

Talk at the launch of Muslim Lawyers Association

“God commands justice and fair dealing...” (Quran 16:90)

“We sent Our Messengers with clear signs and sent down with them the Book and the Measure in order to establish justice among the people...” (Quran 57:25)

“O you who believe! Stand out firmly for justice, as witnesses to Allah, even if it be against yourselves, your parents, and your relatives, or whether it is against the rich or the poor...” (Quran 4:135)

“Let not the hatred of a people swerve you away from justice. Be just, for this is closest to righteousness...” (Quran 5:8)

I am deeply honoured and humbled to have been requested to join you today at the launching of the Muslim Lawyers Association. In this august gathering, there are elders and senior colleagues who have introduced me to life's challenges and fundamental values, coupled with a legal career filled with joy and excitement.

As lawyers evolving during the tumultuous days of apartheid, we were blessed with ethical collegiality and principled leadership. We sought to anticipate and to confront the very awesome consequences of the pain and the shame of our racially segregated existence - sometimes with great success and skill, sometimes with debilitating frustration and agony, often with mixed disappointment and triumph but always with impressive levels of integrity and persistence.

We have now arrived at a juncture and a period in the history of our nation when we must navigate in some profoundly irreversible and visible way, the difficult journey from the old to the new. That juncture and that period for our participation as Muslim lawyers, as key players in our constitutional democracy, in our region on the benevolent continent of Africa demands that we irreversibly forge ahead.

The ideals of the new must find articulation by you as Muslim lawyers. In the pursuit of justice, throughout your legal practice, you must express

with freshness and energy the deepest and most fateful aspirations of your Islamic custom. The contribution and resilience displayed by credible lawyers of the Muslim faith in Southern Africa has been and should continue to be: honest, dedicated, mature, and stable.

As Muslim lawyers you have much to be excited about. For many there is the excitement of a new voyage towards introducing Islamic values of truth and justice in the development of our constitutional jurisprudence. For some there is the excitement of confronting the face of reality in a world twisted on portraying Islam as a violent religion with the adherents of this noble faith as terrorists and fundamentalists. Then for others there is the excitement of acquiring joy in the service of the poor and the indigent, bringing the prospect of real transformation and fulfilment in the quality of their lives; for still others there is excitement in the enticing challenges to build a new nation which is no longer demeaned by its cruel racial past but is driven by the sensitivity sharpened by that very cruelty to catalyse a new romance; and in the last instance there is for everybody excitement in seeking to combine the intellectual discoveries of the mind with the warm mysteries of the heart in the regeneration of our wayward humanity.

How is the potential for all this creative excitement offered by the noble religion of Islam to be fulfilled? How can the enthusiasm which it invites in so many be sustained? How is it to be disciplined, and structured? And crucially how can it effectively be harnessed to build a nation energized by a shared and defined vision?

The answers are arguably diverse, sometimes complex but never simple. In the erudite words of our beloved late Chief Justice Ismail Mahomed:

"Post-apartheid South Africa satisfies the conditions inherent and necessary to build an ethically and morally defensible and sustainable nation. Our Constitution - properly analysed articulates an ethical and moral vision for building our nation. It is a mirror seeking to reflect the national soul, the identification of the ideals and aspirations of the nation, the articulation of the values bonding its people. The Constitution seeks to commit itself to the achievement of human dignity; to the advancement of human rights and freedom; to a non racial and non-sexist society; to the supremacy of the Constitution and the rule of law, and to democratic government."

As Muslim Lawyers nurtured and educated under the African skies, who espouse the principles of Islam and adhere to the Islamic values, you must play a potentially constructive role in seeking to build a South African nation, which is morally defensible, jurisprudentially progressive, economically healthy, ethically coherent, logistically sustainable and spiritually energising.

It is perhaps appropriate that all those present here today make their indelible marks in the different spheres of their vocation: in the development of the just and equitable society that we all crave for, within the borders of our beloved country and on the wonderful continent of Africa.

Emancipated from the albatross and tensions of apartheid, we have the potential richness, the traditions and the internal dynamic to reclaim and to renew for the entire continent both internal enthusiasm as well as external legitimacy from those with whom we would wish to share a rapidity involving an African Renaissance and a culture based on the founding values of Ubuntu.

May harm never come to the South Africa which seeks to nurture, to defend and to strengthen its capacity to build a nation and to give to new generations the excitement and the romance generated by its pursuit.

I thank you.

Justice Mahomed Jajbhay

20th April 2008.

