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JESSIE DUARTE — MU'MINAH OR MURTADDAH

Numerous Muslims have enquired about the status of the ANC lady, Jessie Duarte and of those Muslims who had participated in her funeral. The information and queries in brief are:

- (1) Was she a Muslim?
- (2) It is alleged that had recited the Kalimah during her final moments of life. Was this valid?
- (3) She was a supporter of the LGBTQ
- (4) She is not known to live the life of a Muslim
- (5) What is the status of the molvis and other Muslims who had participate in her funeral?

In terms of the Shariah, she was not a Muslim. In view of her having been born a Muslim, her views and lifestyle rendered her a *murtaddah*.

If the claim of her having recited the Kalimah during her final moments are true, then notwithstanding this truth, the Fatwa of the Shariah of her being a *kaafirah* remains valid. The Fatwa is on the *Zaahir* – on what is apparent, not on what is in the heart of a person.

If she had recited the Kalimah, Allah Ta'ala will judge her on the Day of Qiyaamah. What will happen to her, to others and to us on the Day of

Qiyaamah is unknown. It is the prerogative of Allah Ta'ala. Our concern is not with the decree that Allah Ta'ala will issue on the Day of Qiyaamah. That is not our domain. We are under Shar'i obligation to state the laws in terms of the Zaahir Shariah.

A person who has led a life of kufr, fisq and fujoor, and who has subscribed to such views, will thus be labelled with *kufr* and *irtidaad* even if Allah Ta'ala may be forgiving him/her in the Hereafter. In fact, if the greatest Wali of the age says under oath that it was revealed to him (by kashf) that this woman is in Jannat, then too it remains imperative for us to maintain the label of kufr and irtidaad. A Shar'i Hukm cannot be rescinded on the basis of the *kashf* of a Wali.

Most Muslims are aware of the anecdotes pertaining to Hadhrat Mansur Al-Hallaaj (Rahmatullah alayh). He was executed on account of a blasphemous statement which he had uttered whilst in the state of spiritual elevation. However, in terms of the Shariah, the Qaadi found that at the time of the utterance he was not insane or beyond intellectual understanding.

Despite the Muftis having decreed his execution, the Khalifah of the time refused to endorse the order until such time that Hadhrat Junaid Baghdaadi (Rahmatullah alayh) signs the Qaadi's decree. Now everyone knows that Hadhrat Junaid who was the Shaikh of Mansur, was Sayyidut Taaifah – the Imaam of the Auliya – probably the greatest Sufi living at that time.

Although Hadhrat Junaid Baghdaadi was aware of the innocence of Hadhrat Mansur – he was aware of the mystery underlying the 'blasphemous' utterance of Mansur – he endorsed the Qaadi's decree which sealed the fate of Hadhrat Mansur who was then sent to the gallows for execution.

The interesting feature was that prior to endorsing the Qaadi's decree, Hadhrat Junaid removed his Sufi garment and donned the garment of a Qaadi which symbolized the Zaahiri Shariah to which the Ummah has to be incumbently subservient and obedient. After donning the garb of the Qaadi and before appending his signature, he commented:

“We decree by the Zaahir.”

We are not bound by what is in the hearts of people. That is the domain of Allah Azza Wa Jal.

The molvis who had participated in the funeral of the murtaddah are reverends. They are kuffaar.

THE KUFR NAME SHE HAD ADOPTED IS AN ADEQUATE COMMENTARY FOR CONFIRMING HER IRTIDAAD.

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Now reflect on the episode of Hadhrat Mansur Al-Hallaaj (Rahmatullah alayh). He was a great renowned Wali of Allah Ta'ala. He was *Saahib-e-Kashf wal Karaamat*, i.e. he was a repository for the receipt of divine inspiration and a performer of karaamaat –miracles. He was a confirmed Aarif Billaah. Among his daily Athkaar was the practice of 400 raka'ts Nafl Salaat. Besides the moron deviate salafis of our era, all the Auliya acknowledge the lofty spiritual pedestal of Hadhrat Mansur, and even his Shaikh Hadhrat Jnaid (Rahmatullah alayh) who had endorsed his warrant of execution.

However, despite all these spiritual treasures and accolades of the Auliya, nothing could spare him from the gallows. Not even the famous maxim: "*of 99 vistas of kufr and one vista of Imaan*" was presented for exculpating him from the charge of blasphemy.

Now what should be our conclusion regarding a person who for all practical purposes led a life of flagrant kufr, fisq and fujoor? The claim of her reciting the Kalimah in her last moments is, in terms of the Zaahiri Shariah, spurious. Only Allah Ta'ala will decide that factor in the Aakhirah. But here in this dunya, she and the reverends who masquerade as Muslims are all kuffaar.