

DEATH AND RESURRECTION WITH THOSE WHOM YOU LOVE AND EMULATE

Written by Administrator

Wednesday, 29 June 2011 21:40 -

26 Rajab 1432 - 29 June 2011

There is some hue and cry regarding the assignment to the Fire of the remains of a politician who bore a Muslim name. He departed from this world the way he lived and wanted to go. Thus there is no need for concern on the issue of the incineration of his body. However, what is shocking is the act of kufr perpetrated by the MJC who condoned ghusl, kafan and Janaazah Salaat for a non-Muslim, thereby not only making a mockery of the Deen, but jettisoning its own Imaan and entering into the domain of Irtidaad. The following is a sombre letter by a brother from Johannesburg who rightly draws attention to the treason and betrayal of Islam and the Muslim community perpetrated by the MJC.

The recent cremation of our former Education Minister, Prof Kader Asmal, (and probably the first such recorded case of a Muslim being cremated) will surely open up a debate as to the validity of a deceased's last will and testament (wasiya) being carried out to the letter.

Reports stating that the veteran anti-apartheid stalwart had mentioned that he wanted to be buried as a Muslim, (when he was diagnosed with cancer some four years ago) and, subsequently "overruled" by his wife, Louise Parkinson, and his two (agnostic) sons, will surely be seen as a test case (for Muslims, particularly) where a spouse's right to be interred according to the religion of his/her birth, could be nullified by such last minute decisions, which is tantamount to a violation of a person's right.

The incidence of inter-religious marriages in South Africa, in an otherwise harmonious cross cultural set-up, and unswayed by such disturbances between Hindus/Muslims (India) or even Muslims/Christians (Egypt/Nigeria/Pakistan), is not new---and in most cases, spousal religious obligations have never been "tampered" with.

However, this new "phenemenon" is a wake-up call for Muslims, who in their arduous passion in getting hitched out of the fold, must accept that once he/she has made the decision to jettison the Islamic faith, the chances of such persons being proffered their "last will and testament" in being afforded a burial in accordance with his/her religion of birth may never materialise.

Whilst this observation in the light of the Kader incident should not be seen as an affront to the practices of other religions, it is nevertheless, a clear cut message to fellow Muslims, and especially, our religious bodies, that they should be vocal about such issues.

The recent statement by the Cape's MJC that, because of the family's wish that their request be honoured, and as such, be "respected", is not the way that an overseeing body, mandated to guide the Muslim community, should have reacted.

Consequently, the statement coming from it's spokesperson, a Ms Nabawiya, ahead of any senior person entrusted with making such pronouncements, is a "betrayal" of the greater Muslim community's trust, and, acceptance of such bodies' roles as "ombudsman" of our religious affairs!

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That this body could have "okayed" the family's decision, knowing quite well of the consequences of such actions, and also, aware of the "last minute" forgiving nature of the Almighty, has surely vexed many a Muslim.

The MJC's "acquiescence" in this "high-profile" case, smacks of bowing to pressure---would they have acceded to a lesser known family's request to have their loved one being cremated?

Its best defence should have been to offer a simple "no comment" to the media, thus obviating the criticism of "plurality" in their role and status as a consultative body!

AR Modak

Johannesburg

June 26/2011

To the best of our knowledge, it is compulsory in terms of the law of the land to honour the burial directive of the deceased. Perhaps the deceased in this case did not leave any directive as is mentioned in the letter. And, if he did, there was no one to take up the matter on his behalf. And, obviously there would be no one if the deceased had conducted himself as an atheist/non-Muslim throughout his life. It is essential for Muslim lawyers to explore the legal validity of the burial directive attached hereto, and to advise us so that in turn we could advise Muslim converts and Muslims who have married convert Muslims of the necessary steps to institute.

Changing of a By-law

About a week ago an important change was effected in the law regarding the rights of the 'next of kin' on the matter of burial. Hitherto the municipal by-law stipulated that "the next of kin in charge of burial is the surviving spouse."

While the ANC and DA caucus supported this law, Brother Ganief Hendricks, the leader of Al-Jama Political Party who had recently won two seats, opposed it. Ganief Hendricks proposed that this by-law be amended to read that 'religious law' should apply. Neither the ANC nor the DA was prepared to second the proposal. Finally, the Nationalist Party seconded Brother Ganief's motion.

Ostensibly, the proposal seemed to be doomed to defeat since both the ANC and DA were opposed to it. No one from these two major parties was prepared to even second the motion. But Allah Ta'ala operates in His own ways, and the hearts and minds are in His power and control. The Qur'aan Majeed states: "Not a leaf falls (from a tree) but it is in His knowledge..." Even a leaf falls with the command and direct intervention of Allah Azza Wa Jal. So, when Brother Ganief's proposal was put to a vote, it was a truly pleasant surprise that Al-Jama Party won with 190 votes. Only 11 members voted against the proposal. It is indeed surprising that despite both major parties refusing to even second the motion, most of their members in the municipality voted for the proposal.

The law now reads: "custom law which includes religious law will apply."

Thus, even if a Muslim leaves no burial directive, the law states that religious law will apply. Nevertheless, it is best for convert Muslims and Muslims married to convert Muslims to leave burial directives.

We are not aware of the position of the by-laws in this regard in the other provinces. Muslim lawyers have a duty to study this issue and advise us as well as the Muslim community in the

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matter of the law.

BURIAL DIRECTIVE

I, the undersigned

Identity number

Address

hereby declare that I am a Muslim following the Ahlus Sunnah Wal Jama'ah School of Thought. I hereby direct that on my death my body should be handed over to Muslims of the Ahlus Sunnah Wal Jama'ah; that I be buried the same day I die; that I be buried in accordance with Islamic burial rites.

I further declare that my non-Muslim relatives and family Members have no right and no say over my body. My body shall not be given into the custody of my non-Muslim relatives.

I hereby declare that in so far as my funeral and burial are concerned, this DIRECTIVE is my final and irrevocable testament. Any Will/Testament which I may make after the date of this Burial Directive in regard to my estate will not cancel this Burial Directive.

In the event of my death, the following person/organization should be contacted to take charge of my body:

NAME

ADDRESS

TELEPHONE

Signed by me on this day of

at,

in the presence of the under mentioned witnesses:

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