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QUESTION

**THE HIGH COURT'S VERDICT
STALE & REDUNDANT**

The non-Muslim Women's Legal Centre has nothing to gloat about in the verdict handed down by the kuffaar court. What the court has decreed is old wine in a new plastic bottle. As far as Muslim marriages are concerned, the position remains unchanged in terms of even the kuffaar law.

The order to the government to introduce legislation within 24 months to recognize Muslims marriages and to plan for their consequences has really no practical significance. What the court has said in its verdict is precisely what all the courts in the country have been decreeing for about 20 years. The kuffaar courts have always, without exception, decreed that Muslim marriages are valid for purposes of maintenance, custody, inheritance, etc. regardless of the fact that such marriages have not been contracted in accordance with the secular laws of the land.

Whenever non-Muslim women posing as Muslims have sought the assistance of the courts against their Muslim husbands who had suffered the misfortune of having married these non-Muslim women, the courts have invariably come to their aid and had decreed in their favour in a grossly unjust manner. The injustice is in fact in terms of the country's constitution and laws. Verdicts have been issued in violation of the even the matrimonial system known as Antenuptial contract which excludes the rubbish accrual clause.

Thus, whatever the courts have been ordering, granting and ruling, is what the High Court has in its latest verdict ordered the government to enact as a formal piece of

legislation. There is nothing new in this.

Muslims in reality are not adversely affected by this verdict more than the injustice which the courts had committed over the past twenty years since the ANC came to power.

It should also be understood that the verdicts of the courts are in total contravention of the Shariah. The stance of the courts in South Africa, and in fact all over the world, is suppression of Islam and the denial of the freedom of religion as the secular constitution falsely purports. There is no freedom of religion, especially for the Islamic religion, in South Africa nor in a country such as Pakistan nor anywhere else in the world. In this era, the whole world has ganged up to obliterate Islam which is a plot which they will not succeed in because Allah Azza Wa Jal Himself has undertaken the Responsibility of protecting Islam which shall endure until just before the Day of Qiyaamah.

Only such women who lack in Imaan, who are hypocrites (*munaafiqs*) and who pretend to be Muslims hasten to the kuffaar court to parasitically suck and leech haraam money from their former husbands. A woman who professes to be a Muslim yet runs to the kuffaar court seeking the aid of the court to extort haraam money, can never be a Muslim. She is doomed for eternal *Athaab* in Jahannam.

Many Muslims labour under a misconception regarding the latest verdict of the Cape High Court. The court's ruling and also any legislation to be formulated in compliance of the order are only of symbolic worth. Nothing practically changes. The injustices of the secular system and the secular courts simply continue as in the past.

Women who are Muslim at heart will not barter away their Imaan by running to the kuffaar court seeking its assistance to enable them to devour haraam money – money to which they are Islamically not entitled. Genuine Muslim women are contented with the verdicts which the Ulama hand down in accordance with the Shariah. When a 'Muslim' woman rushes to kuffaar court for haraam money, she simply exposes her hypocrisy (*nifaaq*) and places the seal on the kufr which has been lurking in her heart. In this way Allah Ta'ala exposes and humiliates her. Her kufr is revealed to the community. A true Muslim man will then not invite upon himself the calamity of marrying the *murtaddah*.