

## Religious freedom in apartheid South Africa

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The topic of my article calls for some clarity on the concept of 'apartheid South Africa'. It is clear to me that the organisers of the seminar had post-1948 South Africa in mind; in other words, South Africa after the National Party had won the 1948 parliamentary elections for white South Africans on the basis of a clearly enunciated policy of racism called *apartheid*. To avoid some serious pitfalls, though, especially in relation to people's perceptions of adherents of other religions, one should keep in mind that racism was an accepted way of life in South Africa long before the National Party first came to power in 1948. Alienation of land, which had such clear implications for the practice of African Traditional Religions, for example, had already been inaugurated in the period of British colonial rule (cf Saayman 1991:28-31). It was further codified in the infamous Natives' Land Act of the first parliament of the Union of South Africa in 1913, with traumatic results for black South Africans (cf Plaatje [sa]). That these expressions of colonialism were not simply bureaucratic political arrangements, but were conceived by their recipients as having very specific religious overtones, is clearly articulated in the well-known saying ascribed to black South Africans: 'When the missionaries came, we had the land and they had the Bible. They said: "Let us pray", and when we opened our eyes after the prayer, they had the land and we had the Bible'.<sup>1</sup> It is also necessary to keep in mind that the abolition of the fundamental laws of apartheid (such as the Population Registration Act, the Group Areas Act, etc) does not in itself herald the end of apartheid South Africa, as the social conditions which characterised apartheid South Africa still exist (cf Saayman 1991:96-98).

Although the precise definition of the concept *religious freedom* is the subject of a separate article, it is necessary to provide at least a preliminary working definition of this concept - otherwise meaningful debate about my article will prove very difficult. Following Kearney (1990:123-125) I argue that religious freedom means the right to express one's religious belief, both in private and in public, freely in the form of teaching, practice, worship and observance.

'Teaching' includes the right to give religious instruction, especially to the young, and the right to run educational institutions including schools, colleges, and even universities. 'Practice' includes the freedom to carry out the beliefs and instructions of a particular religion. 'Worship' includes the right to gather and pray and to hold religious services in public and in private. 'Observance' includes the right to carry out requirements of one's religion about special days or seasons on which certain religious duties are to be performed.

(Kearney 1990:123)

Against this background, then, I will start with a brief introduction about religious freedom in pre-apartheid South Africa, especially in colonial South Africa, as this had (and still has) effects on the way in which South Africans perceived religious freedom in later years. It is necessary to discuss this topic as in many important respects, the decolonisation of South Africa has not been completed (cf Saayman 1991:96-103).

## 1 RELIGIOUS FREEDOM IN PRE-APARTHEID SOUTH AFRICA

The dominant role of Christian religion in the state of relationships among religions in South Africa was definitively influenced by the way in which Christianity was introduced to this country. Christian mission came to South Africa firmly entangled with western colonialism. During the early, that is Dutch period of colonisation (1652-1795) Christian mission was related to colonialism mainly as justification *ex post facto* (cf Bosch 1991:302-304). During the later, that is British period (1795-1910), Christian mission was more explicit in its support for colonialism as an instrument of civilisation, without which Christianisation was not considered possible (cf Saayman 1991:32).

The imposition of the colonial system, argues Neill (1964:249-250), was perceived by the peoples of Africa and Asia as aggression in various forms: political, economical, social, intellectual, and religious. The aggressive nature of

colonialism was part of the intoxicating discovery by Western Europe of its own power in relation to the rest of the world (Neill 1964:244-246). This power, the direct result of the Industrial Revolution, 'made the disparity between Europe and Asia (and, one could probably add, Africa) extreme' (Neill 1964:246). The self-confidence and sense of superiority which characterised relations between Western missionaries and African people came as no surprise, therefore, and extended also to relationships between Christianity and African Traditional Religions. Indeed, during the early years European missionaries 'assumed that Black Africans had no religion, no complex, satisfying views of the world, of human destiny and of supernatural powers' (Gray 1990:2). This assumption was held, *inter alia*, by such pioneer missionaries in South Africa as J T van der Kemp, William Shaw and W J Shrewsbury. Their opinion of Xhosa-speaking people in the Eastern Cape was that they (the Xhosas) had no religion and no idea that God existed (Chidester 1992:37).

In such a context, one can understand the ease with which the superiority of Christian religion and western civilisation was promoted by colonial missionaries.

Only western man (sic) was man in the full sense of the word; he was wise and good, and members of other races, in so far as they became westernized, might share in this wisdom and goodness. But western man was the leader, and would remain so for a very long time, perhaps for ever.

(Neill 1964:259)

One cannot really expect a meaningful debate about freedom of religion (in the sense that we use the term today) in a situation such as this. The Christian religion was so obviously superior to the 'barbarous' and 'primitive' rites which passed as religion among the African people, that the introduction of Christianity and the repression of such practices could only be regarded as a blessing. Even 'progressive' missionaries such as John Philip were quite comfortable with this approach (cf Saayman 1991:39). This is not to say that draconian legal steps were necessarily taken to suppress African Traditional Religions; in any case, there were no well-developed legal systems in the colonies, and no 'bills of human rights' existed. As Chidester indicates, though, an attack on the religious worldview of other people need not necessarily be expressed in legal terms. Colonial missionaries, he argues,

... immediately became engaged in contests over the local rituals of the chiefdom, the homestead, and the sacred specialists of African religion. On the level of ritual, therefore, missionaries consistently attacked African practices related to witchcraft detection in an effort to undermine the religious authority of sacred specialists. They attacked ancestor ritual, initiation, polygyny, bridewealth, and the ritualized relations of production and gender roles that went into building up a homestead.

(Chidester 1992:39)

The clash between colonialist mission concepts of Christianity, and concepts founded more on the traditional African religious understanding, sometimes erupted into open confrontation and resulted in suppression. A very well-known case is the clash between Enoch Mgijima and his Israelites and the South African government at Bulhoek in the Eastern Cape in 1921.

The Israelites believed that the end of the world was coming and they refused to leave their holy village of Ntabelanga. But the government would not leave them alone. It claimed the Israelites were illegally squatting on land, and it sent out the policemen to force the Israelites to leave.

(Edgar 1988:1)

To the government this clash appeared to be based on a clear case of illegal occupation of land; the Israelites were contravening a location (township) bylaw which regulated the number of huts allowed on one stand. To the Israelites, the decision not to leave was a *religious* one; the correct practice of their religion and the attendant worship of God required that they stay in that particular community (cf Edgar 1988:36-37). The perception by the Israelites that the government was impinging on their religious freedom is clearly reflected, for example, in the inscription on the mass grave of the Israelites killed in the resulting clash: 'Because they chose the plan of God so the world did not have a place for them' (Edgar 1988; cf also Mofokeng 1991).

In this way the foundations were laid for the relationships between the religions in South Africa.

What I have said so far mainly concerns relationships between Christianity and African Traditional Religions. There were, of course, also other religious com-

munities living in pre-apartheid South Africa. Malay Muslims had lived in the Cape Colony (as political prisoners or as slaves) from the time of Dutch colonisation, and more Muslims and Hindus came from India in the nineteenth century, either as indentured labourers on the sugar plantations of Natal, or as 'free passenger Indians', mainly from Gujarat (cf Kritzinger 1980:93). In colonial times (in other words in pre-apartheid South Africa), Islam and Hinduism, most frequently together with Christianity and Buddhism, were regarded as the 'higher religions', as opposed to African Traditional Religions, which were considered 'primitive religions'. This grouping entailed at least that adherents of these 'higher religions' were treated with more respect than adherents of the 'primitive religions', if for no reason other than the assumption that they had a 'proper' religio-philosophical system, holy books, meaningful religious rites, etcetera. So, for example, they were allowed permission to build temples and mosques, and to provide their own religious instruction outside of school. Because nearly all of these Muslims and Hindus were black (I use *black* here in the sociopolitical sense in which it is used in the Black Consciousness Movement, in other words as inclusive of Africans, Coloureds and Indians), however, they formed part of the disenfranchised majority in South Africa. This meant that they did not have social, political and economic means with which to bargain for greater religious freedom. For the purposes of this brief introductory paragraph, therefore, one can group them with adherents of African Traditional Religions (although a proper historical analysis of their position and role would obviously indicate certain differences).<sup>2</sup>

## 2 RELIGIOUS FREEDOM IN APARTHEID SOUTH AFRICA

When the National Party triumphed in the 1948 elections and apartheid South Africa was legally institutionalised, not much changed about this approach. Christianity still existed in a mutually profitable symbiosis with political power. This state of affairs was expressed very clearly in the *Preamble to the Constitution of South Africa* (1983), which stated as the first national goal the upholding of 'Christian values and civilised norms' - a formulation which clearly reveals the lasting influence of the paternalistic colonial worldview with its direct link between *Christianity* and *civilisation*. (This very connection implies disrespect for 'other' religions which are somehow more 'primitive' and less 'civilised' than Christianity.) The primacy of Christianity among the religions of South Africa was still taken very much for granted. For this reason Lubbe (1986:116-117) argues that the condition which existed in apartheid South Africa can be described as religious *tolerance*, rather than religious *freedom*.

It can be argued that there are no restrictions placed on any religious group as far as worship and practice are concerned .... There are furthermore, in principle, no objections against missionary or proselytising efforts of different religions in the country. This would more or less constitute the official viewpoint of Christians in [apartheid] South Africa. However, it becomes a different story when one views the situation from the side of minority groups. Muslims and Hindus, for instance, generally conceive themselves as being tolerated, but not free.

(Lubbe 1986:117)

The feeling among adherents of other religions that they are tolerated rather than fully free, says Lubbe (1986:117), stems from the general South African assumption that Christianity is *superior* to other religions. As I have indicated above, this assumption has its roots firmly in the colonial past. It is based both on colonialist Christian self-understanding, and on Christian political power.

But is this perception of Muslims and Hindus based on reality? Let us briefly measure the actual situation against my working definition of religious freedom above to try to find out. As far as *teaching* is concerned, state subsidies for theological training for Muslims and Hindus were in no way comparable with the support given to Dutch Reformed theological training at tertiary level. As far as *practice* is concerned, Hindu and Muslim marriages were not legally recognised, and the clerical leaders of local communities were not recognised as state marriage officers. Buddhism was not considered sufficiently 'religious' to ensure that Buddhists qualified for the right to Conscientious Objection until a Supreme Court case in Bloemfontein ruled otherwise (David Andrew Hartman vs The Chairman of the Board for Religious Objection and others, March-August 1986). As far as *worship* is concerned, provision was made on state radio and TV for the broadcasting of Christian services, but not for the broadcasting of Muslim and Hindu services. The suspicion that 'other' religions were *tolerated* rather than *equally free* seems to find much basis in reality.

There is another reason for this generally held view on the relationship of religions in South Africa, and that is the racist institutionalisation of all aspects of life. All the 'other' religions in South Africa, with the exception of Judaism, are nearly exclusively *black* religions. And since superiority and inferiority, advantage and deprivation, power and powerlessness were all racially determined, the religious status of Muslims and Hindus in South African society by definition was inferior. Hence the clear perception by Muslims and

Hindus of their status as religious minorities which existed not by right, but by sufferance by the powerful majority (cf Lubbe 1986:115-117).

My use of the concepts *minority* and *majority* needs to be clarified, especially in relation to the racial institutionalisation I mentioned above. The vast majority of South African Christians (the majority religion) are of course also black; why, therefore, do I claim that the (shared) blackness of the minority religions contributed to their inferior status? I use the term *minority* here in the sociological sense of 'a subgroup, regardless of its size, which is being discriminated against, against which there is prejudice, which has little power, and which lives in the margin of society' (Hendriks quoted in Lubbe 1986:115). The link between minority status and blackness becomes clear if one compares the situation of (black) Muslims and Hindus, with (white) adherents of Judaism. In religious terms, they are comparable as subgroups of 'other' religions which are discriminated against. But in strictly racial terms, especially in a racially determined society such as South Africa, Jews have always enjoyed access to political and economic power, despite being discriminated against. On all other counts, therefore, they enjoyed majority status *because they were white*. On the other hand, despite religious sophistication and economic wealth, Muslims and Hindus received minority status *because of their blackness*. Minority and majority status are therefore determined not by numbers but by access to social, economic and political power. And in this sense the fact that nearly all Hindus and Muslims were black codetermined and reinforced their lack of status and rights in apartheid South Africa (cf Lubbe 1986:115-117; also Saayman 1981:113-114).

There is another reason why one cannot properly speak about the existence of religious freedom in apartheid South Africa. Religious freedom is inextricably bound with full freedom in all dimensions of human existence. To say this in more concrete legal terms: where no justiciable Bill of Human Rights exists, the claim that there is freedom of religion is a contradiction in terms. It is generally known that apartheid South Africa was (and in many respects is) characterised by a gross erosion of human rights. The most basic, generally accepted, human freedoms, such as equal access to the law, freedom of association, and protection against detention without trial were systematically denied to South African people. And, more importantly, there existed little recourse to the law to protect South African citizens against these violations of their basic human rights. Freedom of religion is of course important to individuals denied that freedom; but taking the wider view of South African society at large, one can say that a debate about religious freedom in apartheid South Africa was basically irrelevant.

Interestingly enough, such a debate did make front-page news for some time - but it was actually a debate on *intra*-religious freedom, not a debate on *inter*-religious freedom or on religious freedom per se. I am referring to the debate about the so-called 'church clause' (clause 29(c)) of the Native Laws Amendment Bill promulgated by the National Party government in 1957. This clause would have made African attendance at a (Christian) religious service, church assembly or synod in a white urban area very difficult, if not totally impossible. In De Gruchy's (1986:61) words, 'apartheid was beginning to affect the life and worship of the churches in a direct way'. For the Christians who opposed this clause, it raised 'the issue of religious freedom and more particularly that of freedom of worship' (Clayton 1986:209). This attempt by the National Party - one of many attempts to restrict the movements of black South Africans in such a way as to banish them completely from 'white' areas - was therefore unacceptable to the large English-language churches, the Christian Council, and even the Baptist Union, a church generally regarded as being very cautious in political matters (cf De Gruchy 1986:61). The gist of Christian theological opposition to the clause is probably best expressed in the words of Archbishop Clayton (1986:209), Anglican Metropolitan at the time:

The Church cannot recognise the right of an official of a secular government to determine whether or where a member of the Church of any race (who is not serving a sentence which restricts his freedom of movement) shall discharge his religious duty of participation in public worship or to give instructions to the minister of any congregation as to whom he shall admit to membership of that congregation.

After private intervention by the Federal Council of the Dutch Reformed Churches with the minister responsible (Dr Verwoerd), the legislation was eventually passed in a slightly modified form. Despite widespread Christian opposition to the clause, 'the fact remained that the state now had the power to act against multiracial worship if the Cabinet Minister felt that this was necessary' (De Gruchy 1986:61). No instances are known in which this power was actually used, though (1986:62).

Even in this instance in which churches seriously and openly opposed an infringement of religious freedom in apartheid South Africa, they had no obvious effect. What a pity, though, that the churches failed to broaden the scope of the debate to include at least some of the many instances of state infringement of freedom of worship by Muslims and Hindus. Some examples of infringement include restrictions on the Azaan or call to prayer from a mosque, prevention of access to mosques and temples as a result of the Group

Areas Act, and refusal of entry to missionaries of the Hare Krishna movement (cf Lubbe 1986:117). Clearly these issues are very closely related to the issues the churches were protesting against in the Church Clause. Yet there is no indication (at least in the literature) that these *inter-religious* issues were raised by the churches in their commendable protest. One is bound to ask: why not? I do not think there is a clear answer, except to suggest that factors such as retention of the notion Christian superiority from colonial times, and the invisibility of the 'other' religions as a result of apartheid, were probably at work.

A third intriguing factor needs to be borne in mind, which I am going to mention briefly: the influence of a (Christian) Reformed worldview on the relationship between church and state, and the relationship between Christianity and 'other' religions. According to article 36 of the Belgic Confession of Faith, even the (Christian) state bears responsibility for the eradication of 'false religion'. If one maintains such a view, it would be inconceivable that Christians could in any way be responsible for the propagation of the rights of adherents of 'false religions' (for example Islam and Hinduism). This seems to be a promising area for further research into the whole issue of religious freedom in colonial and apartheid South Africa.

### 3 CONCLUSION

In debates around the world on subjects such as religious freedom, political liberation and women's liberation an old truth is being re-established more and more firmly: human freedom is indivisible. It is an illusion, therefore, to speak about religious freedom in a society in which there is gross political oppression; it is an illusion to think that men can be free if women are oppressed; and it is an illusion to think that Christians can be free as long as Muslims, Hindus and adherents of African Traditional Religions are denied their full freedom. This dimension also entered the debate on religious freedom after 2 February 1990 (cf Kritzinger 1991). For those who have eyes to see, a consideration of religious freedom in apartheid South Africa presents important guidelines for action in a future postapartheid South Africa. The analysis of these newer developments is the subject of other articles. Let me end therefore by expressing my sincere desire for a postapartheid South Africa in which adherents of all faiths, or of no faith, will be truly free.

## ENDNOTES

1. I am fully aware that this perception can be challenged as a dangerous oversimplification. It has validity, though, for at least two reasons: (i) There is a widely held *perception* among black South Africans of complicity between Christian missionaries and Western colonialists. As modern communications science tells us, such perceptions must be taken quite seriously in the communication process. (ii) It can be decisively argued that at least in the case of some missionaries and mission societies, mission and colonialism were indeed firmly entangled, and missionaries made grateful use of colonial hegemony in matters such as the alienation of land (cf Saayman 1991:29, 39-40; also Kritzinger 1988:3).
2. For a more detailed analysis of the way in which the early Muslim community was treated in the Cape Colony, see Chidester, 1992-158-166.

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# Religious liberty: An African perspective

*D L Mosoma*

## INTRODUCTION

The issue of religious liberty cannot be discussed in abstraction. It has to be located and viewed within the South African political matrix. This paper attempts to show the African understanding, experience and curtailment or limits of religious liberty. The phrase 'religious liberty' does not feature in the African treatment of the subject. However, religious tolerance and the coexistence of a plurality of religions in African society indicate a highly cherished understanding of religious liberty. Deductively, religious liberty means the capacity for religion to be a custodian of the wholeness of life. That is to say, 'religious', properly construed, should be predicated on the transforming character of religion, offering a vision of what is fundamentally new and better. Mazrui (1991) considers the ecumenical character of the African religion as one of its important dimensions. He attributes ecumenicity to African cultural toleration when he writes:

Indigenous African culture is religiously tolerant, partly because African traditional religions are not universalist in ambition. Yoruba religion doesn't seek to make the entire human race belong to Yeruba religion. Kikuyu religion, Ganda religion, and Zulu religion don't seek to convert the human race, so they are not universalist in commitment and conversion. They are not evangelical or competitive. They therefore have a built-in toleration of other religions ....

(Mazrui 1991:5-6)

From this citation, it is crystal clear that the issue of religious freedom in the African context should be discussed at two equally important levels: political and religio-cultural. Let me explain tersely what is involved here. First, at the political level, religion is coopted and serves as an instrument of the state, thereby legitimising the suppression of other religions. So the struggle for religious liberty is simultaneously the struggle for political freedom. Arguably, the quest for religious liberty should be inextricably linked with the resistance of religion against state cooptation, otherwise commitment to liberty will be betrayed. Second, 'religio-cultural' refers to a religion that imposes the culture from an alien context. Christianity, for instance, is wrapped in the western garb, so that to be Christian means to be partly western. At this level the struggle for religious liberty, for Africans, means a struggle for religious self-respect, integrity of their religions and the affirmation of their human dignity.

Before discussing the African experience of religious liberty more fully, let us briefly define the notion 'religious freedom'. This will require some clarification as to what this idea is all about and how it has been appropriated.

## WHAT IS RELIGIOUS FREEDOM?

In the editorial entitled 'Voices for Religious Liberty', Wood defines religious freedom thus:

The inherent right of a *person* [italics mine] to religious commitment according to one's own conscience, in public or in private, to worship or not to worship according to one's own understanding or preferences, to give public witness to one's faith - including the right of propagation, and to change one's religion - all without threat of reprisal, discrimination because of one's religion, or the abridgement of one's rights as a citizen.

(Wood 1992:223)

Religious freedom, according to Wood, means a universal axiomatic commitment to human integrity. For religious liberty to be actualised, three elements are crucially important: that the rights of a person should be respected, that persons should not be inhibited by political or other forces from committing themselves fully to a religion of their choice, and that citizens should be protected from discrimination of any kind on the basis of religious affiliation. In essence, 'religious freedom' does not refer to the freedom of religion; rather, it

refers to the *natural right of all persons* to religious liberty. Similarly, the Vatican synod has declared that the 'right to religious freedom has its foundation in the very *dignity of the human person*, as this *dignity* [italics mine] is known through the revealed Word of God and by reason itself' (Wood 1992:225). The two citations emphasise the right of human beings to exercise their religious rights. On the basis of the preceding understanding, any reason to deny or reduce someone's religious liberty is tantamount to dehumanisation. As we have seen, human dignity and religious liberty go hand in hand. Therefore, the denial of one implies the denial of the other. The inextricable connection between human dignity and religious freedom, particularly the emphasis on the right of the person to determine the religion of his or her choice, is closer to African thought. For our purpose, it may be helpful to examine the nature of this possible connection.

Wood's understanding of religious liberty finds expression and support in African thought. While in some societies religions are considered a source of conflict, most traditional African societies view religions as a source of bondedness. For this reason, people or groups are not denied the right to worship a deity of their choice. Nsereko (1986:269) affirms this when he says, 'the devotees of a given deity recognised the right of others to worship their deities in their own way without hindrance'. Furthermore, Nsereko (1986:269) cites an interesting idiom of the Baganda people of Uganda that says, *Lubaale maliba: buli afuluma alyambala bubwe*, meaning 'God is like a skin or an apparel; each individual has a right to determine how best to serve or worship his or her God'. The humanity of the person, the religion he professes, is affirmed and enhanced. In this way African indigenous religions accommodate other religions rather than exclude or antagonise them. They seek to create the necessary conditions for coexistence. In the African religious pluralistic context, religious liberty means that coercion and interference in the way one exercises one's religion is completely forbidden. The motif of the *wholeness of life* is like a glue that holds religion and life together. Religion is not simply a department or compartment of life, rather, it is life. Buthelezi (1987:95) attests to the significance of the idea of the 'wholeness of life' thus: 'in traditional African religion there was no separate community of religious people, because everyone who participated in the life of the community automatically participated also in its religion'. Furthermore, he writes: 'there was no separate day of worship because the whole rhythm of daily life was a continuous liturgy that permeated such commonplace things as eating, drinking, love-making etc' (Buthelezi 1987:95). In a context such as Buthelezi describes, religion is broadly understood. Coercion and discrimination on the basis of religion are unthinkable, since this is tantamount to denying one participation in life itself. For this reason, the wholeness of life is the basis for religious liberty because it binds participation in community life and religion inextricably together.

The Vatican Council's understanding of religious liberty is similar to the African understanding embodied in the wholeness of life. The upshot of this understanding is its rooting of religious freedom in the dignity of a person. To be sure, religious freedom essentially has to do with people. Hence Vatican II declared:

Religious communities have the right not to be hindered from publicly teaching and testifying to their faith both in the written and the spoken word ... and from showing freely the special value of their doctrine both for the ordering of society and for the guidance of all human activity.

(Wood 1992:225)

This civil approach to religious freedom does not apply to indigenous African religions. As will be shown, African religions are the locus of combat. As Ela attests, 'Africa must die to come to faith ....' African religions are considered superstitious and these superstitions are 'looked upon as typical traits of inferior, pagan societies' (Ela 1986:43). And for this reason these religions had to be abolished.

On the contrary, Africans practise a more holistic understanding of religious liberty, one that is inclusive in character and thereby minimises religious monopoly of truth or religious claim to truth, which is undoubtably one of the causes of religious intolerance. The idea of wholeness of life renders the assumed uniqueness or superiority of religion less significant.

The long-cherished idea of religious tolerance in African society made it possible for Christianity and Islam to be introduced to African soil. South Africans argue that the activities of foreign missionaries, and the colonial subjugation of the African people, adversely affected the right of the individual as well as that of communities to practice their religions. For this reason, the African experience of religious freedom or the lack of it could be traced from two fronts: missionary religious praxis and apartheid irruption. We shall discuss each of these points in turn.

### **MISSIONARY PRAXIS AS A NEGATION OF RELIGIOUS LIBERTY**

In their encounter with the African religion, the missionaries exercised what Boulaga (1984:19) calls an 'uprooting and alienating praxis'. By this statement, Boulaga clearly demonstrates the effects of missionary Christianity on indige-

nous religious life. Instead of Africans being affirmed and their religion appreciated for providing a horizon of meaning in the understanding of African reality, the missionaries set out to eradicate this religion. The missionaries characterised African religious life as 'pagan', 'syncretic', and the adherents as 'sects', 'separatists' etcetera. These derogatory terms demonstrate a hostile attitude toward indigenous religion. It is illogical to characterise religious reality as pagan on one hand and then adopt a positive and affirmative attitude toward it on the other hand. Boulaga (1984:19) interprets the word 'paganism' to mean 'unfaith', 'faithlessness, the condition of the *infidelis*'. This perception of African religion earned its devotees the wrath of missionaries. Inescapably, Mofokeng (1991:26) speaks of 'baptism with derogation' the characterisation of African living as 'paganism'. Further, she says, 'as a result of this their [the African Initiated Churches] members have been humiliated daily and even massacred as though they were not created by God'. In the same vein, she argues, 'they [the African Initiated Churches] were even refused the allocation of church sites and all other rights in a country that confessed freedom of religion' (Mofokeng 1990:26). This state of affairs was aggravated because the missionaries did not make an effort to distinguish between a concept and human beings per se. Witvliet (1985:50) confirms this, saying, 'blackness was associated with paganism, savagery, lust and bestiality'. Similarly, one may argue that missionaries did not distinguish between paganism as an act of belief and an African as a human being. For the missionaries, 'pagan' and 'black' were synonymous. Hence Boulaga writes:

The black is still a pagan, and rather a child, despite baptism; and the white Occidental is still a Christian, a rational, reasonable being, despite transgressions, and straying. The Christianity of the former is a veneer, something adventitious, an accident. The Christianity of the latter is substrate and substance .... The Africans' obedience cannot be one that issues from the human 'rational will'. These creatures are sensitive only to the subjugating values of prestige or to fear - for them, literally the beginning of wisdom.

(Boulaga 1984:21)

Here Africans are viewed condescendingly - as degraded human beings who have been reduced to the status of babies. How can such people be accorded religious freedom, one may ask. To the missionaries, Africans were the objects of subjugation and their religion was to be wiped out completely and be replaced by the alienating religion of the missionaries. Kenosi Mofokeng (1991:26-27) underscores Boulaga's assertion that inherent in the missionary

praxis was the strategy of eradicating paganism by violence. This meant that pagan institutions were to be destroyed and replaced by Christian ones. This was a process of uprooting the indigenous people. This strategy dealt a deadly blow to the African way of life, both religious and otherwise. Additionally, Boulaga perceives the impact of the missionary praxis thus:

Converts must abandon their world and live in villages built expressly for them - 'reductions'. Or they must form a ghetto community within their old villages. In fact, their world must be destroyed in all its *family, political, and economic institutions* [italics mine]. The Good News of Christianity is not the proclamation of a pink cloud. It is not a message of beatific peace. It is a piercing sword and a devouring fire. It is the judgment of an angry God bursting upon history. Before he justifies and sanctifies, God condemns. Before he builds or sows, he levels and uproots.

(Boulaga 1984:23)

The experience Boulaga captures in this passage is shared by many indigenous people in this country. In addition to losing their religious freedom, Africans were uprooted from their contexts and forced to live in a borrowed space, a space that 'imposes a strange and unfamiliar personhood, to which they must conform' (Boulaga 1984:24). This strange context made them suffer from what Tutu calls 'religious schizophrenia'. Tutu explains the effects of African religious schizophrenia thus:

With part of himself he has been compelled to pay lip service to Christianity as understood, expressed and preached by the white man. But with an ever greater part of himself, a part he has been often ashamed to acknowledge openly and which he has struggled to repress, he has felt that his Africanness was being violated. The white man's largely cerebral religion was hardly touching the depths of his African soul; he was being redeemed from sins he did not believe he had committed; he was being given answers, and often splendid answers, to questions he had not asked.

(Witvliet 1985:90)

A religion that estranges its adherents could not possibly advance the religious freedom of those it seeks to reach. Given this state of affairs, Africans seek to

discover a religion that affirms their humanity, thereby helping them to create conditions for the search of a new liberating religiosity.

The missionary praxis, as we have seen, failed to promote African religious liberty because it went hand in glove with colonial interests. For this reason, it may be pointed out, evangelisation and colonialism were inseparable. Though different in themselves, they were not opposed. Mofokeng (1990:20) characterised the encounter between indigenous religion and Christian religion as a 'terrain of struggle'. One was a religion of the coloniser while the other was a religion of the colonised, and it therefore resisted the imposition of the religion of domination. Mofokeng (1990:20) observes: Christianity '... shares a common intolerance of every indigenous effort at religious creativity'. He continues, 'both wings of colonial Christianity (conservative or progressive) have a hegemonic intolerance of other religions in their conquered sphere of influence'. It is for this reason that Van den Berghe concluded: '... Christianity has become increasingly suspect to many educated Africans as a "White man's religion", and another disguised instrument of White oppression' (Van den Berghe 1970:45). It is instructive to note that oppression of the indigenous people has also meant the curtailment of free religious expression, since African religion has been considered a threat to the forces of domination and colonisation. Let us now turn to the effects of the irruption of apartheid on the struggle for the survival of African religions and the attainment of religious liberty.

## APARTHEID IRRUPTION

We have attempted to reflect on the African experience of religious freedom or its denial and deformation during the missionary era. Admittedly, the missionaries sought to undermine the religion of indigenous people because of their complicity with apartheid as an instrument of division. As people were divided along racial and tribal lines, Christians were also divided along the religious and institutional lines. For Africans, the denial of political freedom by the apartheid government went hand in hand with the denial of the freedom to exercise their religious freedom. To be sure, it is illogical to oppress people politically and then create favourable conditions for the promotion of their religious rights. An African belonging to one of the mainline churches was also excluded from meaningful participation on the basis of race because religion was employed to give moral justification to racism and discrimination. Dr H F Verwoerd, then Minister of Native Affairs, discouraged any integration between blacks and whites in church. In a letter to the Moderator of the Presbyterian Church of Southern Africa, reacting to the church's position on the Native Law Amendment Bill, he wrote:

... it is not the intention of the government to interfere with the normal worship. It has a duty, however, to co-operate with the local authorities in protecting the rights of the European communities by preventing disorder, unpleasantness and overcrowding caused by the presence of the natives in such areas.

(General Assembly 1957:83)

Verwoerd considered Africans a source of disorder and nuisance. Hence he stated, 'natives are by nature gregarious, and unfortunately, in their present stage of development, unnecessarily demonstrative and loud in conversation and in display of their emotions, and easily give offence where they congregate in European residential areas' (General Assembly 1957:89). This political bias served as a basis for separation in both church and society, curtailing the political and religious liberty of the African people. Since Africans could not experience genuine religious freedom, they sought to find ways of actualising what was denied them, taking their cue from Biko's words: 'Black man, you are on your own'.

## **AN INTENSIFICATION OF THE STRUGGLE FOR RELIGIOUS AND POLITICAL LIBERTY**

We have seen how Africans were denied their religious liberty. Now we set out to show how South Africans journeyed from the slavery of western religious and cultural domination in search of something new and better. One thing Africans understood painfully clearly is that if they sought religious freedom they would have to create the necessary condition for it. Religious liberty, like any other form of liberty, could not be given but had to be earned or achieved through hard work. The process for attainment of religious freedom would occur only through what Witvliet (1985) calls an 'epistemological break'. This means that Africans had to part with western theological baggage in thought and deed, appropriating a religiosity that would affirm their Africanness and at the same time deepen their Christian liberating faith.

The epistemological rapture took diverse forms. One such form was exhibited in the emergence of the African initiated churches, seeking to capture the essence of the Gospel in the African way of life. The African reality was to be expressed in worship, liturgy and dance outside the confines of the Western religious mould. Healing, community formation and bondedness were central elements in what it meant to be religious. In the context of free African reli-

religious experience people received healing, which encompassed political problems, such as alienating causes of apartheid, spiritual deformation and physical restoration. It was unthinkable for such healing to take place, Africans argue, within the missionary or western-type churches, since these churches were neither interested in nor capable of addressing the social and political reality.

In the African world, the distinction between religion and politics did not exist. The African world-view emphasised the wholeness of life. For this reason, religion and life belonged together.

In addition to the African initiated churches, there emerged black and African theologies aimed at addressing the schizophrenic religious problem from which African Christians suffered. The focus on liberational praxis as a first step in religious and theological thought was a decisive epistemological rupture. One could safely say that the *Kairos Document* (1986) was a product of a new African and black epistemology that sought to be honest and realistic in the African religious context. It is essential to emphasise the ecumenical character of black and African thought as embodied in the document. Clearly, the document unmasked the forces of both political and religious deformation. The document helped blacks to discern three important dynamics relating to the African experience of religious curtailment in this country. First, there was religion as an agent of the state, or collaboration/subordination of religion to the state. Here religion was employed to undergird and legitimise the political status quo - that is to say, religion was used for political purposes. Second, church theology employed rhetorical attack or criticism of the activities of the state, but nevertheless remained friendly in its relationship with the state; and third, the conflictual relationship of religion and state was based on the prophetic principle. This model elicited a rigorous social analysis accompanied by realistic strategies to destroy apartheid rather than reform it.

In the first form, religion enjoys the blessing of the state, while the state exploits religion for its political ends. Wogaman (1988:188) makes this point poignantly when he remarks, 'religion is highly exploitable for political ends such as fostering unity with society, providing a basis for legitimation of the state, sanctioning war and other political policies'. The danger of such religious emanation to the state is that the state becomes God. In this way, religion loses its transcendental dimension. Here religion makes a deliberate choice to exchange its dynamic and transforming character in favour of material benefit accrued from its complicity with the state. It sacrifices its religious liberty and submits itself to the control of the state. In our discussion, we need to be aware of the religious tendencies to betray their liberties. This point will be discussed later under 'religion and state'.

The second model of the relationship between religion and state, according to the *Kairos Document* (1986), borders on what may be called 'church and state-friendly'. This is so because resolutions adopted against apartheid or the state were, however, 'superficial and counter-productive because instead of engaging in an in-depth analysis of the signs of our times, it [the church] relies upon a few stock ideas derived from Christian tradition and then uncritically and repeatedly applies them to our situation' (*Kairos Document* 1986:9). While the church may seem to exercise some form of religious liberty, it is mindfully aware that the state has the capacity to stifle this right, hence the church's attempt to remain neutral on fundamental social and political issues. Neutrality by its very nature implies giving tacit support to the status quo.

From the preceding discussion, we may conclude that religious liberty means being on the side of the truth. That is to say, religion that has achieved liberty must of necessity be the defender of freedom in both church and society. Any failure to do this is tantamount to a betrayal and gross violation of its liberty. More importantly, this may also be construed as a total negation of its prophetic principle.

## RELIGION AND STATE

Now we turn to a discussion of religion and state and its implications in curtailing religious liberty. Again the insights of the *Kairos Document* may cast some light. 'Religion and state' describes a situation where 'religion and politics or the church and the state, are indistinguishably enmeshed' (Nsereko 1986:276-277). The interaction of church and political policy gave birth to a pseudo-gospel that justified separation on racial basis. Hence the state placed one of the churches in a privileged position, recognising or accepting it as the official church. That is to say, the state was biased toward one church, accepting its teachings as the norm and the criteria for its public activities. The *Kairos Document* characterises the theological product which arises from an interaction of state and religion, as 'State theology', particularly a religion that served the interest of the status quo. The government became so religiously oriented that the distinction between church and state was completely undistinguishable. The state appropriated, coopted and deformed the religious language and consequently emptied it of its meaning. For this reason, Africans 'associated this [the church or religion] with the government that oppresses, dehumanises and exploits them' (Mofokeng 1991:26). Since the majority of churches and religious groups suffered discrimination and legal impediments, Africans felt that to enjoy religious liberty they had to be liberated from both state and church theologies, since the two were working hand-in-glove. In this situation the

curtailment of African religious freedom was intensified. The relationship between church and state under apartheid did irreparable damage to the credibility of the Gospel. The complicity of church and state rendered the Gospel suspect, hence many young people refused to be associated with the Christian religion. The fact that Africans have been denied their religious freedom is both a challenge and a responsibility. That is to say, a need exists to discover new ways and strategies of meaningfully dealing with religious pluralism, which are not biased toward one religion or do not promote one religion at the expense of others.

## RELIGIOUS LIBERTY AND A DEMOCRATIC VISION OF SOCIETY

From the preceding discussion, it may be opportune to examine religion as a force to actualise the democratic vision of society. That is to say, the type of religious liberty we seek should aim at the establishment (or ushering in) of a democratic society where 'politics' is defined in terms of what we can and must do together, based on an African dictum, *Motho ke motho ka ba bangwe batho*: corporate communal activity. Here a distinction exists between the African view of religious liberty and the western one in that, for Africans, religious liberty assumes a communal dimension, rather than focusing on the individual. 'Religious' thus means rooted in the ongoing human community.

The type of religious liberty we propagate should be predicated on communitarian justice. It is not just a question of free religious choice and expression that is essential; it is religion that gives meaning to the deepest human yearning, and which improves abject human conditions. Arguably, religious liberty should be a product of a democratised society. To be sure, where religious liberty flourishes, there also democratic society should be approximated. The absence of one implies the absence of the other.

Mazrui's argument is plausible here, particularly his question: 'is religion the mid-wife of new democracy in Africa?' (Mazrui 1991:10). Mazrui is convinced that, given a chance, religion has the capacity to be a midwife to the new African democracy. He calls the struggle for democracy 'Africa's second liberation struggle'. What he is calling for, in my view, is that in the same way as religion resisted colonial occupation, religion should also be a mobilising force for a democratic way of life. The rise of the new pro-democracy movements, according to Mazrui, is a reflection of genuine African religious consciousness and sensitivity seeking holistic human liberation. He argues that a religion that becomes a force in the promotion of a democratic vision of society is a product of religious tolerance which, in his view, 'has produced remarkable combinations of political leaders in societies belonging to religions that are vastly different' (Mazrui 1991:10).

Religious liberty is not simply a licence to pursue one's religious interests unhindered; inherent in this liberty is the promotion of the common good. As we have seen, wholeness of life embodies the common good. The absence of the common good is equally the absence of the genuine wholeness of life. For this to happen, we need a new, active spirituality - a spirituality that keeps our religion socially relevant and politically effective. Martin Luther King said, 'A religion that claims to be concerned with man's soul and not with his social self is a religion that is moribund and bankrupt and doesn't deserve to be practised' (Addai-Sebo & Wong 1988:221). Similarly, Malcom X wrote, 'I wouldn't worship a God who wouldn't lead me and encourage me to fight for my people' (Addai-Sebo & Wong 1988:221). These thinkers advocate a religion that takes seriously the human struggle. The struggle in Africa or South Africa is a struggle for a new community of persons. We discern this in the relation between our quest for religious liberty and freedom from oppression. Our advocacy of or preference for democracy as a credible social vision should not be accepted uncritically. That is to say, religious freedom must be critical of democracy and its tentacles: capitalism, privatisation and the free-market system. Even countries that claim to be the bastions of democracy and capitalism have not solved all the social ills: unemployment, equal access to the nation's resources, hunger and inner-city squalor. That is why, for Africans, religious liberty is closely connected with liberation. Without liberation, religious freedom is simply a formal principle devoid of substance.

The experience and praxis of religious liberty which we relentlessly advocate should be predicated on a clear vision of participatory democratic life. That vision should be free from vestiges of racism, neo-colonialism, economic apartheid, and residential discrimination. More importantly, it should free us for life together. The long experience of lack of religious liberty for black South Africans should serve as a reminder to the oppressed community not to repeat the political wrongs of the past and injustices they suffered.

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# **A Jewish experience of religious freedom in the South African context**

*J L Hellig*

## **1 FREEDOM OF RELIGION FOR JUDAISM**

Before turning to the question of religious freedom for Jews in South Africa, it is necessary to point out that total freedom for Jews is a relatively new phenomenon. Although the very ethos of Judaism is freedom, its central revelation - the Exodus from Egypt - revolving around the concept of liberation, Jews have been singularly unfree throughout most of their history. Since 70 CE, when Jerusalem was destroyed by the Romans, the Jews have lived as a powerless minority people in a variety of host countries. Their religion was regarded as being in error in a predominantly Christian world and they were subject to frequent persecutions and periodic expulsions. Living in separate groups without autonomy and deriving their rights only through the contact and cooperation of their leaders with the ruling power, they had no individual civil liberty. It was only with the French Revolution that the Jews began to be civilly emancipated from the ghetto. Gradually, the various Jewish communities of Europe were given political rights and civic equality. The South African Jewish community, deriving as it did from European settlement in the country and establishing itself as a community in the mid-nineteenth century, emerged at a time when civil and religious liberty had already become a reality for Jews.

Although the re-establishment of the State of Israel in 1948 reversed the Jewish condition of powerlessness, it by no means ended it since millions of the world's Jews continue to live in the diaspora. The two goals espoused by most diaspora Jews, as Gordis (1966:13) points out, are:

- \* retention of political citizenship with its concomitants of civic equality, economic opportunity, and cultural acceptance
- \* retention of some form of Jewish identity.

An ideal which, since the French Revolution, Jews have sought but not always found is 'integration without assimilation and acculturation without absorption' (Gordis 1966:13). This ideal is one shared by the South African Jewish community.

I should like to give a brief description of what I believe religious freedom to be and then to assess the extent to which South African Jews have experienced that freedom. Freedom of religion includes freedom to believe or, indeed, not to believe. It should ensure the capacity to fulfil the ritual and moral obligations of one's religion without hindrance. This would include the right to observe the ritual dimension of one's religion, even in those areas judged by outsiders to be archaic, bizarre or even cruel. It would also necessitate freedom to observe the ethical precepts of one's religion such as protesting against social injustice. Each religion would have to be free to act out its central tenets. Thus, evangelising religions should be allowed to missionise no matter how threatening such activity may seem to other religions, while those religions that do not missionise should be free to maintain their integrity. If freedom of religion exists, there should not be discrimination on the grounds of religious adherence. On the basis of this description, there has been freedom for Judaism for almost the entire period that Jews have resided in South Africa, but there has not always been freedom for Jews, as will be explained in this article.

## 2 RELIGIONS AND APARTHEID

Religions can never be isolated from their societal surroundings. Indeed, nowhere is this more obvious than in South Africa. Since European settlement here in 1652, Christianity has been the dominant religion and other religious communities have developed and adapted to this situation. More than this, however, South Africa is a country in which one factor, namely race, has determined one's position in the social structure. Apart from Christianity, which has adherents from all racial groups, the religions tend to be structured

on racial lines. Jews belong to the privileged white caste while Muslims and Hindus are predominantly from the Indian group and, therefore, part of the oppressed class. This has played an important role in the development of the various religious communities and in their perceptions of one another.

At the World Conference on Religion and Peace (WCRP) held at the Johannesburg Sun in December 1990 to discuss the various facets of religious freedom in an interreligious setting, I was struck by a persistent theme. One discussant after another from the Hindu, Muslim and African Traditional religions, lamented that their religious traditions had been overlooked and regarded as invalid, or at best second-rate, by the Christian-dominated rulers. As a Jew, this was one perception that I was unable to share. Somehow, I felt that my tradition had been taken very seriously - perhaps too seriously - by the dominant Christian majority. I could only attribute this attitude to the fact that Christianity is dependent on Judaism for its very being. Jews have thus been placed in a very special situation which is not always a comfortable one. Christianity, having risen out of Judaism, bears an ambivalent relationship to its mother religion. Judaism is respected as a valid revelation and there is a good deal of admiration for the Jews as 'the people of the book', but there is a strong temptation to regard Judaism as redundant, because it is seen as having been abrogated by the coming of Christ.

It is apparent then that the Jewish experience is very different from that of any other minority religious grouping in the country and this seems to derive from two major factors:

- \* Jews are part of the privileged white group.
- \* Their religion has an important preparatory role for the truth claim of the dominant religion, Christianity.

Jews, as a highly visible minority group, are caught in an uncomfortable pincer between the ruling and oppressed classes. Their privileged position and their fundamental religious and racial kinship with the ruling group lead to suspicion of them among the oppressed group, while their very religious kinship with the dominant group and the ambivalence associated therewith, can lead them to 'fall from grace' at the slightest provocation.

### 3 ANTISEMITISM

A world-wide phenomenon that plagues Jews at all times with varying degrees of severity is antisemitism. A term which is both inadequate and difficult to

define, antisemitism, at root, denotes the dislike of Jews. But there are various types and degrees of antisemitism. It ranges from mild feelings of dislike for Jews to outright murder of Jews. Between these two extremes, there is antisemitism that limits Jews through various forms of prohibitive legislation. This is observed, for example, in restrictive immigration legislation against Jews. When a government finds it necessary to implement laws to limit Jews and thus to hinder their lives in some way, it is usually as a result of economic and political stress and dislocation. This is evidenced in the history of the Jews in South Africa.

#### 4 FREEDOM FOR JUDAISM IN SOUTH AFRICA

South Africa has been tolerant of the practice of Judaism, with the exception of the very earliest years of European settlement in the country. At that time, Protestant Christianity was the accepted creed to which all were expected to conform and, during the greater part of the seventeenth century, there was enforcement of regular attendance at public religious services. Therefore, the Dutch East India Company did not employ practising Jews and the small number of Jews who did arrive generally converted to Christianity. The earliest Jewish settlers were thus lost to Judaism. It was only when religious toleration was introduced by the Batavian Republic in 1803, a policy that was continued by the British, that practising Jews began to settle in South Africa. But, even then, Jews tended to assimilate and disappear. Judaism demands communal practice focused on communal institutions such as the synagogue, and it was unable to flourish in their absence. The beginning of the Jews as a viable and identifiable community goes back to 1841 with the establishment of the first synagogue, the *Tikvat Israel*, in Cape Town. This became the nucleus of Jewish life and was the first of many synagogues to be established in South Africa.

South African Judaism has been free to establish itself and to flourish. While in the earlier period of substantial Jewish immigration to the country Jews settled in and set up synagogues all over South Africa, the current trend has been for Jews to cluster in the main urban centres of South Africa. Thus, more than 50 per cent of the entire Jewish population lives in Johannesburg and about 25 per cent in Cape Town. The rest are scattered in cities such as Durban, Port Elizabeth and Pretoria. Oudtshoorn once had such a vibrant Jewish community that it was dubbed 'the Jerusalem of South Africa'. With the departure of Jewish communities from areas such as this, synagogues all over the country have closed down. Concomitantly, the facilities for the South African Jewish community have multiplied in the major cities. Johannesburg, as the vital centre of Jewish life, has witnessed a renaissance in religious

expression. In addition to the several large, formal synagogues, house-shuls or *shtieblakh* are burgeoning in certain suburbs. These are established by and cater for the religious needs of small religious communities which form around 'charismatic' rabbis. Many of these may be termed 'ultra-orthodox'. This is all part of a general revival of orthodoxy and a return to tradition, a phenomenon that can be observed even in the Reform movement, a sector of which has recently affiliated to Conservative Judaism.

In addition to freedom to establish synagogues, Jews have been free to establish religious schools. These are important because Judaism, as a total way of life, has to be learned from an early age and, in our secular era, the school provides that which was previously imbibed in the home. The first Jewish day school, established in 1948, was the King David School. Since then, a number of Jewish day schools, more religiously orientated than the King David School, have been established. These give more attention to Torah study and are more closely geared to the promotion of a truly dedicated religious lifestyle. Since it would be contradictory to provide this intensive Jewish education for non-Jews, several of these schools gear their activities only to Jewish pupils. Since Jews in South Africa are white, this could mistakenly be construed as racism.

## 5 RESTRICTIVE IMMIGRATION LEGISLATION

While there has been religious freedom for Judaism in South Africa, there has not always been freedom for Jews. Jews have been targeted for acrimony from various groups, a factor that became serious when it was translated into legislative action against them. Antisemitism has a strong scapegoat element and Jews become a convenient target in times of economic stress and political or social upheaval. Even though the South African Jews have always been part of the privileged white caste and have had full freedom in the parliamentary democracy of the whites, they have, through restrictive legislation, been subject to more limitations than any other white group in the country.

Restrictive legislation arose with the influx of eastern European Jewish immigrants to the country after 1880. The early Jewish settlers, having been of British, German or Dutch origin, were seen as fairly homogeneous and assimilable within society at large. This perception was to change with the industrial revolution that resulted from the mineral discoveries of diamonds in 1867 and gold in 1886. Among the flood of fortune hunters who flocked to South Africa came a large number of east European Jews, mainly from Lithuania. They had left eastern Europe as a result of severe persecution and discriminatory legislation there and had been drawn to South Africa by local economic conditions.

South Africa's economy offered particular scope for Lithuania's non-wage-earners who found employment as pedlars, craftsmen and shopkeepers. This influx of east European Jews coincided with the emergence of the poor white problem in South Africa and, in the light of the prevailing economic austerity, they were perceived as an economic threat. Their east European origin and language (Yiddish) led to a perception that they were unassimilable and they were soon deemed 'undesirable.'

The east European immigrants were to have an abiding influence on current South African Judaism, a religious phenomenon that bears the distinct marks of its 'Anglo-Litvak' legacy. Anglo-Jews had laid down the earliest congregational facilities and supplied the religious leadership in what was then a British colony. The Lithuanian Jews (Litvaks) had brought with them a deep traditional Jewish piety and a firm attachment to Talmudic learning and practice which persist, in interesting adaptations, in South African Jewish practice (Hellig 1984). An important characteristic of the Lithuanian Jews was their love of Zion. This had enormous influence on present-day South African Jews. The corporate character of South African Jewish life was thus moulded by the meeting of English and Litvak. Externally, Anglo-Jewish patterns prevail, while the inner content was transformed by the Litvak spirit.

The negative perception of these east European Jews must be considered in the context of rapid industrialisation and its by-product, urbanisation as well as in the context of anti-alienism. The industrial revolution had resulted in the poor white problem, for which a solution was sought by restricting immigration. It was, in fact, not only the east European Jews who were to be kept out. The entry of Asiatics into the country was causing even greater alarm. This resulted in the Immigration Restriction Act of 1902 which prevented the entry of anyone unable to sign his name in the characters of a European language. Because Yiddish is written in Hebrew characters, this had the effect of prohibiting entry of east European Jews, an implication often thought to be accidental, but one which, according to Shain (1983:22ff), was intentional.

The 'respectable' press at the time displayed virulent antisemitism, stereotyping east European Jews either as abysmally poor, smelly, conniving and dishonest, or as highly successful, unpatriotic, overfed, manipulative mining magnates. The former were categorised as the 'Pauper Peruvian', while the latter were personified in the well-known caricature of 'Hoggenheimer'. The contradiction of Jews being both poverty-stricken and extremely wealthy was explained by believing the wealth to be criminally obtained and the poverty to be feigned (Shain 1983:47).

In the face of this antisemitism and of the prohibition of Jewish immigration from eastern Europe, the Cape Board of Deputies was formed in 1904, its first accomplishment being governmental recognition of Yiddish as a European language. When the Cape Board amalgamated with the Transvaal and Natal Board in 1912, the South African Jewish Board of Deputies was formed. Its main task was to guard the civil and religious rights of Jews and to act as the representative of the community on all issues of importance, a role it continues to play.

This type of immigration policy had been repeated in the interim but reached a head in the thirties in the Immigration Quota Bill of 1930 and the Alien Act of 1937 - again in response to economic conditions which focused particularly on the poor white problem. Clearly directed at Jews, the Immigration Quota Bill placed a quota on immigrants from eastern Europe, thus limiting the number of Jews entering South Africa. Since this bill failed to keep out central European German Jews fleeing from the terror of Nazism, the loophole was filled by the Alien Act which brought to an end any significant Jewish immigration into South Africa.

I single out these events because they are instructive with regard to limitation of freedom for Jews. They demonstrate that antisemitism is a constant threat to Jews and that, when conditions are appropriate, fears of and animosities towards Jews are mobilised into concrete action against them. It is thus significant that there is, at present, a more obvious expression of antisemitic feeling in South Africa. This is unlikely to abate so long as economic and political uncertainty continue to prevail. The basic ethos of the African National Congress (ANC), however, mitigates against the possibility that this antisemitic feeling will be transformed into concrete action against Jews under black majority rule. It is, of course, assumed that the ANC will be the major participant in black majority rule.

## 6 JEWS AND THE NATIONALIST PARTY

The present condition of Jews in South Africa and their expectations with regard to religious freedom cannot be undertaken in a vacuum and must be viewed in the light of historic circumstances. It is significant that it was the Nationalist Party that spearheaded the restrictive immigration legislation of the thirties. Examination of the Jewish press of 1948 reveals that the community greeted the Nationalist Party triumph of 1948 with trepidation. This had been exacerbated by the antisemitic stance of the Nationalist Party after 1933 and by the indigenous Nazi-style 'shirt' movements that had appealed to Afrikaner

nationalists. This fear was accompanied by concern about the racial policies that the Nationalist Party would be likely to implement. The other main focus of concern in the Jewish press of 1948 was the fledgling State of Israel, the dangers to it and the hopes for its future.

As it turned out, the trepidation - with regard to Jews, Israel and Judaism - was unnecessary because the Nationalist Party has not demonstrated any official policy of antisemitism since its assumption of power. On the contrary, it has adopted a sympathetic stance towards Jews and towards Israel and has had a generally close relationship with the governments of Israel. This has raised problems for Jews with regard to their perception by the oppressed, a perception that has been exacerbated because the oppressed majority in South Africa tend to identify with the Palestinians, seeing an analogy between white oppression of blacks in South Africa and Israeli oppression of the Palestinians.

Always aware of the threat of antisemitism that arises when racism is tolerated - let alone when racist policies are legally implemented - yet grateful that the Nationalist Party had abandoned its antisemitic policy, Jews were in a quandary about how to respond to Nationalist government. The ethical thrust of Judaism demands care and concern, not only for the Jew, but for humanity at large - the Bible, on several occasions, enjoining Jews to love the stranger. Regarding the tensions between Judaism's universalism and particularism and considering that an emphasis on either one will manifest in a particular ethical stance, the Jewish community has never been monolithic. A range of attitudes can be observed among its members. Some Jews have directed their concerns to the group and to the maintenance of Jewish life, and others have been ethically motivated by the wider predicament of South African society.

## 7 JEWS AND THE STRUGGLE AGAINST APARTHEID

It is noteworthy that the names of Jewish individuals are prominent in the struggle against apartheid. During the 60s when apartheid was at its most harsh and measures to silence opposition at its most draconian, the presence of individual Jews in the fight against apartheid was overwhelming. This did not go unnoticed by the government and the Afrikaans press challenged the Jewish Board of Deputies to explain why such a high number of white people detained under the ninety-day clause were Jews (Cohen 1984:12). This activity also did not go unnoticed by the right wing. In 1987, when the Jews criticised Eugene Terre'Blanche for publicly commemorating the death of Hitler's deputy, Rudolph Hess, he defended Hess as a peacemaker and in a counter accusation stated: 'yet the Jews plead for the release of a man such as Nelson Mandela

whose ANC is responsible for murdering hundreds of innocent victims through terrorism' (*The Sunday Star*, 23 August 1987). Black leaders have acknowledged the huge contribution of Jewish individuals to the struggle against apartheid but they frequently charge that this is not evidenced in the community at large. There is considerable truth in the charge, but one should not forget the minority status and marginality of the Jews and the fact that the community constantly feels itself to be under threat.

## 8 OTHER EFFECTS OF APARTHEID ON RELIGION

Apartheid's most obvious consequence has been the legislated dehumanisation and denigration of all people of colour. But it has had other disastrous effects. One that affects religion is that members of individual religious traditions do not know one another. It is seldom possible for a Jew to see a Hindu family observing the festival of *Diwali* or for white Christians to see a Muslim family celebrating *Eid-ul-Fitr* because apartheid has forced us to live in hermetically sealed compartments in racially determined group areas. Thus, added to the genuine difficulty of coming to know the 'inside' of another's tradition, we have an artificially imposed level of ignorance. I also believe that apartheid has caused adherents of religions and their leaders to be overly concerned with their own groups and, therefore, to be introverted. Although apartheid may have helped to maintain group identity, we have spent more time trying to safeguard it and to protect the integrity of our religious communities than would be necessary in a more open society. Furthermore, fear has not permitted us to realise the full ethical injunctions of our religious traditions. This has affected the way in which Jews and other religious groups can and have interrelated with one another.

## 9 MUTUAL BLINDNESS

South Africa has been characterised by an over-concern within individual groups even before apartheid became the official government policy. A striking feature of the early twentieth century was blindness by one racial group to indignities imposed on another. This, as Shimoni (1980) points out, could be observed in the attitude of Jewish communal leaders and in that of Mahatma Gandhi when, after the Union of South Africa in 1910, the government was seeking ways to formulate an immigration law that would keep out Indians and undesirable whites. Despite both Jews and Indians being affected, the Jewish and Indian communities worked in isolation from one another. The Jewish Board of Deputies, working tirelessly to maintain Yiddish as a European lan-

guage, never challenged the general principle of keeping out Indians and thus dissociated itself from their fate. Jewish communal leaders were preoccupied with protecting vulnerable Jewish rights and with seeking Jewish advancement in the host society. Likewise, although he was sympathetic to the blacks who suffered an even lower status than Indians, Gandhi did not initiate a common non-white front, but concentrated his efforts on the rights of Indians alone. According to Shimoni (1980:79), 'It is only in the context of the caste-divided pluralism of South African society that this phenomenon is comprehensible.' Interestingly, there is no evidence that Gandhi expected the Jews to make common cause with the Indians (Shimoni 1980:82). It should also be noted that despite this communal stance, many of Gandhi's associates were Jews and Jewish individuals predominated among the very few whites who took up the cause of the underprivileged castes.

It is clear that, if there is to be true freedom in any sphere, this type of blindness will have to be overcome and I believe that this development is in progress. The genuineness of the search for true freedom of religion which has been evidenced in the past few years is encouraging. So is the obvious willingness to confront all the thorny issues that such a search will unearth. What is so striking at present is that, in place of emphasis on group rights, we have an emphasis on individual rights. If these are secured and they are accompanied by religious freedom, groups of any abiding importance will take care of themselves.

## 10 SPECIFIC FREEDOMS

Elsewhere I have outlined some of the problems that will have to be confronted if there is to be freedom of religion for Judaism and I merely summarise them here. At the combined WCRP and Idasa Workshop held at Laudium in February 1992, I pointed out that religious freedom for Jews would entail freedoms that might not willingly be included by all. Yet this type of freedom is essential for any true democracy. I focused on three areas that could lead to misunderstanding:

- \* The need for *shechitah* (kosher killing of animals for meat) in spite of the protests of animal rights activists. It is obvious that ritual violence occurs in religions and must be accommodated if there is freedom of religion. Since *kashrut* (dietary regulation) is central both to Jewish ritual and identity, religious freedom demands the retention of *shechitah*.

- \* The right of very orthodox Jews to maintain their own exclusively Jewish schools. Although South African Jews happen to be white, this should not be interpreted as racist.
- \* The right of South African Jews to support the State of Israel both morally and materially. Israel as the Holy Land of the Jewish people is not an addendum to Judaism but part of its basic revelation. Furthermore, the Holocaust proved that Jewish powerlessness can result in the annihilation of the Jewish people. The re-establishment of the State of Israel permits Jews to make power decisions that will affect their future and has, therefore, returned the Jews to power. Jews are no longer the objects of history but participants therein. They could not simply wait for messianic intervention if they were to survive in this world.

With the current anti-Zionist trend that is apparent on the left of the political spectrum in South Africa, it seems that it is in the area of support for Israel that problems may be presented. While the strong identification of the ANC with the PLO is perfectly understandable, there should be more willingness to understand the Jewish position and the Jewish need for a secure homeland in Israel. Support for the idea of Israel as a Jewish homeland should not be confused with the policies of any particular Israeli government. At the same time, however, one cannot ignore the ongoing threat to the State of Israel that has been presented by the Arab world and the various strategies that the government of Israel has had to adopt in order to counter it.

## 11 INTERRELIGIOUS DIALOGUE

Jews have been influenced by conditions in South Africa, as has every religious group. We need to view each other against South Africa's unfortunate legacy. But, as conditions change, we have the opportunity of coming to know one another as human beings, sharing a common struggle for survival, and sharing the predicament of needing meaning in our lives - something our individual religious traditions provide. Paramount in the attainment of this goal is inter-religious dialogue which alone can expose the very real areas of conflict that exist in the relationships between our religions. This will involve discussion of areas that are so often misunderstood and thus condemned. Only knowledge can lead to understanding and it is only with understanding that we can accord to one another true respect.

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# An Islamic experience of religious freedom in the South African context

A R Omar

## 1 INTRODUCTION

The question of whether there is indeed *freedom* of religion in South Africa is, however, not an easy one to answer, since any answer will largely be determined by one's own position in this society.

(Lubbe 1990:212)

The story of the Islamic experience of religious freedom in the South African context is a perplexing one, which can be correctly interpreted only if it is located within the general history of South Africa. For religious experiences do not occur in isolation, but arise from within, and out of, a particular sociohistorical context. Not only do these sociohistorical exigencies impinge on the nature of the religious experience, but they are frequently influenced by religion. The South African context provides us with a useful arena within which to explore this dynamic relationship. Here, religion (in particular, Calvinist Christianity) became implicated in a system of social relations with racial exclusivity as its basis. Within this context, a peculiar understanding of religious freedom developed. At the core of this peculiar understanding of religious freedom was the question of political acquiescence to, and religious legit-

imation of, the apartheid state. Essentially what this meant is that religious movements were allowed to operate freely, as long as their activities did not challenge the apartheid structures. In fact, religious communities could acquire active state support for their activities if they were willing to collaborate in making the apartheid project a reality.

It was this peculiar situation that made the answer to the question of whether there was indeed religious freedom in South Africa so fraught with difficulties. The purpose of this paper is to explore the implications of this peculiar articulation of religious freedom for South Africa's small, yet vociferous, Muslim community. It will conclude with an examination of the way in which the *Declaration on Religious Rights and Responsibilities* by the South African chapter of the World Conference on Religion and Peace could advance the Islamic struggle for religious freedom in the South African context.

## 2 THE ISLAMIC EXPERIENCE OF RELIGIOUS FREEDOM UNDER THE MAETSUYCKER PLACAAT

The occupation of the Cape by the Dutch East India Company in 1652 meant that it was to be administered in terms of the Statutes of India. These Statutes, better known as *Placaten*, were drafted by the Dutch governor Van Diemen in 1642, (Aspling 1883, quoted in Davids 1992:83). These *Placaten* were particularly noted for their strong Calvinistic tenor. No form of worship other than that of the Reformed Protestant Church was to be tolerated. This is clearly evident in the following quotation from the Statutes of India:

... that within the town of Batavia no other religion should be exercised, instructed or propagated in private or public, than the Reformed Protestant Church - as doctined in the public churches of the United Provinces, and that should any other congregation be held or kept, either Christian, heathen or Moor, all the property of such should be forfeited and he be put in Irons, and banished out of (the) Country or punished corporally or with death, according to the circumstances of the case.

(Davids 1992:84)

Interestingly, however, with the arrival of the first Muslim Mardyckers from Amboina to the Cape, the Batavian Governor, Joan Maetsuycker, issued the following amended placaat:

No one shall trouble the Amboinese about their religion or annoy them; so long as they do not practice in public or venture to propagate it amongst Christian and Heathen. Offenders to be punished with death, but should there be amongst them those who had been drawn to God to become Christian, they were not to be prevented from joining Christian churches.

(Aspling 1883:17, quoted in Davids 1992:84)

It is clear from the Maetsuycker plaacaat that there had been a definite shift in policy on the question of religious freedom, and in particular that of the Amboinese religion, which was Islam. It seems likely that this concession on religious freedom, though limited, was meant to placate the Mardycker Muslims, to ensure their full cooperation in serving the new colony loyally.

Notwithstanding the relative improvement of the Maetsuycker plaacaat, it effectively meant that public practice of Islam at the Cape was prohibited, with a maximum penalty of death for anyone who dared to violate it. The Maetsuycker plaacaat was to set the tone for much of the Islamic experience of religious freedom at the Cape during this early period. Islam was to be tolerated only at the private level. Then, too, every effort was to be made to convert these eastern heathens to Christianity. This repressive policy on religious freedom prevailed until 1804 when, under the liberalising influence of Governor Janssens and Commissioner De Mist, slavery was abolished at the Cape - accompanied by the scrapping of the Maetsuyker restrictions on religious freedom.

### **3 THE ISLAMIC EXPERIENCE OF RELIGIOUS FREEDOM DURING THE NINETEENTH CENTURY**

Notwithstanding this more visible and vibrant expression of Islam, the situation of Muslims in the first half of the nineteenth century was still far from being a happy one. They were constantly persecuted, harassed and arbitrarily arrested because of their Islamic faith. This oppressive reality is succinctly captured in the following piece from the editor of *The Commercial Advertiser* 27 December 1928 (quoted by Davids 1992:87):

As to the public worship of the Mohammedans, although it was tolerated, no Proclamation of Law, as far as we know, was ever issued in this Colony, by which it was sanctioned or

recognised! Perfect toleration was however one of the few praise worthy principles of the old system. Thus we have seen that an industrious and peaceable class of inhabitants whom an enlightened policy would have cherished and perfected, were up to 3 July 1828 treated with the utmost harshness and ignominy. Their marriages were declared unlawful, and their issue degraded. They were refused admission to the rights of Burgership. They could not hold landed property nor remain in the Colony, though born there, without special permission and ample security. They were placed under the arbitrary control of the Burgher Senate and Landdrost - compelled to perform public services gratuitously - punishment at their discretion with stripes and imprisonment - unable to leave their homes without a pass - their houses entered and searched at the pleasure of the police. They were liable to arrest without warrant - and yet were taxed up to their lips, like the other Free inhabitants.

Because Muslim marriages were not recognised, they were considered to be illegitimate and Muslims were thus prevented from taking up membership in the Burgerwag and Ratelwag, which were important forms of employment (Davids 1992:86).

Another important issue that characterised the Muslim struggle for religious freedom during the nineteenth century was that of the payment of ecclesiastic grants from public taxes exclusively to Christian religious organisations. Despite the fact that the Batavian Republic's religious freedom edict of 25 July 1804, clearly stipulated that religious societies were to finance their own places of worship and provide the salaries of their ministers, the Cape administration continued to give ecclesiastic grants to some Christian congregations. Right from the onset of representative government at the Cape in 1884, the question of ecclesiastic grants became an issue of debate in the Cape Parliament.

Muslims under the political leadership of Abdul Burns formed an alliance with a Jewish member of the Cape Parliament, Mr Saul Solomons, to oppose the issue of ecclesiastic grants. Twenty-one years later in 1875, after a long and intense struggle, the Cape Parliament passed the Voluntary Bill, which effectively abolished state aid to certain Christian congregations through ecclesiastic grants. The Christian response to this struggle for religious equality on the part of the Jewish/Muslim alliance was to argue that the Cape Parliament was a Christian government and, as such, was bound to support the Christian religion only, 'which admit of no compromise with Mohametanism or Judaism'

(Davids 1992:99). The *Cape Argus* of 10 June 1875, hailed the abolition of state aid to religion as an important victory in the struggle for religious equality (Davids 1992:99).

#### 4 THE ISLAMIC EXPERIENCE OF RELIGIOUS FREEDOM UNDER APARTHEID

With the coming to power of the Nationalist Party in 1948, and the introduction of the policy of racial segregation, the question of religious freedom - like all other sociocultural freedoms - became synonymous with political freedom. Ironically, the apartheid regime saw itself as a Christian state and claimed to derive its policies from biblical teachings.

Muslims, who formed an integral part of the oppressed non-white community, were victims of racial discrimination at every level of South African society. It was inevitable that the oppressive apartheid laws were to adversely affect the religious rights of Muslims. This was to be epitomised in the threat the Group Areas Act held for Muslim mosques.

The centrality of the mosque or place of worship in the Muslim community can hardly be overemphasised. It was the fulcrum of worship, learning and culture for Muslims. It became a place of protection from the pressures and influences of their non-Muslim environment. In the late fifties and early sixties these centres of gravity within the Muslim community came under threat as a result of the application of the vicious Group Areas Act. Entire communities of Muslims were forcibly removed from their birthplaces in Claremont and District Six and dumped in the Cape flats. Concern and anxiety started to grow regarding the future of the many mosques that were now left derelict in the affected areas.

In March 1964, the powerful Cape-based Muslim clergy body, the Muslim Judicial Council (MJC), convened a national conference to protest the Group Areas threat to their mosques. The conference adopted the following resolutions:

- 1 Muslims throughout the Republic should never abandon their Mosques.
- 2 Where Muslims are resettled and new Mosques are built, the Mosques where Jumu'a were previously performed should still be used for that purpose and for the other daily prayers.

- 3 Muslims should under no circumstances apply to the Government for a permit to perform prayers in Mosques that have been left in proclaimed white areas.
- 4 Mosques in the proclaimed white areas should never be allowed to fall into disrepair or to become derelict. These Mosques should at all times be used for the purpose for which they were built and Muslims should assist in keeping the Mosques in good order.
- 5 We cannot divorce the Muslims from the Mosques nor can we divorce the Mosques from the Muslims (Muslims should remain domiciled where their Mosques are).
- 6 Muslims should under no circumstances compromise on their religious principles.
- 7 Muslims must at all times remember that the Mosques are the core of our religion: it is our place of worship; our marriages, our religious schools, in fact, our whole social structure is built around our Mosques.
- 8 The annual conference will be held in the different centres of the Republic.
- 9 All 'Ulama' and Muslims throughout the Republic should guard against the intrusion of our religious rights.

*(Muslim News 1964:1, quoted in Lubbe 1989:97)*

From these resolutions it can clearly be seen that the Muslim community viewed the Group Areas Act as an attack on its religious freedom. Although the Muslims eventually won the battle to retain their mosques in the affected areas, the question was raised as to whether there was any sense in the sacredness of the mosque being respected by the authorities when the people who had to use it were to be removed from it (Lubbe 1989:96). The mosques situated in white areas were to symbolise the Muslim religious resistance to the oppressive apartheid rule.

## **5 THE FUTURE: ISLAM AND RELIGIOUS FREEDOM AS ESPOUSED IN THE DECLARATION ON RELIGIOUS RIGHTS AND RESPONSIBILITIES**

As part of the whole process of grassroots consultation on the nature of a future non-racial, non-sexist and democratic South Africa, religious leaders representing all the major religious traditions participated in a two-year process, which spanned the period between December 1990 and November

1992, of drafting a charter on religious freedom. The object of this exercise, which was supervised by the World Conference on Religion and Peace (South African chapter), was to produce a consensus statement on religious freedom which could be forwarded to constitutional experts for consideration in the drafting of a new South African constitution or Bill of Rights.

After two major national inter-faith conferences, and a host of local inter-faith and single-faith workshops, on 24 November 1992, the *Declaration on Religious Rights and Responsibilities* was produced and presented to all religious communities and individuals for endorsement. This declaration in our view has laid the foundation for a new dispensation on religious freedom in South Africa. And, if it is adopted in a future South African constitution or Bill of Rights, it will radically transform the religious nature of South African society and will most certainly resolve many of the present-day problems that Muslims encounter in this Christian-dominated society.

The most important aspect of the document is that it calls for a future South African state to be a truly religio-pluralistic one and, as such, it is the first time in South African history that the idea that the state should be a Christian one has been abandoned.

The document calls on the state to uphold the equality of all religious communities before the law, by not identifying with or favouring any of them. The centrality of this issue in the quest for full religious freedom in South Africa can be gauged from the vitriolic responses the document has elicited from Afrikaner Christian churches (Jackson 1992). The latter believe that because more than three-quarters of South Africa's population claims to be Christian, there is sufficient justification for their demand that South Africa should be officially declared a Christian country. It is not at all surprising that the Afrikaner churches should be advocating such a position, for they have enjoyed a parasitic relationship with the South African apartheid state over the past forty years. Prozesky (1990) has usefully depicted this 'hegemony of white Calvinists on the State' in the following manner:

Members of this elite have used the apparatus of the state - paid for at least partly by the taxes of a dissenting and mostly disenfranchised majority - to impose their beliefs and values on the country. Education and broadcasting are the two most significant fields to have been affected over the past 40 years.

The Islamic experience of religious freedom in the South African context has clearly shown that this close relationship between the state and Christianity has, in numerous ways, adversely affected Muslims' religious freedom. It has meant that, right up to the present, Muslim children in public schools are forced to endure Christian National Education, Muslims have to suffer the indignity of their marriages not being officially recognised, and they have virtually no access to the publicly owned communications media. They have therefore come out in support of the declaration's clear separation between state and religion. Moreover, this separation will ensure that religion in a future South Africa is not co-opted and used to justify state policies. It will ensure that religions maintain their spiritual integrity and continue their prophetic role of being the moral conscience of society, raising their protests against violations of human dignity in a future South Africa. This undoubtedly should be the major lesson we need to learn from South Africa's past record on religious freedom.

The most challenging aspect which the declaration holds for Islam and religious freedom in a future South Africa is that of the freedom to change one's religious allegiance. This was an issue which was rigorously debated by Muslims at various stages in the declaration's forums. Conservative Muslim scholars have taken the position that any person born from Muslim parents does not have the freedom to change his or her faith. If he or she does so, the punishment should be death. In a non-Muslim country, where such a punishment is not possible, total social ostracisation is advocated. This view is widely prevalent within the South African Muslim religious leadership, and has been fought for vigorously by an influential section of the Muslim representation. This position, however, is not supported by all Muslims. The challenge of religious freedom for the latter group is to be more vocal about its stance, even if it means risking severe chastisement from conservative Muslim quarters. There is, we believe, sufficient evidence from authentic Islamic sources to make a strong counter-Islamic case. One such source is that of the contemporary Islamic legal scholar, Mohamed S El-Awa, who concludes his thorough examination of the Islamic position on apostasy as follows: 'To sum up, the Qur'an prescribes no punishment in this life for apostasy. The Prophet never sentenced a man to death for it' (El-Awa 1982:56).

The major victory for the Islamic struggle for religious freedom in the South African context arising from the declaration is the fact that it calls on a future democratic South African state to recognise systems of family and customary law.

## 6 CONCLUSION

The Islamic experience of religious freedom in the South African context has taught Muslims that religious freedom can only be effective if it functions in consonance with an open and free society.

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