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BEWARE OF THE MMB  
(MUSLIM MARRIAGES BILL)

LEST WE UNKNOWINGLY SLIP OUT OF THE FOLD OF ISLAM

By Mufti E.M.H.Salejee (Estcourt)

Writing in the Introduction of Jawaahirul Fiqh, Hadhrat Mufti Muhammad Shafi (rahmatullah alayh) the father of Mufti Taqi Saheb states:

***“Whoever denies even the smallest hukm of the Divine Law (of Allah Ta’ala), he is without any doubt and without hesitation outside the pale of Islam. Islam is averse to keep him within its fold. Muslims are embarrassed by the presence of such a person among them.”***

“From the definition of Imaan and Kufr it is clear that kufr is not restricted to open denial of Allah and His Rasool. It is also of the same degree of kufr to deny any hukm (law) from the authentically substantiated Ahkaam, proven with certitude to be that of Rasulullah (sallallahu alayhi wasaliam), even if the denier accepts all the other ahkaam and practices them with steadfastness.”

Denial of any Shar’i Hukm (Law) which is among the Dhururiyaat (Essentials) of the Deen is kufr. Interpreting any of the Dhururiyaat to produce a meaning which diverges from or which conflicts with the meaning substantiated by the 14 century Ijma’ of the Ummah is Kufr which expels the denier or the interpreter from the fold of Islam.

Dhururiyaat (Essentials) of the Deen in this context refer to all those Ahkaam (Laws), the authenticity of which is based on Tawaatur (a sufficient number of continuous reliable chain of narrators).

If any Hukm is based on Tawaatur narration from the Sahaabah down the ages, it is in the category of Dhururiyaat. All Ahkaam substantiated by Ijma' of the Ummah from the age of the Sahaabah are the Dhururiyaat of the Deen. Hadhrat Mufti Taqi Saheb has emphatically proved that the Ahkaam pertaining to polygamy, age of majority, talaq, etc. are all evidenced by Ijma', hence any interpretation which alters or displaces the meaning which the Ummah has understood for the past fourteen centuries is disbelief. Hadhrat Mufti Taqi Saheb states in his book, Our Personal Laws:

***“The third Source of the Shariah of Islam is the Ijma' of the Ummah. It is a unanimous issue that it is not permissible to present an opinion in conflict with the consensus of all the Sahaabah-e-Kiraam and the Taabi-een-e-Uzaam. Ijma' of the Ummah is a Hujjat (Proof and Authority) in the Deen which is evidenced by the Qur'aan and Hadith. A view which conflicts with the consensus of all the Muslims is not permissible.”***

Hadhrat Allaamah Anwar Shah Kashmiri (rahmatullah alayh), in Ikfaarul Mulhideen, and Hadhrat Mufti Muhammad Shafi (rahmatullah alayh), in Jawaahirul Fiqh, make it abundantly clear that the presentation of a view in conflict with Ijma' is kufr. This is a basic principle of Usool which should not be hidden from the Ulama. [Click here](#) to read more