnicity and change*, Unpublished M.A. Thesis, University of Cape Town, 1977.

seems to suggest that these mores are very fluid but at the same time dependent on and constrained by society's economic, social and political needs. This fluidity leaves the definition of the social identity of Muslim women open but it also means that Muslim women have been able to define for themselves what it means to be traditional, orthodox or fundamentalist.

In describing the situation of Muslim women in 1977 Hill said that much of the work that was undertaken in the past and was defined as 'women's work' were jobs that were related to domesticity. She continues by citing Cissie Gool's career in politics as an 'anomaly' but emphasises that 'Cissie Gool has proved that women can do so with success'. She also argued that the 'boundaries between "women's work" and "men's work" are becoming increasingly elastic'.⁸⁰



This elasticity has been carried over from the 1970s into the new millennium.

In her book *Our Generation*, Zubeida Jaffer describes how it seemed as though women simply melted into the background once the 'struggle' was over and the defining moment seemed to be the day of a defiance march in Cape Town in the time preceding the release of Nelson Mandela.

Today there is not a policeman in sight and Capetonians of all persuasions pour into line behind their leaders. At the head of the procession is the Archbishop Tutu in his cerise clerical garb with a silver cross around his neck. To his left is the mayor of Cape Town, Gordon Oliver,...and next to him is Alan Boesak..... To his right is Sheikh

⁸⁰ Ibid.

Nazeem Mohamed,... Next to him is Jakes Gerwel...and next to him is Jay Naidoo, Cosatu general secretary.... I found it fascinating that as the protests became more prominent, so did the male leaders. Not to suggest that they were not around when the hard work had to be done but they shared the hard work equally with the women during the darkest days. In many instances, the burden fell more heavily on the women as they often could move around more freely and were less easily detected by the police.

The debate on what is 'traditional', what is orthodox and most importantly what is fundamentalist still shapes discourses in Cape Muslim society. The distinctions are so fine that if you claim to be 'traditional' it does not necessarily mean that you subscribe to the orthodox patriarchal system dominant in the Cape. If you describe yourself as a fundamentalist it does not of necessity mean that you uphold the tradition and orthodoxy and neither does it mean that you eschew all modern progress even if it is condemned by the dominant orthodoxy. In 1995 Sadia Edross conducted research on a group of Muslim women students at the University of Cape Town to determine how they saw themselves and the tensions inherent in those representations.⁸¹ Her findings showed that a majority of the participants described themselves as being neither completely traditional nor modern and their descriptions of a modern Muslim woman coincided with a description about themselves. What was also telling was that the participants' group and self-identification constantly shifted between images of themselves as traditional women and as modern women. The women who most strongly identified themselves as traditional women also advocated a dominant patriarchal ideology and "both

⁸¹ Sadia Edross, *An exploratory study on the social identity of Muslim women*, Unpublished Honours thesis, University of Cape Town, 1995, p. 32.

these women sanctioned the belief that men should be the dominant sex and that women should be submissive, silent and publicly unobtrusive or 'invisible' sex."⁸²

The gendered nature of society manifests itself in the way that organisations and other social groupings set up structures and organise their operating systems. This form of structural discrimination becomes institutionalised in addition to being consolidated through entrenched behaviour patterns acquired through socialisation and conformity to societal norms and mores. When looking at Muslim groups and Islamic organisations as well as their relationship to other social and religious groups of special interest is the attitude of selected Muslim organisations towards women.



How these organisations were structured dictated the kinds of power relations that evolved. This demanded that women find ways of articulating their resistance to the gendered structures and my interest is in uncovering these forms of resistance and documenting how Muslim women articulated this resistance. Although the daily operations seemed to be managed by women it was interesting to note that all the organisations had the same structure: an all male board of trustees and a staff complement where women were all located in non-decision making posts. In an organisation like the Islamic Social Welfare Association (ISWA), that had an all Muslim and all female staff, the women verbally demonstrated their resistance to the patriarchal hegemony but in an organisation like the *Masjidul Quds* Ladies Council it was more difficult to detect conscious resistance to the present interpretations of religious texts. The

⁸² Ibid, p. 38.

tradition of the male Muslim Islamic scholar in the Cape is one that is backed up by three hundred and fifty years of oral history and colonial records. There are many stories and legends, some of them true some of them legend, from the time that the first holy man was sent in exile from Batavia to the Cape of Good Hope by the Dutch and imprisoned on Robben Island up until today. In fact the shrines, or Kramats as they are known in the Cape, are testimony to the many holy men that have come ashore at the Cape. The Cape Muslims have carried this legacy of male scholarship and authority with them since that time.

The question that arises is: how much longer will the constructed image of Muslim women prevail and maintain its supremacy? The involvement of Muslim women in public organisations has not been proportional to the acknowledgement and visibility they have received, yet Muslim women have either dominated most social welfare organisations or they have added the most value to the organisations in terms of measurable output. This situation can partially be explained by the fact that the Muslim clergy in Cape Town have presented outdated interpretations of a dynamic religious text. These interpretations of the Muslim clergy, who are all male, seems to have served to perpetuate this patriarchal hegemony but what has been happening is that Muslim women have found less overt ways to re-interpret Islamic practice other than announcing it from the pulpit of a mosque.

The interviews held with the Islamic Social Welfare Association (ISWA), *Masjidul Quds* Ladies Council and the South African National Zakaah Fund (SANZAF) clearly showed that the women working in these organizations were empowered to make decisions about the day to day running of the organization except when it came to issues of scriptural interpretation. In

these cases they tended to seek permission from Mosque committees, permission from their husbands or they generally appeared to defer to men for direction regardless of whether the men were qualified to give answers or not.

Islamic Social Welfare Association (ISWA)

The Islamic Social Welfare Association (ISWA) has operated as a social service agency for Muslim clients. The organisation has been Cape Town based and provided social welfare services to various communities on the Cape Flats and the Muslim community in particular.⁸³ It was started in 1986 to seek a solution for the alarming increase in divorce rates amongst Muslims and ISWA was the response to an overwhelming need for structured social services for Muslims. ISWA offered general psycho-social counselling, specialised marital counselling, family reconstruction programmes, self-help projects, childcare awareness projects and also engaged in the training of social auxiliary workers.⁸⁴

In an interesting scenario ISWA referred a matter to the Muslim Judicial Council (MJC) because they needed an opinion on what seemed like a unique case: a Muslim man from Morocco who had married a non-Muslim woman. The marriage ceremony took place in a Church and in order for the marriage to be recognized in Morocco it had to be by Muslim rites. They then performed another ceremony with an *Imam* satisfying the Moroccan legal requirements.

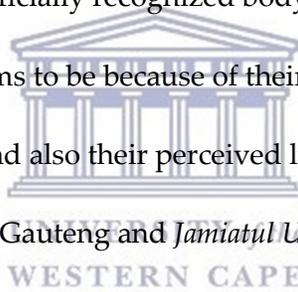
Naseeba Manuel-Abrahams, a social worker with ISWA, explained the experience and gave her view on the case:

⁸³ *Muslim Views*, 'ISWA gives elders new hope', October 2003, p. 15.

⁸⁴ *ISWA Newsletter*, 1996: 7 – 10.

It's fine to me if they respect one another's religion you know I have on many occasions like that spoken to the MJC, where a marriage like that it is permissible. But there is a thin line. It's not only about Muslims being married to non Muslims. There is a thin line but *Shari'ah* do make allowances for that you know. So where I'm sitting, the MJC should rather then take the case but what I'm sitting with at the moment is a guy from Morocco that got married to a non-Muslim girl here. However they got married in Church.....but in order for him to send his marriage certificate to his country he topped that off by marrying by the Imam again, but his wife remains who she is.⁸⁵

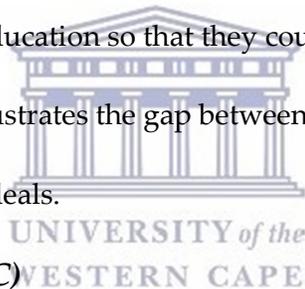
Overlaps and forced cooperation and involvement of this nature that can be seen to have challenged and destabilised the gendered nature of Muslim representation in public spaces. The MJC set itself up as the moral watchdog of Muslim society in the Western Cape. In fact, the MJC has generally been accepted as the officially recognized body for the Muslim community in South Africa. The reason for this seems to be because of their close links to the African National Congress (ANC) during apartheid and also their perceived liberalism. Other Muslim based organisations like the *Jamiatul Ulema* Gauteng and *Jamiatul Ulema* Kwazulu-Natal have not been generally as accepted.



The perceived liberalism of the MJC can only be understood when comparing them to more conservative organisations. It is evident that the genesis of Cape social welfare organisations helped the Cape Muslims to progress and their responsibility was not perhaps to take responsibility for creating gender equity. But the work ethic that was developed by the Muslim NGOs created a clear distinction between the scripturally knowledgeable and the others; made up of those not schooled in the Islamic paradigm.

⁸⁵ Interview with Nurul Huda Smith, social worker and Director of the Islamic Social Welfare Agency (ISWA), Belgravia, Cape Town, February/April 2002.

How might it be possible to think of organisations and their development as gendered? The homologies between organisations and masculinity have endured in the case of various Muslim organisations. For example the (MJC) has up to the present day not admitted the involvement of women in their top structures.⁸⁶ However, at a recent meeting of the Union of Muslim Councils (UMC) of East, Central and Southern Africa the chairperson of the organisation, Shaikh Ebrahim Gabriels, President of the (MJC), said that the involvement of women in their communities was very important and that Islam held women in high regard. He further said that the *Qur'an* emphasized the role of education and that 'this made it imperative that Muslim women were empowered through education so that they could contribute to society in a meaningful way'.⁸⁷ This blatantly illustrates the gap between Muslim practice in Cape Town and public rhetoric around Islamic ideals.



The Muslim Judicial Council (MJC)

The Muslim Judicial Council, or MJC as it is more popularly known, has been regionally, nationally and internationally recognized and acknowledged as the representative body of Muslims in South Africa. The MJC was established on 10 February 1945 at a meeting of the Muslim Progressive Society held in the Cathedral Hall in Cape Town. The meeting decided to elect the Council members from among those present. The Council would be responsible for finding solutions to problems of a religious nature that were referred to them. An Executive Committee comprising 18 members was elected, with Sheikh M.S. Gamielien as Chairman and

⁸⁶ *Al Qalam*, 'Regional Muslim organisation slated for lack of women', May 2002, p.5.

⁸⁷ *Ibid.*

H. Edross as Honorary Secretary.⁸⁸ The MJC became the leading body of Muslim jurists in the Western Cape, comprising roughly 80% of the religious leadership, i.e. both the *Ulema* (theologians) and *Imamat* (Religious leaders) of mosques and other Muslim religious institutions. The MJC emerged as a hierarchical organization with a three-tier structure. There was an *Imarah* or body of guardians, an Executive Committee and the *Majlis* or general membership of the Council.

The involvement of the Western Cape in the struggle for liberation was notable in that the Muslim population of South Africa barely numbered one million. The 'struggle' credentials of the Muslim community was affirmed when the then Vice-President of the MJC, *Sheikh Abdul Gamied Gabier* was asked to make a prayer at the opening of the first democratic sitting of Parliament in Cape Town on 9 May 1994 when former President Nelson Mandela was elected President.⁸⁹ Then again on 10 May 1994 the late *Sheikh Nazeem Mohamed*, then president of the MJC, made a prayer at the inauguration of the then president elect Nelson Mandela at the Union Buildings in Pretoria.

From the interviews that I conducted with the MJC, it appeared that they were committed to alleviating hardship in the community but as an agent of change it was apparent that the MJC has not been proactive. There was also no female representation on any decision making body of the MJC. *Moulana Ihsaan Hendricks*, the Deputy-President of the MJC, commented that when

⁸⁸ Gert Johannes Alwyn Lubbe, 'The Muslim Judicial Council: A descriptive and analytical investigation', UNISA, Pretoria 1989.

⁸⁹ From this position *Sheikh Gabier* was appointed as the Ambassador-Elect to the Kingdom of Saudi Arabia.

one observed the contemporary development of the Cape Muslim community it was the women who were at the forefront of learning, social activities and also community activism even if it was a call to fight gangsterism and drugs.

You see the womenfolk are there. But if we take for example the development of some of our...Islamic institutions of higher learning like *Darul Arqam* and ICOSA and others we are still surprised on a day to day and a yearly basis that most of our intake of students are female students, our most successful graduates are female graduates, our most active students in terms of the SRCs are females. So the question arises that why keep them deliberately behind or keep them [in the background].⁹⁰

In her investigation of the role of the MJC, Rabia Pandey, made nine recommendations. Two of these are directly relevant for our purposes. Pandey has suggested firstly that the MJC should correct the imbalance of having no women participating in the senior structures of the Council and that their involvement should not merely be a 'tokenistic gesture, but should strive to make real changes with a clear strategy of how to achieve this.⁹¹



Women should be freed from the oppression that is being passed [off] as Islamic legislation. Islam does not oppress women, yet women feel oppressed because of the uncertainty of their position in marriage, death and divorce in their community.⁹¹

Pandey also suggested that the MJC should initiate educational programmes that would clarify the rights of women in society so that preconceived notions of the roles of women in Islam could be corrected.⁹² She had also suggested that it was the responsibility of the MJC to publicly address the issue of polygamy and that a process which included the opinion of Muslim women

⁹⁰ Interview with Moulana Ihsaan Hendricks, Deputy-President of the Muslim Judicial Council. April 2002.

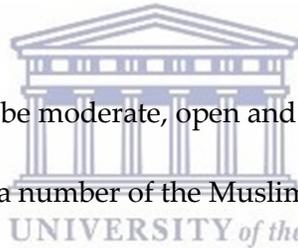
⁹¹ Rabia Pandey, *The role of the Muslim Judicial Council played in the political struggle*, Unpublished Honours thesis, University of Cape Town, 1996, pg. 32.

⁹² Ibid.

be sought.

One of the assertions made by Pandey's paper is that it seems as though the MJC has deliberately disallowed women into their top structures. Ihsaan Hendricks explained,

I would want to say that it has never been a law in the Muslim Judicial Council that there should not be females involved in the structure. But somehow or the other by virtue of its historical development it appeared that...this is a Judiciary...for males. The reason why I'm saying that is now that we find ourselves in a time and an era that we see very competent ladies, competent Islamic scholars emerging in our society obviously it now draws the attention that yes, we begin to have *Sheikhas*⁹³ now in our community and *Muallimahs*.⁹⁴ Where do you place them? Where do you...put them? Where do they fit in? The Muslim Judicial Council [has] not yet [achieved] to perfect that part of its Judiciary.⁹⁵



Although this response may seem to be moderate, open and progressive when compared to the expected stereotypical response that a number of the Muslim patriarchy may hold, it echoes the traditions of the first community of Islam where women were not excluded from public or political life.⁹⁶ What is problematic is that this response is one that belies the existing structures in Cape Muslim society. I will argue that it is the gendered nature of society that will dictate how soon the structure of its organizations will change.

Presently the Muslims in Cape Town send their young men to Egypt, Saudi Arabia and India to study the religion of Islam and its associated sciences. There are some who have also studied in

⁹³ Feminine form of 'Sheikh', Arabic word used in Cape Town to refer to a person schooled in religious learning.

⁹⁴ Feminine form of the Arabic word for teacher.

⁹⁵ Interview with Moulana Ihsaan Hendricks, Deputy-President of the Muslim Judicial Council, April 2002.

⁹⁶ Denise Spellberg, *Politics, Gender and the Islamic Past*, 1994.

Jordan, Syria, Pakistan and also Malaysia. This route of study has been closed off to the young Muslim women because the religious patriarchy believes that women cannot travel without a *Mahram* or chaperone. This of course presents a problem when the young woman in question is not married, if she has no brothers and if her husband cannot go with her or refuses her permission to study overseas.

Masjidul Quds Ladies Council

The *Masjidul Quds* Ladies Council started informally in 1992 as a women's *Thikr* or remembrance group called *Jamaa'atul Falaag*. They then decided to start a soup kitchen. Ten years later they began to feed 4,000 people a week, from Monday to Thursday operating out of a fully equipped kitchen at the Gatesville Mosque in Cape Town. Their motto was 'Feed a hungry child'. In reflecting on the early years of the Ladies Council members commented,

We grew into thirty, when the garage at the time became too small we went over to *Masjidul Quds*, had a meeting and we had upstairs, just upstairs in the room on a Thursday night, not formal. We had a sort of collecting thing. Then we said we were going to have a *Moulood*, [celebration of the Prophet Muhammad's birthday]. Our first *Moulood* [was] with about 50 people. It was small, it was upstairs in the *masjid* and it grew like you throw water on plants. It went to 80 people and then we said; now out of this must come good.⁹⁷

The very noble sentiments were expressed simply and without hope of material gain. These women did not earn a cent for what they did four mornings a week at the local mosque. In addition they raised funds twice a year to cover all operational costs. Later on in the interview the members spoke about obtaining their husband's permission to come to the mosque for their

⁹⁷ Interview with Mymoena Essa and Aishah Rahbeeni of the Masjidul Quds Ladies Council. April 2002.

group activities. The attitude that they displayed towards the asking of permission is one of indulgence. It was almost as though they knew that the request was merely a formality and that they would do what was necessary to achieve their goal to: 'Feed a Hungry Child'.

South African National Zakah Fund (SANZAF)

The *Zakah* Fund celebrated its 25th year in 1999. In its special anniversary brochure SANZAF stated in its mission that,

It is a religious, socio-welfare and educational organization that strives to facilitate the empowerment of Muslim families through the efficient collection and effective distribution of *Zakah* (an Islamic tax of 2½ % levied on savings accumulated over one year on Muslims) and other *sadaqah* (voluntary alms)– in a proactive and cost effective way through projects – with dignity, sincerity and shared responsibility. All in the service of the *Ummah* and for the pleasure of Allah [SWT].⁹⁸



SANZAF by that time had 12 functional offices throughout the country including the National Diary Co-ordinating office in the Western Cape. The Cape Town Head Office was based at the Bridgetown Mosque in Cornflower Street, Bridgetown. The Bridgetown office was in turn supported by 3 satellite offices situated in historically sub-economic areas of Delft, Mitchell's Plain, Elsies River. There was also an office in the Paarl area. The National Diary Project Co-ordinating office in Gatesville also served as the Western Cape Public Relations' Office. There were seventeen members of staff in the SANZAF Western Cape office of which 7 were women. There were twenty six members of the SANZAF Board of Trustees of which one is a woman. She is also a staff member in the Western Cape office.⁹⁹

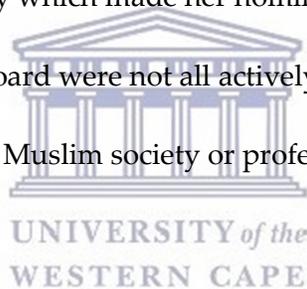
⁹⁸ 'SANZAF Brochure', published by South African National Zakaah Fund (SANZAF), 1999.

⁹⁹ 'SANZAF Brochure: Commemorate 30 Years of Institutionalized Zakaah', published by South African National Zakaah Fund (SANZAF), April 2004.

It was evident that the genesis of the Muslim organisations arose out of a sincere need to help Cape Muslims advance and develop their community.¹⁰⁰ Political organisations and groupings came later but were essentially frowned upon by the religiously orthodox in the community.

Religious-political organisations developed as distinctly male with the leadership being male, while boards or trusts who were largely male constituted the social welfare organisations.

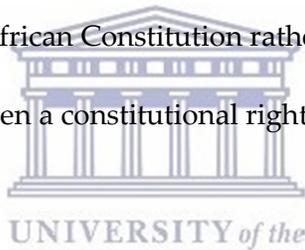
Women were by and large the field workers. In ISWA in 2003 the Chair of the Board was a man and the boards were by and large constituted of men. The SANZAF board was also largely male with one woman who has been co-opted recently. One is led to believe that it is her experience and genuine commitment and loyalty which made her nomination to the Board of trustees inevitable whereas the men on the Board were not all actively involved in the organisation and seemed to be prominent members in Muslim society or professional persons.



One of the main reasons that Muslim social welfare organisations remained unreformed and patriarchal is that they remained isolated and did not make a conscious decision to become part of the active resistance to achieve a democratic South Africa. It is important to note the difference between the social welfare organisation, the religious-political organisation and the student-based movements of the 1960s and 1970s. The two former organisations did not evolve beyond servicing the community's ritual-based religious needs whereas the student based Muslim Youth Movement (MYM) and the Call of Islam were at the forefront of the anti-

¹⁰⁰Gorkeh Gamal Nkrumeh, 'Islam: A self-Assertive Political Factor in Contemporary South Africa', *Journal Institute of Muslim Minority Affairs*, Vol. 10:1, January 1989, p. 523 - 524.

apartheid movement and many of the leaders of these two organisations became the leaders of the United Democratic Front (UDF) which was a public expression of the then banned African National Congress (ANC). At a time when many black people were advocating for a non-racist, non-sexist and sectarian South Africa, Muslims were also afraid of what the apartheid regime dubbed the *'rooi gevaar'* or communist danger.¹⁰¹ Whether the bogeyman of a communist takeover was at the time a real or not does not concern us in this paper but what it effectively did was to exclude a significant amount of Muslim women from critical debates on gender equality and women's rights. In many ways, the debates that Muslim women later engaged in as part of introducing Muslim Personal Law into the South African statute was a desperate attempt to catch up with the South African Constitution rather than a sincere attempt at granting South African Muslim women a constitutional right.



By and large, Cape Muslim society did not seem overly concerned with the status of Muslim women except when there were questions of morality and the breakdown of the moral fibre of society. The idea that the burden of morality rested upon a woman seemed to be borrowed from the Christian doctrine of 'original sin' where Eve is held responsible for the ultimate fall from grace. It is interesting to note that the idea that women were the source of all evil has been echoed in the writings of various Islamic scholars through the ages.

¹⁰¹ Literally translated from Afrikaans it means 'red-danger'.

CHAPTER THREE

Influences on Cape Muslim Women: Media Representation and International movements

Certain international developments that occurred in the 1970s in countries like Saudi Arabia, Egypt, Pakistan, Palestine, Afghanistan and most importantly the Iranian revolution had the effect of causing a revival of the Islamic movement in South Africa.¹⁰² It would seem that the rise of nationalism in these post-colonial third world societies appealed to the Islamic sensibilities of South African Muslims. The momentous changes happening in these third world Muslim societies also allowed South African Muslims to identify with the oppression of their fellow black South Africans. The Islamic movement added a certain purposefulness to the struggle of South African Muslims during the liberation struggle for an apartheid-free South Africa. This was necessary because as a religiously orthodox minority with colonial origins, overt political agitation had been inconsistent. There was no organized or deliberate Muslim or Islamic movement for generations due to apartheid systems of planning.¹⁰³ However, there are exceptions and

¹⁰² Academic scholars in Malaysia and Indonesia have made similar statements about Islamic revivalism during the 1970s.

¹⁰³ Resistance in the Muslim community had up to then been subversive. The very existence of Islam and the growing community of Muslims points to a form of resistance because in the early days of the Cape Colony slaves were not allowed to worship in congregation and were not allowed to associate with one another. Religious instruction during that time was always a covert activity and so was any form of non-Christian prayer. The political activities of Imam Abdullah Haron, which eventually led to his alleged

the political activities of Imam Abdullah Haron constituted the most significant form of resistance by a member of the Muslim community against the South African apartheid state.¹⁰⁴ It was not the first time that political agitation emerged from within the Muslim community but it was a defining moment that coloured the Muslim community's engagement with politics in the public domain. With the ascendancy of Islam internationally, South African Muslims started identifying with the global issues that faced Muslims. This marked the beginning of the changing and reworking of South African Muslim identity.

The adoption of particular dress codes was part of an environmental change that occurred along with the resistance against colonial forms of oppression. These changed circumstances led to a change in the attitude of South African Muslims which resulted in the adoption of a particular attitude towards new cultural codes, chief amongst them being the mode of dress.

The Islamic mode of dress that was adopted by Muslim women in Cape Town seemingly imported with it the cultural and historical relationships that had been ascribed to it outside of South Africa. The adoption of the headscarf triggered a particular set of assumptions. The practice of assuming the headscarf presupposed a certain kind of militarism and cultural assertiveness when worn in the public domain. That this would happen was inevitable. In an article written by Yasmin Alibhai-Brown on the politics of taking *hijab*, she quotes the novelist Ahdaf Soueif,

murder by the then security police while he was in detention. See Barney Desai and Cardiff Marney, *The Killing of the Imam*, Quartet Books, London, 1978.

¹⁰⁴ Barney Desai and Cardiff Marney, *The Killing of the Imam*, Quartet Books, London, 1978.

The veil, like Islam itself, is both sensual and puritanical, is contradictory, is to be feared: it is concrete, and since cultural battles are so often fought through the bodies of women, it is seized upon by columnists, politicians, feminists.¹⁰⁵

What was not immediately apparent was why Muslim women in Cape Town were seemingly unable to separate the adoption of the dress form and its associated oppressions. This chapter will investigate the issues associated with the adoption of modes of dress and its symbolism through investigating the visual history of dress forms in the Cape Town Muslim community. It will look at the meanings that are made in the world of images under the influence of media-driven international images of Muslim people and also the revival of real and imagined cultural ties.



Women's Rights as Human Rights

In the contemporary world, there has been much concern with human rights and the rights of women. This has included a concern with the position of Muslim women. The 1995 Beijing Conference was an interesting indicator of the present status of Muslim women in the world. In an article about A'ishah, one of the wives of Prophet Muhammad, Amina Wadud-Muhsin wrote that Muslim women were '...striving for greater inclusiveness in many diverse ways, not all of them in agreement with each other'. Her experience of the Beijing Global Women's Conference in 1995 saw repeated efforts by various Muslim women that comprised the NGO forum to form a caucus. However, the talks degenerated and the many different strategies and perspectives just could not be brought to a consensus. According to Wadud-Muhsin,

¹⁰⁵ Yasmin Alibhai-Brown, 'A veil that begs the question', *The London Independent* reprinted in the *Cape Times Review*, 28 October 2003, p. 3.

On the Left were many secular feminists and activists who, while Muslim themselves, defined Islam on a cultural basis only. Their politics was informed by post-colonialist and Marxist agendas of nationalism. Concrete issues of women's full equality: standards of education, career opportunities, political participation and representation were understood in Western terms. The cultural imposition of veiling was to them a symbol of women's backwardness; for them full entry in the public domain and other indicators of liberation were reflected in Western styles of dress. On the far Right, Muslim male authorities and their female representatives, known as Islamists, spearheaded a reactionary, neo-conservative approach.¹⁰⁶

More pertinently, the events in Afghanistan in October/November 2001 highlighted both the oppressive conditions of Afghan women as well as a range of positions on what constituted 'freedom' for Afghan women and Muslim women in general. Secular feminists equated freedom with a greater degree of public involvement and also an even greater degree of public visibility. However, the western secular feminists continued to hold that as long as a Muslim woman was veiled she was oppressed and needed to be liberated. The issue of the veiling of Muslim women became so highly politicised it in all probability escaped the attention of most critics that most Muslim women probably did not veil nor did they believe in veiling. In the creation of the 'other' it was essential that the myth of veiling be maintained so that in the case

¹⁰⁶ Amina Wadud-Muhsin, 'A'ishah's legacy: Amina Wadud looks at the struggle for women's rights within Islam, *New Internationalist*, May 2002.

of the Islamic lands, Muslim patriarchy could be further demonised and persecuted in the name of human rights.¹⁰⁷

With the coming of the 'third wave' of feminism it seems that the feminist movement became engaged in an interplay involving 'women's rights' and 'human rights'. Muslim scholars and Islamic activists have argued that Islam had a legal structure within which the rights of women have been enshrined. *The Cairo Declaration on Human Rights in Islam*, issued in 1990 by the Organization of Islamic Conference (OIC), announced that 'all rights were subject to Islamic law, and made no provisions for granting women equal rights with men'. One commentator remarked about this document that 'particularisms' such as Islamic claims about gender relations were nothing more than disguises for the universal male determination to cling to power and privilege. 'Islamic particularism is simply an expression of a universal claim for the subordinate status of women'.¹⁰⁸

However, most feminists maintained that the laws that had been derived from the Qur'an and *Ahadith* were based on the opinion of men who lived more than a thousand years ago. It seems that the traditional approach to the place of a woman Islam has been one that sees the female status as 'absolute'. This 'absolute status' was seemingly a divinely prescribed category, unaffected by philosophical or technological progress and change. Wadud-Muhsin in her article

¹⁰⁷ Shahrzad Mojab, "'Muslim' women and 'western' feminists: the debate on particulars and universals", *Monthly Review Foundation*, December 1998.

¹⁰⁸ *Ibid.*

on A'ishah further criticised Muslim women for inaction at the Beijing conference and says that the Muslim women identified an ideal Islam as the one lived by the Prophets and his companions in the 7th century in Madinah and accordingly they felt that this 'ideal' should be adopted 'unexamined and unquestioned and opposed to modern complexity'. Basically all that 'was required today was to lift that ideal out of the pages of history and graft it on to modernity adopting a complete *shari'a* state'. Shahrzad Mojab, an Iranian writer, seems to echo Wadud-Muhsin's sentiments and further suggests that

Then life would be perfect. There were no inequities towards women because the law was divine and the matter of patriarchal interpretation was irrelevant. Female Islamists representing this viewpoint handed out booklets (written by men) with titles such as 'The Wisdom behind Islam's Position on Women'. Although the arguments were not intellectually rigorous or critically substantial they held a substantial sway. Ironically, these arguments would also form part of the rhetoric used by secular feminists to discredit human rights and social-justice advocates who were in the middle ground, who insisted on fighting from within an Islamic perspective, or who happen to wear hijab.¹⁰⁹

Un-Veiling the Media

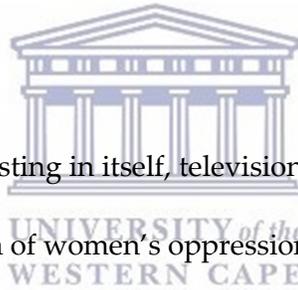
Has the hegemony of western cultural forms over time in South Africa eroded the rights of Muslim women? Or is it the media that has minimized the contributions of women to society?¹¹⁰

It is almost impossible to believe that half the world's population has not contributed anything

¹⁰⁹ Shahrzad Mojab, "Muslim' women and 'western' feminists: the debate on particulars and universals", 1998.

¹¹⁰ Naledi Pandor, 'Media fail to reflect women's true achievements', (Letters to the Editor), *Cape Times*, 15 March 2001.

to the socio-political development of society. This brings us to representation, knowledge and most importantly, power. The power of representation has come to rest in the hands of the media, more particularly the mass media which came of age in this time. The ability of powerful media institutions in the west to produce and cheaply distribute electronic as well as print news all over the world continues to be a major factor in the construction of the Muslim woman at the turn of the century. It is through the media that we have been able to know that women in Iran have had to wear the *chador*, women in Afghanistan have had to wear the *burka*, that a Muslim schoolgirl in France tried to wear a headscarf to school and almost caused a national revolt and that women parliamentarians in Turkey have started wearing headscarves to Parliament.



While this information may be interesting in itself, television news and newspaper editors in the west have often presented it as a sign of women's oppression; which could be juxtaposed with notions of women's supposed freedom in the west. A story on veiling in Saudi Arabia was tacked on to a story about whether women were allowed to drive or travel without a male chaperone, or about Afghan girls being stopped from going to school, or about women in Pakistan being imprisoned and accused of sex outside of marriage when they report cases of rape.¹¹¹ Through all the tumult that ensued in Afghanistan the articles and images that made the headlines most were about its women and the *burka*.

¹¹¹ Marie Aimee Helie-Lucas, 'Women Living Under Muslim laws', *Ours by Right: Women's Rights as Human Rights*, Joanna Kerr (ed.), Zed Books/North-South Institute, United Kingdom, 1993, p. 55

In an article in *Time* magazine 'Iran and the state of political consciousness of the student population in the country', Tim McGirk reported that,

Until now Iran's young people avoided a head on clash with the clergy. Instead they slip around restrictions. A visitor to a women's only section of a Tehran mosque found it had been turned into some sort of feminist refuge. All the women had removed their veils, the younger women were smoking cigarettes, and one mother was helping her teenage daughter wriggle into new pair of jeans that were too tight. Last week Tehran's youth announced it was tired of enjoying freedoms only in secluded rooms.¹¹²

It seemed that much of Iran's population of 70 million, of whom 60% are under the age of 30, are enthusiastic about the American way of life.¹¹³ The students seemingly called for 'more democracy' and more 'human rights'. From their illegal viewing of satellite television and contraband videos it seemed that young Iranians have had a particular idea of what these freedoms constituted. According to McGirk, '...the boys want girlfriends with whom they can hold hands and socialise freely and the girls want to wear colourful headscarves rather than the black tent-like veil known as the *chador*'.¹¹⁴

In the same week, *The Economist* ran a special report on Iran in which they used two photographs. The one seemingly represented the orthodoxy and the other supposedly represented the progressive and moderate face of Iran.¹¹⁵ The article started off by saying that Condoleezza Rice, national security adviser to President Bush, had asked that the United States

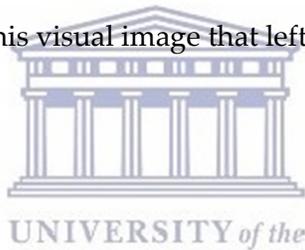
¹¹² Tim McGirk, 'Sending a message to the Ayatollahs', *Time Magazine*, 23 June 2003, p. 25.

¹¹³ Ibid., p.25.

¹¹⁴ Ibid.

¹¹⁵ Special report, 'Dealing with Iran: Next on the List?', *The Economist*, 23 June 2003, p.24 - 26.

demand an Iranian regime that gave priority to women's rights and modernity. The first photograph on the opening page of the article showed President Khamenei sitting with what appears to be two members of his government. They wore the long black robe like coats over white under robes while on their heads they wore large white turbans. Full, long black beards completed the image of a group of conservative *mullahs*. On the next page was a picture of two fashionable young Iranian women strolling down a road wearing what appeared to be denim jeans and knee length button up coats with a scarf loosely thrown over their heads but not entirely covering their hair. The *chador's* absence was glaringly conspicuous by its omission from the photograph. The editor's hand in the choice of photographs has served to create two meanings for Islam in Iran and it is this visual image that left a print on the consciousness of the reader.



At the very start of the 21st century, what seemed to be evident was that the media is starting to change its stance towards the veil if it was in the form of a headscarf that appeared to be decorative and symbolic rather than religious and militant. European governments were reflecting this attitude as well. It seemed as though a Muslim headscarf was less threatening if it was small and colourful rather than large and black.

A photograph in the December 2001 issue of *Time* magazine had a photograph of an Afghan woman *sans* the all encompassing *burka*, wearing a lightly draped headscarf

Figure 100





so that some of her hair still showed, standing in the midst of a large group of Afghan women in indigo dyed *burkas*. The caption on the double page spread read, 'Hello, sunshine!', an obvious reference to the recently gained western styled freedom that would enable Afghan women to discard the *burka* open their faces to the sun.¹¹⁶ **(Figure 10)**

From about 2000, a number of incidences in Europe seemed to confirm this pattern. An article in 2003 in *The Guardian* reported that in the French case of the two Muslim schoolgirls, the school

¹¹⁶ Photograph taken by Yannis Behrakis (Reuters), 'Photo essay: Hello sunshine!', *Time*, 26 November 2001, p. 42 – 43. The deep caption read, 'A young woman in Kabul takes advantage of the sudden opportunity to move about unveiled. The *Taliban*, which was particularly brutal to women, required them to wear the head-to-toe *burka*. Now those who stuck with the traditional costume did so by choice'.

in question was willing to compromise and allow them to wear coloured and patterned scarves to school because that was 'deemed to be a less aggressive act by the school'.¹¹⁷

Figure 11



¹¹⁷ Amelia Gentleman, 'Row over headscarves in Paris', *The Guardian*, reprinted in *Muslim Views*, October 2003.

International Islamic contests

The 1970s heralded a tumultuous time for Muslims all over the world. There were a number of factors that contributed to the increased activity chief amongst them was the formation and consolidation of the nation state. The Muslim world had experienced the demise of colonialism and rise of nationalism. The rise of nationalist movements on the Sinai Peninsula in Egypt and its surrounds led to what became known as the *Ramadan* war. Egypt, a newly declared republic, along with its neighbours took the responsibility for seeking a solution to the Palestine question very seriously and an oil embargo followed the war in the same year. Four years later, 1977, Pakistan underwent a military coup and under General Zia ul-Haq the country embarked on an Islamisation programme. In 1979 the Afghans started a *jihad* to rid Afghanistan of its Soviet occupants. All this fervent activity in the heartlands of Islam climaxed in 1979 with the overthrow of the Shah in Iran and the assumption of power by Ayatullah Ruhollah Khomeini who headed up the Islamic Revolution. This event not only catapulted Islam to the top of the

non-Muslim world agenda but also the agenda of the Muslim world.¹¹⁸ The incident spurred other Muslims, whether they were living in Muslim majority or minority countries, to consciously adopt a more orthodox lifestyle. This meant that Muslim men began to stay away from Western styles of dress, like the tie and Muslim women began to adopt the headscarf and a longer dress length.¹¹⁹ This very visible political solidarity was evident in South Africa as well and manifested itself in other ways too.

Gender Jihad, Liberation and Grassroots movements

It was during the 1960s and 1970s in South Africa that the progressive Muslim youth began organising themselves into what became known as the Muslim Youth Movement (MYM) and the associated student wing called the Muslim Students Association (MSA). Another Muslim grouping that also espoused and publicly advocated the rights of Muslim women was the *Call of Islam*.¹²⁰ It seemed that the premise on which the MYM conceptualised the 'gender jihad' was that Muslim women needed to be liberated. The concept of gender jihad came out of a long discussion and campaign that started with the idea of 'gender balance' 'Gender balance' referred to the space between 'gender inequality' and 'gender equality'. Both the MYM and the *Call of Islam* espoused this position. In his investigation Jeenah found that the *Call of Islam* was

¹¹⁸ See also Naeem Jeenah, 'A degree above...': *The emergence of Islamic Feminisms in South Africa in the 1990s*, Unpublished Masters Thesis, University of the Witwatersrand, Johannesburg, June 2001.

¹¹⁹ Akbar S. Ahmed, 'Postmodernism and Islam', *Postmodernism and Islam: Predicament and Promise*, Routledge, London and New York, 1992, p. 34

¹²⁰ Abdulkader Tayob, *Islamic resurgence in South Africa: The Muslim Youth Movement*, Cape Town, University of Cape Town Press, 1995, p.117.

the only Muslim organisation using the 'equality rhetoric'.¹²¹ To achieve this the MYM instituted a number of programmes which included inviting foreign guests to South Africa for lecture tours, campaigning for mosque space, establishing a Women's Council and attempting to form a 'Women's Islamic movement'.¹²²

The advocacy work done by both either *Call of Islam* and the MYM started off in the 1970s and was then marked by what was called 'parallel development'. This implied that men and women needed separate spaces within society. The attempts to start the 'Women's Islamic Movement' was an attempt to spearhead this separation. These types of programmes lasted until the mid-1980s when the direction changed and the call became one for gender balance.¹²³ The campaign for mosque space reached legendary proportions in 1994 with the pre-*Khutbah* lecture delivered by Amina Wadud-Muhsin at the Claremont Main Road mosque. This conflation between liberation and feminism did not bode well for the MYM's advocacy campaign and was eventually seen by the more orthodox South African Muslim society as being a propaganda tool for militant western style feminism.¹²⁴

It would not have been amiss to ask where these questions emanated from. The *Qur'an* and *Hadith* advocated equality and equity and access but in reality these rights were not easily

¹²¹ Naeem Jeenah, '*A degree above...: The emergence of Islamic Feminisms in South Africa in the 1990s*, (Unpublished Masters thesis, University of the Witwatersrand, Johannesburg), June 2001, p.7.

¹²² Ibid. p. 8.

¹²³ op.cit. p. 8 – 9.

¹²⁴ Ibid. p. 9.

available to women. Perhaps it was not the women who were questioning but rather the men who challenged those women who claimed their rights. Those women who operated in what men saw as their space were consistently challenged. This paper argues that the issue is not the emancipation of Muslim women but it is about relocating the struggle for the 'liberation' of women. Privileging the public over the private has resulted in ranking women's work below male pursuits. This lament is not one that is unique to Muslim societies but it is particularly marked in societies in Islamic countries or countries with Muslim populations.



One of the most defining moments in the history of Muslim resistance in South Africa was the rise of the civic movement of People Against Drugs and Gangsterism or PAGAD. There are two ironic factors which set them apart from other civic movements in South Africa: the one being that they proclaimed themselves a non-religious based grouping but because the leadership appeared in the community and the media with Muslim dress they were always seen as an Islamic organisation. The second factor is that they were explicit about the agenda of the grouping: to eliminate the endemic culture of gangsterism and drugs from the Cape Flats townships.¹²⁵ Again this was subverted by elements within the grouping that seemed to be using PAGAD as a front for an organisation called *Qiblah*. What seemingly made it confusing were the visual markers that were used, conscious on the part of *Qiblah* but maybe unwittingly on the part of PAGAD.

It would be simplistic to attribute the subversion of the aims of PAGAD to one cause but it would seem that public opinion was swayed by the number of women in long black robes and veiled faces and the men in the red and black checked scarves favoured in the Arab world. What can be observed throughout the time that PAGAD was prominent and active in the public domain is that the meanings that became associated with the long black robes and veiled face coverings of Muslim women were no longer the soft sensual imaginings of an orient reminiscent of '*A thousand and one nights*'. Rather, it pointed to a militant public figure of Muslim womanhood led by the charismatic Abeda Roberts who was the National spokesperson as well as Secretary of the organisation. Images of Abeda Roberts with her fist in the air, berating the government for its inactivity became the face of PAGAD and the poster girl for the Muslim woman in the public domain.

These images in newspapers, magazines and television news reports reverberated through the homes and minds of South Africans.¹²⁶ No longer were the headscarves and black robes of Muslim women hidden in kitchens, behind closed doors or in mosques. They could now be seen in public. An economy of images that documented a movement of middle class Muslims with an element of vigilantism became recorded history. What was of course most sensational were the photographs of the women who were part of and followed PAGAD.

'it is possible to record the historical physiognomic image of a whole generation and...to make that image speak in photographs.'
The word 'record' has a sense of the objective: a belief in the efficacy of what is seen as a primary integer of social definition and difference.¹²⁷

¹²⁵ Bill Dixon & Lisa-Marie Johns, 'Gangs, Pagad & the State: Vigilantism and Revenge Violence in the Western Cape', *Violence and Transition Series*, Vol. 2, May 2001.

¹²⁶ Alex Dodd, 'where are the women of Pagad?', *Cosmopolitan* (South African edition), December 1996, pg. 74-80. With photographs by Guy Adams.

¹²⁷ Graham Clark, 'Public Faces, Private Lives: August Sander and the Social Typology of the Portrait Photograph', *The Portrait in Photography*, Graham Clark (ed.), Reaktion Books, London, 1992, p. 71

Islamic Feminisms

Feminist theory has offered a substantial argument for debunking a number of myths that exist about and around Muslim women. However, it has also served to marginalise the cause of the non-secular feminist and continues to be viewed as expressing middle class white aspirations. The definition of feminism can be an intensely personal one or an all-encompassing public one which includes or excludes some of the following: agitation for political and legal rights, sexual autonomy, equal opportunities and the right to self-determination. Feminism and feminist movements have been challenged on grounds of cultural imperialism and have been accused of defining the meaning of gender in terms of middle-class white experiences and in relation to other forms of oppression such as racism, class discrimination and homophobia. Feminism can broadly be interpreted to mean the advocacy of the rights of women. It has also emerged as a social movement for change in a set of oppressive circumstances. These developments have not gone unnoticed in Muslim societies. This is evident from a series of conferences that were first held between 1972 and 1974. For the purposes of this study I would like to include in my analysis the proceedings of this series of conferences that was held between the governments of France and the Kingdom of Saudi Arabia specifically on the question of the status of women.¹²⁸

¹²⁸ 'Conferences on Moslem doctrine and Human Rights in Islam between Saudi canonists and eminent European jurists and intellectuals', held in Riyadh (1972), Paris (1974), Vatican City (1974), Geneva (1974)

These conferences on women's rights as human rights that happened from 1972 to 1974 emerged more out of the politics of oil and dollar diplomacy than out of a sincere attempt to examine Muslim attitudes towards women. It is important to note that King Faisal of Saudi Arabia called the first meeting of all Islamic heads of state in 1969 in Rabat, Morocco. Out of this meeting the Organisation of Islamic Conference (OIC) was formed. He then coordinated a similar meeting in Lahore, Pakistan to draw in the non-Arab Muslims. Saudi Arabia had to use its control over the oil prices to leverage influence in the Muslim world. Diplomacy and these conferences were part of the strategy to extend their influence.



The conference itself took place over two years and was convened in Riyadh, Paris, the Vatican City, Geneva and Strasbourg. The Conference proceedings that emerged were entitled *Conferences on Moslem doctrine and Human Rights in Islam between Saudi canonists and eminent European jurists and intellectuals*.¹²⁹ The conference was instituted because of a request to the Saudi embassy in Paris. A number of European jurists and intellectuals were keen to engage with the Saudis around the notion of human rights in Islam. The European delegation put forward seven sets of questions that they wanted answered by the Saudi delegation. It is assumed that the conference had taken place using all three languages, Arabic and French and English, and of the nationalities present being: Saudi, French and one Irish delegate. The

and Strasbourg (1974), Ministry of Justice, Riyadh, Dar al Kitab Allubnani, Beirut. See also *Journal of Muslim Minority Affairs*, Soraya Assad.

¹²⁹ Conference proceedings, Ministry of Justice, Riyadh, Dar al Kitab Allubnani, Beirut, 1974.

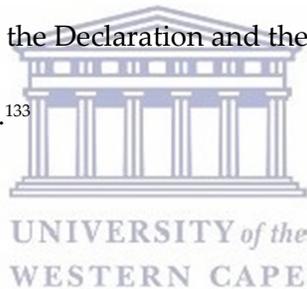
conference proceedings were recorded in English and the delegation also had an interpreter from the Saudi embassy in Paris.

The questions posed by the European delegation were in the form of problem statements. The problem statement that was relevant to our investigation here was the third question and was posed as follows: 'The problem of woman'.¹³⁰ The Saudi delegation did not respond to that question at the first conference but carried the question over to the second Conference of Paris that took place on 02 November 1974. At the first conference in Riyadh they answered questions on the concept of religion in Islam, general doctrinal issues like punishment and legal penalties for transgressions like murder, theft and adultery. There were also questions from the European delegation concerning the condition and protection of labour and the rights of workers in Islam. Appended to this report of the first conference was a memorandum entitled 'On the doctrine of human rights in Islam and its application in the Kingdom'.¹³¹ This memorandum was addressed to specialised international organisations through the general secretariat of the Arab League. The specialised international organisations referred to the Human Rights section at the United Nations and the memorandum was a proxy response through the Arab League to answer the Human Rights Commission No. 14 (25th meeting) and resolution No. 1421 (46) of the Economic

¹³⁰ Op.cit. p.10.

¹³¹ 'Conferences on Moslem doctrine and Human Rights in Islam between Saudi canonists and eminent European jurists and intellectuals', held in Riyadh (1972), Paris (1974), Vatican City (1974), Geneva (1974) and Strasbourg (1974), Ministry of Justice – Riyadh, Dar al Kitab Allubnani – Beirut, p. 41 – 69.

and Social Council.¹³² The memorandum outlined Saudi Arabia's position with regard to the International Charter on Human Rights. Up until 1974 Saudi Arabia had not joined as a signatory to either the International Human Rights Declaration or the International Covenant on the Economic, Social and Cultural rights. The memorandum outlined two reasons for their non-compliance. The memorandum states that their failure to join was not because they disapproved of the aims of the Declaration and the covenant but because they upheld the dignity of man according to the divine Islamic creed and not by man-made material law. They further stated that the deviation of youth from faith in God is what has led to the confusions and perversions in the civilised world. The second reason that was put forward was their reservations on some of the points in the Declaration and the Covenant because the reasoning was not consistent with that of Islam.¹³³



The memorandum also included a section called 'Israel's violation of Arab Human Rights'.¹³⁴ The wording of this section and the one before was presented as the moral justification by Saudi Arabia for not signing the Declaration and the Covenant. It is interesting to note that while the Muslim world's struggle for women's rights continues the western states have overcome their moral reservations as regards the rights of Muslim women and no longer agitate for UN resolutions on the matter. Neither of the two issues, the rights of Muslim women and the

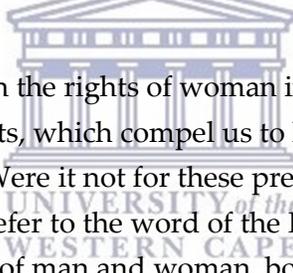
¹³² The resolution was entitled: 'The subject of the implementation of the economic and special rights embodied in 'The International Human Rights Declaration' and the "International Covenant on Economic, Social and Cultural Rights."

¹³³ Op.cit. p.43- 45.

¹³⁴ Ibid. p. 69 – 71. See also pp. 65 – 69.

question of Palestine were not resolved but from the phrasing of the memorandum it seems as though the two issues were the main barriers for meaningful dialogue in the relationship between the Muslim world and the west.

The conference proceedings outlined a number of concepts regarding the rights of women in Islam. These rights were based on divine injunction and the Islamic legislation included countless provisions for the protection of human rights. The concern was of course not whether these prescripts existed but whether they were applied and enforced. Under a very trite sub-heading, '*Islam considers woman primarily as a human being*', it was stated that:

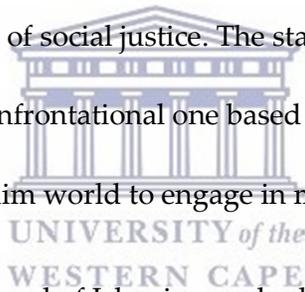


There are prejudices on the rights of woman in Islam, due to sheer ignorance of actual facts, which compel us to lay stress on the condition of woman. Were it not for these prejudices, it would have been enough to refer to the word of the Prophet, quoted above, on the equality of man and woman, both belonging to mankind, and in being capable to enjoy the same rights.¹³⁵

That particular section went on to elaborate the Qur'anic verses that describe and venerate women and also to talk about the rights, duties and obligation of a women *vis 'a vis* God and man.

¹³⁵ 'Conferences on Moslem doctrine and Human Rights in Islam between Saudi canonists and eminent European jurists and intellectuals', held in Riyadh (1972), Paris (1974), Vatican City (1974), Geneva (1974) and Strasbourg (1974), Ministry of Justice – Riyadh, Dar al Kitab Allubnani – Beirut , p. 161.

Almost thirty years have elapsed since the time that these conferences took place but the questions, issues and challenges raised at the conference have not been addressed or solved. The way the conference was reported leaves one with serious doubts as to whether there was meaningful interaction around the challenges that the Muslim world faced in respect of its human rights record. The only responses recorded from the European delegation were salutations and thanks. One is reminded here of the writings of Edward Said on how the media saw Islam. This conference in retrospect, gives us an indication of why the media and the public in general have formed a particular opinion on the status and importance that Muslims place on human rights. It was generally held that Muslims, Muslim societies and Muslim countries have no respect for human rights or issues of social justice. The stance between the west and Islam will therefore always seem to be a confrontational one based on a paucity of knowledge on the one side and a reluctance of the Muslim world to engage in meaningful dialogue on the other.



...knowledge of Islam and of Islamic peoples has generally proceeded not only from dominance and confrontation but also from cultural antipathy. Today Islam is defined as that with which the west is radically at odds, and this tension establishes a framework radically limiting knowledge of Islam.¹³⁶

Amina Wadud-Muhsin presented to the Muslim community in South Africa a picture of Islam that was completely incompatible to the religious orthodoxy that existed here in 1994. Although South Africa had just emerged from a tumultuous and somewhat violent period they had not entered the period of introspection that would be ushered in by the Truth and Reconciliation

¹³⁶ Edward Said, 'Studying Islam', *Covering Islam*, 1981.

Commission. Wadud-Muhsin was an African-American Muslim woman professor. She inhabited many worlds that had never before been open to black people, women or Muslims in South Africa. Therefore in many ways she represented a complete unknown, a break with tradition that was too soon. In her *hijab* she represented to the conservative Muslim clergy in the Cape the perfect picture of Muslim womanhood. Or so it would seem. But then she started speaking, in the mosque, on a Friday, in the main hall. In fact she has not stopped speaking.

Rethinking Islamic interpretations – Positive Muslims

The new post-modern approach to the *Qur'an* has heralded the coming of the progressive orthodox fundamentalist. One example was Amina Wadud-Muhsin who cut a striking figure of a good typical Muslim woman. Softly spoken and completely veiled in dark unassuming colours, this American academic was not just a nominal Muslim in the service of an academy that operates on a 'publish or perish' culture but genuinely seemed to be searching for new answers to old questions. Of the questions that she has attempted to answer though her work is where does this image of the woman in the *Qur'an* come from and why is the question of woman addressed in this manner. The second, a more recent foray, has on the HIV/AIDS pandemic. Her response to this question raised a furore that may be catching on in various parts of the world, not the rise of the moderate Muslim but the emergence of the progressive, post-modern Muslim.¹³⁷ Some of the characteristics of a progressive Muslim being the relaxed

¹³⁷ *Al Qalam*, 'Heated debate follows controversial paper', June 2003, p.7-9. See also *Al Qalam*, 'First (and last) inclusive conference on HIV/AIDS, June 2003, p.9.

attitude toward gender, the authority of the *Qur'an* and the position of other religions *vis 'a vis* Islam.

The most striking difference between the progressive and moderate Muslims seem to be its outward markers. In the case of Wadud-Muhsin she appears to be the image of orthodoxy which seems to be the legitimating factor in the acceptance of her views. It is almost as if the fact that she wears a veil makes it impossible for her to be anything other than orthodox.

South African Muslim women and new cultural forms

Muslims in South Africa have been largely influenced by the orthodox Middle Eastern as well as Indian and Pakistani interpretations of Islam.¹³⁸ This resulted in the adoption of many of the socio-cultural peculiarities that have been practised in those societies. Of particular interest for this paper were the attitudes and norms adopted in relation to Muslim women. The conservative attitudes towards the status of women were also assumed. This was evident even in provocatively progressive organisations like the MYM. When the Muslim Youth Movement (MYM) first started its 'women in mosques' campaign, it advocated separate spaces and 'parallel development'. This policy continued until the mid 1980s.¹³⁹ Although the intention was always geared towards finding space for women in the public domain the approach became less

¹³⁸ There was little or no impact of the Iranian interpretation of Islam even though there was an almost whole scale adoption of the principles behind the Iranian political Revolution.

¹³⁹ Naeem Jeenah, '*A degree above...': The emergence of Islamic Feminisms in South Africa in the 1990s*, June 2001, p. 8.

conservative towards the end of the 1980s into the 1990s. Mosques like Claremont Main Road led the way.

Various Muslim women in Britain have done studies on the impact that the headscarf has had on British society, both Muslim and non-Muslim. It appears that British society, however strange they might find the practice, has been unperturbed by the choice that Muslim women have made. However, British Muslims have been highly critical of the manner and mode in which the practice of wearing a headscarf, or not wearing one, has been adopted. In research done by Yasmin Alibhai-Brown, a British Muslim woman, one woman refused to answer any of her questions on the *hijab* because she was seen as a 'fake' Muslim, as she did not wear the *hijab*. Indeed, the Islamic practice of wearing a headscarf has in recent years formed part of the rhetoric that declares that the sincerity of a Muslim woman's faith is expressed very literally in her mode of dress. The relationship between the style and size of a Muslim woman's headscarf has been held to differentiate a 'fake' Muslim woman and a 'free' Muslim woman.¹⁴⁰

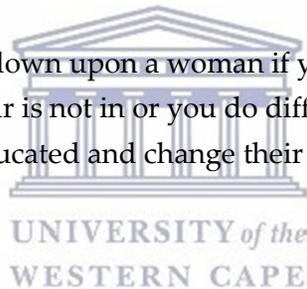
In South African Muslim society, particularly in the Cape, clothing and Muslim identity were strongly linked. When I interviewed the staff of the South African National Zakaah Fund with reference to their occupation as social workers I asked them whether they felt they were valued members of SANZAF and whether they felt that the role of women in the organisation should change. Most of the respondents answered that they felt valued. I realised that the respondents

¹⁴⁰ Yasmin Alibhai-Brown, 'A veil that begs the question', *The London Independent*, 2003, p.3.

may not have felt comfortable answering some of the questions that I asked in a group setting or even being verbally interviewed and taking into account that all the staff members were fully literate and conversant in English I prepared a questionnaire. The questionnaire was distributed to the women in the organisation to be completed. I wanted the men in the organisation to respond as well but they declined. I collected the completed questionnaires one week later. The one respondent who answered in the negative also answered some of the other questions differently as well as adding a particular comment. Her one response was particularly telling in that she acknowledged society's prejudices but at the same time said that it was important that women be educated but that they also needed to change their own attitude toward life.

Society tends to look down upon a woman if you do not wear an *abaiya*¹⁴¹ or all your hair is not in or you do different things.

Women need to be educated and change their outlook in life.¹⁴²



Following the great changes that occurred in Iran after the revolution many of the Muslim women, particularly those who belonged to or were affiliated to the MYM and Call of Islam, adopted the headscarf. These female activists started what became a trend in schools and universities in the early 1980s. In his thesis on the emergence of Islamic feminisms in South Africa, Jeenah relates that it seemed that, at the time, the increased visibility of headscarves resulted in a public debate as to

¹⁴¹ Long sleeved robe like dress that reaches to the ground. It is of Arab origin and is usually black but can be found in many different colours.

¹⁴² Interview with Salegga Osman, regional bookkeeper for the South African National Zakaah Fund (SANZAF) Western Cape, Bridgetown Library, Bridgetown, 14 May 2003.

whether wearing a headscarf was in fact a requirement in Islam.¹⁴³ This was not a debate that was happening nationally across the organisation but rather it was concentrated in the Western Cape. Jeenah further notes that it reached a point in 1988 at the annual International Training programme of the MYM where women activists from the Western Cape took the stage without 'regulation head coverings' including charring sessions and delivering talks.¹⁴⁴

It seems that the headscarf issue may have precipitated a further issue that followed: Muslim women in leadership. Although the MSA elected two women members to its executive in 1984 the MYM only followed suit six years later. Coincidentally the regional chairperson who was elected to the National executive, Fatima Noordien, was from the Western Cape. It may be that the reason that many of the issues that propelled the Islamic movement in the 1980s were still pertinent and challenging Muslims in South Africa at the beginning of 2000 because of the reach of the organisation and its recruitment procedures. According to Jeenah the MYM pre-1990 had a 'cadre-based' membership structure where people were invited and then interviewed before membership was extended. At the 1990 General Assembly the organisation adopted an 'open-membership structure'. This was also the year that the organisation elected its first African president, Tahir Sitoto.¹⁴⁵ Sitoto attributes the rise of feminism in the Islamic movement to the entry of African members to the organisation. I would disagree on the principle that it would be simplistic to attribute the increasing focus on feminist issues and the drastic change in the

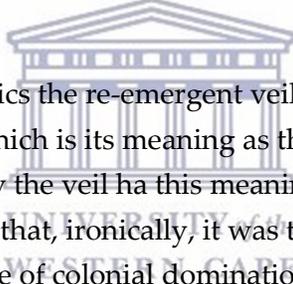
¹⁴³ Naeem Jeenah, 'A degree above...': *The emergence of Islamic Feminisms in South Africa in the 1990s*, June 2001, p. 12.

¹⁴⁴ Ibid.

¹⁴⁵ op.cit.

choice of president to a new openness in the organisation. The 1990s was a turbulent time for South Africa. The country was in a state of emergency and on the brink of what seemed would escalate into a civil war. Marginalised groupings that had no affiliation to each other were grouped under one banner against a common enemy: the apartheid State. It would appear that this was the thinking that may have fuelled the institution of the MYM's Gender Desk because by 1993 the organisation no longer referred to 'women's rights' or 'women' but to gender issues and 'people's humanity'.¹⁴⁶

Veiled or available?



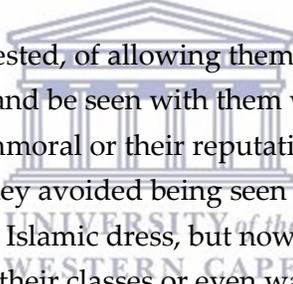
In the discourses of geopolitics the re-emergent veil is an emblem of many things, prominent among which is its meaning as the rejection of the West. But when one considers why the veil has this meaning in the late twentieth century, it becomes obvious that, ironically, it was the discourses of the West, and specifically the discourse of colonial domination, that in the first place determined the meaning of the veil in geopolitical discourses and thereby set the terms for its emergence as symbol of resistance.¹⁴⁷

The notion of *hijab* seems to be portrayed as the wearing of the headscarf. *Hijab* actually refers to the covering of the face which, in South Africa, is the exception rather than the rule. The issue of *hijab* is more than just the adoption of the headscarf. It includes modest dress and modest behaviour. The idea of modesty is culturally dependent and this is possibly one of the reasons

¹⁴⁶ Naeem Jeenah, 'A degree above...': *The emergence of Islamic Feminisms in South Africa in the 1990s*, June 2001, p.15.

¹⁴⁷ Leila Ahmed, *Women and Gender in Islam: Historical roots of a modern debate*, 1992, p.235.

that the notion of *hijab* is so problematic. So is it about privacy, modesty and seclusion? Or is it about power, beauty, adornment and embellishment? Since British Muslims have not been under duress as was the case with Afghan women or even Saudi women, one can safely assume that they have chosen to assume *hijab* and do not have male relatives who are poised, gun in hand to protect the honour of the family if their female women disrobe in public. Which is exactly what one young Iranian woman did and then she proceeded to set herself alight in public and burn herself to death. In her book on 'Women, Gender and Islam', Leila Ahmed points out the paradoxical advantages that the adoption of the headscarf has created for Egyptian women in particular:



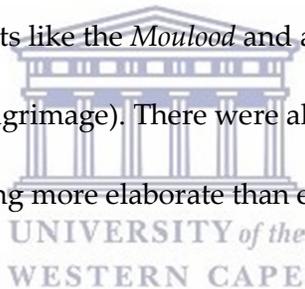
Some women have attested, of allowing them to strike up friendships with men and be seen with them without the fear that they will be dubbed immoral or their reputations damaged. Women declare that they avoided being seen in conversation with a man before adopting Islamic dress, but now they feel free to study with the men in their classes or even walk with them to the station without any cost to their reputation.¹⁴⁸

The influence of both the variety of cultures and also the geographic spread of Muslim societies around the world has contributed to the different dress codes that have been adopted by Muslims in the west. Regardless of ethnic origin or cultural heritage, Muslims in the Cape have adopted varied styles of dressing. Since the late 1980s a new industry has emerged and it was not uncommon to see newspaper advertisements or hear radio jingles advertising clothing

¹⁴⁸ Leila Ahmed, *Women and Gender in Islam: Historical roots of a modern debate*, 1992, p.224.

outfitters that 'specialise' in 'Islamic wear' for women. These advertisements were carried by Muslim community newspapers like *Al Qalam*, *Muslim Views* and also mainstream community press like *Athlone News* and *The Plainsman*. The two Cape based community radio stations *Radio Voice of the Cape* and *Radio 786* were the main carriers of these advertisements for the 'stockists of Islamic wear' and regularly did live promotional broadcasts from the particular clothing shops.

There were a number of unique social events on the calendar of the Muslim community besides those that all communities have in common like weddings, births, engagements, graduation parties and the like. These were events like the *Moulood* and also departure for and return from *Hajj* (Pilgrimage) or '*umrah* (lesser pilgrimage). There were also a number of events that happen at the *masjid* that may entail something more elaborate than everyday attire.



The struggle of Muslim women in South Africa for the right to be recognised both within Muslim society and in the mainstream public domain was not the same as for Arab Muslim women. Despite the many similarities to equate the two would be to do injustice to the women of the Arab world. In her book Ahmed considered the history of Muslim women in the Arab world and contemplates the future. She was pessimistic about the fortunes of women changing and explained that even men are subject to the state interpretation of the law.

In many Arab countries men, too, if they are political dissidents, may be controlled, deprived of freedoms, and ill-treated and abused in various ways by the state. For both men and women the human rights situation, and the absence of freedoms and political rights, renders most Arab societies today bleak places to live, even 'culturally and politically desolate and oppressive'

to use the words of an Arab émigré.¹⁴⁹

Ahmed was quite scathing about what she refers to as 'establishment Islam'. She held that is 'a technical, legalistic establishment version of Islam, a version that largely bypasses the ethical elements in the Islamic message that continues to be politically powerful today.'¹⁵⁰



¹⁴⁹ Leila Ahmed, *Women and Gender in Islam: Historical roots of a modern debate*, 1992, p. 231.

¹⁵⁰ *Ibid.*, p 238.

CHAPTER FOUR

Creating public spaces for Muslim women

A case for Muslim Personal Law (MPL)

The decision by the South African Ministry of Justice to investigate the merits of legislating of Islamic Family Law into a Muslim Personal Law code was not a new one. In fact the South African Law Commission on Muslim Personal Law has its roots in the apartheid government. The Minister formed a South African Law Commission to look at the merits of introducing Muslim Personal Law. There was a lot of opposition particularly from the Muslim Youth Movement (MYM) and their associated bodies.¹⁵¹

The commission fizzled out and it was only in 1998 that a new commission was appointed by the new government for the purposes of codifying Muslim Personal Law.¹⁵²

A number of Muslim and non-Muslim countries had adopted an Muslim Personal Law code in the dying stages of the colonialism or soon after independence. In almost all instances it was seen as a concession to women, a conciliatory gift for being part of the struggle for liberation of the country from the colonial masters.

The gap between legislation and application and implementation of Muslim Personal Law is vast and has not been bridged in a comprehensive manner. The formulation and

¹⁵¹ Naeem Jeenah, *A degree above...': The emergence of Islamic Feminisms in South Africa in the 1990s*, Unpublished M.A. Thesis, University of the Witwatersrand, Johannesburg, June 2001, p.53.

¹⁵² Ashraf Mohamed and Najma Moosa, 'Muslim Personal Law in the Context of change – 1988', Legal Resources Centre and the University of the Western Cape, www.muslim.co.za/mpls/articles/article.php?id=32, p. 1.

negotiation of the legislation, although a Muslim one was one that is not being fought in the mosques only, it was arguably the first instance, post 1994, where Muslim women have come into the public space to contest the construction of their identities. It was both a decisive and authoritative moment in the history of South African Muslim women. It can mean the consolidation of existing cultural codes of oppression and its subsequent institutionalisation or it can herald the start of a conversation around reformulating the code for present day needs and concerns.

The fourth and last chapter will conclude by looking at ways that Muslim women have been acknowledged in the public domain. It will also suggest ways in which studies on Muslim women will assist not only in creating spaces for responsible debate around issues such as Muslim Personal Law but also to enrich the application of the law so that the letter as well as the spirit of the law is taken into account. Shari'ah, loosely translated from Arabic as Islamic Law, has in numerous instances been seen as another opportunity to perpetuate violence against Muslim women. This divergence between the reality of Muslim women's experience under the Shari'ah and the supposed teachings of justice and fairness and equality of Islam necessitates inquiry. For women within the faith the dichotomy must be resolved. What instruments need to be developed to neutralise the bias in the application of *Shari'ah*? Can Muslim Personal Law co-exist within the present code of law without seeming to perpetuate inherent inequalities?

'Death of a Muslim Joan of Arc' was the title of the obituary written for Shamima Shaikh by Faried Esack.¹⁵³ He described her as one of South Africa's leading Muslim gender equality activists and a 'thorn in the flesh of conservative Muslim clerics on the now defunct Muslim Personal Law Board, who were keen to develop and implement a set of laws which would entrench gender inequality'. Esack, a former acting Commissioner for the Commission on Gender Equality, further elaborated on the actual funeral ceremony and described it as being one that pushed the 'religio-cultural limits'. In keeping with her 'obsession with retrieving subversive theological and juristic memories which accorded women a more just place in Islam', Shaikh had asked a close female friend to lead her funeral service as she had come across a report that said that the funeral prayers of a certain *Imam Idris bin Shafi*, a revered Muslim jurist, had been led by a woman. It can be argued that instances like these have been ones that enabled Muslim women to occupy Muslim public spaces within an Islamic context.



However, women like Shaikh were not the norm and public representations of rituals that were radically at odds with religious-cultural norms will serve to limit the framework for dialogue across the divide that separates the progressive moderate Muslims from the extreme orthodoxy. In her book *Women and Gender in Islam*, Leila Ahmed echoes the lament of Shaikh,

...establishment Islam (institutional and legal Islam) articulates a different Islam from the ethical message that the layperson justifiably hears or reads in the Qur`an, and unfortunately, that Islam, intolerant of all understandings of the religion except its own, which is authoritarian, implacably androcentric, and hostile

¹⁵³ Faried Esack, 'Death of a Muslim Joan of Arc', *Mail and Gaurdian*, TML, South Africa, 16 January 1998.

to women, has been and continues to be the established version of Islam, the Islam of the politically powerful.¹⁵⁴

As it were it was not the social machinations of change that invoked the states 'theoretical right to legislate' but rather judicial process that have obliged the state to include Muslim Personal Law in its statutes.¹⁵⁵ Underpinning our understanding of the evolution of South African Muslim Personal Law must therefore include the two opposing aims: the states aim to see social justice done and bringing even handed judicial practice to bear upon a unique social phenomenon and the Muslim citizens need to fulfil his religious-spiritual obligations. That Muslims must introduce an entirely separate act to give voice to their religious-spiritual obligations in real terms meant that the law did not conform to what was seen and accepted by Muslims as the perfect system of social justice. Hence, it had to be accepted from the outset that tensions would exist between the grounding principles of the country and the Constitution of Islam. A moot question, in the case of Muslims was: what will take precedence. This in turn meant that the Constitution could not override any existing or potentially conflicting rulings with reference to the Muslim Personal Law. This was not to say that the power of the Constitution was being undermined but that the Constitution actually empowered the socio-religious need of freedom of religion.¹⁵⁶ The founding provisions of the Constitution stated that it was 'one sovereign, democratic state' and that there were four values that guided its existence:

¹⁵⁴ Ibid., p. 225.

¹⁵⁵ Tahir Mahmood, 'Introduction', *Personal Laws in Crisis*, 1986.

¹⁵⁶ The Constitution of the Republic of South Africa, Act 108 of 1996.

- (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.
- (b) Non-racialism and non-sexism
- (c) Supremacy of the Constitution and the rule of law.
- (d) Universal adult suffrage, a national common voter's roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.

The Constitution proceeded to outline under what conditions these rights were safeguarded.

Our concern was mainly with the equality clauses in the MPL and how they were consistent or in conflict with the Constitution. According to South African legal researchers in the field of human rights, 'South African civil law and the MPL exist in mutual disregard of each other'.¹⁵⁷

Islamic law and particularly the classical Muslim Personal Law have been accused of discrimination in the extreme. The alleged claims that have been levelled at the Muslim Personal Law was that the law of inheritance was unfairly weighted against females, that in the case of witnesses the testimony of a female carried half the weight of a male, that a woman cannot contract or dissolve a marriage and that her general legal status is less than that of a male. But because Muslim Personal Law was not uncodified it was generally applied within the ambit of customary law and its related procedures and had thus evaded close scrutiny. Its codification would bring it under close public scrutiny: would it be able to withstand the

¹⁵⁷ Ashraf Mohamed and Najma Moosa, 'Muslim Personal Law in the Context of change – 1988', Legal Resources Centre and the University of the Western Cape, www.muslim.co.za/mpls/articles/article.php?id=32, p. 1.

aforementioned scrutiny? Looking at Muslim Personal Law as practiced in India it was interesting to note that the Supreme Court has categorically ruled that: 'Part III of the Constitution does not touch upon the personal laws'.¹⁵⁸ Part III refers to those rights as outlined in the universal declaration of human rights.

The corollary to this debate was: which constitutional imperative takes precedence? Some interest groups have argued that certain articles that are provided for under the Muslim Personal Law are in conflict with the fundamental rights of equality. The arguments for and against equality are legion and do not fall under the scope of the present paper, suffice to say that the Constitution advocates the 'achievement of equality and the advancement of human rights and freedoms' rather than the implementation of the principle of equality.¹⁵⁹ In the Bill of Rights the Constitution further advocates that it 'promotes the achievement of equality'.¹⁶⁰ It also says that these rights are not absolute and may be subject to other factors providing that those factors are 'reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account relevant factors...'.¹⁶¹ The only limitation that women have in terms of Islamic law options is their 'partial ignorance of the law'.¹⁶²

¹⁵⁸ Tahir Mahmood, *Personal Laws in Crisis*, 1986, p.16.

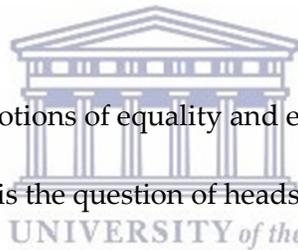
¹⁵⁹ The Constitution of the Republic of South Africa, Chapter 1, Clause 1, subsection (a). See also Ashraf Mohamed and Najma Moosa, 'Muslim Personal Law in the Context of change – 1988', Legal Resources Centre and the University of the Western Cape, www.muslim.co.za/mplsa/articles/article.php?id=32, p. 2.

¹⁶⁰ The Constitution of the Republic of South Africa, Chapter 2, Clause 9, subsection (2).

¹⁶¹ The Constitution of the Republic of South Africa, Chapter 2, Clause 36, subsection (1)

¹⁶² Daisy Hilse Dwyer (ed), *Law and Islam in the Middle East*, 1990, p. 53.

Whereas before Muslims would move to a place/country where their belief systems were in sync with the laws of the country (*Hijra*) or they would strive to make their law the law of the country (*Jihad*) it is now an accepted practice for Muslim community's worldwide to practice their *deen* (way of life) in an insular fashion. Moving away from the concepts of *Dar al Harb* and *Dar al Islam*, where the former would imply existence in a hostile environment and the latter an Islamic State. It was now possible to envision living in a non-Islamic state but without the threat of overt prosecution and/or discrimination.



I would like to argue that although notions of equality and equity are critical to a debate on the status and role of Muslim women, it is the question of headscarfs and Muslim Personal Law on which the dilemma of modern day Muslims pivot. It is a question that concerns not only Muslim women but also Muslim men and also the entire non-Muslim world. The mnemonic symbol of oppression that the veil has become was the key news story in the invasion of Afghanistan by the United States. The headscarf was also one of the key means of identifying Muslims post 9-11. In fact, many non-Muslim women countries like Canada, Australia and the United States had groups of women who wore headscarves as a sign of solidarity against the backlash that the New York City Twin Tower bombings unleashed.

The second part of the dilemma is Muslim Personal Law. Notwithstanding the fact that on the one end of the scale a number of Muslims were critical of this process as they saw it as a bastardisation of the Shari'ah and on the other end of the scale it was seen as the 'legalization of sexual inequality by classical Muslim law, the Shari'ah'.¹⁶³ For South African Muslim women the question is not whether legal reform will be retarding or enabling but the fact that they have not been driving the process of legal reform. The South African Law Commission has three women and the remainder of the eight members are Muslim men. None of the three women are classically trained Islamic scholars and only two are actually trained in the legal field, the third is a politician.¹⁶⁴ In all the urban centres that have held meetings and hearings they have been held my organisations that are male centred like the *Jamiatul Ulema Natal*, *Jamiatul Ulema Transvaal* (Gauteng) and the Muslim Judicial Council.



In the debates around the formulation of the Islamic Marriages and Related Matters Bill, the Muslim Personal Law Commission under the direction of Judge Navsa invited all interested and affected parties to take part in the debate and comment on the discussion paper issued by the commission. Representatives from organisations as diverse as the Commission of Gender Equality (CGE)¹⁶⁵, the Muslim Judicial Council (MJC), the Gender Desk of the Muslim Youth Movement (MYM) of South Africa, Qibla, and Shura Yabafazi¹⁶⁶, lobbied for either the rejection

¹⁶³ Asma Barlas, 'Believing Women' in Islam, Unreading Patriarchal Interpretations of the Qur'an, 2002', excerpt from <http://www.utexas.edu/utpress/excerpts/exbarbel.html>

¹⁶⁴ *Muslim Marriages and related matters Bill*, wwwserver.law.wits.ac.za/salc/salc.html

¹⁶⁵ A South African statutory body that acts as a watchdog to monitor gender inequality.

¹⁶⁶ A Cape Town based NGO concerned with gender rights advocacy.

of certain injunctions on the basis that it infringed on the rights of women or that it negated the divine injunctions.¹⁶⁷ What was surprising was not so much their protests but that the debate itself was happening. The Islamic scholars were confronted with Muslim women gender rights activists of whom not all conformed to the stereotype of a Muslim woman.

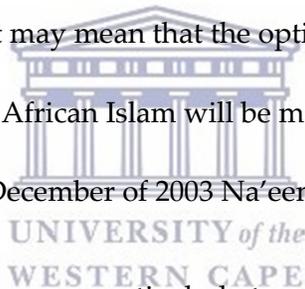
A customised constitution

The campaign for the institution of MPL has been thinly veiled as a success for Muslim women in South Africa. This is almost completely untrue. That South African Muslim women will now have complete recourse to the entire judiciary in South Africa is true but the fact that most Muslim women live in complete ignorance as to the terms of the law that is being formulated on their behalf is the reality. Muslim women have been if not absent, barely present in this process to codify South African Muslim Personal Law. It is in the political interests of both the Muslim community of theologians and the South African government to see that this is instituted. For the South African government it gives effect to Section 15 of the Constitution and also validates the idea of a multiplicity of voices that fuelled the struggle for liberation. At a conference hosted by the Muslim Youth Movement entitled 'Realizing Muslim Personal Law: Rights, Prospects and Challenges', an activist for women's rights, Julie Herring from the national Gender Advocacy Project (GAP), offered lobbying and advocacy ideas,

¹⁶⁷ The South African Law Commission held separate meetings in the three provinces, Western Cape, Gauteng, Kwa-Zulu Natal, with the highest percentage of Muslims in October 2003. The Western Cape meeting took place on 19 October 2003 at the Townhouse Hotel in Cape Town, wwwserver.law.wits.ac.za/salc/salc.html, p. 160.

South Africa does not recognize Muslim marriages, so what does this democracy mean to you? You need to restore your dignity. This is supposed to be a government by the people. The state takes your taxes but it makes your children illegitimate. Now you are proposing a solution to this problem, and giving the government an alternative. Speak to your communities, politicians, use the media, your mosques and all existing opportunities to be proactive. But most importantly, be informed and prepared to face challenges. MPL is about power - women gaining power and men giving up some power.¹⁶⁸

For the community of Muslim theologians it further cements the patriarchal hegemony that has been forged over the last three hundred and fifty years in South Africa. If Muslim women do not become involved in the process it may mean that the option to operate outside of the mainstream doctrinal arena of South African Islam will be more inviting. At a conference hosted by the Muslim Youth Movement in December of 2003 Na'eem Jeenah said,



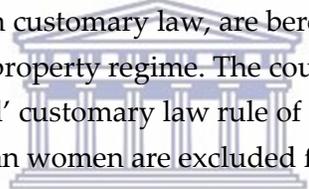
We aim to empower women, particularly to grapple with the bill. The Muslim community in South Africa is a patriarchal society and when we talk of justice we need to think of empowering women. Men already have rights before they were born. Women have rights prescribed to them in the Qur'an, and we want to make sure they don't get just the scraps of that. We need a women-friendly MPL.¹⁶⁹

¹⁶⁸ Yazeed Kamaldien, 'Muslim Personal Law Nearing Reality In South Africa', www.iol.co.za, South Africa, 21 December 2003.

¹⁶⁹ Yazeed Kamaldien, 'Muslim Personal Law Nearing Reality In South Africa', www.iol.co.za, South Africa, 21 December 2003.

It is heartening to bear in mind that the institution of religious and customary law in South Africa is not the sole domain of Muslims. Rural black women are faced with similar challenges. In fact if African customary law is implemented in its present form it would set frightening precedents for the protection of women's rights under the South African Constitution. In an article looking at women's rights under African customary law, Khadija Magardie writes that the recognising customary law without problematising it would introduce into the constitution the notion of 'cultural relativism' in relation to women's rights. In a recent case,

The Supreme Court of appeal recently confirmed that women, if married under African customary law, are bereft of all rights under a matrimonial property regime. The court ruled that, in terms of the 'fossilised' customary law rule of 'male primogeniture', African women are excluded from inheritance.¹⁷⁰

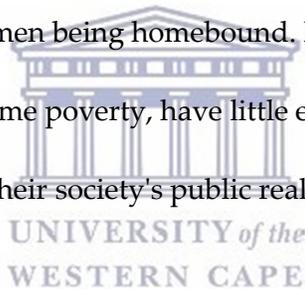


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¹⁷⁰ Khadija Magardie, 'Customary Law undermines constitutional rights', Daily Mail & Guardian, 22 June 2000, www.mg.co.za/mg/news/2000jun2/22jun-law.html

CONCLUSION

The central concern of this mini-thesis has been to historicise the lives and struggles of women in general and particularly South African Muslim women. Women in Muslim cultures have been relegated to the periphery, confined to the home, were restricted to practising their religion in private and have been subject to the dictates of the males of their families. It can, of course, be argued that much of this reality is shared with virtually all societies in the world. For the most part, traditional Islam, which continues to hold sway over many areas of the Muslim world, insists on the necessity of women being homebound. Many of the world's more than half a billion Muslim women live in extreme poverty, have little education, bear large numbers of children and remain excluded from their society's public realms.

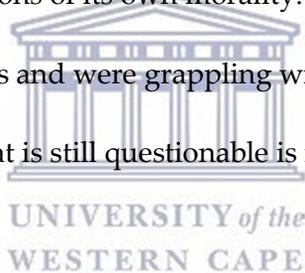


I would like to contend that the two underlying issues that have been raised in the last three decades around Islam and Muslims have both been around women and these are: Muslim women in the public sphere, and veiling and mobility. These two issues have not been adequately addressed but have been simplistically represented by the Shari'ah in respect of the former and *hijab* or the headscarf in respect of the latter.

However, Muslim women have been written out of history and as objects of history it has not been possible to record their experiences in a way that would show us that their experiences

changed under different conditions. The untracked changes were therefore seen as rebellion rather than bound by time or circumstance. Using my research as a benchmark it seems that by historicising the experiences of Muslim women in Cape Town changes can be seen as incremental and within an Islamic paradigm rather than radical and militant.

As with many Mediterranean societies, women in Muslim communities have been burdened with the protection of the honour of the family, the society and its belief systems. In fact it seems that the community did not overly concern itself with the welfare and status of women except when it was faced with questions of its own morality. Muslim societies have acknowledged the gender imbalances and were grappling with ways to change this. Even though change seems inevitable, what is still questionable is if the male gaze has changed at all.



In *Women's Rebellion and Islamic Memory*, Fatima Mernissi argues that women are seen as those who obey men and not as adherents to the faith.¹⁷¹ She further asserts the view that men are seen as the faithful bearers of the word of God and women are subjects of the faithful. In other words women are not seen as co-religionists. Muslim women have articulated their resistance to this gaze in many ways that are not visible. It has therefore been possible to argue that the hegemonic gaze has not lost its intensity but rather that women were now articulating this resistance in a more public way.

¹⁷¹ Fatima Mernissi, *Women's rebellion and Islamic memory*, Zed Books, London, 1996.

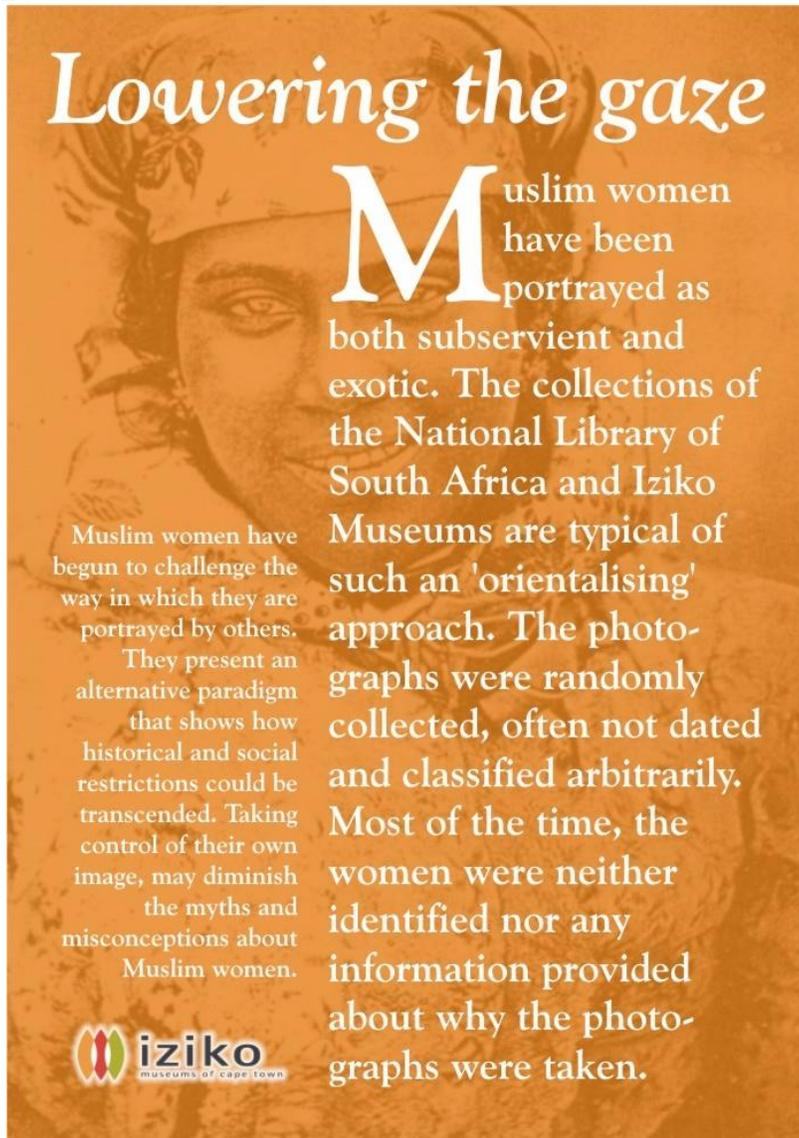
The images in Figures one, three and four can be seen as one of the ways that the debate had been moved out of the private spaces that they had been seemingly confined to and into more public spaces of history. This study has been formulated on the premise that the character of the Muslim community in Cape Town is a gendered one and that gender privilege is weighted in favour of the males in the community. The highest status in society had been given to those men who were learned in the fields of theology, sciences of the Qur'an and the Arabic language.¹⁷²



The theologians used their positions of power to entrench the traditional gender imbalances through positively reinforcing oppressive cultural practices such as excluding or limiting space for women in mosques and excluding them from receiving a higher education in theology. It can be argued that these prevailing hegemonic opinions and interpretations of the Islamic scriptures have therefore informed the image of the Muslim woman that emerged. The study has shown some instances of how the interpretive gaze has been lowered. I have also argued that the 'lowering of the gaze' symbolised resistance to the patriarchal hegemony in Cape Muslim society.

¹⁷² See Figure three on p. 116.

Figure 112



The image in Figure one is the first in a set of three posters that could be seen as an intervention into the narrative of the Bo-Kaap Museum. **(Figure 1)**The three panels **(Figures 1,3,4)**, which went on in 2004 are the intellectual outcome of the analysis and research that I have done on Muslim women in Cape Town. The outcome of the investigation included a number of photographs that were sourced from the Bo-Kaap Museum or were in the Museum's archives.

The accompanying advertisement for the exhibition appeared in the 'Whats on at Iziko' which is a guide to Iziko museums and events, issued every three months by the Museum:

Lowering the Gaze: Impressions of Muslim Women in Cape Town

This collection of mainly photographs begins to address the ways in which Muslim women are portrayed in the collections of two national heritage institutions. The images of Muslim women or Cape Malay women, as they are called in the documentation, were collected over several decades by the National Library of South Africa (NLSA) and Iziko Museums. It is argued that they are typical of an 'orientalising' paradigm. Looking at the fragments of women's history uncovered in the NLSA and Iziko archives, it becomes clear to one that the images leave out much more than what they include.



Muslim women are challenging orientalist and reactionary writings about themselves and reconstructing an alternative paradigm, in which they actively transcend historical and social restrictions. In this way, misconceptions and myths about Muslim women may diminish.

The photograph that accompanied the text was of three beauty queens in their victory lap at Green Point stadium in 1963. As can be seen in Figure Two the photograph used was of the annual Malay Choir competition beauty pageant.¹⁷³ **(Figure 2)**

¹⁷³ See also chapter 1, p. 40, for a discussion on beauty pageants. See also *Cape Herald*, 8 October 1977, South African Library Archives, Cape Town.

Figure 13



The exhibition in the Bo-Kaap Museum is an attempt to place my research into the spaces of research in the museum to further address the issue of Muslim women in public spaces. I felt that it was necessary to open up spaces that could unlock the multiplicity of voices that are contained in the way Muslim women are represented in Cape Town. The information gathered as part of the research for this mini-thesis was therefore introduced into one of many possible public spaces in Cape Town. The opportunity to curate an exhibition based on my research along with the Bo-Kaap Museum meant that I was able to make a critical intervention into one of the oldest spaces in which Cape Muslim history is represented in South Africa. The insertion of the exhibition into the space is itself material for discussion because the Bo-Kaap Museum is a museum that displays the history of the Cape Muslims in the 'ID du Plessis mould'.

Iziko Museums, as part of its transformation programme, was beginning to look at introducing more contemporary and non-object based exhibitions into some of its spaces. It was in this context that I was asked to put together a mini-exhibition that would have a public participation component to it. The second part of the exhibition was a lecture series that included a number of prominent Muslim women active in politics, business, social welfare or the arts. It was intended that their reflections and input in a public forum would be recorded and included in a larger exhibition that would be installed in August of 2005. This was planned to coincide with Women's Day and what has become known as Women's Month in South Africa. I saw this exhibition as an interventionist exhibition that would begin to contextualise the possibilities of being able to historicise the experiences of Muslim women.



Hijab and Patriarchy

As the exhibition develops as an ongoing project it also needs to address the issues raised in the thesis as a whole about the position of Muslim women in contemporary society, especially in relation to veiling and patriarchy. The link in the Western imagination between veiling and mobility is a strong one. I would like to contend that the Muslim notions of *hijab* and veiling are qualitatively distinct. In a newspaper article in a prominent South African newspaper Nurene Jassiem, a Muslim woman student, voiced her views on the wearing of the *hijab*. Before she started wearing *hijab* she imagined that once she started wearing a headscarf she would lose her

friends and that people would think her 'odd' or 'unliberated'.¹⁷⁴ In answer to some of the questions she was regularly asked Jassiem responds,

No, actually it's quite comfortable. I never have to worry about bad hair days and my hair getting wet in the rain. I never have to worry about stray strands, or whether my hairstyle is 'in' or not. Imagine being able to wear whatever you want under a cloak, and not having to worry about whether your bum looks big in it or if you're showing too much cleavage. This is the life of the Muslim woman who wears the *hijab*. She is liberated in her covering.

Jassiem's response presents Muslims with a double-edged sword. It illustrates that there is great potential for women to become believing, independent and practising Muslims without having to kow-tow to any patriarchal system. But also, without any intention to, Muslim women like Jassiem give establishment Islam and the extreme Islamist political forces the validation needed to attain their objectives. What are these objectives? Leila Ahmed spells them out rather ominously as the institution of 'authoritarian theocratic states that would undoubtedly have a devastatingly negative impact on women'.¹⁷⁵ She argues that

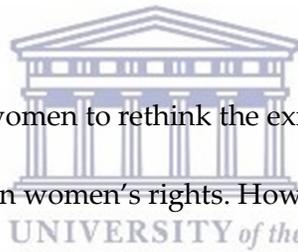
controls on women, the limitations on their participation in the economy, their exclusion from many fields of activity in their society, including politics, their subjection to a code of law with fundamental inequalities and, worse, systematic cruelty – all were features of many previous Muslim societies, just as they are features of theocratic societies and groups politically committed to Islamisation today.¹⁷⁶

¹⁷⁴ Nurene Jassiem, 'Why I wear the Hijab', *Mail and Guardian*, April 8 – 15 2004, Times Media Limited.

¹⁷⁵ Leila Ahmed, *Women, Gender and Islam: Historical Roots of a modern debate*, 1992, p. 231.

¹⁷⁶ *Ibid.*, p. 231.

As I have attempted to argue the male gaze or hegemonic hold of establishment Islam has not necessarily been the instrumental factor in the construction of the image of Muslim women. The contests over the image of Muslim women can be understood as a cultural war over organized ways of looking. In this study the word 'gaze' implied an organized way of looking. It is to be understood that the interpretive gaze of man resulted in an institutional system that prescribed norms for all Muslim societies. This they argue even though Muslim women had played an explicit role in the formative years of Islam.¹⁷⁷



There have been moves by Muslim women to rethink the existing interpretation of the *Qur'an* particularly those verses that touch on women's rights. However, this approach is one based on that of the liberal secular feminist movements. The aims of the secular liberal feminists are to liberate Muslim women completely from the oppressive belief system represented by Islam while the aims of the Muslim feminist are ostensibly to free Muslim women from the oppressive interpretations that govern the Islamic public sphere. It is evident that some young Muslim intellectuals have found an ideological partner in the liberal feminism but this partnership would seem to be a tenuous one. The resistance articulated by Muslim women in the face of the hegemonic scholarly interpretations may be lost because they have been trying to prove, not

¹⁷⁷See also Fatima Mernissi, *Women's rebellion and Islamic memory*. For example, a large number of traditions of the Prophet have been related by the wives of the Prophet.

that the Islamic scholarly interpretations were biased or prejudiced, but that the injunctions themselves have become irrelevant.

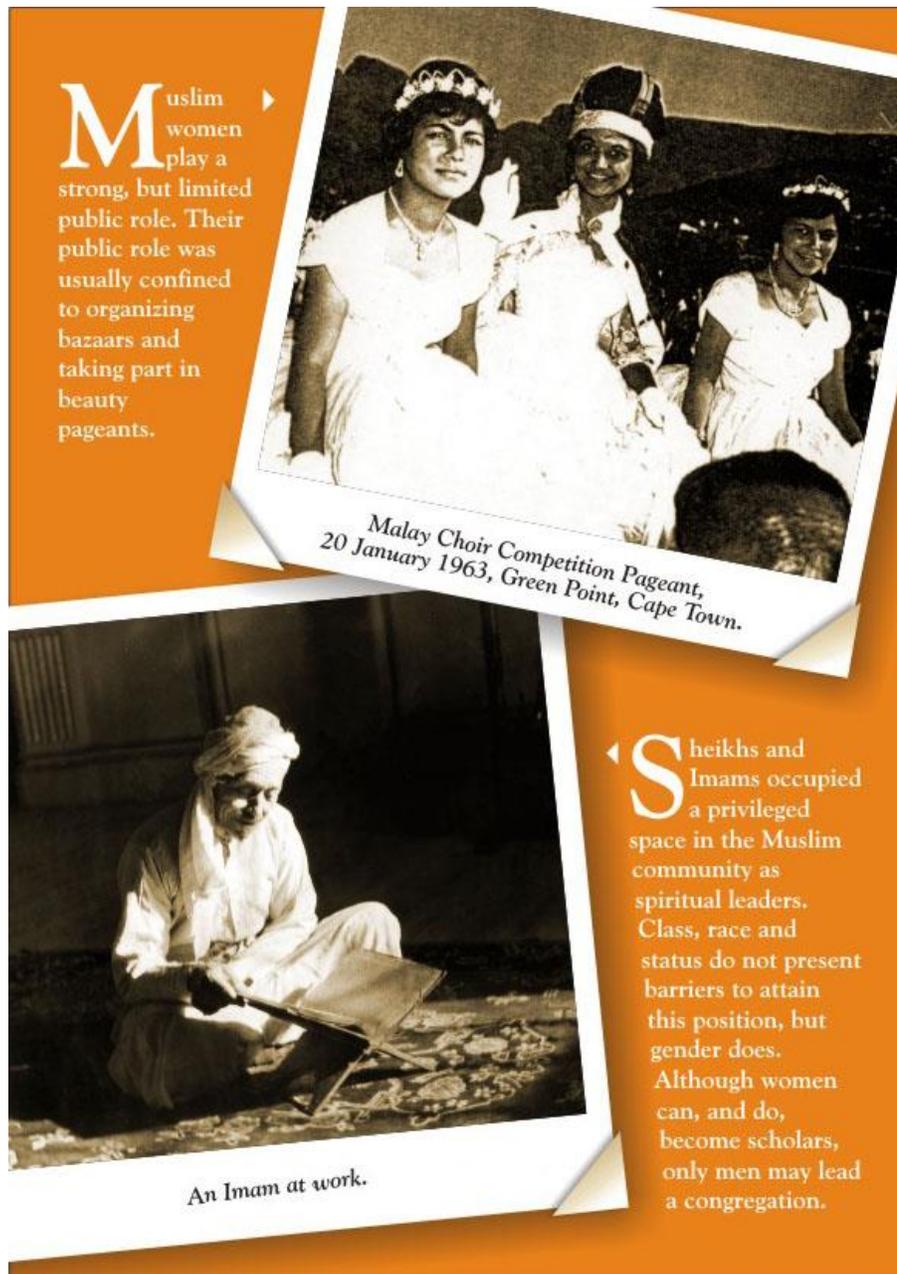
In a response to an article I had written on Muslim Personal Law and published in the *Muslim Views*,¹⁷⁸ a reader responded,

Amid an apparent ululation for the proposed legislation of Islamic family law, Ms Gamieldien questions not only whether the Shar`iah can coexist with the other laws of the country, but also its viability on certain fronts. In fact, her argument boils down to criticism against the core dictations of the religion rather than endorsement for the bill. Nonetheless, it should be borne in mind that Islam does not entertain criticism against the creed itself. It is worth noting that attempts to reconcile man-made laws with divine laws sometimes prove impracticable because the latter simply cannot be amended.....In the case of any change to the original script and its interpretations, Islam will cease to be Islam. Moreover, if one dares go against one verse of the Qur`anic teachings wilfully and persistently, his or her very Islamhood becomes questionable.¹⁷⁹

¹⁷⁸ The largest Muslim community newspaper in Cape Town.

¹⁷⁹ Abdifatah Ismail 'Secularism Penetrating Islam', *Muslim Views*, Letters to the Editor, 12 September 2003.

Figure 14



The idea that Muslim women are oppressed is a universally held one fuelled by photographs of heavily veiled Muslim women in the western press and the sensationalised stories of the purported harem of the Prophet Muhammad. These perceptions do not only exist in South Africa but is a global phenomenon affecting women in all parts of the world. There is not much

evidence to disprove this theory. In fact all that establishment Islam has been able to do is to confirm this idea that orthodox Islam is misogynistic.¹⁸⁰ The universal and timeless symbol of oppression, the veil, has become synonymous with Muslim women.

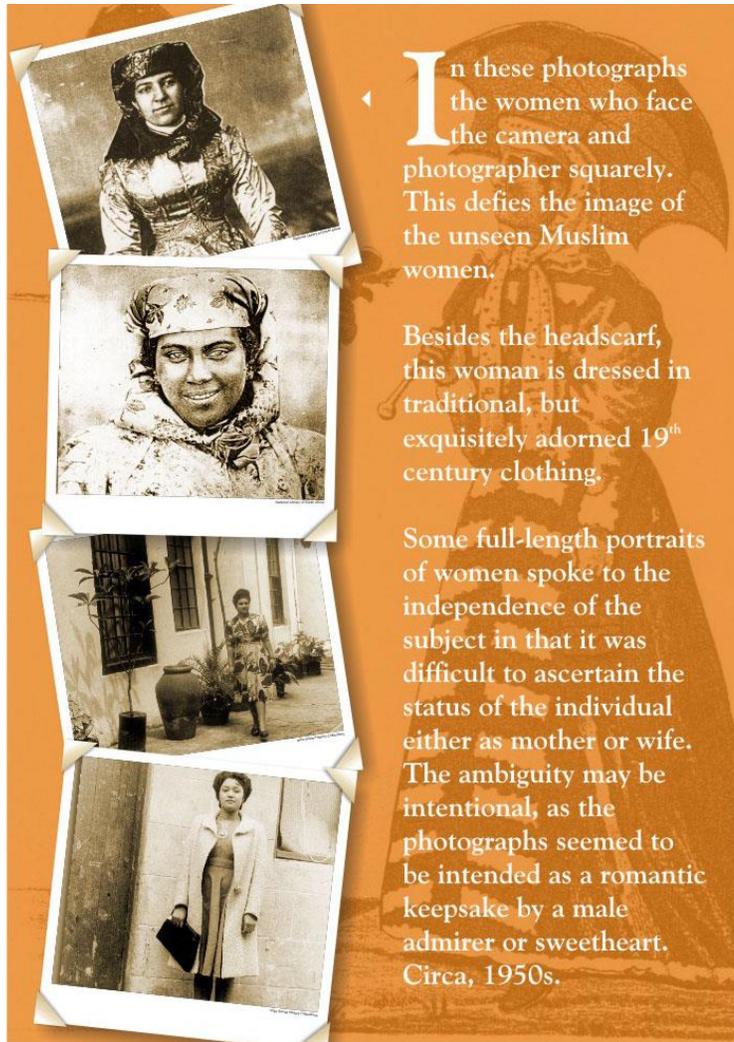
The politics of dress

Muslim women are symbolised by the way they dress (**Figure four**). This mnemonic representation reduces the wearer to a mere signifier of an entire belief system, which is how Islam exists in the imagination of the world as an icon of terrorism and oppression.

Figure 15



¹⁸⁰ See also an article written for the *Amsterdam Journal* that was reprinted in the *Sunday Times*, 'A Graphic Film Angers Muslims and Sparks Cries of Blasphemy', *Sunday Times*, 10 October 2004.



The symbols are but representative of a much larger, fragmented whole. It would seem that by discarding the veil women are losing the Islamic moral ground and conceding to secular pressure. The assumption that they will be conceding to scholarly interpretation is one that is open to debate. In her book *Women, Gender and Islam* Leila Ahmed explores the increasing use of the headscarf by Egyptian women from the 1970s onwards.¹⁸¹ The veil comes with preconceived notions of delimited physical space, reduced access to the public domain or reduced credibility in the public domain. In her discussions with *mutajabihat* or 'veiled ones' Ahmed uncovers a

¹⁸¹ Leila Ahmed, *Women, Gender and Islam: Historical Roots of a modern debate*.

paradox. Egyptian women students wearing the *hijab* attest to actually being freer to explore relationships with their male co-religionists in their classes, walk with them unescorted and socialise with them in public since the *hijab* already indicated their adherence to a strict moral code.¹⁸²

In adopting Islamic dress, then, women are in effect 'carving out legitimate public space for themselves,' as one analyst of the phenomenon put it, and public space is by this means being redefined to accommodate women. The adoption of the dress does not declare women's place to be in the home but, on the contrary, legitimises their presence outside it.¹⁸³

According to mainstream, orthodox Islamic tradition if the interpretation of being a practising Muslim does not include the veil then it is outside of the doctrine. The bone of contention is, therefore, that their male co-religionists do not seem to feel the necessity of giving women the choice: to veil or not to veil? It is seen as an imperative sent down by God to be implemented by his second in command on earth – Muslim males. According to Ahmed, it seems that

...establishment Islam (institutional and legal Islam) articulates a different Islam from the ethical message that the layperson justifiably hears or reads in the Qur'an, and unfortunately, that Islam, intolerant of all understandings of the religion except its own, which is authoritarian, implacably androcentric, and hostile to women, has been and continues to be the established version of Islam, the Islam of the politically powerful.¹⁸⁴

¹⁸² Ibid., p. 224.

¹⁸³ Leila Ahmed, *Women, Gender and Islam: Historical Roots of a modern debate*, p. 224.

¹⁸⁴ Ibid., p. 225.

What was quite evident and came out of the interviews and conversations that I had with the women from ISWA and also SANZAF was that the time was overdue for finding channels in which to start the kind of dialogue that will allow Muslims the space in which to critique the existing Shari'ah codes by looking at it in the context of the 21st century. It is not so that women can be treated under the Shari'ah as they see fit but to see that the Shari'ah is applied in the best spirit possible.

Lastly, Muslims in a globalised world need to embrace a new belief ethic: the new approach to the Qur'an. This methodology has heralded the coming of the progressive orthodox fundamentalist. One example is Amina Wadud Muhsin whom I have extensively quoted. She cuts a striking figure on the podium of many a lecture hall while conforming to the stereotype of a typical Muslim woman, softly spoken and completely veiled in dark unassuming colours. This American academic is not just a nominal Muslim who seems to be in the service of the academy but genuinely seems to be searching for answers to dilemmas that face Muslims in the 21st century.

Two of the questions that she attempted to answer through her work was where does the image of the woman in the Qur'an come from and why is a woman addressed differently to a man. The second, a more recent foray, is on whether there is a possible solution to the HIV/AIDS pandemic. Her response to this question raised a furor that may be catching on in various parts of the world. The content and framework of her response heralded the 'coming out' of the

'postmodern', progressive Muslim and the demise of the moderate Muslim. Some characteristics of the postmodern Muslim is the relaxed attitude towards the authority of the Qur'an, gender and the position of other religions *vis a vis* Islam. The most striking similarity between progressive and moderate Muslims seems to be the outward markers.

In the case of Amina Wadud-Muhsin she appears to be the picture of an orthodox Muslim yet she appears to deny the authority of the Qur'an which is one of the tenets on which Islam is based. This appearance of orthodoxy appears to be the legitimating factors in the acceptance of her views. It almost seems as though the fact that she veils makes it impossible for her to be anything other than an orthodox Muslim. Not quite. Dr. Shakira Cassim who recently attended the Second International Muslim Religious Leaders Consultation on HIV/AIDS held in Kuala Lumpur writes in an opinion piece in *Al Qalam*, that Muhsin contends that religious platitudes were not able to address the problem of HIV/AIDS and it seemed that the answers, apparently, based on the Qur'an and Sunnah were inadequate. She drives the point home with the following statement,

In effect, what I present here emphasizes the ways that Islam and Muslims exacerbate the spread of HIV/AIDS and that a traditional theological response can never cure AIDS.¹⁸⁵

What is clear is that an orthodox, even dogmatic interpretation of Islam will not be sufficient to address the needs of Muslims in the 21st century. I would like to posit that what the Muslim community may need is a return to the Islamic concept of *Ijtihad* or exhaustive inquiry and continued exploration that challenges doctrinal views. It can therefore be said that if the

¹⁸⁵ Dr Shakira Cassim, 'Heated debate follows controversial paper', *Al-Qalam*, June 2003, p.7.

intellectual epicentre of Islam continues to exist in the built structures that comprise its mosques then women have to become more actively involved in the institution and its establishment. The alternative, as is already being done, is that women create alternative structures which support their inherent humanity and accrue them the dignity that is due to them as persons, as women and as Muslims.



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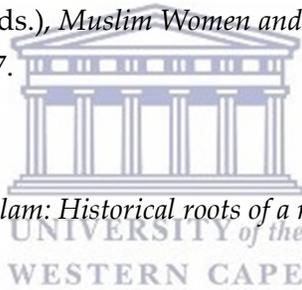
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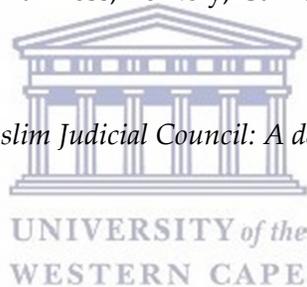
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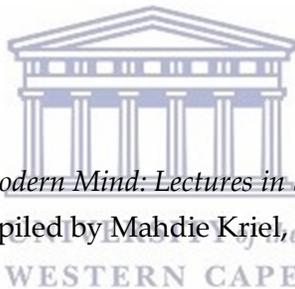
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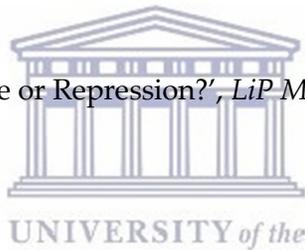
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