MUSLIM MINORITIES WITH SPECIAL REFERENCE TO SOUTH AFRICA : PROBLEMS AND CONCERNS

by

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TABLE OF CONTENTS

INTRODUCTION

The world Muslim population today is estimated to be nearing the one billion mark. The majority of this population inhabits Muslim majority states. However, approximately one third lives as minorities in approximately fifty non-Muslim states.

Islam, has its own distinct values which dictate and guide Muslims in all matters pertaining to their educational, legal, political, social, economical ethical and cultural aspects of life.

Thus, Muslim minorities living in non Muslim countries are caught in the tension and contradiction between the values and purpose of life set by Islam and those set by these non Muslim countries in accordance with their respective ideologies. This tension is further aggravated by the fact that in Islam there is no separation between the religious and secular domain, or between "church" and state.[1]

The main objective of Muslim minority communities is the preservation and strengthening of their Islamic identity. But this objective has to be realised in the context of the difficulties they face by living in a non - Islamic environment. According to Syed Z Abedin, "Muslim Minority

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[1]   Al-Qur'ān, 2:201; 4:59

communities have a greater responsibility to bear and a greater challenge to face, if for no other reason than the fact that living in a non-Muslim society, the frequency and level of their outside contacts are infinitely broader and deeper than those of Muslims in majority communities"[1]

While some of these minority communities live in an atmosphere of relative tolerance, others live in communities which are intolerant, unsympathetic and distrustful towards Islam. Being a religious minority with a well defined character and structure, it is often accused of being separatist and elitist. This gives rise to problems which are peculiar to Muslim minorities.

That the Muslim minority communities are an integral part of the Ummah of Islam is incontestable. The establishment of the International Institute of Muslim Minority Affairs in Jeddah, Saudi Arabia, in 1976 has highlighted the importance of the problems and concerns of Muslim minorities. This institute brings out an academic journal twice a year called the "Journal of the Institute of Muslim Minority Affairs" which discusses issues related to Muslim minorities all over the world. I have made extensive use of these journals in my thesis as they provide the most current research on this topic. The International

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[1] Abedin, Syed, Z. "A word about ourselves" in Journal Institute of Muslim Minority Affairs, ed Syed, Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol 13, № 1, Jan 1992, p. viii

conferences and seminars which the institute organises provide an invaluable forum to discuss the problems and difficulties faced by Muslim minorities.

Chapter one explains the definition and status of a Muslim minority. In chapter two, the problems and concerns of Muslim minorities are highlighted. Chapter three deals with Muslim minorities in certain selected countries viz. India and the United Kingdom. Chapter four is devoted to the Muslim community of South Africa.

CHAPTER ONE

DEFINITION AND STATUS OF MUSLIM MINORITIES

1.1 DEFINITION OF THE TERM "MINORITY"

The Oxford dictionary defines a minority as " a small group of people separated from the rest of the community by a difference in race, religion, language etc.[1] In terms of this definition, all nations of the world contain minorities of one kind or the other.

Where a minority is composed of people coming from another nation, it is regarded as an ethnic minority. In Kenya, people with Indian or English origins, constitute an ethnic minority. In Britain, Australians and Pakistanis are both ethnic minorities but Pakistanis are also a racial as well as a religious minority.[2] In the Soviet Union and Eastern Europe, it was assumed that "ethnic" identities would be eradicated by communism. However, the upsurge in ethnic consciousness in Central Asia and Europe have proved this to be an unattainable objective: "ethnicity" is now accepted as a significant form of identity.

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[1]   The Oxford English Dictionary, Oxford: Clarendon Press, vol IX, 1989, p. 825

[2]   Banton, Michael, Racial Minorities, London: Fontana, 1972, p. 12

The crucial feature of a minority's status is that its interests are not effectively represented in the political, economic and social institutions of society.[1] If a minority is willing to accept majority hegemony, it is accepted and tolerated. However, majority - minority relations become an issue when a minority strives to maintain its distinctive identity and resists assimilation with the majority group. It may then be singled out for differential treatment and become an object of discrimination by the majority.

Even in the most stable conditions, minority groups seeking to assert their identity are viewed as potentially threatening to the position of the dominant group.

1.2 DEFINITION OF THE TERM MUSLIM MINORITY

A Muslim minority in a country is distinguished from the rest of the population by its adherence to Islam. Islam has its own distinct value system; it has its own social, political, economic, educational, legal and moral philosophy. Therefore, irrespective of colour, race or nationality, Muslims will have common problems by virtue of being Muslims.

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[1] Yetman, R and Steele, C. H. (eds), Majority and Minority, the Dynamics of Racial & Ethnic Relations, Boston: Allyn & Bacon, 1975, p. 2.

Thus, one may conclude that unlike other minorities, a Muslim minority is unique in the sense that despite it being a political, cultural or linguistic minority in its country of residence, it remains intrinsically a religious minority.

Of the total Muslim population in the world, one-third lives as a minority in countries where people subscribing to ideologies other than Islam have administrative, political and legislative control.[1] Countries like India, China and the Soviet Union (now Commonwealth of Independent States, CIS) are considered to have the largest Muslim minorities[2] with India having at least 100 million Muslims.

1.3   THE FIRST MUSLIM MINORITY

At the advent of Islam, Muslims constituted a minority community in Makkah and were persecuted by the dominant group, the Quraysh. The first Muslim minority outside Arabia came into being as a result of the emigration of a small band of Muslims (11 men and 4 women) from Makkah to

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[1]   Motamor Al-Alam Al-Islami, World Muslim Gazetteer, Karachi: The Motamar's Research and Publication Bureau, 1985, p. 21

[2]   Abedin, Saleha, M, "Muslim Minority & Majority Countries: A comparative study of demographic social & economic data" in Journal Institute of Muslim Minority Affairs, ed Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol 10, № 2, July 1989, p. 375

Abyssinia (presently Ethiopia) in 616 AD in order to escape persecution and to practise Islam freely.[1]

1.4 TYPES OF MUSLIM MINORITIES

Numerous Muslim communities were established in various parts of the world through commerce and trade. Muslim merchants who made their homes in foreign ports established their own little communities through marriage to local women. Examples of such communities are those on the coast of India, Ceylon (now Sri Lanka), China, East Africa, the Indonesian and Philippines archipelagos, and the islands of the Indian Ocean.[2]

Some Muslim minorities also came into being through emigration and conversion like the Muslim communities of Argentina, Canada, Australia, New Zealand and Western Europe.

Majority Muslim communities have been reduced in a few instances to minority status through large scale expulsion and emigration of Muslims in states like Thailand. Thus political circumstances may force the majority to accept minority status.

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[1]   Nu'mānī, 'Allama Shibli, <u>Sirat-un-Nabi</u> [The Life of the Prophet] tr. into English by M. Tayyib Baksh Budayūni, Lahore: Kazi Publications, vol 1, 1979, p. 207.

[2]   Kettani, M. Ali, "The Problems of Muslim Minorities and their Solutions" in <u>Muslim Communities in Non-Muslim States</u>, ed. Salem Azzam, London: Islamic Council of Europe, 1980, p. 94

Kashmir is an example of a regionally concentrated type of minority. Muslims in the state of Kashmir are currently engaged in a jihād to free themselves from India's illegal occupation.

1.5 STATUS OF MUSLIM MINORITIES

In western countries, religion is considered to be a private matter and individuals and communities are allowed to practise their religious rights and rituals and to arrange religious education for their children on a private basis. Muslims in these countries are compelled to accept the legal, educational, economic and political systems of the country where they live and restrict their expression of Islam to culture, ethics and morality and Muslim personal law i.e. matters relating to marriage, divorce, inheritance and religious endowments.

However, even in the most liberal European countries, there is a growing intolerance towards Islam. Countries like France, Italy and Belgium have imposed measures to cut down immigration of Muslims.[1] Although Muslims constitute the second largest religious group in France after Roman Catholicism, they are not on an equal footing as the other

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[1]   Evans, Richard, "Europe's Muslims: Confronting a new Intolerance" in International Review, Dec. 1991, p. 11

religious groups.[1] In Germany, Muslims have recently been the target of Neo-Nazi's attacks.

In the past the communist or socialist bloc countries did not give recognition to any religion in private or public. For generations Muslims living under Communist governments have been fighting for their very survival.[2] Recently, however, the attitude of the communist governments towards religious minorities has improved though their antipathy has not been completely abandoned. There is a gradual acceptance of Islam for political and economic reasons.

Statistically, Albania has the largest Muslim population in Europe (75% of the population). Despite this it was declared to be the world's first atheist state.[3] Under communist rule all mosques were closed, imāms (Muslim priests) were imprisoned, Islamic literature was destroyed and Muslims were forbidden to keep Islamic names.[4]

In communist countries, assimilation was often cleverly achieved through relocation of whole Muslim communities.

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[1]   Kettani, M. Ali, Muslim Minorities in the World Today, London: Mansell Publishing Limited, 1986, pp. 36-38

[2]   Nadvi, S. Salmān, "Muslim Minorities" in Al 'Ilm, ed. S. Salmān Nadvi, Durban: Centre for Research in Islamic Studies, University of Durban-Westville, vol. 9, 1989, p. 72

[3]   Balic Smail, "Eastern Europe: The Islamic Dimension" in Journal Institute of Muslim Minority Affairs, ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol. 1, p. 30

[4]   Kettani, Muslim Minorities in the World Today, p. 27

Doi reports that in July 1948, 50 wagonloads of Muslims from the Rhodop region in Eastern Europe were forcibly sent to Dobruca; in October 1949, 28 wagonloads of Muslim families from Mestani, Kosukavak and Daridere were sent to the north."[1] These relocations took place under the guise of "work, development and improvement."[2] Muslims were thus separated from their families and were made to settle among other non-Muslim groups.

1.6 CONCLUSION

No matter under which political system Muslim minorities live, their greatest challenge is the preservation of their Islamic identity and way of life. They are caught between two sets of divergent values viz. those set by Islam and those set by the national majority. Muslim minorities, therefore, often find themselves having to resist "cultural" assimilation.

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[1]   Doi, A. Rehman, "Duties and Responsibilities of Muslims in Non-Muslim States: A Point of View" in Journal Institute of Muslim Minority Affairs, ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol. 8, № 1, January 1987, p. 60

[2]   Ibid, p. 61

CHAPTER TWO

PROBLEMS AND CONCERNS OF MUSLIM MINORITIES

The problems of Muslim minorities vary from place to place in nature and intensity. In some extreme cases Muslim minorities have either been forced to stop practising Islam, or their harmonious progress and development has been hampered. One of the most suppressed Muslim minority communities, where freedom to practise Islam is rigidly controlled by the State, is that of Bulgaria, where Muslims have suffered untold religious persecution and harassment. Muslims were forced to change their names, renounce their faith, abandon their language and integrate into the socialist system of the state.[1] In fact in 1985 the Bulgarian government declared that there were no more Muslims in Bulgaria and that they had all changed their identity willingly.[2]

Bulgarian Muslims have been prevented from fasting and Muslim women prevented from dressing modestly. Celebration of Muslim festivals like 'Īd al Fitr and 'Īd al Adhā, circumcision of boys, and the burial of Muslims according to Islamic rites have been forbidden. Anyone who did not

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[1]   Naseef O. Abdullah, "Mission to Bulgaria" in The Muslim World League Journal, vol 16, №s 7 and 8, March/April 1989, p. 25

[2]   Kettani, M. Ali, "Muslims in non-Muslim societies : Challenges and Opportunities", in Journal Institute of Muslim Minority Affairs, ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol 11, № 2, July 1990, p. 230

comply with state laws was imprisoned or dismissed from his work. Such is the fear of Muslims for their own government that those who practised Islam, did so secretly and did not wish to be identified.[1]

This religious persecution has been against Muslims only. The Bulgarian government has fully supported the Bulgarian Orthodox Church and respected the religious practices of Jews and other Christian denominations. While some mosques were being destroyed, new churches and synagogues were being built.[2] Muslims have been constantly denied the free use of their places of worship.[3]

While some Muslim minorities face the heart-rending reality of having to give up their Islamic identity, others live in countries where they are merely tolerated. In such countries, as long as Muslim minorities are prepared to water down their practise of Islam and adopt the majority culture, they are grudgingly accepted.

2.1 THE ISSUE OF "HALAL" MEAT

Islam has prohibited the consumption of certain foods. Among these are pork, carrion and the meat of animals and

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[1] Naseef pp. 20-25

[2] Kettani, Muslim Minorities in the World Today, p. 32

[3] Naseef p. 25

birds not slaughtered according to Islamic injunctions.[1] Muslims, therefore, make special arrangements to have animals slaughtered according to Islamic rights for their consumption.

There are Muslims in countries like the United States of America and the United Kingdom who consume meat of animals slaughtered by Christians and Jews believing it to be "halāl" (permissible) in accordance with Surah al Mā'idah[2] in which the food of the People of the Book (viz. Jews and Christians) was made lawful to Muslims. This excludes food which is expressly forbidden eg. pork or carrion. Those who do not regard this meat to be permissible have to make their own arrangements to obtain halāl meat from Muslim sources.

According to the Muslim method of slaughter (dhabh), no form of stunning the animal before slaughter is permitted. However, the laws in some countries like Britain require stunning before slaughter. Muslims are thus compelled to stun animals against their will to comply with state laws.

2.2 ATTENDANCE OF JUMŪ'AH SALĀT

The weekly Friday prayer is a congregational prayer and can only be performed during its appointed time. The other

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[1]   Al Qur'ān, 2:172-173; 6:145; 5:4

[2]   Ibid, 5:6

daily prayers can be delayed for valid reasons but Jumuʻah cannot be offered at any other time. In many countries Muslims are not permitted to attend the Friday prayer.

2.3 CONTROL OF MASĀJID (MOSQUES)

Another problem which certain Muslim minorities face, is the desecration of mosques and other Islamic institutions. This has been evident in this century after the First World War. In communist countries especially, mosques were closed down, converted into museums, churches and libraries, or were destroyed. Others were left dilapidated and in ruins. Recently, however, many mosques are being returned to Muslims in the former Soviet Union. The desecration of the Bābari Mosque in India has highlighted the special problems of Muslim minorities in regard to the masājid (mosques).[1]

2.4 PERFORMANCE OF ḤAJJ

Ḥajj is an obligatory act for all Muslims who can afford it and it plays a major role in building and strengthening international contacts among Muslims.

Muslim minorities in most countries are not prohibited from performing ḥajj. However, in certain countries like Bulgaria, Muslims were not allowed to proceed for ḥajj

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[1]   See Chapter 3 for more details.

though now the situation has eased. In other instances as in the case of Tanzania[1] and Sri Lanka[2] the number of pilgrims is controlled by the government because of foreign exchange shortage. In China for example, Muslims were deliberately prevented from proceeding for the pilgrimage. This was a ploy by the government to minimise contact with the Islamic world and to assimilate Muslims into the dominant communist culture. Since 1985 the situation has eased somewhat. Such restrictions and prohibitions impinge on the religious rights of Muslims.

2.5 RECOGNITION AND APPLICATION OF MUSLIM PERSONAL LAW

Muslim minorities wherever they live have to comply with the legal and political systems under which they live because they have no control over public law. Their control is confined only to Muslim Personal Law. The most important areas are marriage, divorce, dower, maintenance, adoption, inheritance, guardianship and religious endowment or waqf.

Muslim Personal Law is recognised in only a few Asian countries like India,[3] Thailand,[4] Burma,[5] Sri Lanka,[6] and

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[1]   Kettani, Muslim Minorities in the World Today, p. 173

[2]   Ibid, p. 147

[3]   Ibid, p. 119

[4]   Ibid, p. 140

[5]   Ibid, p. 142

[6]   Ibid p. 145

Singapore.[1]   In the Philippines Shar'īah courts are in operation in the south.   The only European country where Muslim personal law with regard to marriage is recognised is the Netherlands.[2]

In Africa Muslim Personal Law is in force in Kenya,[3] Ghana[4] and Liberia.[5]   In America it is only in force in Surinam[6] while in Argentina and Brazil it is not recognised.   In Guyana Muslim Personal Laws regarding inheritance are in force[7].

The following will highlight the problems Muslim minorities face in the legal field.

2.5.1   Marriage

In Islam, marriage is a contract between two parties.   It is not a only a contract in the secular sense but has a religious sanctity attached to it.   Muslims living as minorities encounter numerous problems in relation to

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[1]   Kettani, _Muslim Minorities in the World Today_, p. 153

[2]   Ibid, p. 44

[3]   Ibid, p. 177

[4]   Ibid, p. 179

[5]   Ibid, p. 183

[6]   Ibid, p. 204

[7]   Ibid, p. 206

marriage. The Qur'ān lays down the list of relatives with whom marriage is not permissible. In former Yugoslavia, for instance, the state law forbade marriage between first cousins.[1] This would pose a problem for Muslims because Islam allows marriage between first cousins.

In England, British law recognises Catholic, Church of England and Jewish marriages performed by a priest or rabbi, yet a Muslim marriage performed by an imām (Muslim priest) is not recognised and a civil marriage is required to make the marriage legal. If the civil marriage is not contracted this could lead to serious problems in the event of divorce, or where a husband takes a second wife according to Muslim law, or when a husband dies intestate. Furthermore, it has an impact on custody and guardianship of children in the event of divorce.

An important pre-requisite with regard to Muslim marriage is the mahr or dowry which is a mutually-agreed amount given by the husband to the wife.[2] In the event of a divorce,[3] the husband cannot claim the dowry back from his wife. In terms of Sharī'ah, (Islamic Law) whatever assets the wife acquired prior to or after marriage is hers alone.

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[1]   Sorabji, Cornelia, "Islamic Revival and Marriage in Bosnia" in *Journal Institute of Muslim Minority Affairs*, ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol. 9, № 2, July 1988, p. 333

[2]   Al Qur'ān, 4:4; 4:25

[3]   Ibid, 4:20

Those couples married in community of property face all kinds of difficulties in the event of divorce and death of a spouse.

2.5.2   Divorce

Islam requires that the marriage contract should be honoured and maintained as far as possible. But if the marriage does not work well, it may be ended in kindness and equity.[1]

Non recognition of a Muslim marriage means that in the event of a divorce, the children of such a marriage are illegitimate and thus will not inherit from the father's estate.

With regard to maintenance of the wife, the Muslim husband is required to maintain his wife for the period of iddat only (i.e. three months), because nikāh (i.e. Muslim marriage) is a contract, and talāq (i.e. divorce) breaks this contract. Sometimes a secular court rules that the husband should maintain his former wife beyond the period required by Sharī'ah. One of the landmark cases with regard to maintenance of a divorced wife is the Shah Bano case which will be discussed in detail in Chapter 3.

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[1]   Al Qur'ān, 2:228, 236, 237

2.5.3   Polygamy

Another sensitive and controversial issue for Muslims in non-Muslim countries is polygamy. Polygamy is permissible in Islam on certain conditions and under certain circumstances.

However, the Muslim minority faces a problem in this regard because the secular laws of these countries make polygamy illegal. Where a Muslim man takes a second wife, the children born from such a union will be regarded as being illegitimate and thus will not receive a share from their father's estate. Disallowing a man by law to have a second wife under any circumstances may force him to divorce his first wife. Furthermore, it interferes directly with the right given by Islam.

2.5.4   Adoption

Islam does not recognise legal adoption. The Islamic view is that every child must be called by his real father's name.[1] It is prohibited to deny one's lineage because it upsets the natural order of things. By retaining one's family name one is prevented from marrying one's brother or sister accidentally. An adopted son for instance is actually a stranger in the family and cannot mix freely with female members of the family once he has reached the

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[1]   Al Qur'ān, 33:4-5

age of discretion. Furthermore, an adopted child will deprive the rightful heirs of their share of inheritance because the Islamic law of succession is based on blood relationship and the adopted child does not qualify as an heir. However, a foster parent can provide for the child in any manner he likes during his lifetime. Thus Islamic law does not accord the adopted child the status of a legal son or daughter whereas secular law does grant an adopted child legal status.

2.5.5   Inheritance

The Islamic law of inheritance is designed to ensure an equitable distribution of wealth to all near relatives and has fixed shares to all heirs depending on the degree of the relationship to the deceased and the number of heirs.[1]

With regard to testate succession, there is no problem because an individual is free to dispose of his estate as he pleases. Muslims draw up a will in which they provide for their estates to be divided in terms of Sharī'ah regulations. A problem arises when a Muslim dies intestate. The Islamic law of succession as has already been mentioned takes care of all the rightful heirs but because a will was not drawn up these heirs eg. the widows, orphans, daughters, sons, wives, parents, brothers, sisters etc. are deprived of their share of inheritance. The

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[1]   Al Qur'ān, 4: 7-13, 4:176

problem is more acute in the case where a man has more than one wife; his second wife and her children will be excluded from his estate.

2.5.6   Waqf (Religious endowment)

In Islamic legal terminology "waqf" could either be movable or immovable property. Once a waqf is created, it cannot be sold or given to someone as an inheritance or gift. There are various types of waqf which cater for the welfare of the community (eg. widows, orphans, the handicapped and destitute) and for one's own children, (waqf al-awlād). It can also be used for the maintenance of mosques, hospitals, schools, graveyards and other places of public welfare. Waqf is governed by Islamic laws.

The problem arises when awqāf (plural of waqf) are confiscated and taken over by the government as in the case of Eastern Europe where Muslims were suddenly deprived of the benefits of these awqāf.

2.6 ECONOMIC PROBLEMS

2.6.1   Interest

One of the most common problems which every Muslim faces in the international financial system is that of interest or usury. The Arabic word "riba" means any addition,

however slight, over and above the principal sum lent and thus includes both usury and interest. Interest as a means of acquiring wealth is expressly forbidden in the Qur'ān[1] and Hadīth.[2]

In Islam acquiring wealth through interest is regarded as morally and legally wrong because the interest the lender receives was not "earned" by him. According to al-Qaraḍāwi, the prohibition of interest in Islam has moral, social and economic merit.[3]

Muslim minorities in non-Muslim countries are thus in a dilemma eg. they are compelled to pay interest on deferred payment and on overdraft. However, some of them have made a concerted effort to remedy this. Some of them have persuaded their governments to allow them to establish Islamic banks which are run on Islamic principles.

2.6.2   Insurance

A controversial issue among Muslims is the insurance of life and property. On the principle of necessity, Muslim jurists have allowed the insurance of property. However,

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[1]   Al Qur'ān, 2:274-276, 2:278-279

[2]   Naysābūrī, Muslim Abū al Ḥusayn al Ḥajjāj, Ṣaḥīḥ Muslim translated into English by 'Abd al Ḥamīd Siddiqi, Lahore: Sh Muḥammad Ashraf, 1983, vol iii, p. 839

[3]   Al Qaraḍāwī Yusuf, The Lawful and Prohibited in Islam, Indianapolis: American Trust Publications, n.d, p. 266.

life insurance is regarded by the majority of Muslim scholars as unacceptable as it goes against the Islamic conception of taqdīr (destiny).[1] A Muslim puts trust and faith in Allah(SWT) and believes that his life span is determined by Allah(SWT) and that sustenance comes from Allah. However, some Muslims are compelled to take life insurance in terms of their conditions of employment while others voluntarily opt for it.

2.6.3   Employment

Muslim minorities face discrimination in the field of employment. Many immigrant Muslim communities come about as a result of people migrating for economic reasons eg. the Muslim communities of Scandinavia and most European countries. These economic migrants are disadvantaged for a number of reasons viz. lack of knowledge of the language of their new country, lack of industrial skills and discrimination by employers. In France[2] and Germany[3], Muslim minorities find themselves at the bottom end of the economic rung. Consequently their influence in the political and administrative sphere is negligible compared to other smaller minority groups like Jews and Protestants.

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[1]   Siddiqi, Muhammad Nejatullah, <u>Muslim Economic Thinking: A Survey of Contemporary Literature</u>, Leicester: The Islamic Foundation, 1981, p. 26

[2]   Kettani, <u>Muslim Minorities in the World Today</u>, p. 36

[3]   Ibid, p. 39

Muslims who live as minorities are faced with a dilemma with regard to employment in hotels,breweries, restaurants and casinos (where liquor and pork are served) and in financial institutions like banks, building societies and insurance companies (which deal in interest and life insurance). This places restrictions on their employment. However, Muslims take up employment in financial institutions. This is a compromise which they make out of necessity because of the nature of the secular state in which they live.

2.7 SOCIAL PROBLEMS

One of the most serious problems which Muslim minorities are faced with is social absorption by the majority group. This social absorption takes place over a period of time and gradually corrodes the Islamic identity of the community. Although Western democracies allow religious freedom, Muslims still encounter problems in their day to day lives. It becomes increasingly difficult for Muslim minorities to preserve and strengthen their cultural identity when the dominant group creates conditions which force Muslims to temper their Islamic activities.

As the Muslim minority begins to absorb the un-Islamic practices of the dominant group, it becomes more integrated into the dominant culture. One of the easiest ways in which social assimilation takes place is through mixed marriages

with non-Muslims. The children of these marriages inevitably swing more towards the social practices of the majority group.[1] In order to become accepted by the majority group and to enjoy the social, political and economic advantages enjoyed by the group, many Muslims change or anglicize their names. In Argentina for example, "the law forces Muslims to carry Argentinean (i.e. Christian) names and it is impossible to recognise a Muslim by name, accent or physical appearance."[2]

2.7.1   Dress

The wearing of headscarves by Muslim girls in state schools has prompted much debate in Europe especially in France. In several French schools, the wearing of headscarves by Muslim girls was banned while at the same time no official objection was raised to Jewish skull-caps or Catholic crosses.[3] Muslim girls, therefore, have to compromise their religious convictions and modify their dress.

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[1]   Kettani, M. Ali, The Problems of Muslim Minorities, p. 102

[2]   Kettani, Muslim Minorities in the World Today, p. 198

[3]   Parker-Jenkins, M, "Muslim Matters: An Examination of the Educational Needs of Muslim Children in Contemporary Britain" in The American Journal of Islamic Social Sciences, ed. Sayyid M. Sayeed, Washington: The Association of Muslim Social Scientists and The International Institute of Islamic Thought, 1992, vol. 9, № 3, p. 357

2.7.2   The Intermingling of Sexes

Islam is very guarded against the intermingling of sexes as indiscriminate and unnecessary intermingling is a breeding ground for immoral and permissive behaviour. Interaction between males and females is limited to a certain well-defined category of people as outlined in the Qur'ān.[1] Sexual freedom and free association between men and women is an accepted norm in non-Islamic societies. This creates a problem for Muslim minorities especially for women when they leave the home to pursue education and employment.

To be accepted in the social circle many Muslims in non-Muslim countries, especially the youth, integrate into the non-Islamic society in terms of dress and social habits which includes intermingling of the sexes.

2.8   PROBLEMS RELATED TO EDUCATION

2.8.1   Influence of Secular Education

Islamic education has its own peculiar character which distinguishes it from other types of educational systems. It includes moral and spiritual human development in its curriculum.

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[1]   Al Qur'ān, 24: 30-31

The greatest challenge facing Muslims in general today is that of solving the problems posed by secular education. Muslims have been secularized, Westernised and de-Islamized through the educational system. This is especially true of the youth in many of the Muslim minority communities in Europe and the United States.

2.8.2   Restrictions on the Teaching of Islam

In Thailand, Islam is not taught in state schools.[1] In Burma, Islam is not taught in public schools and the three high schools which Muslims were running, were nationalised.[2] In Sri Lanka all schools have been nationalised, and although Arabic and Islamic studies has been integrated into the school curriculum, it is largely controlled by the government.[3]

In Nepal[4] and Singapore[5] there are no schools for the training of Imāms. In the Netherlands[6], Denmark[7] and Britain[8], some form of Islamic instruction is imparted to

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[1]   Kettani, Muslim Minorities in the World Today, p. 140

[2]   Ibid, p. 142

[3]   Ibid, 147

[4]   Ibid, 152

[5]   Ibid, p. 153

[6]   Ibid, p. 44

[7]   Ibid, p. 47

[8]   Ibid, p. 43

children in public schools but this is inadequate because the curriculum is presented as two contrasting and opposing systems, one Islamic and the other secular.

2.8.3   General Problems Associated with Education

In India, there is a definite lag in the educational level of Muslim minorities. Though this has been blamed on the Muslim's indifference to secular education, the fact is that Muslims suffer widespread discrimination because they constitute a religious minority.[1]

Muslim minorities in Africa face a similar situation. Under colonial rule, missionaries were used to spread Christianity. Therefore the majority of Muslims kept away from mission schools and the secular education which these schools had to offer.

Other practical problems which Muslim minorities face in the field of education are the use of textbooks which have a bias against Islam, the absence of prayer facilities, un-Islamic school uniforms and sportswear for Muslim girls, the absence of halāl food in school canteens and sometimes the teaching of Islam by non-Muslim teachers.

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[1]   Mahmood, M. "Indian Muslim Education: Problems and Prospects" in Islam and the Modern Age, ed. Ziya-ul-Hasan Faruqi, New Delhi: Zakir Husain Institute of Islamic Studies, vol. 14, № 3 August 1983, p. 230

Another area of concern especially in Britain, is the closure of single sex schools. Muslim parents prefer to send their daughter's to a girls' school. In a survey carried out by Muhammed Anwar, a research officer of the Commission for Racial Equality "over 80% of Muslim respondents agreed that, 'most Asian parents prefer their children to go to single sex schools'" to avoid the free mixing of boys and girls.[1]

2.9 POLITICAL PARTICIPATION

A Muslim minority, being a religious minority has to co-exist with a dominant majority group which has political and administrative control. The absence of a Muslim "voice" in government means that Muslims are not part of the decision making process on matters which affect them. In most cases they are not accorded the same rights and privileges as other religious groups such as Roman Catholicism and Judaism. The application of laws in accordance with the majority community's beliefs, values and customs, lends support to the process of assimilation which the Muslim minority encounters.

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[1]   Muḥammad Anwar, "Young Muslims in Britain: Their Educational Needs and Policy Implications" in Education and Society in the Muslim World, ed. Mohammed W. Khan, Jeddah: Hodder & Stoughton, 1981, p. 114

2.10 MEDIA COVERAGE

The Muslim world has often been the target of biased and distorted reporting. The media has been used as a platform to accuse Muslim leaders and scholars of keeping the Muslims backwards. Islamic history and the Sharī'ah are misrepresented particularly on the question of women's rights which is a fairly recent trend. The western media seems bent on undermining Islam especially after the recent Rushdie affair in Britain. During the Gulf War the media had a field day by concentrating and highlighting conflicts within the Muslim community.

CHAPTER THREE

MUSLIM MINORITIES IN

CERTAIN SELECTED COUNTRIES

In this chapter I have chosen to discuss Muslim minorities in India and the United Kingdom because they represent two different types of Muslim minorities.

India is a secular democratic state which has the largest Muslim minority in the world. Muslims in India live with an overwhelming Hindu majority. The relationship between Hindus and Muslims is unique in the sense that the Muslims (although a minority) once ruled India and this in itself produces its own peculiar problems.

Muslims in the United Kingdom live under a liberal, western democracy and are representative of an immigrant type of Muslim minority.

3.1 MUSLIMS IN INDIA

Indian Muslims constitute the largest Muslim minority in the world today. There are presently over 100 million Muslims in India and this constitutes about 12% of the total Indian population. India is a multi-religious, multi-lingual and multi-cultural country of Hindus, Muslims, Christians, Buddhists, Jains, Sikhs, Parsees etc

and special provisions have been made to safeguard the identity of each community.

India's first contact with Islam in terms of armed conflict was with the arrival of the Umayyad general Muḥammad ibn al Qāsim in the Sind province (presently in Pakistan) in 711 CE. Since then India was ruled by a number of Muslim dynasties in the various states culminating in the Mughal dynasty in 1555 CE. The Mughal dynasty collapsed under the force of British colonialism in 1857. The fall of the Mughals brought an end to Muslim rule in India. With the loss of political power, Muslims found themselves being discriminated against in favour of the larger Hindu population.[1]

In 1857, Indian soldiers revolted against the rule of the East India Company. The British believed that the Muslims were primarily responsible for the mutiny; therefore, Muslims were severely repressed by the British who occupied India in 1857.[2] The British government followed a divide and rule policy. As early as 1821, a British officer wrote in the Asiatic Journal, "Divide et impera should be the motto of our Indian administration whether political, civil or military."[3] The British thus played an important

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[1]   Karandikar, M. A., <u>Islam in India's Transition to Modernity</u>, Bombay: Orient Longmans Ltd, 1968, p. 156

[2]   Gopal, Ram, <u>Indian Muslims: A Political History (1858-1947)</u>, Bombay: Asia Publishing House, 1959, p. 26

[3]   Karandikar, p. 154

role in highlighting communal consciousness as a means to strengthen their hold over the country.

In 1885 the Indian National Congress was formed in order to give Indians some political representation in the Legislative Councils. While some Muslims became members of the Congress, others did not support it because they believed that it would not be in the best interests of the Muslims and, therefore, established the Muslim League in 1906 to protect the political rights of the Muslims.[1] The fear of Muslims that their interests would not be adequately protected led them to demand a separate state.

In July 1947, the British Parliament passed the Indian Independence Act which provided that on August 15, 1947, two independent states, India and Pakistan would come into existence.[2] There was a massive exchange of population between the two countries. What followed partition was some of the most atrocious communal riots in post-independent India. The trauma of partition had left its mark on Indian Muslims.

Nevertheless, Muslims who remained behind in India have made their own arrangements to deal with their problems. Muslims of India have generally supported each other to achieve common goals, most importantly, to preserve their

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[1]   Gopal, p. 76

[2]   Ibid, p. 327

Islamic identity. They have rallied around each other to resist the pressures of assimilation imposed on them by the Hindu majority.

3.1.1   Control of Masājid: The Bābari Mosque Affair

There are thousands of mosques in towns and villages all over India. However, Hindus have identified at least 300 mosques in Gujarat[1] and 3000 throughout India to be converted into temples. The Bābari Mosque was the first to be destroyed for this purpose. It has become one of the most communally sensitive issues.

In 1970 it was claimed that idols of Rama and Sita were found in the Bābari Mosque in Ayodhya, Uttar Pradesh. Local Muslims claimed that Hindu revivalists had set up the idols in the mosque while local Hindus claim that the idols were placed by divine action i.e. by God because it was the birthplace of Rama. The Hindus claimed that it was previously a temple and it had been converted to a mosque to celebrate the victory of Islam over Hindus. Iqbal A. Ansari says: "Bābari Masjid was an eyesore reminding Hindus

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[1]   Osman Fathi (ed), "Ahmedabad: Renewed Hindu Violence" in Arabia, August 1986, p. 17

of their past humiliation. It had to be removed. Hence the campaign for liberation."[1]

An appeal to the courts by Hindus in 1986 to restore the temple to them was successful. The mosque was opened for Hindu worship. Muslims vehemently opposed this because this was a negation of their rights as citizens in a secular democratic country. What followed was a string of communal riots. "Hindu chauvinists have been taunting Muslims ever since the Bābari Masjid was converted into a temple. They have also claimed that mosques in Ahmedabad would also be expropriated."[2]

3.1.2   Recognition and Application of Muslim Personal Law

The most crucial issue facing Indian Muslims today is the preservation of Muslim Personal Law. Although the Indian government recognises Muslim Personal Law and the Indian Constitution allows for its supervision there is real and growing danger that it will be removed and replaced by a Uniform Civil Code. Being a religious minority, Muslims see this as a grave threat to their Muslim identity and their right as free citizens in a secular democracy.

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[1]   Ansari, Iqbal A. "Discrepant Perceptions of Hindus and Muslims in India on Communally Sensitive Issues", in Journal Institute of Muslim Minority Affairs, ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs vol. 11, № 1, Jan 1990, p. 8

[2]   Osman (ed), Ahmedabad, p. 17

When the British ruled India, they decided family cases between Muslims relating to marriage, divorce, adoption, dowry, inheritance, etc. according to the Laws of the State, customs (ādāt) and usages and provisions of Islamic Sharī'ah.[1]

But it was found that due to customs and usages certain un-Islamic practices relating to marriage, divorce and inheritance were taking precedence over Sharī'ah law. Therefore the Muslim Personal Law (Sharī'ah) Application Act of 1937 was passed, which superseded all laws relating to customs and usages.

The problem of Muslim Personal Law drew much attention when the Hindu Code Bill was passed. Since then it has been the subject of much debate and criticism by both Hindu and Muslim secularists who feel that Muslim Personal Law also has to change to suit the secular modern structure of India. According to them all Personal Laws of the various religious groups should be scrapped and replaced by a Uniform Civil Code. Dr. S.R. Bhatt argues that "if national unity is considered as the supreme ideal it demands a uniform pattern of behaviour which in its turn necessitates uniform norms of behaviour for the whole

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[1] Ansari, Iqbal A, "Muslim Personal Law in India" in _Journal Institute of Muslim Minority Affairs_, ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol. 2, 1980, p. 87

nation making the submersion of different Civil Codes into a Uniform Code necessary."[1]

There are some Muslims like Mr K.M. Munshi who believe that "religion must be restricted to spheres which legitimately appertains to religion and the rest of life must be regulated, unified and modified in such a manner that we may evolve as early as possible, a strong and consolidated nation."[2]

Proponents of a Uniform Civil Code claim that Muslim Personal Law is outdated, it discriminates against women with regard to unilateral divorce, maintenance and polygamy. Ironically, according to a 1974 report of National Commission on Women, polygamy was more prevalent among non-Muslims than Muslims.[3]

Muslim Personal Law permits a husband the right to divorce his wife without going to a court of law. However, a wife also has the right to institute divorce under certain conditions. She is also given preference of the custody of her children.

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[1]   Gani, H.A., Muslim Political Issues and National Integration, New Delhi: Sterling Publishers Pvt. Ltd., 1978, p. 88

[2]   Ansari, Muslim Personal Law in India, p. 89

[3]   Puri, Balraj, "Muslim Personal Law : Basis for Dialogue", in Islam and the Modern Age, editor Ziya-ul-Hasan Faruqi, New Delhi: Zakir Husain Institute of Islamic Studies, vol. 16, N° 4, Nov 1985, p. 205

A divorced wife is entitled to claim maintenance from her husband of the amount specified on her marriage contract. However, the Indian Parliament amended the Criminal Procedure code in 1972. The new section 125 grants the divorced wife maintenance even after the period of 'iddat.[1] Muslims see this as an interference with their religion, which is a fundamental right guaranteed by the Constitution.[2]

One of the most controversial cases in the light of Section 125 of the Criminal Procedure Code is the Shah Bano case. Shah Bano, an elderly Muslim woman was divorced by her husband Ahmad Khan (to whom she was married to for 44 years) in 1978. He gave her back the 3000 rupees which had been her mahr as required by Islamic Law. Shah Bano filed a case in the civil court demanding alimony. She won the case under Section 125 of the Criminal Code whereby a husband was required to pay maintenance to his wife without means of support. The 'ulamā' (Muslim scholars) informed Shah Bano that she had violated the Sharī'ah and that her husband was not financially accountable.

Shah Bano withdrew her case but the Muslim community was already in an uproar, demanding that the civil code be

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[1] 'Iddat - waiting period is 3 months or if wife is pregnant, waiting period expires when the woman gives birth to the child.

[2] Sait E. Sulaiman, "Muslim Personal Law" in Muslim Communities in Non-Muslim States, ed. Salem Azzam, London: Islam Council of Europe, 1980, p 115.

amended so as to allow Muslims to follow the Sharī'ah with respect to marriage, divorce and other personal matters. Syed Shahabuddin, editor of "Muslim India", said "The judgement has created a sense of religious insecurity. The Supreme Court cannot decide what is the essence of Islam as the Muslim Personal Law is a religion."[1]

The Indian government agreed with the Muslims and the Muslims Women's Bill was passed by Parliament. Opponents of the bill regarded the government's move as pandering to the wishes of Muslims and saw it as a departure from secularism.

Muslims, therefore, believe that they cannot be too complacent to announcements by the government that Muslim Personal Law will not be abolished. Mr H.F. Mohsin, Deputy Minister for Home Affairs in 1972 gave an assurance that the Government of India would not interfere with Muslim Personal Law so long as Muslims themselves wanted it.[2] As long as Article 44 which endeavours to establish a Uniform Civil Code throughout the territory of India remains, there is an inherent risk to Muslim Personal Law. Muslims are, therefore, not merely seeking political assurances but they are lobbying for some constitutional safeguard. Muslims also regard the Special Marriage Act of 1954 and the Child

[1]   Ahmed, Farzand, "Are Muslim Women entitled to Maintenance after being divorced by their husbands?" in _Muslim Digest_, Nov/Dec 1985, p. 15

[2]   Gani, p. 113

Adoption Bill of 1972 as encroaching on Muslim Personal Law.[1]

This interference with Muslim Personal Law in India has led to the establishment of the All India Muslim Personal Law Board in 1972. The Board aims to act as a watchdog and lobby to safeguard Muslim Personal Law and to prevent any further incursion in its application.

3.1.3   Economic Problems

The economic development of Muslims in the post independent period has been retarded and slow. In the scramble for scarce economic resources, Hindus get preferential treatment. Muslims are economically active in the agricultural and handicraft sectors.[2] With the official industrialisation policy, the handicraft industry has been worst hit. Muslims also engage in small and medium scale business ventures; however, the number of large scale industrialists is minimal.[3] During communal riots Muslim homes and properties are singled out for destruction.[4]

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[1]   Sait, pp 113-114. See also Karandikar p. 298 and Gani, p. 78

[2]   Kettani, Muslim Minorities in the World Today, p. 113

[3]   Ibid, p. 123. See also Banu, Zainab, "Two Sides of a Coin: A comparative Study of the Riots at Godhra and Udaipur" in Communal Riots in Post Independence India, ed. Asghar, A. Engineer, Hyderabad: Sangam Books India (Pvt) Ltd, 1984, p. 230

[4]   Shaheen, Hussain, "Communal Riots in the Post-Partition Period in India: A study of some causes and remedial measures" in Communal Riots in Post Independence India, ed Asghar, A Engineer, Hyderbad: Sangam Books India (Pvt) Ltd, 1984, p. 170

Bank and credit facilities and foreign trade licence are not easily accessible to them. In private and public sector employment, they also face discrimination.[1] Muslims are anxious to obtain their fare share of goods and services and to share in the fruits of development. Economically, Muslims face a persistent pattern of discrimination.

3.1.4   Problems Related to Education

The literacy ratio of Muslims is half the national average.[2] This educational backwardness is attributable to a number of factors. The medium of instruction in most state schools is Hindi which makes it difficult for Urdu speaking children. While efforts have been made for Urdu medium government schools in certain states, there are delays in providing Urdu teachers and textbooks.[3] Furthermore, school textbooks lay emphasis on Hindu superiority and present a distorted view of Islam.[4] Muslims thus stay away from government schools and flock into madāris[5] (Islamic schools). The leading university

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[1]   Shahabuddin, Syed, "Communal Violence - A Challenge to Plurality" in Communal Riots in Post Independence India, ed. Asqhar, A Engineer, Hyderab: Sangam Books India (Pvt) Ltd, 1984, p. 104. See also Kettani, Muslim Minorities in the World Today, p. 123

[2]   Kettani, Muslim Minorities in the World Today, p. 121

[3]   Gani, p. 81

[4]   Ibid, p. 206

[5]   Ibid, p. 182

established by the Muslims is the Aligarh Muslim University[1] (originally called the Mohammedan Anglo-Oriental College) which was founded by Sir Sayyid Ahmad Khan in 1875. The AMU Act of 1972 endeavoured to strip the university of its minority character and deprive the university of its autonomy. The AMU issue became a communal issue because Hindus viewed Muslim resistance to the Act as a sign of Muslim separatism. The AMU admits "an overall ratio of 30 to 40% Hindus to the total,"[2] so it is not an exclusively Muslim institution but rather a secular institution with a Muslim character. Amid great Muslim resistance and opposition, the AMU Amendment Act of 1981 restored some of the autonomy of the AMU Act of 1972.

Other Muslim institutions are: Jāmia Millia in Delhi, the New College at Madras, the Islamia College at Vaniyambadi and the Osmania University at Andhra Pradesh. Under the guise of government assistance and in the name of secularism the government is trying to erode the Muslim character of these institutions. When Muslims resist such moves by the government to impose Hindu values they are accused of being communal and separatist. Muslims are thus compelled to establish new schools and colleges to provide Islamic and secular education to its youth to narrow the gap between Hindu/Muslim literacy.[3]

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[1]   hereafter referred to as the AMU

[2]   Ansari, Discrepant Perceptions, p. 8

[3]   Kettani, Muslim Minorities in the World Today, p. 121

3.1.5   The Language Issue

Another contentious issue is the non-recognition of Urdu
as a national language since it is the spoken language of
the majority of Muslims. The government is trying to
suppress it while other languages and dialects receive
government support. "Urdu has become the homeless refugee,
because to many it is not a symbol of cultural synthesis,
not a product of Hindu/Muslim interaction but a 'foreign
language' written in the Arabic script, imported and
imposed by Muslim conquerors."[1]   The denial of due
recognition and status to Urdu, therefore incapacitates and
ostracizes millions who speak Urdu.

3.1.6   Political Participation

India claims to be a secular democratic state. Yet Muslims
neither have equitable access to government employment, nor
are they well represented at government level. In 1982,
there were 73 Muslim members of Parliament out of a total
of 788 members.[2] Muslims of India have been accused of
being a fifth column for Pakistan. "The Muslim masses are
being constantly subjected to loyalty tests; often advised
by Hindu chauvinists to quit India and migrate to
Pakistan."[3] This attitude, therefore, breeds a sense of

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[1]   Shahabuddin, p. 106

[2]   Kettani, Muslims Minorities in the World Today, p. 125

[3]   Shahbuddin, p. 108

insecurity and mistrust among Muslims. Muslims are demanding that India remain true to its secular status.

3.1.7   Communal Violence

Communal violence has become part and parcel of Indian social life.

Religion plays an important role in the social life of Indians and the elite are quick to use this to realise their own political, economic and cultural aspirations. Religion is thus used as a weapon to divide people and to circumvent crucial political issues. Yet it would be simplistic to attribute communal violence to religion alone. Communal violence is inextricably linked to a myriad of political, economic, cultural and social issues. In most instances communal riots are not caused spontaneously but rather they are planned affairs to provoke and taunt Muslims (Ahmedabad 1969; Moradabad 1980; Varanasi 1977). It may be sparked off by some superficial and trivial happening but the underlying reasons go much deeper. Kuldip Nayar reveals that in every riot, the larger number of those who lose their lives and who sustain destruction and loss of property are Muslims.[1]

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[1]   Desai, A.R. "Caste and Communal Violence in Post Partition Indian Union" in Communal Riots in Post Independence India, ed Asghar A. Engineer, Hyderabad: Sangam Books India (Pvt) Ltd, 1984, p. 22

The role of the police in these clashes is questionable. Communal bias of the police against Muslims is evident in many riots (Varanasi 1977[1]; Ahmedabad 1985[2]). This one-sided and partisan behaviour breeds insecurity among Muslims and serves to polarise the Hindu and Muslim communities even further.

The situation is aggravated by the media who stoke the fires of communalism by giving exaggerated and distorted reports.

3.2 MUSLIMS IN THE UNITED KINGDOM

The history of Muslim presence in Britain goes as far back as the Middle Ages when Muslims arrived on the shores of Britain as travellers and traders.[3] The second wave of Muslims into Britain coincided with the advent of slavery and the decline of Muslim rule in Spain and the Mediterranean region.[4] The third wave of Muslim settlers

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[1] Shakir Moin, "An Analytical View of Communal Violence" in Communal Riots in Post Independence India, ed. Asghar A. Engineer, Hyderbad: Sangam Books India (Pvt) Ltd, 1984, pp. 96-97. See also Khan R. and Mittal S. "The Hindu-Muslim Riot in Varanasi and the Role of the Police" in Communal Riots in Post Independence India, pp. 305-312

[2] Patel, G.A., "Innocent Victims of Riots in Ahmedabad" in The Muslim World League Journal, vol. 12, № 11 and 12, August and September 1985, p. 43

[3] Ali, Mumtaz M, "Muslims in Britain: An Historical Note", in Journal Institute of Muslim Minority Affairs, ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol. 6, № 2, July 1985, p. 456

[4] Ibid, p. 456

came about as a result of the immigration of Muslims from British colonies in Asia and the Mediterranean.

The first among these were Yemenese from Aden who founded a settlement in Cardiff. They were followed by Muslim immigrants from the Indian sub-continent, Cyprus, Egypt and Iraq. The economic boom in the post war period demanded the import of labour and attracted an influx of young men from the Indo-Pak sub-continent. Initially these immigrants intended living in Britain temporarily. But as the population became more settled (i.e. when wives and children joined the male members), Muslims set down roots and decided to settle in the United Kingdom. They built mosques and other religious institutions. Thus the population lost its transient character and became settled as a stable feature of British society.[1]

This flow of immigrants was stopped when the British government placed restrictions on immigration from ex-colonies in the 1970's.

Compared with Muslim communities in other European countries, the Muslims of Britain enjoy greater social status. There is a higher proportion of Muslim

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[1]   Joly Daniele, "Making a Place for Islam in British Society" in The New Islamic Presence in Western Europe, ed. T. Gerholm and Y George Lithman, London: Mansell Publishing Limited, 1988, p. 33

professionals, physicians, engineers, merchants and small businessmen in the U.K. than in France or West Germany. They constitute an important source of leadership for the community. Nonetheless, while Roman Catholicism, Protestant and Judaism are officially recognised, Islam is not.[1] This religious discrimination against Muslims impedes their progress socially, economically and educationally. Recently, immigrants including Muslims have been the target of racial attacks. A 1990 government report indicated that Asians were 50 times more likely than Whites to be the victims of racially motivated violence.[2]

In 1989 when Salmān Rushdie's Satanic Verses was published, Muslims became the target of racial attacks. Muslims in Britain and throughout the world protested against this blasphemy and vilification of the Qur'ān and the Prophet Muhammad (SAWS)[3] and wanted to have the book banned. The racial tension and Muslim outcry brought into focus the fact that the rights of non-European religious and cultural minorities are not protected in the context of secular hegemony.[4]

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[1]   Kettani, Muslim Minorities in the World Today, p. 43

[2]   Evans, Richard, "Europe's Muslims: Confronting a New Intolerance" in International Review, Dec 1991, p. 11

[3]   This is an abbreviation of the Arabic, Sallalahu alayhi wa sallam, which means May the Peace and Blessings of Allah be upon him.

[4]   Modood, Tariq, "Muslims and the Rushdie Affair" in Race Culture and Differences, ed. James Donald and Ali Rattansi, London: Sage Publications Ltd, 1992, p. 261.

3.2.1   The Issue of Ḥalāl meat

Although a number of Pakistanis, Bangladeshis and other Muslims have established their own grocery shops and butcheries, there is no organised way of solving the issue of "halāl" meat. In fact, restrictions are imposed on the slaughter of animals according to Islamic rights and this poses a problem. Under English Law some form of stunning the animal is required before slaughter. Nielsen reports that in 1985 the Farm Animal Welfare Council - a body set up by the Ministry of Agriculture, Fisheries and Food proposed that stunning should be required without exception, and that religious communities be given three years to get used to the idea.[1]

The Muslim community of Britain reacted strongly against this. A consultative group under the aegis of the Islamic Cultural Centre in London was formed. In some cities, Muslims were granted access to the abattoir at certain times to carry out slaughter according to Islamic injunctions while in few other cities, Muslims were forced to agree to carry out slaughter after stunning the animal.[2]

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[1]   Nielsen, Jorgen, S. "Muslims in Britain and Local Authority Responses" in The New Islamic Presence in Western Europe, eds. Tomas Gerholm and Yngve G. Lithman, London; Mansell Publishing Limited, 1988 p. 73

[2]   Ibid, p. 73

3.2.2   Attendance of Jumu'ah Ṣalāt

A Muslim in Britain challenged the Inner London Education Authorities in court to permit him to attend prayers in a mosque between 1 pm and 2 pm every Friday. The majority of the Law Lords took the view that the appellant's right under Article 9 was subject to the Education Authority's right under the contract of employment and accordingly this article did not entitle him to absent himself from his place of work during working hours.[1] Nonetheless, because the problem was highlighted, it is now a common sight to see large numbers of Muslims going to Friday Jumu'ah prayer in Britain.

3.2.3   Burial

Muslims are averse to delays in burying their dead. In the U.K. a notice of forty eight hours is required for burial in council cemeteries.[2] Furthermore, permission for burial in a shroud and correct alignment of graves so that the bodies face the qiblah[3] depend on the various local authorities. While some local authorities are prepared to accede to individual requests, others demand compliance

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[1]   Pirzada, Sharifuddin S, "Current status of Constitutional Rights and Religious and Cultural Freedom in selected non-Muslim States" in Muslim Communities in Non-Muslim States, ed Salem Azzam, London: Islamic Council of Europe, 1980, p. 73

[2]   Nielsen, p. 65

[3]   qiblah, direction towards which Muslims face in prayer i.e. towards the Ka'bah in Makkah.

with very stringent conditions eg demanding that burials take place between 9 am and 4 pm on Mondays to Fridays.[1]

3.2.4   Recognition and Application of Muslim Personal Law

Since Muslim Family Laws are not officially recognised in Britain, Muslims have decided to make private arrangements for its application. In 1985, the Muslim Law (Shar'īah) Council representing the different schools of Islamic Law was formed. It is an independent religious body which advises people on all problems in the light of the Shar'īah. It also adjudicates over matrimonial disputes.[2]

3.2.5   Economic Problems

As with other European countries, there is a high level of unemployment among Britain's Muslims. A Labour Force Survey revealed that throughout the 1980's, of the nine non-white groups, Pakistanis and Bangladeshis suffered the highest rate of unemployment, have the lowest number of

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[1]   Nielsen, pp. 65-66

[2]   Surty, Muhammad, Ibrahim, H.I., "The Shariah Family Law Courts in Britain and the Protection of Women's Rights in Muslim Family Law with Special Reference to the Dissolution of Marriage at the Insistence of the Wife" in Muslim Education Quarterly, ed. Syed Ali Ashraf, Cambridge: Sayed Ali Ashraf Islamic Academy, vol. 9, № 1, 1991, pp 60-61

educational qualifications and the highest profile in manual work.[1]

3.2.6   Social Problems

While first generation Muslims from India, Pakistan and Bangladesh still maintain contact with their country of origin, second generation Muslims, mostly born in the United Kingdom, have been largely assimilated. In order to succeed and to be accepted, they conform to the ways of British society. This has led to a loss of their Islamic identity. This is a great cause of concern for Muslim parents who are seeking ways to ensure that Islamic values and the Islamic way of life are preserved.

3.2.7   Problems Related to Education

The main concern of Muslim parents in Britain is to ensure that their children receive Islamic education. Many Muslim children are caught in a "cultural clash"; their families feel that the whole ethos of British state schools and educational policy is inconsistent with the Muslim way of life.[2]

British Muslims are trying to carve a niche for themselves in British society particularly in the field of education.

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[1]   Modood, p. 261

[2]   Parker-Jenkins, p. 352

The leading Muslim educational organ, the Muslim Educational Trust which was established in 1966, liaises with school heads and management committees in an effort to include Islamic education for Muslim children in the school curriculum. It sends teachers to schools and Islamic centres to teach Islam in English to Muslim children.[1] The Trust has published books and organised Qur'ānic and Islamic competitions and several annual prize giving functions to encourage students to participate.

But the majority of Muslim children attend public schools which are under the control of local governments, each of which has a Local Education Authority. Under Section 25 of the 1944 Education Act, it is a legal requirement to hold morning assembly and to include religious education (which is Christian-based) in the curriculum. This principle was reaffirmed in the 1988 Education Reform Act. This has a direct impact on Muslims and other minority groups. The Muslim Educational Trust offered 4 options to parents:-

1.   Allow the child to take part in the "orthodox Christian worship and thereby commit a heinous Islamic sin;"

2.   Withdraw the child from such an activity;

[1]   Osman, Fathi (ed), "Breakthrough in British Schools" in _Arabia_, September 1986, p. 59

3. Request that the head of the school make arrangements for alternative worship if the Muslim pupils are in the majority at the expense of the local education authority;

4. Withdraw the child for Islamic worship at the expense of the local Muslim community. (Lodge 1990)[1]

Although some form of Islamic instruction takes place in the local mosques, Muslim parents feel that the school curriculum should incorporate Islam. In the light of a multi-cultural British society the need for a curriculum which incorporates multi faith values is deemed by them to be essential. The Bradford Inter-Faith Centre is one of the bodies which has begun such a programme. Because of the decentralized nature of public authority, the British education system gives a large measure of discretion to heads of schools. Schools with a sizeable Muslim pupil population are being encouraged to develop greater flexibility towards Muslim pupils.[2]

Other points of concern for Muslim parents is the non-availability of halāl food in school canteens, sex education and the matter of girls' dress especially during

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[1]   Parker-Jenkins, p. 355. See also Nielsen in The New Islamic Presence in Western Europe, pp. 66-67

[2]   Ibid, p. 354

physical education and swimming lessons. With regard to school uniforms, Muslim girls were prevented from dressing Islamically. The situation has improved somewhat. In some schools, girls are allowed to wear trousers. Parents and community bodies have also made representations for the lunch break to be extended on Friday to accommodate the Friday Jumū'ah salat.[1]

Muslim Parents and leaders are also directing their energies towards preventing the closure of existing girls' secondary schools and the establishment of girls' hostels. In 1974, the Muslim Parent's Association was formed in Bradford to represent Muslim interests. Since then several single-sex Muslim private schools have been founded. They have tried to attain voluntary aided status for their school and thus become eligible for state funding, but so far they have not succeeded.[2] Yet voluntary-aided status is presently afforded to other religious denominations. There are over seven thousand Anglican and Catholic schools which receive public funding.[3] There are over sixty schools in Britain with a Muslim intake of 90 to 100 percent and over two hundred schools with a 75 percent Muslim intake. By changing their status, they would be in

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[1]   Parker-Jenkins, p. 355

[2]   Ibid, p. 362

[3]   Ibid, p. 363

a position to make the schools more responsive to Muslim
needs.[1]

School heads, managements committees and local authorities
are becoming aware of the increasing cultural plurality of
the communities they serve. In some cases there are those
councils who adopt a flexible policy where requests are met
through negotiation on a case by case basis. However, the
question of religious education in state schools is far
from being resolved.

3.2.8   Political Participation

Many Muslims are members of existing political parties.
They even stand for elections in certain constituencies.
However, others do not support these parties and favour a
party to represent their interest and aspirations. As a
result in 1989, the Islamic Party was launched but it
failed to coalesce the Muslims into a strong political
body.   The reason for this could be that the Muslim
population is made up of people from different ethnic and
linguistic backgrounds, India, Pakistan, Bangladesh, Africa
and the Middle East.   Another attempt to institutionalise
British Muslims has recently been made.   In January 1992,
the Muslim Parliament was launched under the leadership of
Dr Kalim Siddiqui for the purpose of creating "a political
system designed to establish a strong Muslim presence in

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[1]   Parker-Jenkins, p. 363

Britain on the basis of common citizenship."[1] This Parliament does not have legislative power but is intended to serve as a platform for discussion and a pressure group to lobby for Muslim demands like the recognition of Muslim Personal Law.

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[1] Dhalla, Musadiq, "Muslim Parliament Heralds Election Season" in International Review, February 1992, p. 10

CHAPTER FOUR

THE MUSLIM MINORITY IN SOUTH AFRICA

According to the 1991 population census, the Muslim population of the Republic of South Africa stands at 338 142. The majority belong to the "Asian group", followed by 157 815 classified as "Coloured" 11 986 "Black" and 1 756 "White" Muslims.[1] However, this figure is contested by other reliable sources which estimated the Muslim population to be between 450 000 and 500 000 in 1984.[2] By now this figure must have increased.

South African Muslims are primarily an immigrant community represented by three streams of people viz. the "Cape Muslims", "Indian Muslims" and "Zanzibaris".

The Cape Muslim population is descended from groups of slaves, convicts and political exiles who were brought from the Dutch colonies in the East Indies and the coastal regions of India and Africa to the Cape[3] in the mid-seventeenth century and during the eighteenth century.

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[1]   Religion by Population Group, Report No. 03-01-22, Pretoria: Government Printers, 1991

[2]   Islamic Council of South Africa, Meet the Muslims of South Africa, Durban:1984, pp. 13-14

[3]   Davids, Achmat, The Mosques of the Bo-Kaap, Cape Town: The South African Institute of Arabic and Islamic Research, 1980, p. 31. See also Bradlow, F.R., "The Origins of the Early Cape Muslims" in The Early Cape Muslims, Cape Town: AA Balkema, 1978, pp 86-90.

In 1658 the Mardyckers who were free people from Amboyna in the Southern Molucca Islands were brought to the Cape as labourers. They were Muslim.[1] However, the establishment and spread of Islam at the Cape was largely due to the slaves from Bengal, the Malabar Coast and the mainland of India who had a long tradition of Islam.[2] A large number slaves from the East Indies Islands were also Muslims.[3] African slaves were brought from Guinea and Dahomey were likely to have been Muslims, as both of these countries have majority Muslim populations.[4]

Convicts were brought to the Cape to provide a cheap source of labour. When they were freed many chose to remain at the Cape and became known as the "Vryezwarten" or the Free Black community. Their dedication and adherence to Islam has been documented. They were chiefly responsible for the consolidation of Islam at the Cape of Good Hope.[5]

Among the political exiles were religious and political leaders. One of the best known of these exiles was Shaykh

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[1]   Davids, p. 35

[2]   Ibid, p. 41

[3]   Bradlow, F.R. "The Origins of the Early Cape Muslims" in The Early Cape Muslims, Cape Town: A.A. Balkema, 1978, p. 103

[4]   Dangor, S.E., "The Muslim Community in South Africa: in Al-'Ilm, ed. Syed Salman Navdi, Durban: Centre for Research in Islamic Studies, University of Durban-Westville, vol 11, Jan 1991, p. 66

[5]   Davids, p. 42

Yusuf, a prince of Macassar who was brought to the Cape in 1694.[1]

In terms of racial classification, the Cape Muslims were grouped with the "Coloureds" i.e. people of mixed racial heritage. The Cape Muslims who follow the Shāfiʿī school of Islamic law have made a significant contribution to Afrikaans culture, in particular to Afrikaans literature. They were also responsible for the construction of numerous buildings in the Cape.[2]

The second group of Muslims are largely descended from the Indian immigrants who came to Natal as "free passengers" and from "indentured labourers" who were brought to South Africa from India by the British in 1860. The indentured Muslims were from North and South India, mainly from Hyderabad and Malabar[3] while the passenger Muslims were mainly from Surat, Khalwad, Rander, Kathor, Bardoli, Baroda and Navsari.[4] The majority of the passenger Muslims seeing the commercial opportunities Natal had to offer, came to trade. They settled in Durban and moved to the

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[1] Dangor, S.E., A Critical Biography of Shaykh Yusuf, Durban: Centre for Research in Islamic Studies, University of Durban-Westville, 1982, pp. 56-60

[2] Davids, p. 8

[3] Kuper, H. Indian People in Natal, Pietermaritzburg: University of Natal Press, 1960, p. 6

[4] Bhana, S and Brain, J. Setting Down Roots: Indian Migrants in South Africa (1860-1911), Johannesburg: Witwatersrand University Press, 1990, p. 37

interior and opened up shops in the outlying rural areas of Natal and Transvaal. There were also some Pathans who were brought to fight against the Dutch in the Boer War (1899-1902).[1]

Indian Muslims were classified as Asians in terms of the Population Registration Act. They follow the Hanafī school of Islamic Law.

The third group of Muslims are the so called "Zanzibaris" who are the descendants of the slaves who were brought to Natal between 1873 and 1880 to alleviate the labour shortage. The term "Zanzibari" is a misnomer since these slaves were brought from northern Mocambique, Portuguese East Africa, Malawi and Zanzibar. They were primarily Muslims.[2]

Once their period of indenture had expired, they were free to settle in areas in and around Durban like the Bluff, Berea, Umgeni, Verulam and Pinetown.

Initially the Zanzibaris were classified as "Coloured", but in February 1961, they were classified as "Other Asiatic". They developed a close affinity with the Indian Muslim community and their settlement at Kings Rest on the Bluff

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[1]   Kuper, p. 8

[2]   Oosthuizen, G.C., The Muslim Zanzibaris of South Africa, Durban: Department of Science of Religion, University of Durban-Westville, 1982, pp. 8-21

in Durban enabled them to live as a community and maintain their Muslim identity.

As a result of the Group Areas Act, the Zanzibaris were moved to the Indian Township of Chatsworth in 1961.[1] The Zanzibaris are Sunni Muslims who follow the Shāfiʿī school of law.

There is now an emerging indigenous (African) Muslim community. Its exact strength in number is not known.

The South African Muslim community is a well organised and Islamically-conscious community. It has established numerous social welfare, relief, daʿwah (propagation) and cultural organisations. Muslim professionals have also formed professional bodies such as the Islamic Medical Association (1980) and the Association of Muslim Accountants and Lawyers.[2]

4.1 PROBLEMS AND CONCERNS

The Muslim minority in South Africa shares the problems and concerns of minority communities in other parts of the world.

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[1] Oosthuizen, p. 23

[2] Dangor, "The Muslim Community in South Africa", p. 71

4.1.1 Control of Masājid (Mosques)

As a result of the Group Areas Act, many masājid stand tempty in areas where a bustling Muslim community once resided. Some of these masājid are presently used only for Jumuʿah (Friday) and Taraweeh[1] salāt. At the same time Muslims were compelled to build new masājid, madāris and jamāt khānas in areas where they were resettled, at tremendous expense.

4.1.2 Burial

Muslims are granted concessions in terms of the Muslim need to bury the dead at short notice, burial in a shroud and correct alignment of graves. However, in some major cities burial is not allowed at night after a certain time. Difficulties also arise when wanting to procure a body from a hospital/mortuary over weekends and in the evenings. Furthermore, the insistence of an autopsy in some cases aggravates the situation because of the delay it causes especially during weekends when medical officers are not easily available to issue death certificates.

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[1] This is the special salāt read in the month of Ramadān after the ʿIsha' (evening) Salāt.

4.1.3   Recognition and Application of Muslim Personal Law

Perhaps the biggest problem facing the Muslims of South Africa is the non-recognition of Muslim Personal Law. The South African legal system is a hybrid system containing Roman, Dutch and English elements.[1] Many provisions of this system of law is in direct conflict with Islamic law. Muslims in South Africa are trying to obtain official recognition of Muslim Family Laws, (or Muslim Personal Law), in order to preserve and maintain the Islamic character of their family life. They are pressing for the inclusion of the recognition of Muslim Personal Law in the Bill of Rights.

4.1.3.1   Marriage

According to South African Law, a marriage contracted through Islamic law is invalid.[2] This has been conclusively laid down in a number of court cases since the 1930's.   It was recently reaffirmed by the Appelate Division which is the highest court in the land, in the

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[1]   Omar, M.S. "Some Problems Highlighted - Islamic Personal and South African Law" in Al 'Ilm, ed. S. Salman Nadvi, Durban: Centre for Research in Islamic Studies, University of Durban Westville, vol. 1, 1981, p. 50

[2]   Omar, M.S., The Islamic Law of Succession and its Application in South Africa, Durban: Butterworth, 1988, p. 25. See also Report of Association of Muslim Accountants & Lawyers, p. 10

case of Ismail v Ismail.[1]   The judgment in this case reaffirmed the common law principle that a marriage contracted in terms of Islamic law is invalid.

This means that any children borne out of such a marriage are illegitimate.[2] As mentioned earlier, non recognition of the Islamic law of marriage has a direct impact on the laws of succession with regard to the spouse and the children.[3]

There are two ways of converting the Islamic marriage into a South African law marriage: after the nikāh (Islamic marriage) the couple can legally register the marriage or appear before a Muslim imām who is a recognised marriage officer in terms of the Marriage Act.[4]   Failure to register the marriage also has an impact on custody and guardianship of children after divorce. Islamic Law has a list of priorities with regard to custody. Custody vests with the mother if the children are small and the father has a limited right of access.

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[1]   1983 1 SA 1006 (A)

[2]   Omar, The Islamic Law of Succession . . ., p. 5

[3]   Ibid, p. 5.   See also Report of Association of Muslim Accountants and Lawyers, pp. 6, 10, 11

[4]   Juta's Statutes, Juta's Statutes of South Africa, 1991, Cape Town: Juta & Co Ltd, 2nd edition 1992, vol. 5, p2-134. See also Report of Association of Muslim Accountants and Lawyers, pp. 9, 11

Furthermore, if one were to die intestate the estate would not devolve on the wife and children. The South African Law of intestate succession would apply.[1]

Thus non-recognition of Islamic marriages infringes directly on the religious rights of Muslims and creates many serious problems. Muslim couples are therefore compelled to register their marriages according to South African law.

4.1.3.2 Divorce

Complications arise where a man is married legally according to both Islamic and South African law. If he divorces his wife in terms of Islamic law only, he is still obliged to maintain his wife and children according to South African law[2], although Islamic law entitles the wife to maintenance only until the expiry of ʿiddat. Problems also arise in the case where a husband divorces his wife in terms of South African Law only. Some ʿulamā' do not regard it as a valid ṭalāq (Islamic divorce). This means that the woman cannot remarry if the husband refuses to pronounce ṭalāq.

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[1]   Omar, Some Problems Highlighted, p. 54

[2]   Juta's Statutes, vol 5, p. 2-159

4.1.3.3 Polygamy

As in other western countries, polygamous marriages in South Africa are not recognised. However, they do take place.[1] This means that if a man takes a second wife according to Islamic law, the marriage in terms of South African law will be null and void.

If the first marriage was registered according to South African Law, any children from such a union will be legitimate but children from the second polygamous marriage will be regarded as being illegitimate.[2] Thus the man will be a father of both legitimate and illegitimate children.

If the man dies intestate, while the legitimate children will inherit from the father the right of the illegitimate children to inherit are insecure. Of course the second wife will not inherit anything according to South African law, although according to Islamic law her rights are well catered for. Thus non-recognition of the second marriage creates hardship for all the parties concerned.

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[1]   Omar, The Islamic Laws of Succession . . ., p. 25. See also Report of Association of Muslim Accountants and Lawyers, p. 12

[2]   Omar, The Islamic Laws of Succession . . ., p. 5

4.1.3.4   Adoption

As has been explained in chapter 2, an adopted child is not deemed to be a legal legitimate child from the Islamic perspective and, therefore, cannot receive a share equal to that of legitimate blood children.   This does not prevent the person who took care of him/her to make a bequest up to one third only (subject to certain conditions)[1] as long as the rightful heirs are not deprived of their inheritance.   According to South African law a legally adopted child is deemed to be the legitimate child of the legally adopted parents.[2]   This will affect the distribution of the estate.

4.1.3.5   Inheritance

Inheritance can be divided into two parts; testate succession and intestate succession.   In testate succession, there is no problem because the testator is free to dispose of his estate as he wishes.   The problem arises in the case of intestate succession.

Where the marriage is not registered according to South African law, the surviving spouse is not treated as a spouse.   The wife is excluded from the estate and she will

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[1]   Omar, <u>The Islamic Laws of Succession . . .</u>, pp. 7-8

[2]   Juta's Statutes, vol. 5, pp. 2-117

not receive the surviving spouse's share (which is generally a child's share according to South African law).

Previously even the illegitimate children from such a marriage were excluded, but there has been a change in the law. The Intestate Succession Act 81 of 1987 entitles illegitimate children to inherit from their natural father, thereby protecting the right of inheritance of illegitimate children. According to this Act, they will receive the South African law share, not the Islamic share.[1]

Thus if parties married according to Islamic law only do not leave an Islamic will, the surviving spouse loses out.

Another problem may arise in the case where a marriage has been contracted in Community of Property according to South African law. The distribution of the estate would differ from that set out by Islamic law. Assume a man married in Community of Property dies testate leaving a wife and a son. In terms of South African law, the wife is entitled to one-half of the estate whereas Islamic law entitles her to only one-eighth. This disparity between South African law and Islamic law deprives the testator of distributing his estate according to Islamic Law.[2]

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[1]   Juta's Statutes, vol. 2, p. 3-62; 3-63

[2]   Omar, The Islamic Law of Succession . . ., pp. 13-15. See also Report of Association of Muslim Accountants and Lawyers p. 19

Furthermore, whereas the principle of individual ownership as a general rule is recognised and protected under Islamic law, the system of community of property is contrary to the basic principles of Islamic law because in Islamic law the owner has full contractual capacity to deal with the property as he/she pleases.[1] Therefore Muslims couples generally enter into antenuptial contracts at the time of marriage and draw up wills according to Islamic law.

Where Muslim heirs enter into a re-distribution agreement in order to give effect to the Islamic laws of succession, problems also arise. The parties would have to bear the cost of the re-distribution and there is a delay in the winding up of the estate.[2]

4.1.3.6   Waqf (Religious Endowment)

Since Islamic law is not recognised in the Republic of South Africa, the closest to waqf (religious endowment) is the Law of Trusts. For legal purposes it is registered as a charitable trust. Waqf is distinct and different from trusts in its origins, objects and conditions yet the principles of South African law with regard to trusts will apply in its management and administration.

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[1]   Omar, The Islamic Law of Sucession . . ., pp. 11-12. See also Report on the Association of Muslim Accountants and Lawyers p. 13

[2]   Report of the Association of Muslim Accountants and Lawyers, p. 19

According to the Law of Trusts, any surplus funds must be invested in banks and financial institutions in interest bearing securities. This creates a serious disability for Muslims who create waqfs because interest bearing transactions are not permissible in Islam.

4.1.4   Economic Problems

In the past, Muslim traders bore the brunt of the Group Areas Act which ensured that each race group was confined to its own residential, business and industrial area. It led to forced removals and many people were also dispossessed of their properties at a great financial loss.[1] Restrictions on the economic activities of "non-Whites" which category included Muslims, impeded their progress.

Non-Whites' freedom to trade was curtailed by licensing policies and restrictions on ownership of property; they were denied access to the direct exploitation of the mineral wealth; the immigration policies restricted their free movement in and out of South Africa; influx control restricted their free movement within the Republic and the Job Reservation Act of 1956 reserved certain trades,

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[1]   Ginwala, Frene, Indians in South Africa, Minority Rights Group Report № 34, Sept 1977, pp. 9-14. See also Davids, Achmat, "Politics and the Muslims of Cape Town: A Historical Survey" in Studies in the History of Cape Town, ed. by C. Saunders, H. Phillips and E. van Heyningen, Cape Town: Centre for African Studies, University of Cape Town, vol. 4, 1981, pp. 211-212

occupations and professions for Whites only.[1] Muslims
have had to struggle for a share in the national economy.

As was discussed in Chapter 2, interest as a means of
acquiring wealth is expressly forbidden in the Qur'ān and
hadīth. Islam permits increase in capital through trade.
In an interest-based economy this certainly poses a problem
for the Muslims. Muslims in South Africa have managed to
establish two banks to provide for interest-free banking
and investments viz. the Islamic Bank Limited and Albaraka
Bank Limited. Although this has not solved the problem
because these banks operate in major centres like Durban,
Cape Town and Johannesburg only and they do not offer all
the banking facilities which traditional banks offer, it
is a step in the right direction.

On the question of insurance of property, most Muslims
insure their properties as a means of protection. With
regard to life insurance, some Muslims are compelled to
have life insurance by their employers, some voluntarily
opt for it but some still regard it as being inadmissable.

4.1.5   Social Problems

Muslims of South Africa need to preserve their religious
and cultural identity in the face of strong western
influence whilst interacting at the same time with other

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[1]   Ginwala, pp. 9-10

communities with whom they come into contact. Muslims in South Africa do encounter problems in their day to day lives in terms of social absorption by the dominant western culture which is perpetuated through the media and the secular system of education. The Muslim youth especially have fallen prey to Western tendencies in terms of dressing and social habits, which includes the free intermingling of the sexes. This leads to inter-marriage with non Muslims which quickens the pace of social assimilation.

4.1.6   Problems related to Education

There are very few Muslim state-aided schools which integrate Islamic education in the school timetable. Among them are Orient Islamic School (primary and secondary), the Anjuman Islamic School, Juma Masjid and South Coast Madressah (primary). All are situated in Durban. Since 1991, some Cape schools under the House of Representatives have implemented an Islamic Studies programme for Muslim pupils at state schools.[1] This is still in its early stages. However, the majority of Muslim children attend state schools in which religious education is not offered.

Most secondary schools are co-educational. There is a growing number of teenage pregnancies and an increase in drug abuse in these schools with the result that some Muslim parents remove their daughters from school once they

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[1]   Al Qalām, vol. 18, № 5, p. 6

reach the secondary school phase. These girls are deprived of higher education because of the un-Islamic school environment. Parents would prefer to send their teenage daughters to single-sex schools, but there are very few of these.

Muslim parents are seeking an educational environment with an Islamic ethos which reflects their religious way of life. Parents who are financially able and willing to pay have opted for the establishment of Muslim private schools. Already there are a number of such schools in major towns and cities. These Islamic schools have departed from the traditional dichotomy between secular education and madrasah-based religious education. The curriculum provides an integrated educational experience for the children where Islamic education is interwoven with the secular education. An attempt is being made to teach all subjects from an Islamic perspective. An Association of Muslim Private Schools has been formed as an umbrella body. While the establishment of these schools has been largely welcomed, they are not enough to meet the needs of the majority of the Muslim pupil population, because of the large financial demands of such an institution. Other problems include the non-availability of suitable textbooks and the shortage of suitably qualified teachers. The existing teachers who teach at these private schools have been trained at secular tertiary institutions.

4.1.6.1   Religious Instruction

The majority of pupils who attend state schools receive Islamic education after school at the local madrasah which is usually attached to a masjid[1]. State school premises are also used after school hours as a madrasah in some cases. However, proper ablution facilities are often not available.

In the past, madāris were often overcrowded with heterogeneous groups of children being supervised by a few teachers on a rotational basis. This was due to a shortage of suitably qualified teachers, inadequate premises and insufficient time. Though the training of madrasah teachers has been undertaken by major Muslim organisations, it is restricted to centres such as Durban, Johannesburg and Cape Town - country districts do not enjoy this facility.

4.1.6.2   Facilities for Prayer

While Muslim boys are accomodated for the Friday Jumū'ah ṣalāt, schools do not have facilities such as prayer-rooms and washrooms for girls for the fulfilment of this religious obligation.

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[1]   It is estimated that there are about 250 mosques in the Republic

4.1.6.3   Sex Education

During the course of 1993, a new subject called Health and Family Life Education was introduced in Indian Schools under the House of Delegates. This subject includes sex education which is taught to mixed classes of boys and girls from class one to standard four. Muslim parents and religious bodies have objected strongly to the introduction of sex education at Indian schools because they consider it contrary to Islamic values. Despite their objections, the subject is going to be enforced. Many Muslim parents have therefore opted to remove their children during the sex education lesson.

4.1.7   Political Participation

The Muslim community has long been involved in the struggle against apartheid. While the Cape Muslims were politically more active, Indian Muslims were largely occupied with problems of obtaining licences, residential permits and providing educational facilities[1]. However the number of Indian Muslims who were detained, imprisoned and placed under house arrest by the government bears testimony to their struggle for liberation. South Africa is presently going through a period of rapid political and social

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[1]   Naudé J.A. Islam in South Africa : A general Survey, in Journal Institute of Muslim Minority Affairs ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol. 6, № 1, Jan 1985, p. 30

change. With the first democratic election coming up in April 1994, Muslims are faced with four positions:-

1. There is a small group of Muslims who believe that Muslims should not vote at all because it is morally wrong. They are Jamī 'atul 'Ulama' of Eastern Cape, Islamic Missionary Society and Murābitun.

2. Jamīatul 'Ulamā' of Natal and Transvaal have taken the view that Muslims can vote and who they vote for is a matter of personal choice.

3. Other groups state exactly which political parties Muslims should vote for, example the Qiblah Movement is more supportive of the Pan African Congress; the Call of Islam and the Muslim Judicial Council is more supportive of the African National Congress.

4. Two Muslim parties have recently been launched. They are the Islamic Party which will contest the election on a regional basis in the Western Cape and the Africa Muslim Party which will contest the election nationally as well as regionally in Natal, Western Cape and the Pretoria, Witwatersrand, Vereeniging (PWV) region.

With the new democratic political dispensation the Muslim community thus needs to unite to formulate strategies to ensure its survival.

CONCLUSION

Muslim minorities together with Muslim majority states are part of one unique Ummah which transcends all boundaries of race, age, colour and creed. Muslim minority problems must be seen from a minority perspective and not from a majoritarian perspective. Thus solutions to its problems must be found in the context of the pluralistic environment in which they live, but, within the framework of Islam. Muslim minority communities should strive to raise their economic, social, cultural and religious standards in their country of residence as people who belong. They need to organise themselves in the true spirit of Islamic brotherhood because a disunited and divided community is easier to assimilate.

The main areas of conflict are in the field of education and the non-recognition of Muslim Family Laws. Islamic education is the most important factor for the revival of Islam, consolidation of the Ummah, and overcoming of various kinds of friction and division in its ranks. Muslim minorities are vigorously tackling this problem through all the available channels.

Muslim minorities have tried to find partial solutions to their problems by accepting the legal and political systems of the country where they live, but restricting their control to Muslim Family Laws. Non-recognition of Muslim

Family Laws creates hardship for Muslim minority communities who see this as an infringement of their religious rights. To alleviate the burden of non-recognition of Muslim Family laws, Muslims eg. register their marriages and write out Islamic wills but this is at best a partial solution. It is imperative that Muslim Family Laws be recognised because they are an integral part of Islam. The issue of Muslim Personal Law is closely linked with the Muslim urge for identity especially for the Muslim minorities living in non- Muslim countries.

To conform with the dietary prohibitions set down by Islam, Muslim minority communities have also made special arrangements to obtain halāl meat. Muslim minority communities need to take proper census to determine their needs in terms of education, burial, places of worship and slaughter facilities. They need to liaise with their local governments so that land can be set aside for eg. burial, places of worship and schools.

In their desire for interaction with the dominant, majority group, Muslim minority communities must not succumb to the un-Islamic values of the dominant group. They should preserve their Islamic identity because it is only when they live a truly Islamic life can they make a meaningful contribution to their country of residence. Communities do not exist for themselves alone, but achieve their full identity in relation to others.

On the other hand, majority communities that are open and desirous of knowing better the cultural heritage of the minority groups with which they come into contact, will help to eliminate attitudes of prejudice which hinder healthy social relations. This must be an ongoing process, since such attitudes tend to reappear time and again under new forms.

BIBLIOGRAPHY

1. **BOOKS AND THESES**

'Ali 'Abd-al-Allah Yusuf,

The Holy Qur'ān, Text, Translation and Commentary, Leicester: The Islamic Foundation, 1978.

Anwar, Muhammad,

"Young Muslims in Britain: Their Educational Needs and Policy Implications" in Education and Society in the Muslim World, ed M. Wasiullah Khan, Jeddah: Hodder and Stoughton, 1981.

Azzam, Salem ed.

Muslim Communities in non-Muslim States, London: Islamic Council of Europe, 1980.

Banton, Michael

Racial Minorities, London: Fontana, 1972.

Banu, Zainab,

"Two Sides of a Coin: A comparative Study of the Riots at Godhra and Udaipur" in Communal Riots in Post Independence India, ed. Asghar, A. Engineer, Hyderabad: Sangam Books India (Pvt) Ltd, 1984, p. 230

Bhana, S and Brain, Joy,

Setting down Roots - Indian Migrants in South Africa, 1860 - 1911, Johannesburg: Witwatersrand University Press, 1990.

Bradlow, F.R.,

"The Origins of the Early Cape Muslims" in The Early Cape Muslims, Cape Town: A. A. Balkema, 1978.

Bradlow, F.R. and Cairns Margaret,

The Early Cape Muslims - A study of their Mosques, Genealogy and Origins, Cape Town: A.A. Balkema, 1978.

Dangor, Suleman, E.

A Critical Biography of Shaykh Yusuf, Durban: Centre for Research in Islamic Studies, University of Durban - Westville, 1982.

Davids, Achmat,   The Mosques of the Bo-Kaap,
                           Cape Town: South African
                           Institute of Arabic and Islamic
                           Research, 1980.

De Blij, H.J.   "South Africa" in Islam in
                           Africa, ed. J. Kritzeck and
                           W.H. Lewis, New York: Van
                           Nostrand, 1969.

Desai, A.R,   "Caste and Communal Violence in
                           Post-Partition Indian Union" in
                           Communal Riots in Post-
                           Independence India, ed. A.A.
                           Engineer, Hyderabad: Sangam
                           Books (Pty) Limited, 1984.

Doi, Abdul Rehman I,   Shariah: The Islamic Law,
                           London: Ta Ha Publishers, 1984.

Du Plessis, I.D,   The Cape Malays - History,
                           Religion, Traditions, Folk
                           Tales, Cape Town: A.A. Balkema,
                           1972.

Gani, H.A,   Muslim Political Issues and
                           National Integration, New
                           Delhi: Sterling Publishers Pvt.
                           Ltd, 1978.

Gopal, Ram,   Indian Muslims - A Political
                           History (1858 - 1947), Bombay:
                           Asia Publishing House, 1959.

Honoré, Tony,   The South African Law of
                           Trusts, Cape Town: Juta Company
                           2nd Edition, 1976.

Horrel, Muriel,   Legislation and Race Relations,
                           Johannesburg: S.A. Institute of
                           Race Relations, 1971.

I C S A,   Meet the Muslims of South
                           Africa, Durban: Islamic Council
                           of South Africa, 1984.

Joly, Daniele,   "Making a Place for Islam in
                           British Society" in The New
                           Islamic Presence in Western
                           Europe, ed. by T. Gerholm and
                           Y.G. Lithman, London: Mansell
                           Publishing Ltd. 1988.

Juta's Statutes   Juta's Statutes of South Africa
Editors,   1991, Cape Town: Juta and Co.
                           Ltd, 2nd edition 1992, 6
                           volumes.

Karandikar, M.A,   Islam in India's Transition to
                    Modernity, Bombay: Orient
                    Longmans Ltd., 1968.

Kettani, M. Ali,   "The Muslim Minorities", in
                    Islamic Perspectives ed. by
                    Khurshid Ahmad and Zafar. I.
                    Ansari, London: The Islamic
                    Foundation 1979.

Kettani, M. Ali,   Muslim Minorities in the World
                    Today, London: Mansell
                    Publishing Ltd., 1986.

Kettani, M. Ali,   "The Problems of Muslim
                    Minorities and their Solutions"
                    in Muslim Communities in Non-
                    Muslim States, ed. Salem Azzam,
                    London: Islamic Council of
                    Europe, 1980.

Khan, R. and Mittal, S.   "The Hindu-Muslim Riot in
                    Varanasi and the Role of the
                    Police" in Communal Riots in
                    Post Independence India, ed.
                    Asghar A. Engineer, Hyderabad:
                    Sangam Books India (Pvt) Ltd,
                    1984.

Kuper, Hilda,   Indian People in Natal,
                    Pietermaritzburg: University of
                    Natal Press, 1960.

Modood, Tariq,   "Muslims and the Rushdie
                    Affair" in Race, Culture and
                    Differences, ed. by James
                    Donald and Ali Rattansi,
                    London: Sage Publications Ltd.,
                    1992.

Motamar, Al-Alam Al-   World Muslim Gazetteer
Islami   Karachi: The Motamar's
                    Research and Publication
                    Bureau, 1985.

Naysābūrī, Muslim Abū   Sahih Muslim translated into
al Husayn al Hajjāj,   English by 'Abd al-Hamīd
                    Siddiqi, Lahore: Sh Muhammad
                    Ashraf, vol. iii, 4 volumes,
                    1973.

Nielsen, Jorgen S,   "Muslims in Britain and Local
                    Authority Responses" in The New
                    Islamic Presence in Western
                    Europe, ed. by T. Gerholm and
                    Y.G. Lithman, London: Mansell
                    Publishing Ltd., 1988.

Nu'māni, 'Allama Shibli   Sirat-un-Nabi [The Life of the Prophet] tr. into English by M. Tayyib Baksh Budayuni, Lahore: Kazi Publications, vol 1, 2 volumes, 1979.

Omar, M.S.   The Islamic Law of Succession and its Application in South Africa, Durban: Butterworth, 1988.

Oosthuizen, G.C.   The Muslim Zanzibaris of South Africa, Durban: Department of Science of Religion, University of Durban-Westville, 1982.

Pirzada, Sharifuddin, S.,   "Current status of Constitutional Rights and Religious and Cultural Freedom in Selected Non-Muslim States" in Muslim Communities in Non-Muslim States ed. by Salem Azzam, London: Islamic Council of Europe, 1980.

al-Qaraḍāwī, Yusuf,   The Lawful and the Prohibited in Islam, Indianapolis: American Trust Publications, n.d.

Sayeed, A.F.A.   "Education in England and Wales: Problems faced by Muslim Parents" in Education and Society in the Muslim World, ed. M. Wasiullah Khan, Jeddah: Hodder and Stoughton, 1981.

Seedat, Zubeda, K.   The Zanzibaris In Durban: a social anthropological study of the Muslim Descendants of the African freed slaves living in the area of Chatsworth (Durban), Durban: unpublished M.A. thesis, 1973.

Shahabuddin, Syed,   "Communal Violence - A Challenge to Plurality" in Communal Riots in Post Independence India, ed. A.A. Engineer, Hyderabad, Sangam Books Ltd., 1984.

Shaheen Hussain,   Communal Riots in the Post
                                Partition Period in India: A
                                Study of some causes and
                                Remedial Measures" in <u>Communal
                                Riots in Post Independence
                                India,</u> ed. A.A. Engineer,
                                Hyderabad, Sangam Books Ltd.,
                                1984.

Shakir Moin,   "An Analytical View of Communal
                                Violence" in <u>Communal Riots in
                                Post Independence India,</u> ed.
                                A.A. Engineer, Hyderabad,
                                Sangam Books Ltd., 1984.

Sidiqi, M.I.   <u>The Family Laws of Islam,</u>
                                Lahore: Kazi Publications,
                                1984.

Siddiqi, Muhammad, N.   <u>Muslim Economic Thinking : A
                                Survey of Contemporary
                                Literature,</u> Leicester: The
                                Islamic Foundation, 1981.

Yetman, R. & Steele,   <u>Majority and Minority, The
C.H. (eds)   Dynamics of Racial and Ethnic
                                Relations</u>, Boston: Allyn &
                                Bacon, 1975.

B. Journals and Periodicals

Abedin, Saleha, M.   "Muslim Minority and Majority
                                Countries: A comparative study
                                of demographic social and
                                economic data" in <u>Journal
                                Institute of Muslim Minority
                                Affairs</u>, ed. Syed Z, Abedin,
                                Jeddah: Institution of Muslim
                                Minority Affairs, vol. 10, № 2,
                                July 1989.

Abedin, Syed, Z.   "A word about ourselves" in
                                <u>Journal Institute of Muslim
                                Minority Affairs,</u> ed. Syed Z.
                                Abedin, Jeddah: Institute of
                                Muslim Minority Affairs, vol.
                                13, no.1, January 1992.

Ahmed, Farzand,   "Are Muslim Women entitled to
                                Maintenance after being
                                divorced by their husband?" in
                                <u>Muslim Digest,</u> Durban: Makki
                                Publications, November/December
                                1985.

Ahmed, Nazeer,   "Framework for an Islamic Life in India" in <u>Journal Institute of Muslim Minority Affairs,</u> ed. Syed Z. Abedin, Jeddah: Institute of Muslim Affairs, vol.1, n.d.

Ali, Mumtaz, M,   "Muslims in Britain: An Historical Note" in <u>Journal Institute of Muslim Minority Affairs,</u> Syed Z. Abdedin, Jeddah: Institute of Muslim Minority Affairs, vol.6. no. 1, January 1985.

Ansari, Iqbal, A,   "Discrepant Perceptions of Hindus and Muslims in India on Communally sensitive issues: A Note" in <u>Journal Institute of Muslim Minority Affairs,</u>ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol. 11 no. 1, January 1990.

Ansari, Iqbal, A,   "Muslim Personal Law in India" in <u>Journal Institute of Muslim Minority Affairs,</u> ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol.2, 1980.

Balic, Smail,   "Eastern Europe: The Islamic Dimension" in <u>Journal Institute of Muslim Minority Affairs,</u> ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol.1, no.1.

Dangor, S.E.   "The Muslim Community of South Africa", in <u>Al 'Ilm,</u> ed. Syed Salman Nadvi, Durban: Centre for Research in Islamic Studies, University of Durban-Westville, vol.11, Jan. 1991.

Dedic, Abdullah,   "The Muslim Predicament in Yugoslavia: An Impression" in <u>Journal Institute of Muslim Minority Affairs,</u> ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol.8, no.1, Jan. 1987.

Dhalla, Musadiq,   "Muslim Parliament heralds election season" in <u>International Review,</u> February 1992.

Doi, Abdul Rehman, "Duties and Responsibilities of Muslims in Non-Muslim Societies: A point of view" in <u>Journal, Institute of Muslim Minority Affairs,</u> ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol.8, no.1, 1987.

Evans, Richard "Europe's Muslims: Confronting a New Intolerance" in <u>International Review,</u> December 1991.

Kettani, M. Ali, "Muslims in Non-Muslim Societies, Challenges and Opportunities" in <u>Journal Institute of Muslim Minority Affairs,</u> ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol.11, no.2, July 1990.

Khalidi, O, "Muslim Minority, Theory and Experience of Muslim Interaction in Non-Muslim Societies" in <u>Journal Institute of Muslim Minority Affairs,</u> ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol.10, no.2, 1989.

Mahmood, M, "Indian Muslim Education: Problems and Prospects" in <u>Islam and the Modern Age,</u> ed. Ziya-ul-Hasan Faruqi, New Delhi: Zakir Husain Institute of Islamic Studies, vol.14, no.3, August 1983.

Nadeem, Ahmad, "Save Shar'īah or be damned" in <u>Inquiry,</u> ed. Mohamed Iqbal Asaria, London: Tropvale Ltd., vol.2, no.11, November 1985.

Nadvi, S. Salmān, "Muslim Minorities" in <u>Al 'Ilm,</u> ed. S. Salmān Nadvi, Durban: Centre for Research in Islamic Studies, University of Durban-Westville, vol.9, January 1989.

Nasseef, Abdullah, O. "Mission to Bulgaria" in <u>The Muslim World League Journal,</u> ed. Dr Hashim Mahdi, Makkah: Muslim World League, vol.16, nos. 7 and 8, March and April 1989.

Naudé, J.A,   "Islam in South Africa: A
                               General Survey" in <u>Journal
                               Institute of Muslim Affairs,</u>
                               ed. Syed Z. Abedin, Jeddah:
                               Institute of Muslim Minority
                               Affairs, vol.6, no.1, Jan.1985.

Naudé, J.A.   "South Africa: The Role of a
                               Muslim Minority in a Situation
                               of Change" in <u>Journal Institute
                               of Muslim Minority Affairs,</u> ed.
                               Syed Z. Abedin, Jeddah:
                               Institute of Muslim Minority
                               Affairs, vol.13, no.1, January
                               1992.

Omar, M.S,   "Some Problems Highlighted -
                               Islamic Personal and South
                               African Law" in <u>Al 'Ilm,</u> ed. S.
                               Salman Nadvi, Durban: Centre
                               for Research in Islamic
                               Studies, University of Durban-
                               Westville, vol.1, 1981.

Osman, Fathi (ed.)   "Ahmedabad: renewed Hindu
                               violence" in <u>Arabia,</u> ed. Fathi
                               Osman, London: Islamic Press
                               Agency Ltd., vol.5, no.60, Aug.
                               1986.

Osman, Fathi (ed.)   "Breakthrough in British
                               schools" in <u>Arabia,</u> ed. Fathi
                               Osman, London: Islamic Press
                               Agency Ltd., vol.5, no.61,
                               Sept. 1986.

Parker-Jenkins, Marie,   "Muslim Matters: An Examination
                               of the Educational Needs of
                               Muslim Children" in <u>The
                               American Journal of Islamic
                               Social Sciences,</u> ed. Sayyid M.
                               Syeed, The Association of
                               Muslim Social Scientists and
                               the International Institute of
                               Islamic Thought, vol.9, no.3,
                               1992.

Patel, G.A,   "Innocent Victims of Riots in
                               Ahmedabad" in <u>The Muslim World
                               League Journal,</u> ed. Dr Hashim
                               Mahdi, Makkah: Muslim World
                               League, vol.12, nos.11 and 12,
                               Aug. and Sept. 1985.

Puri, Balraj,	"Muslim Personal Law - Basis for a Dialogue" in <u>Islam and the Modern Age,</u> ed. Ziya-ul-Hasan Faruqi, New Delhi: Zakir Husain Institute of Islamic Studies, vol.16, no.4, November 1985.
Saeed, S,	"Legal Status of Muslim Women" in <u>Islamic Quarterly,</u> ed. Dr A.A. Mughram, London: The Islamic Cultural Centre, vol.24, nos.1 and 2, 1980.
Sherwani, Riaz, R,	"The one and indivisible nationality of a Muslim" in <u>Journal Institute of Muslim Minority Affairs,</u> ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol.7, no.2, July 1986.
Sicard, S.v,	"Muslims and Apartheid: The Theory and Practice of Muslim Resistance to Apartheid" in <u>Journal Institute of Muslim Minority Affairs,</u> ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol.10, no.1, January 1989.
Sorabji, Cornelia,	"Islamic Revival and Marriage in Bosnia" in <u>Journal Institute of Muslim Minority Affairs,</u> ed. Syed Z. Abedin, Jeddah: Institute of Muslim Minority Affairs, vol.9, no.2, July 1988.
Surty Muhammad, Ibrahim H.I,	"The Shar'īah Family Law Courts in Britain and the protection of women's rights in Muslim Family Law with special reference to the dissolution of marriage at the instance of the wife" in <u>Muslim Education Quarterly,</u> ed. Syed Ali Ashraf, Cambridge: Syed Ali Ashraf Islamic Academy, vol.9, no.1, 1991.

C. Interviews

Mr M.S. Omar, 18 July 1993, Durban.

D. Other

Report of Association of Muslim Accountants and
Lawyers: Submitted to the South African Law Commission.
Durban: n.d.

Minority Rights Group Report No. 34, Indians in South
Africa, Frene Ginwala, Sept. 1977.

Religion by Population Group, Report No. 03-01-22,
Pretoria: Government Printers, 1991.

The Oxford English Dictionary, Oxford: Clarendon Press,
vol. ix, 1989.

Al Qalām, Durban: vol 18, no. 5.