Reflections on Cape Muslim History: the St. Cyprian's issue

Auwais Rafudeen (Islamic College of Southern Africa)

The Muslim community of the Western Cape recently faced a standoff with a private school in one of the suburbs of Cape Town. Plans for developing a piece of ground owned by the St. Cyprian's School were met with protest by Cape Muslims under the impression that the disputed area was a Muslim burial site. I was commissioned as a historical researcher in the dispute. More specifically, I was asked to find out if any documented evidence of such graves was available. My finding was that at the present juncture none appeared available. Similarly, archeological, archival and oral evidence could not prove conclusively that this was once a Muslim burial site.

My intention in this article is not to describe the process and data of my research.[1] Rather, I would like to reflect in a general manner on some interesting themes that arose from the conclusions of my report, as well as my involvement in the dispute as a whole. These themes can be outlined as follows: (1) empirical historical research in the light of normative political expectation, (2) the building of a historical culture, (3) the role of the *Shari'ah*.

1. Facts and expectations

Previously disadvantaged South Africans are in the process of reclaiming their history and Muslims are obviously no exception. Like their fellow-dispossessed, Muslims garner a sense of rightful entitlement in post-Apartheid South Africa. The change of the political guard has created expectations that the previously suppressed voice of the dispossessed can now boldly claim that which was taken away from it.

These expectations can be classed as both general and specific. As to the general, it involves the *overarching sense* of what is due to the oppressed and the proper acknowledgement and assessment of their role in South African history. The specific involves the *application* of this revisionist history in *particular* cases, such as the St. Cyprian's issue for example. But the specific level is also the *factual, empirical* level. At the specific level the researcher comes into contact with hard data, which, as understood in classical historiography, should determine his or her conclusions. Expectations cannot override the facts of a particular case.

[1] My "Project Report" is available at the offices of the Muslim Judicial Council and Centre for Contemporary Islam at UCT. It details these aspects.

The reality, of course, is far more intricate. In the prevailing climate of the South African political situation, as well as the influence of certain trends in the academic world, expectations have a definite bearing on the facts. The academic does not have the privilege of being a *dispassionate*, objective researcher whose sole mandate is the impersonal accumulation of data. Rather, this data must be investigated in the light of past inequities. In the St. Cyprian's case, I received the impression that I was needed to *confirm*-rather than ascertain- the existence of Muslim graves, thus re-affirming the role of Muslims in Cape history. There appeared to be acceptance of *prima facie* reports because they met such expectations. Undue attention to such expectations obviously clouds a researcher's judgement, but even a careful researcher has an emotive response to South Africa's past. This makes these expectations difficult to block out completely. The matter is further compounded by certain academic trends that question whether a fact can be separated from its interpretation (or expectation) and thus whether "objective" history is possible at all.

But I think that mainstream history (while conceding that expectation and interpretation have given a greater self-awareness of the historian's location as well as the socio-political import of research) would maintain that unearthing the "facts" of a case is still possible. Interpretation takes place *after the fact* and therefore research can be, if not fully objective, at least "more" or "less" objective. In other words, empirically based research is possible. While being aware of the import and nuances of expectations and interpretations, the researcher maintains his/her distance from them in the research gathering stage.

2. The building of a historical culture

The Muslim community in Cape Town lacks a historical culture. At a deeper level, this communal historical culture would be a professionally administered, organised effort that involves itself in the systematic exploration of Cape Muslim history. But even at a superficial level it is the sense that their history is *important*, and must be preserved. Apart from a few individuals, most notably Achmat Davids, who sought to reclaim Cape Muslim history, the community has tended to be indifferent to a historical culture, even at the superficial level.

Various reasons suggest themselves for this state of affairs. One is that Islam, as traditionally practiced, does not have a built-in sense of historical consciousness. Traditionally, the *akhirah* (hereafter) is everlasting, the *dunya* (world)-and thus history-

ephemeral. Traditionally inspired Muslims orient themselves to the hereafter and not to this world, implying (quite rightfully in the ultimate sense) a devaluing of "secular" time and space. History is important if it is sacred Muslim history: for example, the biography of the Holy Prophet (Peace and Blessings be upon him). But history that does not clearly serve to enhance one's religious commitment will not be regarded as existentially beneficial. Another reason is that Cape Muslims are only just emerging from being an underclass, and the community does not have the intellectual and financial resources at this stage to sustain a viable historical culture.

Whatever the reasons for the situation, the lack of such a historical culture places Muslims in a highly disadvantageous position when dealing with contentious issues such as the St. Cyprian's dispute. This was borne out by a number of factors. Firstly, the issue was not generated by the Muslim community's self-awareness of the possible impact the school's proposed development could have on its heritage; rather, they were made aware of it by outside interests. Secondly, there was a palpable lack of awareness of what a full historical enquiry entails. In the St. Cyprian' case, for instance, one has to first grasp the copious secondary literature before delving into the primary sources. The primary sources, in turn, present problems of their own: much of the pre-19th century ones are written in High Dutch and a difficult cursive style. Furthermore, they require a person skilled in archival access to approach them systematically and efficiently.

The remedy, of course, is the setting up of an infrastructure for the training and financing of researchers specifically concerned with Cape Muslim history. This must be accompanied with a directive to undertake a systematic exploration of all epochs and facets of that history i.e. a thoroughgoing general history of the Cape Muslims. Specific issues that arise, such as the St. Cyprian's issue, can be met preemptively and with ready responses. The Muslim Judicial Council, to their credit, is aware of the problem and has expressed interest in the building of such a historical culture. If realised, such a community-based approach would neatly complement the work already being done at local universities.

3. The role of the Shari'ah

In Muslim culture, it is the normative parameters of the *Shari'ah* which determines a Muslim's response to absolutely everything. In the St. Cyprian's case the question was: does the *Shari'ah* allow the development of the school proposed? From my discussions with individual *'ulama*, I obtained the following responses: Firstly, there are positions

in *fiqh* which allow structural development on long obsolete, disused graveyards. Secondly, and more fundamentally, there is the element of doubt concerning whether Muslim graves are present on the site at all. In such cases doubt is not considered an operative legal principle for claiming whatever rights Muslims may have felt they had.

This is not to say that one cannot argue from criteria other than Islamic legal maxims. On the contrary, the principal argument made by the MJC with regard to the issue was in terms of *heritage*. Muslims had a possible historical claim to the land and post-Apartheid South Africa has given us an opportunity to reclaim our *historical* rights. However, I believe that in the quest for asserting these rights, the *Sharia'h* dimension should not be lost or played down. Our pursuit of these rights cannot clash with *Shari'ah* requirements and allowances. Further, the *Shari'ah*, by its parameters, sets up the areas and ranges *within* which compromise on an issue is possible.

The *Shari'ah* also guides when dealing with the notions of *kashf and ilham* (spiritual "unveiling" and direct spiritual inspiration respectively). In the context of disputes like that of St. Cyprian's, these notions assume importance as certain participants claim to have knowledge of gravesites because of "spiritual contact" with deceased persons, particularly those known for their piety. In the Cape context, with the proliferation of *kramats*, an epistemological sensitivity with regard to such notions needs to be exercised. Such sensitivity, I believe, can be found in the *Shari'ah*. Steering a middle course between complete incredulity on the one hand, and utter credulousness on the other, the *Shari'ah* allows for the possibility and personal relevance of such phenomena, while at the same time limiting their role as external proofs. In other words, while respecting that claims made on the basis of *kashf* or *ilham* are plausible, they need not be accepted at face value. Thus, in whichever way a Muslim researcher personally relates to such phenomena, the empirical gathering of data maintains a self-sufficient integrity.

My rather speculative musings on historiography, historical culture etc. are, of course, far easier to do than "real history." But my experience with the St. Cyprian's issue has led me to believe that, in order to facilitate the research process, we require the construction of some sort of theoretical framework around which to pursue the question of Cape Muslim history.