



مجلس القضاة الإسلاميين  
زمانة من تاريخ 20 كانون الثاني 1945

# MUSLIM JUDICIAL COUNCIL(SA)



Head Quarters:  
Darul Arqam  
20 Cashel Avenue  
Athlone 7764  
Republic of South Africa  
Telephone: (+2721) 684 4600

www.mjc.org.za  
info@mjc.org.za / sec.general@mjc.org.za

Postal address:  
Gatesville 7766  
PO. Box 38311  
Republic of South Africa

Fax: 0860 522 5963

160-172 NPO

16 August 2017 / 23 Dhū Al-Qádah 1438H

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Respected Imām/ Maulānā/ Shaykh

السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

## Re: MJC UNIFIED *KHUṬBAH* ON GENDER BASED VIOLENCE

I hope and pray that this letter finds your honoured self, your families, and Masjid congregation (*Jamāáh*), whilst ALL of you are enjoying good health, imbued with firm *Īmān*, and serving the *Ummah* with sincerity, diligence, enthusiasm, and pride, *Āmīn*.

As you know, we find ourselves in the month of August, which is aptly named National Women's month in South Africa. We are all aware that every day is supposed to be Women's Day in terms of how women should be treated. However, the stark reality is that the level of violence and abuse against women is on the increase in South Africa, and the Muslim community in South Africa is not immune to this. Not even the Ulama fraternity is free of this atrocious behaviour.

Thus, we take this opportunity to remind ourselves and our congregations of this social ill by forwarding this **Unified *Khuṭbah*** to your honoured selves on "Gender Based Violence" to be delivered this Friday, 18 August 2017, *In Shā Allāh*. We beseech you to utilize this *Khuṭbah* this Friday, and to shed some light on this very serious social ill.

Jazākum Allāh Khayran for your anticipated cooperation

Your brother in the service of Islām and humanity

د. سجاد طاليپ

Shaykh Isgaak Taliep  
Secretary General



## بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

اللَّهُمَّ إِنِّي أَفْتِيحُ الثَّنَاءَ بِحَمْدِكَ، وَأَنْتَ مُسَدِّدٌ لِلصَّوَابِ بِمَنْكَ، وَأَيَّفَنْتُ أَنَّكَ أَنْتَ أَرْحَمُ الرَّاحِمِينَ فِي مَوْضِعِ العَفْوِ وَالرَّحْمَةِ.

O Allāh! I begin the glorification of You with praising You, And You always guide us to the right out of Your favouring upon us. And I am certain that You are the most Merciful of all those who show mercy in situations of pardon and mercy.

الْحَمْدُ لِلَّهِ الَّذِي يُؤْمِنُ الخَائِفِينَ، وَيُنَجِّي الصَّالِحِينَ وَيَرْفَعُ المُسْتَضْعَفِينَ، وَيَضَعُ المُسْتَكْبِرِينَ، وَيُهْلِكُ مُلُوكًا وَيَسْتَخْلِفُ آخَرِينَ، صَرِيخِ المُسْتَضْرِحِينَ، مُعْتَمِدِ المُؤْمِنِينَ. اللَّهُمَّ صَلِّ عَلَى مُحَمَّدٍ (ﷺ) عَبْدِكَ وَرَسُولِكَ، وَأَمِينِكَ وَصَفِيِّكَ وَحَبِيبِكَ.

All praise be to Allāh who secures the frightened one; who comes to the aid of the upright ones; who promotes the cause of the oppressed; annihilates the oppressors, and destroys rulers and instead appoints others. The aide of the seekers of aid, and the support of the the faithful believers. O Allāh! (please do) send blessings on Muḥammad (ﷺ), Your Servant and Messenger, and Your Confidant, Friend, and Beloved.

Allāh Almighty says in Sūrah Al-Rūm:

قَالَ اللَّهُ تَعَالَى فِي سُورَةِ الرُّومِ: ﴿وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً ۗ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ۚ﴾ ٢١ ﴿وَمِنْ آيَاتِهِ خَلْقَ السَّمَاوَاتِ وَالْأَرْضِ وَاخْتِلَافُ أَلْسِنَتِكُمْ وَأَلْوَانِكُمْ ۗ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّلْعَالَمِينَ ۚ﴾ ٢٢ ﴿وَمِنْ آيَاتِهِ مَنَامُكُمْ بِاللَّيْلِ وَالنَّهَارِ وَابْتِغَاؤُكُمْ مِّنْ فَضْلِهِ ۗ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّقَوْمٍ يَسْمَعُونَ ۚ﴾ ٢٣ ﴿وَمِنْ آيَاتِهِ يُرِيكُمُ الْبَرْقَ خَوْفًا وَطَمَعًا وَيُنزِلُ مِنَ السَّمَاءِ مَاءً فَيُحْيِي بِهِ الْأَرْضَ بَعْدَ مَوْتِهَا ۗ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّقَوْمٍ يَعْقِلُونَ ۚ﴾ ٢٤

**“And of His signs is that He created you from dust; then, suddenly you were human beings dispersing [throughout the earth]. And of His signs is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between you affection and mercy. Indeed! in that are signs for a people who give thought. And of His signs is the creation of the heavens and the earth and the diversity of your languages and your colors. Indeed! in that are signs for those of knowledge. And of His signs is your sleep by night and day and your seeking of His bounty. Indeed! in that are signs for a people who listen. And of His signs is [that] He shows you the lightening [causing] fear and aspiration, and He sends down rain from the sky by**

**which He brings to life the earth after its lifelessness. Indeed! in that are signs for a people who use reason.”**

Abū Umāmah (Radīya Allāh Anhu) reported that a young man came to the Prophet (May the Peace and Blessings of Allāh be upon Him), and he said:

عَنْ أَبِي أُمَامَةَ (رضي الله عنه) قَالَ، إِنَّ فَتًى شَابًّا أَتَى النَّبِيَّ (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) فَقَالَ يَا رَسُولَ اللَّهِ ائْذَنْ لِي بِالزَّيْنَا فَأَقْبَلَ الْقَوْمُ عَلَيْهِ فَرَجَرُوهُ قَالُوا مَهْ مَهْ فَقَالَ أُذُنُهُ فَدَنَا مِنْهُ قَرِيبًا قَالَ فَجَلَسَ قَالَ أَحِبُّهُ لِأُمِّكَ قَالَ لَا وَاللَّهِ جَعَلَنِي اللَّهُ فِدَاكَ قَالَ وَلَا النَّاسُ يُحِبُّونَهُ لِأُمَّهَاتِهِمْ قَالَ أَفْتَحِبُّهُ لِابْنَتِكَ قَالَ لَا وَاللَّهِ يَا رَسُولَ اللَّهِ جَعَلَنِي اللَّهُ فِدَاكَ قَالَ وَلَا النَّاسُ يُحِبُّونَهُ لِبَنَاتِهِمْ قَالَ أَفْتَحِبُّهُ لِأُخْتِكَ قَالَ لَا وَاللَّهِ جَعَلَنِي اللَّهُ فِدَاكَ قَالَ وَلَا النَّاسُ يُحِبُّونَهُ لِأَخَوَاتِهِمْ قَالَ أَفْتَحِبُّهُ لِعَمَّتِكَ قَالَ لَا وَاللَّهِ جَعَلَنِي اللَّهُ فِدَاكَ قَالَ وَلَا النَّاسُ يُحِبُّونَهُ لِعَمَّاتِهِمْ قَالَ أَفْتَحِبُّهُ لِخَالَاتِكَ قَالَ لَا وَاللَّهِ جَعَلَنِي اللَّهُ فِدَاكَ قَالَ وَلَا النَّاسُ يُحِبُّونَهُ لِخَالَاتِهِمْ قَالَ فَوَضَعَ يَدَهُ عَلَيْهِ وَقَالَ (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) اللَّهُمَّ اغْفِرْ ذَنْبَهُ وَطَهِّرْ قَلْبَهُ وَحَصِّنْ فَرْجَهُ فَلَمْ يَكُنْ بَعْدَ ذَلِكَ الْفَتَى يَلْتَفِتُ إِلَى شَيْءٍ)) وَفِي رِوَايَةٍ أُخْرَى فَقَالَ لَهُ ((فَاكْرَهُ مَا كَرِهَ اللَّهُ وَأَحَبَّ لِأَخِيكَ مَا تُحِبُّ لِنَفْسِكَ)) مسند أحمد باقي مسند الأنصار 21708

المحدث الألباني خلاصة حكم المحدث حسن في السلسلة الصحيحة 1/712

**“O Messenger of Allāh, give me permission to commit adultery.” The people turned to rebuke him, saying, “Quiet! Quiet!” The Prophet said, “Come here.” The young man came close and he told him to sit down. The Prophet said, “Would you like that for your mother?” The man said, “No, by Allāh, may I be sacrificed for you. People would not like it for their mothers.” The Prophet said, “Would you like that for your daughter?” The man said, “No, by Allāh, may I be sacrificed for you. People would not like it for their daughters.” The Prophet said, “Would you like that for your sister?” The man said, “No, by Allāh, may I be sacrificed for you. People would not like it for their sisters.” The Prophet said, “Would you like that for your aunts?” The man said, “No, by Allāh, may I be sacrificed for you. People would not like it for their aunts.” The Prophet placed his hand on him and he said, “O Allāh, forgive his sins, purify his heart, and guard his chastity.” After that, the young man never again turned to anything sinful.**

In another narration, the Prophet (May the Peace and Blessings of Allāh be upon Him) said to him: **“Then hate what Allāh has hated, and love for your brother what you love for yourself.”**

## Assalāmu Álaykum Respected Brothers and Sisters in Islām

I have started with the recitation of verses from *Sūrah Al-Rūm*, and I wish to highlight a few points from these verses before I get into our topic today. The verses end with phrases such as...

Indeed! in that are signs:

- For a people who give thought
- For those of knowledge
- For those who reflect and
- For those who reason.

May Allāh (ﷻ) make us of those who **understand, comprehend and act on HIS signs, Āmīn.**

I have also mentioned the well-known ḥadīth where a young man wanted to mistreat not only himself but also a young woman, and the Prophet (ﷺ) responded by asking him to place himself in someone else's shoes, for this is a method to gain perspective. So, I have a request from you today, in order to grant us perspective.

What if you woke up one morning and you were not a man, instead Allāh turned you into a woman, or what if you were born female? How would your day be different? What would your life be like? Would you find the nobility and lofty ranks given to women by Islām OR would we find only servitude, oppression and a life deprived of rights?

The 9<sup>th</sup> of August is an important day in the South African calendar as it marks **National Woman's Day, also, the month of August has been dubbed "Women's Month"**. It was on this day in 1955 when thousands of women marched to the Union Buildings demanding an end to the Pass Laws. The pass laws were part of the basket of Apartheid Laws which included the Group Areas Act, the Immorality Act, the Mixed Marriages Act and the Separate Amenities Act.

These laws were meant to keep South Africa "white" and ensure *white privilege*. These laws affected everyone and today in many communities our *Masājid* stand as symbols of resistance against these laws, particularly the Group Areas Act. This day, 9th August, should be seen as a commemoration to remind our younger generation that we, as the Muslim community, played an exemplary role in ending Apartheid. One of the four leaders of the "**9 August 1955 March**" was a Muslim woman, **Rahima Moosa**. May Allāh (ﷻ) grant her a high place in *Jannah* for her role in fighting oppression, *Āmīn*.

Our mothers, sisters and daughters have sacrificed and suffered a lot to bring us where we are today. But sadly, both locally and globally they have not attained the high position in our homes, institutions, society, and even in our *Jamāáhs* that they so rightfully deserve. On many occasions, we think it is a form of endearment to make crude and demeaning jokes about women, especially at wedding ceremonies. The mother-in-law is usually singled out for the most ridicule. We google these jokes to enhance our speech to illicit laughter, to lighten the mood, because it is a happy occasion; without asking ourselves if this was the practice of our Leader and Exemplar, Nabi Muḥammad (ﷺ).

Have we for one moment stopped to think, to reflect, and reason, that this **woman**, is a beautiful sign from among the Signs of Allāh (ﷻ). One whom we should always respect and honour, one with whom we should live with in tranquillity, and handle with Love and Mercy.

With that being said, let us look at what happens to our sisters, mothers and daughters right here in South Africa and in Cape Town.

**I would like you now to HEAR me clearly...Every 26 seconds** a woman somewhere is being raped! In 2016 alone more than 30 000 rape cases were reported in South Africa alone. What about all those domestic and cultural rapes that are NOT reported?!! One in 4 women around the world experience physical abuse! Most of these abuses and violations that occur in South Africa in the form of either physical or sexual assaults, are committed by an intimate partner or someone that the woman knows well and trusts – **IT IS NOT A STRANGER!!**

Right here in Cape Town, the suburb of Nyanga, is recognised as “**The Murder Capital of the world**... for 5 years in a row...., not only in South Africa....in the World!!!”. 80% of these murders are domestic violence related cases, and the victims are our women... our mothers... our sisters... our daughters.

Let us just for one moment, pause and reflect upon the important but wrong perception that these acts do NOT happen in our Muslim community...The MJC Social Welfare Department states that more than 50% of their domestic issues, such as divorce (*Talāq*) or annulment (*Faskh*) has an element of gender based violence. What’s an even more frightening statistic is that the MJC handles more than 20 of these type of cases, a day! So, there’s a good chance that the brother sitting next to you or in your *Şaff* could be an individual that beats or abuses his wife.

The Noble Qurān has been sent to humanity as a book of guidance... “*Hudāl Lin Nās*” ... and our Beloved Prophet Muḥammad (ﷺ) is “**Rahmatul Lil ‘Ālamīn** (A mercy to the worlds)”, NOT ONLY “*Raḥmatul Lil Muslimīn* (A mercy to the Muslims)”. The issue of violence against women concerns us ALL, because all women are the creation of Allāh (ﷻ), not just Muslim women.

Allāh mentions in Sūrah Al-Nisā, verse 34:

قَالَ اللَّهُ تَعَالَى: ﴿الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ

أَمْوَالِهِمْ﴾ سورة النساء، الآية ٣٤

**“Men are the caretakers of women by [right of] what Allāh has given one over the other and what they spend [for maintenance] from their wealth.”**

Note that the word “*Qauwwāmūn*” in the Qurānic verse (*āyah*) is used here to indicate constant care and perpetual responsibility. Allāh informs us in this *āyah* of our roles as husbands, fathers, brothers and men. It should NOT be seen as a licence to feel superior or make others feel inferior.

Respected Brothers and Sisters... There are many things that need to change in our behaviour and mannerisms if we want to establish love and mercy in our homes. Note that the greatest danger, sadly, comes from our abuse and misinterpretation of Qurānic verses (Āyāt), Prophetic Traditions (Aḥādīth) and Islāmic laws. Here it is worth mentioning what some of the complex issues are that particularly our brothers ABUSE in relation to our mothers, sisters and daughters because of their very limited knowledge of these issues.

**Let us consider a question for a moment?** Would you want someone to hit your mother? Or beat your sister or daughter? When we change perspective, we can actually see how severe an incident of this nature is. If the question of whether it is allowed for you to abuse your spouse, physically, emotionally or sexually is still unclear, then I revert you to the actions of the most perfect of creation, the one that we should be taking as a guide and an exemplar, Muḥammad (ﷺ) whose entire life is a guidance for those who really want to be guided.

He (ﷺ) never once raised his hand to any of his wives, nor did he ever abuse them, not verbally, nor emotionally or in any other manner. Instead, when they were asked about how he was, they replied that he was kind, that he assisted in the home with chores, that he respected them, consulted with them on various matters, and that he was very considerate. Also, it is he (ﷺ) who mentions on the authority of Abū Hurairah (رضي الله عنه):

عَنْ أَبِي هُرَيْرَةَ (رَضِيَ اللهُ عَنْهُ) قَالَ، قَالَ رَسُولُ اللهِ (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ): ((أَكْمَلُ الْمُؤْمِنِينَ إِيمَانًا أَحْسَنُهُمْ خُلُقًا وَخَيْرُكُمْ خَيْرُكُمْ لِنِسَائِهِمْ))

***“The most complete of the believers in faith are those with the most excellent character, and the best of you are the best in behaviour to their women.”***

It is He (ﷺ) who said: *“The best of you is the one who treats his family the best, and I am the best in character towards my family.”*

Āliy ibn Abī Ṭālib (May Allāh be pleased with him) narrated that the wife of a man in Madīnah came to the Messenger of Allāh (ﷺ), complaining of her husband. The Messenger of Allāh (ﷺ) heard her case, and said to her: *“Go back and tell him that I am in the Messenger of Allāh’s protection”*. So, she went back, and after some time she came back to the Messenger of Allāh (ﷺ) saying: *“He hasn’t stopped/Hasn’t left me alone”*. At this, the Messenger of Allāh (ﷺ) took his shirt and cut a piece off it, gave it to the woman, and said *“Go back to him and tell him that the Messenger of Allāh (ﷺ) said: “This is a piece of my shirt.” (As evidence and a summons so that he could be tried for his actions) She left and later returned saying “O Messenger of Allāh (ﷺ)! He only beat me more!” He then raised his hands and supplicated: “O Allāh! Deal with Walīd! O Allāh! Deal with Walīd! O Allāh! Deal with Walīd!”*

It is also our mentor (ﷺ) who dedicated a portion of his final sermon to highlight how we should treat women, that they are a trust given to us by Allāh and that we should honour our responsibilities towards them and fulfil to them their rights over us.

It is with this that we can conclude that it is Ḥarām for you to beat your spouse or abuse her. And if we know of or witness any such injustice, we should try to put a stop to it and report it to the relevant authorities.

#### **Main Points of the *Khuṭbah*:**

- Allāh (ﷻ) has perfected the creation of women in the same way that he perfected the creation of men.
- Islām does NOT say that Ḥawwā (*Ālayhā Al-Salām*), the wife of Ādam (*Ālayhi Al-Salām*), was the cause for the expulsion from Jannah as some claim.
- Islām equates the male and the female in a number of spheres such as belief, worship, and duties towards Allāh in general.
- Islām intends to give the female an honourable and comfortable life. It has made the men responsible (*Qauwwāmūn*) for the females. This should NOT be interpreted to mean that they are superior to women.
- It is mandatory upon husbands to treat their wives with kindness and generosity.
- As Muslims, we do not limit our respect towards women to a specific day, or week, or month. Rather, we respect them all of the time. The Prophet (ﷺ) said: *“The most complete of the believers in faith are those best in character, and best amongst you are those who are best to their wives.”*

#### **CONCLUSION:**

We ask of thee O Allāh! Those who refuse to cease their abusive behaviour, and do not repent, then deal with them how you deem fit. O Allāh! Deal with those that transgress against their spouses and children, those that have transgressed your boundaries, and sinned against you. Those that have harmed your servants and betrayed their trusts.

O Allāh! Forgive us all, Muslim men and women, believing men and women, and make us from those that abide by your commands, and follow the guidance of your Beloved Messenger (ﷺ). May Allāh grant that we become good examples for humanity, that we, as men, live up to our responsibilities towards women. May we be from amongst those who are earnestly striving to perfect their character. May Allāh (ﷻ) continue to guide and protect us. May HE make us of those who constantly seek knowledge, and who base their actions on the example of our Beloved Prophet Muḥammad (ﷺ).