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**THE MMB**  
**“UNITY” AND THE AGENDA TO  
REINTERPRET THE SHARIAH**

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**UNITY**

The concept of unity has always been looked upon with approval. Rarely does any individual bat an eye-lid when unity is preferred as a solution. All unity, however, is not laudable. A unity wherein an individual has to make personal material sacrifices is assuredly praiseworthy and rewardable. Take for example a case of dispute between two brothers who are at odds with one another as regards who takes what from their late father's estate. That brother who foregoes his right for the sake of unity will indeed be commended. Yet, at the same time none will laud the unity of criminals. Imagine how the fight against crime would be hampered if criminals organised themselves and became a united force.

History bears testimony to the fact that numerous sincere scholars over the ages stuck to their “Dug in Positions” to the extent that some were imprisoned and others even flogged. Tolerating the persecution was solely due to their not tagging along with the views of the Court Scholars. Imaam Ahmad Ibn Hambal (A.R.) defied even the monarch of his time as regards the question of the Qur'aan not being created. Due to this opposition he was mercilessly flogged. However, he was not willing to ‘accommodate’ the other view point nor was he willing to “emerge reasonably included” to achieve unity. Remember, some unity is harmful and our Master Himself was willing to go to war, face persecution, was not prepared to accept even the sun and the moon in lieu of a compromise with the Quraish of Makkah. To contend that ‘intolerance’ as regards the Muslim Marriages Bill is our greatest obstacle is due to not understanding the core issues.

A study of the following emanating from the pens of those who were responsible for drafting the MMB will expose the not so hidden agenda to reform and reinterpret the Shariah.

“Yet, many debates conclude the considering socio-economic circumstances of society, traditional laws must be reformed, because unreformed laws would further enslave women to the whims and fancies of patriarchal interpretations of antiquated laws. (SEE: [www.nashrulhaq.com](http://www.nashrulhaq.com))

In conclusion, Committee Members are constantly alerted to the fact that the Constitution is the Supreme Law of the republic, and will continue to debate the issues bearing in mind that the challenge for the recognition of aspects of the MPL is to ensure that there is compatibility of such legislation with the Bill of Rights, particularly the Equality Clause.

(SEE: [www.nashrulhaq.com](http://www.nashrulhaq.com))

Referring to the efforts of the Project Committee, a Committee Member wrote:

“These are but first steps towards the full recognition of a reformed MPL as provided for in the Constitution.”

(SEE: [www.nashrulhaq.com](http://www.nashrulhaq.com))

Imaan is an invaluable treasure. It is priceless. Every endeavour should be made to ensure that we protect and preserve it till the day of reckoning, failing which we shall face eternal damnation in hell. Our Beloved Nabi (Sallallahu alayhi wa sallam) has advised the Ummah thus: Hasten towards good deeds (before fitnahs dawn), like the dark patches of a night one following the other, in very quick succession. A man will be a Believer in the day and a non-Believer by the evening (or) he could be a Believer in the evening and (by the) morning a non-Believer....”

Calling for the ‘reformation’ of Deen or silently accepting such a call is “Istikhfaaf” in Deen. Istikhfaaf literally means ‘to make light of’ or ‘to view with disdain’. In the meaning of the Shari’ah it is the attitude which makes light of any established tenet, teaching or belief of Islam regardless of the Fiqhi classification. If even a Mustahab act or an act which is of a lesser degree than Mustahab, is dismissed with the attitude of Istikhfaaf, it will be kufr – such kufr which effaces Imaan. Hence, the Fuqaha have ruled: “Miswaak is Sunnah, but to reject or mock it is disbelief.”

Nowadays, so much Istikhfaaf is committed with the teachings of the Deen, that it leaves no doubt in the effacement of Imaan. Mockery with Hijaab, the beard, Islamic dress, etiquettes of eating, etc., is a clear attitude of Istikhfaaf which eliminates Imaan.

When a Muslim perpetrates Istikhfaaf with respect to any order or institution of the Shari’ah, he implies preference for the system of the non-Believers. The disdain which he feels for the

Islamic institution constrains him to elevate the non-Believers system and to propagate its superiority and necessity. It is on this basis that Hadhrat Maulana Ashraf Ali Thanvi (R.A.) and our Akaabir Ulama issued the fatwa of being akin to kufr for regarding the non-Believers system of slaughtering animals to be better. The attitude of preference for the non-Believers system and the total abandonment of the Islamic system are the effects of Istikhfaaf which in turn are the products of inferiority complex. It was due to this very same reason of Istikhfaaf that Hazrat Moulana Rashid Ahmad Gangohi (A.R.) gave the following fatwa regarding those who scorn and prohibit polygyny. This great scholar made the following extremely severe castigation:

“The person who finds fault with any hukm (decree) of Allah Ta’ala or with any practice of the Sunnat of the Rasool (sallallahu alayhi wasallam) or views it with derision in any way whatsoever or he rebukes a person who practices it (Allah Ta’ala’s hukm), he is without any doubt mal-oon (accursed) and kaafir. He is an opponent of Allah Ta’ala. He is a Jahannami and a murtadd.....That shaqi (miserable and unfortunate) and mal-oon regards his customary kufr to be better than the hukm of Allah Ta’ala. To sever all relationship with such a person is Deen in reality. It is never permissible to maintain family ties with such a person. On the contrary one should sever relationship and regard him to be the most despicable (mabghoodh) in the creation of Allah Ta’ala, and become his enemy. Never perform his Janaazah Salaat because he is a kaafir. So does it appear in the kutub of Hadith, Fiqah and Aqaaid.”  
(Fataawa Rashidiyyah, Page 74)

Concurring with this Fatwa, Mufti Muhammad Jamaaluddin Dehlawi (rahmatullah alayh), said:

“There is no doubt in the correctness of this (fatwa of Maulana Gangohi). In fact, whoever conceals this mas’alah or with silence refrains from publicising it, he too according to the Hadith is a dumb shaitaan. Whoever, supports such a person even by inference (i.e. not explicitly) will be cast upside down into Jahannum as it is mentioned in the Hadith.” (Fataawa Rashidiyyah, Page75)

Many senior Muftis concurred with this Fatwa and appended their substantiating comments and signatures.

Even a cursory study of the MMB, will reveal an attempt at ‘Reformation’ relating to the pure Islamic teachings of Nikah, Talaaq, Nafaqah (maintenance), Custody, Faskh, etc.

It should be remembered that compromising any aspect of the Shari’ah is disbelief. Changing the Shari’ah in order to bring it within the framework of the State’s Secular Constitution is tantamount to rejection of the immutable Shari’ah of Allah.

It is therefore, the incumbent duty of every Muslim to reject this insidious adulteration of our Deen. (For more info. SEE: [www.nashrulhaq.com](http://www.nashrulhaq.com))