

JAMIATUL ULAMA - TRANSVAAL

COUNCIL OF MUSLIM

THEOLOGIANS

2nd FLOOR, MISAAL HOUSE P.O. Box 42863
11 NURSERY ROAD FORDSBURG, 7033
FORDSBURG. JOHANNESBURG SOUTH AFRICA
INT. DIALLING. (+2711) 834 2859
(011) 834 2859
834 28M 8342888
FAX: (+2711) 838 2769 FAX: (0 11) 1338 2769

SUBMISSION TO THE TRUTH AND RECONCILIATION COMMISSION

The Jamiatul Ulama Transvaal is a constituted body of Muslim Theologians established since 1923. It has since its inception served the spiritual as well as socio religious needs of the Muslim community residing in Gauteng, North West, Mpumalanga, Northern Province, O.F.S. and some areas of the Northern Cape. It has six regional offices and seven branch representatives. Its members serve as Imaams in ninety percent (90%) of mosques in these areas. The Jamiatul Ulama, therefore, represents the majority of Muslims living in these Province's. It is also the founder member of the United Ulama Council which is a national body representing all major Muslim theological bodies in the country. As such we are able to provide a broad perspective on the Muslim community without claiming to represent all shades of Muslim opinion.

The Jamiatul Ulama comprises of various departments including a Department of Fatwa (Law and Decree in Islam), Social Welfare Department and a Department of Education. It also incorporates in it's function the Halaal Consumables and Beverages department. This department is responsible for the monitoring of Halaal (lawful) foods and issuing religious guidance and directives with regards to Islamic Dietary Law.

The Jamiatul expresses thanks to the TRC for providing a platform to examine critically the role of religions in South African society under apartheid; and, to assess to what extent religions may have been used in our country in violating human rights.

Religion is a powerful motivational force in any society. Apart from presenting a broad set of moral and ethical values to an individual, it enhances a sense of spirituality in each personal. Based on a set of moral norms it helps one to distinguish right from wrong. But more importantly for our discussion, religion can serve as a guide to social action and wider societal structuring and organisation. The impact of religion on society can assume both positive and negative forms; and, in the South African context, it is regrettable that a particular religion was vulgarised to provide a religio-ideological justification for apartheid, race domination and social oppression of the Blacks (i.e. African. Coloured and Indian).

In sharp contrast several religions including Islam have emphasised the abhorrent nature of racial discrimination.

Islam was brought to South Africa just over 300 years ago under conditions of global colonial conquest and slavery, The foremost Muslims who were brought to our shores were either captured freedom fighters against Dutch colonialism in the far East, or slaves to European masters in the Cape. The socio-political relations of dominations of the time ensured that Islam remained a subjugated religion of a minority, enjoying neither equality nor the right of free and unfettered expression. In this context Islam became a liberating tool advocating the inherent equality of all creation, irrespective of race, ethnicity or class position

Since 1694, Muslims in South Africa developed creative strategies to defend their religion and to challenge broader forms of social oppression and discrimination. In broad terms this meant the following:

- building and developing religious, educational and social welfare institutions in the

Muslim community'.

- challenging explicit forms of discrimination against Islam, and
- participating as individuals and collectively in the wider struggles for freedom in our country.

Sheikh Yusuf in Macassar and Tuan Guru and Sheikh Effendi in the Bo-kaap played an instrumental role in challenging colonial domination in the late 18th and 19th centuries. At the turn of the century thousand of Muslim South Africans mobilised in the passive Resistance Campaign, It is of interest to note that the Hamidia Mosque in Newtown came to serve as a nerve centre for the organisational activities of the Passive Resistance against race discrimination. Similarly, Dr Abdullah Abdurrahman of the African People's Organisation challenged race discrimination in the Cape. In the 1940's Muslim Ulama (theologians) such as Moulvi Cachalia and Moulvi Ismail Saloojee joined hands with Dr Yusuf Dadoo and others in transforming the Transvaal and Natal Indian Congress into mass based organisations. Since then a wider array of leaders have played prominent roles in the struggle for liberation in South Africa. Imam Haroon associated with the Pan African Congress and Ahmed Kathrada the ANC. Likewise, political figures such as, Ahmed Timol. Dr Hafejee and Suliman "Babla" Saloojee gave their lives for the freedom struggle.

In more recent years, Muslims were active in the liberation movements and joined more politically orientated organisations. Many Muslims were in the student struggles of the 1980's, particularly in the West ern Cape. These young people and leaders, inspired by the moving spirit of Islam, were detained, imprisoned, tortured, banned, exiled, and in some cases killed. Several Muslim newspapers were banned for distribution in the 1980's and their journalists censored. Muslim journalists were imprisoned and harassed persistently. A number of Muslim leaders had their travel documents seized or confiscated. These were the overt and more brutal forms of religious persecution and oppression.

But there were more subtle forms also. These relate to areas such as: Christian National Education that indoctrinated our children into a Christian national philosophy and which denigrated an Islamic perspective of life.

There were, and continues to be, one-sided and distorted presentations of Islam in the media, Islam is represented as "fundamentalism", "Intolerant", "prone to use violence and militarism", "advocating gender inequality and women's oppression" etc. These send out profoundly negative images of Muslims that open them up to scandalous and violent attacks from fanatics of other religions as well as damage the self-esteem of Muslim children and youth.

In the legal and judicial systems in place, Muslim personal and family law is not recognised. Muslim marriages are not legally valid, resulting in our children being considered illegitimate or born out of wedlock.

In several high profile cases Muslims have had to launch community protests and legal challenges to prevent the demolition of our mosques and the desanctification of land used for prayer because of the illogical resettlement of communities under the Group Areas Act and had to bear the economic burden of re-establishing mosques and educational institute.

Muslim places of worship have come under physical attack. As recently as last year the Rustenburg Mosque was bombed allegedly by right-wingers who saw Islam as a social threat and an anti-Christ religion. Mosques have been desecrated by unknown persons through bombings, the placing of decapitated pig heads in its precincts and the painting of intolerant slogans on its walls.

Muslims have received little or no support for the growth and development of their social, cultural and religious institutions from the apartheid state which saw itself as a Christian state. Muslims basic religious necessities of Halaal food at Hospitals, Prisons, Defence Force were not provided.

The vast majority of South African Muslims have found apartheid to be an abhorrent system that contradicted basic Islamic principles and beliefs. It is mentioned in the Glorious Quraan that,

"O Mankind ! We created you from a single male and female, and made you into nations and tribes, that you may know each other (Not that you may despise each other). Verily the most honoured of you in the sight of Allah is one who is most righteous.

(Surah 49, Verse 13)

Our beloved Prohet - peace be upon him - has said,

"All creation are the family of Allah, and those are dearest to Allah who treats his family (creation) with kindness. (Baihaqi)

In stating this it must also be recognised that a minority did collaborate with the apartheid state in the local management committees, the South African Indian Council, the Coloured Representatives Council and the Tri-cameral system. We reject the view offered by them when they say that "they went in to advance Muslim interests". It was made plainly clear to them that collaboration with an oppressive regime is antithetical to Islamic principles. We call on them to come to terms with their conscience and do what is honourable - apologise to the nation at large and seek forgiveness from one's Creator.

Muslim religious organisation made their stand against apartheid at different levels and in the spheres of their main activity viz: political, social, educational and spiritual. Faith groups never practiced any discrimination, in fact they broke racial barriers where possible and necessary. For example,

- i. Muslims of all colours and races would pray *shoulder to shoulder* five times a day in Mosques;
- ii. Muslim children of all races *sat together* in religious schools and received religious education after having being forced by apartheid to attend *separate schools* in the mornings:
- iii. Higher Islamic Education Institutes consisted of students of all races and colours *who lived and studied* together.

These practices afforded dignity to the disadvantaged at a time when they were denied basic human dignity. Despite this many organisations feel that they could possibly have been more vigorous in their approach.

So enthusiastic were the Muslims in opposing the injustice of the government of the day, that if a group or organisation did not visually and physically oppose the government, it was sometimes accused of collaborating by those organisations who had shown their opposition by way of public demonstrations.

Islam advocates forgiveness and human kindness. It calls for religious and political tolerance, respect for the rights of others, social justice and equality for all. These are some of the core principles for national reconciliation and nation building.

Religious leaders should act as a moral conscience and voice of the nation. National reconciliation will have to be sustained even after the TRC completes its mandate. It will have to be nurtured and strengthened. In this regard, religious leaders can play a pivotal role.

We recommend that:

- a. A National Religious leaders Forum be established with one of its tasks, inter-alia, being the continuous and 'systematic promotion of national reconciliation' and peace in South Africa;
- b. Each religion utilises its leadership and resources to develop a comprehensive strategy to foster reconciliation within its own constituency and across religious communities;
- c. Concerted efforts be made by government and religious forces to improve the quality of life of all South Africans, particularly the historically disadvantaged; and,
- d. That well considered national campaigns be launched to sustain the impetus towards reconciliation, social stability and peace;
- e. That in enacting legislation, government need to consider the religious sensitivities of the various religious communities.

E. I. Bham (Moulana)
Assistant Secretary
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