

THE KUFR MMB EQUAL STATUS???

Written by Administrator
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Clause 3 of the Kufr so-called “Muslim’ Marriages Bill (MMB) states:

“Equal status and capacity of spouses: A wife and a husband in a Muslim marriage are equal in human dignity and both have, on the basis of equality, full status, capacity and financial independence, including the capacity to own and acquire and to dispose of them, to enter into contracts and to litigate.”

While this provision is soothing to the modernist mind divested of Qur’aanic ethos and understanding, and in line with the constitution of the country, it is in diametric conflict with the Shariah of the Qur’aan and Sunnah. In total rejection of this ‘equal status’ theory, the Qur’aan Majeed declares:

“And for men over them (women) is a rank.” (Baqarah, aayat 228)

“Men are the rulers (appointed by Allah) over women....”(An-Nisaa’, aayat 34)

“Then, marry from those women who are pleasing to you two, and three and four.”

(An-Nisaa’, aayat 3)

“And call from among your men two witnesses to testify, and if there are not two men, then one man and two women of whom you approve....” (Al-Baqarah, aayat 282)

“And, those women whose disobedience you fear, admonish them, and banish them in (their) beds and (lightly) beat them.” (An-Nisaa’, aayat 34)

“And for a male is a share equal to the shares of two females.”(An-Nisaa’, aayat 11)

Rasulullah (sallallahu alayhi wasallam) said: “If I had to instruct making Sajdah to anyone, I would have commanded the wife to prostrate to her husband.”

All the aforementioned Qur’aanic verses, the Hadith and many other Ahaadith and masaa-il of the Shariah emphatically refute the contention of equal status which the Kufr MMB awards to women. Any Muslim who accepts and believes in the ‘equal status’ provision of the kufr MMB in stark conflict with the Qur’aan and Sunnah is guilty of kufr. He/she makes his/her exit from Islam by subscribing to the kufr provision which Allah Ta’ala and His Rasool (sallallahu alayhi wasallam) unambiguously refutes.

How is it possible for a Muslim to accept that “both (husband and wife) have equal and full status” when the Qur’aan and the Sunnah (the Shariah of Islam) unequivocally declares that:

- Men have a rank over and above women
- Men are the leaders and rulers of women
- Men have the right to even beat their wives for their gross disobedience
- Men’s share of inheritance is double the share of a female
- The testimony of two women equals to the testimony of one man
- If prostration of a human being for a human being had been permissible, the order would have been for the wife to prostrate to her husband.
- Men may marry up to four wives, but not women
- The right of Talaaq is vested in only men
- Women must sit in Iddat, not men
- The Diyat of a woman is half the Diyat of a man

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- A woman may not journey without a male mahram
- A woman cannot become Imaam to lead males in Salaat, while a man can lead women
- A woman according to the Shaafi', Maaliki and Hambali Math-habs have no contractual capacity to enter into Nikah. Nikah without a man contracting on her behalf is not valid. According to the Hanafi Math-hab, a woman who contracts her marriage without the consent of her male Wali is guilty of a major sin, and in certain cases, the Wali can annul the marriage.
- A woman despite having custody of minor children until a certain age never becomes the guardian of the children. The father always remains the guardian.
- The wife is the husband's dependent. It is the incumbent obligation of the husband to maintain his wife, not vice versa.
- While a husband in a polygynous marriage is required to mete out equality among his wives regarding night time hours and monetary expenses, he is not obliged to mete out equality with regard to daylight hours and when going on a journey. He is not obliged to alternate wives when going for journeys. The same wife who had accompanied him on the previous journey may accompany him on the next journey.

All these irrefutable Qur'aanic and Sunnah facts – all these inviolable Shar'i masaa-il – effectively illustrate that the theory of equal status of the husband and wife is a massive deception – a lie- a humbug perpetrated to mislead ignorant Muslims and to appease the kufr ethos and un-Islamic principles of the constitution spawned by western civilization. Every person of the slightest intelligence will understand the disparity in the status of man and woman in Islam. Islam is conspicuously a patriarchal society in which the man dominates. The Qur'aan and Sunnah categorically ordain this decree.

According to the Shariah, while a wife can own, she has no freedom to acquire assets by trade if her husband disallows this. The obligations of the wife are to serve her husband and children and to attend to the home. She has no right whatsoever of engaging in trade even from within the home without the consent of her husband. Even with regards her own wealth, Rasulullah (sallallahu alayhi wasallam) exhorted the wife to refrain from spending her wealth without consulting her husband and in a way which is displeasing to him. Thus, Rasulullah (sallallahu alayhi wasallam) said: "The best woman is she who makes her husband happy when he glances at her; she obeys him when he commands her, and she does not oppose him regarding herself and her wealth by doing what he dislikes."

Obedience to the husband is an imperative obligation the wife owes the husband. In Islam there is no concept of husband's obedience to his wife. The obligation of the husband is to display love and kindness to his wife, not obedience. The wife's subservience to her husband is an irrefutable, obligatory requisite decreed by the Qur'aan and Sunnah.

In terms of the Shariah, the wife does not have equal status nor equal capacity nor financial independence. The capacity to own is not to be equated with financial independence. Minors too can own assets, but they have no financial independence. A wife has no right to enter into contracts and to litigate without the consent of her husband. He has the right to veto her desires in this regard. His leadership and rulership ranks over and above her bestow the right of veto to him. As his subject, she has no alternative but to obey. The Qur'aan and Sunnah are explicit and emphatic on these issues. The aforementioned Qur'aanic verses and the Sunnah more than adequately illustrate the inequality between man and woman in Islam.

The stance of the Shaafi', Maaliki and Hambali Math-habs regarding the contractual capacity of women is of special significance in this matter. Women simply have no contractual capacity hence their Nikah without a male contracting on their behalf is not valid.

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As far as human dignity is concerned, the kufr MMB errs in equating man and woman. In Islam the status of human dignity depends on Taqwa. The greater the Taqwa, the higher the dignity and nobility of a person. The only sphere in which a woman can surpass a man is in human dignity and nobility, for the Qur'aan Majeed states:

“Verily, the noblest of you are by Allah are your most pious.”

In this sphere too, there is no equality. The nobility of a person, whether male or female, is proportional to his/her level of Taqwa. In this regard numerous females surpass males.

The equality provision is the fundamental basis on which the structure of the kufr MMB is erected, albeit extremely clumsily. All the other seemingly 'religious' provisions of the kufr MMB have to be implemented in the light of the equality clause which is unadulterated kufr. A bill which contains this kufr equality clause may not be described as a 'Muslim' bill. It is a pure bill of kufr.