

The Flying Hadji¹

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All things considered, becoming a Muslim theologian was high on my list of possible vocations at the end of high school. Unfortunately for me, this was not to be - I was a Muslim woman with a dream at the wrong time. Instead, I became an academic lawyer schooled in secular law but specialising in an area of Islamic law called Muslim Personal Law² - an area which has and continues to be manipulated by male theologians much to the detriment of Muslim women. I had inadvertently ended up with a balance - a career that would be both secular and religious. My story, although voiced as a Muslim, is not intended to be a reflection on Islam and is furthermore not divided into neat segments of context, identity and spirituality. Events in my family history, apart from being an integral part of the context, have ultimately shaped my identity and spirituality.

Religion has always been an integral and accustomed part of my life. Consciously and unconsciously the seeds of Islam were implanted in my life from an early age. I went through all the phases of germination discovering my religion - from the superficial to a meaningful understanding and application of it. I have come full bloom. I was (auspiciously rather than ominously) born into the Islamic faith on Friday 13th September in my grandfather's home in Bromwell Street, Salt River, Cape Town around the time of the weekly Friday congregational prayers. My father blessed me with the name "star" after a chapter in the *Qur'an*. Such is the power of a name that I think all my life I have aspired to be just that. I was the left-handed, fourth daughter of six children (five girls and one son) living in an extended family.

By the time I was born my paternal grandparents who hailed from India had passed on, leaving me with no fond memories of doting grandparents. My father was born from

a second marriage in District Six where he spent his childhood until the family moved to Salt River in 1950. District Six was another world that I felt I was not directly part of, but which played an important role in my family's life.

As South African citizens we were and still are, for certain purposes, classified as Indian. According to Indian tradition we belong to a particular regional "tribe", of Indians called the Kanams, which differentiates us culturally and linguistically from other Indians. We speak an Indian dialect called Gugarati. Historically, the experience of being an Indian Muslim in the Cape was almost liberatingly different from those in the other provinces, especially in so far as religious education, civil-political and social affairs were concerned.

For example, while it is generally not uncommon for Indian women to be subjected to social separation, and even though religious norms do dictate social behaviour, in the Cape women are for all practical purposes the social equals of men; they follow professions, work to contribute to the household and have freedom of movement.

In addition to being Indian Muslims and in contradistinction to the dominant Shafi'i legal tradition of the Cape Muslims, we follow the Hanafi branch of the Sunni school of Islamic law.³ District Six was the base of the Kanams and the older generations had built a Hanafi mosque in Muir street. This was the mosque where my marriage ceremony took place. The then Sheikh of the mosque, Abubakr Najaar, gave me my first warning that all was not well with the practice of Islamic laws of marriage when he ordered me to demand a large dower (as opposed to dowry)⁴ from my husband.

While dower is intended to act as a form of economic security for the wife in the event of death and divorce, partly to offset imbalances in the Islamic law of succession and marriage, most wives, to their detriment, normally only ask for a nominal sum as a token of dower. It was here too that my elder siblings received their Islamic education.

Kanams were previously scattered across the peninsula, but with forced removals and the Group Areas Act they were

relocated to Indian areas like Rylands and Cravenby Estate. I married a Kanam and this has left us with what can be called a collective identity – both multicultural and multilingual. Strangely enough, this multiple identity, I think, has had no real negative effect on me in the private sphere of my life. Unfortunately, the same did not and still does not hold true for my public life as a South African citizen.

Each identity has a role attached to it, whether cultural, customary or religious, and I am still living out these overlapping roles. Apart from English and Afrikaans, I can decipher Arabic and understand and speak a little Gujarati. However, unlike my elder siblings, I never received formal education in Indian languages. I have been to India twice but could not find any strong attachment there. I would not change my South African identity for anything.

Apart from learning to decipher Arabic in the homes of teachers in Salt River in order to recite or chant the *Qur'an*, I cannot recall learning much else of religion during my childhood. My parents did not consciously engage us in religion. My father was too busy preaching the religion to others and had little energy to teach it to us, whilst my mother was too busy working to support us. General religious practices and festivities did, however, feature strongly in our lives. My father “found” religion in the year I was born when he joined an international Islamic religious missionary movement which had then just established contact in South Africa.

Members of this movement are often labelled as fundamentalist and fanatic. My father, although he might not completely agree with me, was and still is, neither. He did not really practise the prophetic frugality which he espoused and I often remind him of this. Furthermore, he is at times modern in his worldview and outlook on life. While still at high school I actually wrote a letter in defence of this movement to a local Muslim newspaper. This was typical of an early phase of my germination process. I did not know then the influence this movement had on women’s expression of Islam, which by extension, remained

under the influence of conservative religious authorities. I was as loyally "conservative" then, as I am now "liberal". My father often entrusted us to the "care of God" and left my mother and brother to fend for us while he carried out missionary work both locally and overseas. I was always the apple of my father's eye and in my eyes he could do no wrong. His belief in the beneficence of God has never faltered and in many ways rubbed off on me.

My mother was, and still is in many ways, the backbone of our family - a real matriarch. My relationship with her has improved with time. When I was going through adolescence she was going through menopause - a volatile and explosive combination. I now understand that she too was moulded by a different set of circumstances.

Sometimes I think she secretly admires the fact that I have broken with the traditional barriers of the sexes that she too has had to contend with. To her parents, love equalled respect and that was the example she lived by. Girls did not reply to their fathers nor looked them in the eye. Open displays of affection were not becoming and were indicative of a lack of respect. Conscious of the repercussions of such an attitude and remembering the example set by Prophet Muhammad (peace be upon him) of his love for children, I never tire of reminding my children of just how much I love them.

Although they sometimes find this exasperating, I know that it gives them as much satisfaction as it gives me. My parents, however, offered a balance of a strict, cold mother and a lenient, loving father. Being a victim of circumstance forced my mother to take on the role of dominant parent in our family. While mothers are perceived in Islam to be homemakers and fathers as sole material providers, these roles were to a large extent reversed when it came to my parents. However, although initially a breadwinner out of necessity, her improved financial position did not deter my mother from working until well past retirement age. I think she liked the liberating feel of it all - earning and spending as she deemed fit. Inadvertently, her example made my desire for independence and a career seem so natural.

When I was about five years old my parents, then penniless, started a small business in neighbouring Woodstock selling spices. My mother today has arthritis which she attributes to working day and night on cold cement floors sealing plastic packets with candle wax. Her business sense and perseverance, combined with my brother's sacrifice, saw to it that we all received some sort of an education. Today, thirty years later, my family still makes a livelihood from this very business.

In all fairness to my father, he always seemed available at home after school, while my mother was away at work. Being so young, family problems usually evaded me but in a way I sensed them. Money was never really an important factor in my life and the lack of it did not make me any less principled and proud of who I was. Personally, I find solace in the fact that I am aware that God controls my destiny and am thankful to have experienced the liberating religious consciousness that I have had so far.

Being the fifth of six children meant that I had older siblings to see me through the daily processes of life. My parents sapped all their energy and time on the eldest four. I often think that they had a more privileged life than myself and my youngest sister born a year after me. On the plus side, being so much younger also meant that fewer rules and structure applied to the two of us. We, on the other hand, were given the freedom of the street, so to speak. I was a real street urchin, a "skollie meit" as I was called - the child who, because she was so different, was told that she was "picked up on the mountain". Unlike my older siblings, I knew the ins and outs of most homes in the street. While the rest of the family attended an essentially Muslim primary school in Salt River, our experience was to be markedly different.

Living in Bromwell Street meant that there was never a moment of dullness. The houses in our street were old and dilapidated, but nobody seemed to notice. Although not affluent, the people in Bromwell street were of colourful character. They knew no restrictive cultural, religious, racial and linguistic boundaries. Ranging from teachers to gangsters, they lived simply, humanely and

harmoniously among themselves. I lived in a chaotic surrounding. Immediately to the left of our house there was an open field which was eventually turned into a park with one piece of equipment for children to play on. Behind our house (but what in reality was the front entrance) was the railway station. Next to the park was a stable which was a hive of activity. Next to the stable was the fruit and vegetable market which still exists today. Immediately to the right of our house were two more houses and a huge ice-cream factory. Across the street were mainly semi-detached houses.

Along with all the street children my sister and I shared illnesses, poverty, happiness, sadness and witnessed interesting events (a mixture of festivals and fights). I had friends aplenty, young and old, and some friendships have even lasted until today. I was very talkative and was aptly nicknamed "babbelbek" by a family friend. My inquisitive nature led to my first self-instructed driving lesson at the age of seven and first (and last) taste at smoking. Although I received a few cents on most Sundays, I sometimes felt like something nice from the corner shop.

When Sunday still seemed a long time away, on a few occasions, I snatched an item of fruit and ran off with the shopkeeper's son hot on my trail. My father would usually foot the bill and make amends on my behalf. In my own defence, I explained to my dad that the shopkeeper had so much of everything that one less fruit was of no real consequence to him. In true prophetic tradition my father, as always, treated me kindly, generously and nobly. He never belittled me nor hit me and this was enough for me to realise that what I had done was wrong. In retrospect I realise now that I was blessed in that I took positive control of this freedom and empowerment and did not let it control and destroy me.

At the age of seven I attended a Methodist school situated in Salt River and this was the start of my formal education and the first taste of rules, rules and more rules. My third eldest sister, five years older than I, regularly took me to the public library in Woodstock and I soon became an avid reader. She played an important role in my

education and our five-year age gap resulted in the repeated cycles of my entrance and her departure from primary school, high school and later university. She was my secular role model for coping with school and university. She would share her positive experiences as well as her errors.

My primary school teachers were model teachers and played a very influential role in my formative years. Being at a Methodist school meant that I was conscious of religion all the time - hymns had to be sung, prayers had to be said. Although I did not understand it then, I was aware that I was Muslim and that somehow what I was doing at school was considered to be in conflict with what I was learning in afternoon Moslem school classes. The more I was required to conform to Christian norms and behaviour the more I felt the need to be different.

At the end of 1973 my father decided that it was time we stood on our own as a family and rented a home in Rylands. During this time I contracted a bout of rheumatic fever, an illness often associated with overcrowding (five of us shared one bedroom). Fortunately it was diagnosed and treated early. Spectacles improved my vision and my whole outlook on life was starting to change.

Rylands was an Indian suburb as demarcated by the Apartheid State and therefore I only had Indian friends. Suddenly I became aware of racial distinctions and became politically aware. In 1976 I was in standard five and my teacher never tired of telling me that he could not believe that my eldest sister (an angel according to him) and I were related! I constantly questioned him about what was happening in the country, the start of the Soweto riots, but to no avail. In 1976 we also moved to our own home in Gatesville, an Indian area adjoining Rylands, where my parents still reside. I had to choose a high school to attend and Gatesville had just acquired the first high school for Indians in the Cape.

I made my first "political" decision by deciding that I would not attend an exclusively Indian school. I chose a Coloured school in Athlone and had to walk for more than an hour every day. This was a great personal sacrifice for

me because although I had been a scrawny child, I expanded into chubby adolescence. Nonetheless, it allowed me the time to chat to my peers and reflect on life in general.

It was at high school that I first became fully aware of the political situation in South Africa. I was class spokesperson and elected class representative of the Student Representative Council and the Muslim Students Association; I was also a senior prefect. Religion and politics took on a new dimension. My school was constantly in the limelight for stirring up political tensions. In high school I met a new breed of pupils different from my earlier organised and disciplined Methodist schooling.

The school setup too was not really as conducive to studying as my previous school had been. In fact there was a stage when I wanted to leave school. I was disillusioned and found school unchallenging. With all the odds stacked against me - race, sex and religion to name but a few - I could so easily have thrown in the towel. I thank God for having a better plan for me. By refusing to become a victim of a destructive type of freedom that beckoned me, I managed to retain my identity.

Nonetheless, I made lasting friendships that I still nurture to this day. My peers and teachers thought I had leadership qualities and I was often told that I would make a good lawyer. I managed to gather enough knowledge to get a matriculation exemption, although I must admit that secular education was not very high on my list of priorities at that time. I enjoyed several hobbies and invested a lot of time and energy in these activities.

It was also during my last year at primary school and my early years at high school that my interest in Islam was awakened. I was taught a prescribed, although conservative, curriculum on the teachings of Islam by teachers from Johannesburg. It was with them that I intensively studied all the technical and practical rules that go with Islam: how to pray correctly, recite the *Qur'an* with proper pronunciation, and so on. These are all the rules that are associated with the five pillars of Islam and which identify and unify people as Muslims, regardless of

sex. I guess that this accounted for the fact that I did not perceive any inequality between the sexes at this stage. However, when I innocently questioned my teachers, all males, about the logic behind certain rules, they were not very amused at my "insolence" and their answers did not always satisfy my curiosity. They tried to instil in me that such thinking was vulgar, almost an anathema. Of course, the more they did this the more I rebelled.

Classes were conducted at the teachers' homes and it was while I was still a student there that I started menstruating. Suddenly I was treated differently. At that stage I really did not understand what all the fuss was about. In retrospect, I realise the religious connotations attached to this "moment" in the life of a Muslim girl. She could, apart from all else, be given into marriage. Suddenly, things were more formal - I was considered "grown-up" and expected to act the part. However, I was a good student and soon started teaching classes of my own to relieve the teachers. I received the descriptive nickname of the "flying hadji" from a neighbour, as I often rushed passed their home in the afternoons on my bike, my lengthy Islamic head garb fluttering in the wind. Ironically, I ended up teaching students in the same conservative mould as I was taught at the high school that I had refused to attend.

On the eve of obtaining my matriculation results, tension and regret got the better of me. Somehow, I knew that academically I had not made the best of high school. In retrospect, I realise that I did my best under the circumstances and did things that I thoroughly enjoyed and would never be able to pursue again with such intensity. Nonetheless, I sat in a corner in my room and vowed to God that if I passed matric with an exemption I would make full use of whatever career opportunity awaited me. I realised that any career I would choose had the risk of failure attached to it. This was also the start of regular pacts and conversations with God.

A tertiary career also meant that my parents had to pay fees and knowing their financial situation I knew that this was not going to be easy. My role-model sister had just successfully completed a degree in law. I too opted for law

and had to get a permit to attend the University of the Western Cape because I was Indian, while the university was classified as Coloured. While I was interested in a career in Islamic studies, I discovered that such local and international opportunities did not exist for women. While technically possible however, this is still very much the case today. Around this time I started to think critically about the religion that I had always been talking about and defending as equitable whenever necessary. Unknown to me, this set the stage for later studies in law and religion, where I ultimately found some of the answers that I had been looking for.

My first year at university was the beginning of a deeper and more personal spiritual journey. I had stopped attending Moslem school as I had acquired "sufficient" knowledge to be a "good, practising" Muslim. My father, who was receiving private tuition at home by an old hafiz,⁵ thought it was a good idea that I also join the classes. Sometimes I would vow to fast for a certain number of days, for God's sake and pleasure, if I could achieve something or overcome an obstacle and so forth.

Later in life I realised that God did not wish to impose any burden on me and that He loved me regardless of any promise or breach thereof. I literally and mentally had to curb myself from making such promises. God, however, remains my constant companion and I try to be conscious of Him as much as possible and perceive Him daily in His creation and my surroundings. I enjoy the solitude of my time out with God and being in my own company and space. Both these forms of meditation soothe my (sometimes restless) soul and allow me to maintain my autonomy and creativity.

At university it was exit tomboy and enter Ms Najma. I had graduated into the adult world and had to act the part. While my religious education had been quite conservative up to this point, this was to change dramatically. I fell in love with the study of law and knew that I had made the right career choice. I found the mental gymnastics that went with it both stimulating and challenging - a far cry from my stifling religious and secular education up to that

point. Not even the then existing Apartheid laws could imprison my mind. Even though many lecturers pretended that it was possible, one could not divide the study of law from its unjust practical application in South Africa. Academic achievement meant book prizes and a gateway to the international educational opportunities and informed religious experiences that followed.

As a reward for completing my first year successfully, my brother sent me on my first plane trip and holiday to Durban. As an incentive to passing second year he promised a trip to India and Mecca, the birthplace of my mother and Islam respectively. Needless to say, I met the conditions of the offer and, along with two sisters and my parents, set off to Medina and Mecca where we performed a minor pilgrimage.

I was disappointed with Mecca at first. I expected a desert with all the seventh-century connotations attached to it. Instead, I came face to face with a holy land transformed by modern architecture and technology. It crossed my mind that the transformation of the cities did not extend to the religious precepts themselves. It was here in Mecca in 1983 that I first experienced the stark contrasts between the sexes. Custom and cultural influences back home did not really segregate sexes, but Saudi Arabian women could not drive a car, had separate banking and prayer facilities and so on. Nothing much has changed, as a recent trip, fourteen years later, has proved. The only difference was that I, armed with a new understanding of my religion that espouses a spirit of equality, chose to ignore these differences and was thus able to make the most of my spiritual experience.

After the spiritual journey, I went on to meet my long lost relatives and grandmother for the first time. India is an interesting place to visit but I feel that I don't belong there. It is not home, it is not Africa. This was only the second time since her marriage to my father that my mother returned to her roots. Her first visit had been when my father was undergoing a personal crisis. My mother told him to sort himself out, packed her bags, took her four children and left for India. Her "unprecedented" behaviour

confirms to me that she had more spirit than she gave and still gives herself credit for. My father, realising his folly, followed suit and went to India to collect her. I was the "make-up" baby, conceived in India but born in South Africa, and so I like to think that I was special.

My early student years at university were never really dull. I was elected class representative, representative of the Student Representative Council and the Law Students Council, and did voluntary legal aid work. I also joined the residents association in my area which was then chaired by South Africa's present Minister of Justice, Dullah Omar. I joined a local yoga class and meditation is still a natural part of my life.

For the first time I also had the luxury of a mother at home. Memories of her sacrifice made me vow to make a success of my career. Daily I would join my parents who got up for prayers at dawn. I still try and keep up this ritual and it gives me much security and satisfaction. There wasn't a test or exam that went by without my parents making that extra, special prayer for me. Somehow I believed, and still do, that their prayers had the power to see me through anything. For my twenty-first birthday party I chose to have a small gathering of family and friends to an evening dedicated to prayer. I completed my degrees in law and I lived with my parents until my final year at university, when I was married, at my own volition, to the partner of my choice.

I found marriage a very therapeutic and renewing experience. I still do. I no longer felt the need to prove "me" to myself. I always strove for perfection and the security of success that came with it. Now I realise that God is the ultimate perfection and I trust Him to give me permanent peace and security. Furthermore, being a perfectionist within realistic boundaries at least allows for challenges to see fruition. With my husband's encouragement and inspiration I "discovered" Islam.

In marriage I had found the space in which to reflect on and grow personally in my religion - from a literal understanding of it to a liberal experience of it. I gradually let go of the man-made idiosyncrasies and strict formalism

that had been ingrained in me as being part of Islam. I had to leave a superficial understanding of Islam in order to find a God of forgiveness, compassion and understanding. My perception of Islam changed as I continued to discover God in new ways. This was and still is no instant realisation but a gradual process.

In developing my career, as an experienced "babbelbek", I knew that I would make a good practitioner of the law. However, a stint as a teaching assistant confirmed that an academic as opposed to a practical career in law was what I wanted. I would get paid to teach and do research, both of which I really enjoyed and found to be creative and challenging. Although academia is in some ways a lonely path, it is fulfilling and, in retrospect, safe from risks that my parents often had to face. I went on to complete two further degrees, both of which were a first for the law faculty.

Both degrees also focussed on law and religion, more particularly Islam, from a gender perspective. It was therefore, albeit indirectly, a fulfilment of my desire for an Islamic education and furthermore an opportunity to do it my way. The completion of my doctorate was also the culmination of a new understanding of, and satisfaction with, Islam and symbiosis with God. I no longer care what it is that others think I should believe. I am perfectly in tune with and at ease with Islam. International exposure to Muslim women's organisations created an awareness in me about my religion that far exceeded my expectations. It gave me the answers I was looking for.

I now know that I must distinguish divine Islam from man-made interpretations of it. I was the victim of the latter for most of my life, but not any more, and nor should any other Muslim woman be, for that matter. However, ultimately it is as Muslim women that we need to decide who we really are, what we really want, and if we are really willing to begin to create a new order of things.

The two most important contributing factors in the achievement of my dreams thus far was an unfaltering faith in God and a family's support and belief in my dreams. I guess I can consider myself very lucky indeed! I have lived in many areas ranging across the racial lines since my

birth and marriage. Whilst each relocation was cumbersome, it was reflective of the changes occurring in South Africa and the life experience gained made it all worthwhile. I look forward to the borderless journey ahead and want to conclude with part of a prayer of the Prophet Muhammad that I find meaningful for my life:

O God! unto Thee do I surrender; In Thee I have faith; upon Thee do I rely; unto Thee do I turn. With Thy help do I contend; and unto Thee do I seek judgement. So forgive me for that which I expedite, and that which I defer, and that which I conceal, and that which I reveal. And also for that shortcomings of mine whereof Thou art better aware than I..."

Endnotes

1. A honorific title given to a person who has performed the pilgrimage to the holy city of Mecca.
2. Hereafter abbreviated to MPL. MPL is a religiously-based private law pertaining to marriage, divorce, inheritance etcetera which fall under the category of family law.
3. This is one of four major Islamic schools of law named after its founders namely, Hanafi, Maliki, Shafi'i and Hanbali. These together comprise the Sunni (traditionalist) school.
4. Dower, an important ingredient of a Muslim marriage, is a sum of money or other property payable by the husband to the wife exclusively as an effect of marriage. Dowry, consisting mainly of clothing, money and jewellery, is a well-established custom and obligation of the bride's family but does not have its origin in Islamic law.
5. Person who has memorised the *Qur'an* by heart.

Recommended Reading List

Hassan, R., The Basis for Hindu-Muslim Dialogue and Steps in that Direction from a Muslim Perspective, in Swidler, L. (ed), *Religious Liberty and Human Rights in Nations and*

in Religions. (Philadelphia, Ecumenical Press),
pp. 125-141.

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Consequences of the new South African Constitution and Bill
of Rights with regard to the Recognition and Implementation
of Muslim Personal Law (MPL)*, unpublished LL.D
dissertation, (Bellville, University of the Western Cape,
1996)