THE KUFR CONCOCTION OF SO-CALLED 'MUSLIM' PERSONAL LAW

THE WLC'S UNWARRANTED INTRUSION INTO MUSLIM RELIGIOUS AFFAIRS

January 2015

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CASE NO. 22481/2014

IN THE HIGH COURT – WESTERN CAPE DIVISION

A non-Muslim legal entity, called the Women's Legal Centre, has applied to the High Court for an order to compel the government to enact legislation for the recognition of Muslim marriages and for regulating such marriages with secular consequences in total conflict with the Shariah.

Without any mandate of the Muslim community, this tiny group of 8 legal aunts have deemed it appropriate to audaciously and stupidly speak on behalf of the Muslim community, especially Muslim women. There is an underlying sinister dimension to the unsolicited kufr action which this miserable legal entity is instituting ludicrously on behalf of Muslim women. The plot is to undermine and destroy the Shariah. It is a plot of international proportions. Of great significance is the fact that the schemers against Islam are not calling for legislation to recognize Jewish, Christian, Hindu and other religious marriages.
Only Muslims are being targeted. The WLC is a cog in that pernicious shaitaani conspiracy.
Insha-Allah, this issue shall be explained in greater detail in a future article.

The *Women's Legal Centre* is a group of 8 *naaqisaatil aql* aunts who practise law in the Western Cape. This group of aunts appear to be rabidly anti-Islam-anti Shariah. In the pernicious attempt to undermine the Shariah, these audacious legal creatures are manipulating some *jahiliyyaat*

(ignoramus females) who profess to be Muslims whilst in reality they are *murtad* or *munaafiq*.

The legal aunts, in the name of their outfit, WCL, have launched a high court application in a stupid bid to gain an order to compel the government to enact such legislation which will entrench in law ***kufr*** in the name of Islam. In other words, whilst the law sought by the audacious aunts will be 100% *kufr*, in stark conflict with the Divine, Immutable Shariah of Allah Azza Wa Jal, it should be branded and marketed as 'Muslim' Personal law. And, most lamentable, although not surprisingly, we have stupid, moron molvis and shaikhs, concealing under the *najis* skirts of these legal *kaafiraat* aunts, egging them onwards with the haraam, kufr nefarious conspiracy to undermine the Shariah in the very name of Islam.

One of the representatives of this misguided legal aunts outfit, an auntie with a Muslim sounding name, but a *murtaddah* right into the inner core of her heart, has submitted to the court a bulky affidavit loaded with legal superfluities and cluttered with stupid and laughable effects of *jahaalat* in terms of the Shariah. A perusal of her overloaded bunkum will convince any intelligent reader that her affidavit is nothing but a conglomeration of infosoria replete with womanish ingeminations, full of sound and fury, signifying nothing but flotsam and jetsam, both legally and religiously from the Islamic perspective.

The stupid audacity of this infinitesimal outfit of legal aunts of 8 misguided individuals, is indeed shocking in that these aunts have assumed upon themselves the 'authority' to represent the entire Muslim community of South Africa, more specifically, the entire female population of Islam in this country. In her stupid affidavit the *murtaddah* aunt

portrays herself and/or her ludicrous outfit as the representative of the Muslim women of South Africa. She must be labouring under the silly delusion that the handling by her outfit of a couple of court cases involving a handful of *murtaddah* women in the Muslim community, has provided her with an imprimatur to hoist her or her insignificant outfit as being the representative of the women of Islam in South Africa. It is indeed mind boggling that those who are supposed to be repositories of legal brains could dwell in such self-induced deception which makes a mockery of their brains.

The legal aunts do not represent the Muslim community

The very first fatal flaw in the court application of the legal aunts is their implied claim of acting on behalf of the Muslim women of South Africa. The only contact these aunts had with the Muslim community, was to act as the lawyers of a handful of women professing to be 'Muslims', but disgruntled with the Shariah. The WLC has absolutely no mandate from the Muslim community or from Muslim women to act as their representative. If they claim to represent the couple of *murtaddah* women whose cases they had handled, they (the legal aunts) have not provided any clue in their legal papers to indicate this. If we assume that they do in reality represent the handful of *murtaddah* grimalkins, it gives them absolutely no licence to masquerade as representatives of the women of Islam. Both the legal aunts and their grimalkin clients are kuffaar. They have no truck with Islam. They are egregiously ignorant of the Shariah, hence they have no right to wag their noxious tongues on matters related to the Shariah and the Muslim community. The *murtaddah* women, on the

basis of their *irtidaad*, are not members of the Muslim community. Since they were formerly 'Muslims', they now appear as splodges of abomination in the community.

The WLC should understand that intelligence demands that they should not shove their unwanted noses with their shenanigans into the Muslim community. Muslims abhor this audacious intrusion in their religious affairs and consider it offensive.

Discrimination: The Second Fatal Flaw of the WLC's Application

The aunt asks the court in her affidavit to order the government to promulgate legislation *"to provide for the recognition of all muslim marriages as valid marriages for all purposes in South Africa and to regulate the consequences of such recognition."*

Firstly, this audacious request is constitutionally discriminatory in the type of recognition desired by the WLC is restricted to Muslim women. The aunts are conveniently silent about the marriages of Hindu women, Jewish women, Christian women and women of other religions. Why does the WLC single out Muslim women? What is its sinister objective in acting in conflict with even the constitution which outlaws discrimination on the basis of colour, race, and creed?

Why does the WLC not clamour also for a Hindu Personal Law bill, and for a Jewish Personal Law Bill, etc., etc.? Why do our ears have to be perpetually dinned with the monotonous and stupid clamour of 'Muslim Personal Law", especially when such 'law' is kufr law. Genuine Muslim Law

is untenable with the country's constitution which is expressly and emphatically atheistic. This discriminatory clamour of the WLC is the second fatal flaw in its application.

While this entity of legal aunts contends that Islam discriminates against Muslim women, it (this miserable entity) is ominously silent about the position of Jewish women, Hindu women and other women in terms of their respective religions. Yet the aunts claim in their papers that their applications are in the interests of "public good". Does their concept of 'public' exclude women of other religions?

The motive underlying the false hollow and monotonous clamour for "recognition of Muslim marriages" is not for the good interests of Muslims. The actual pernicious plot is to scuttle the Shariah consequences of Islamic marriages. Along with the clamour for 'recognition" is the demand for regulating the consequences of "such recognition". And, by regulation in the context is meant total abrogation of the consequences decreed by the Shariah, and to regulate Islamic marriages in terms of the secular laws. Thus, the WLC is asking for the kufr Divorce Act to apply to Muslims when the Nikah is dissolved by Talaaq or Maut (death).

In her affidavit, the aunt asks the court to declare that the Divorce Act 70 should apply to Muslim marriages *"in the same or similar manner as it regulates the divorce of spouses of other marriages in South Africa."*

Firstly, the Divorce Act is in complete conflict with the Shariah. It is therefore, irrational and stupid to apply it to a religious marriage which is not solemnized in terms of the Marriage Act. The Divorce Act is annexed to the Marriage

Act. The demand for applying the secular Divorce Act to the Islamic Nikah is ridiculously incongruent.
Secondly, the aunt's averment that the Divorce Act *"regulates the divorce of spouses of other marriages in South Africa",* is a canard and an attempt to pull wool over the eyes of the court. The Divorce Act applies to only the marriages which are registered according to the Marriage Act. If a Jew or a Hindu or a Christian or a Rastafarian enters into a religious marriage only, their marriages in the eyes of the law will have exactly the same status as Muslim marriages which are not registered in terms of the Marriage Act. Only such marriages have legal validity which are registered in accordance with the Marriage Act. Therefore, the claim that other marriages besides Muslim marriages are recognized is baseless and misleading. Even a Muslim marriage is recognized if after the Nikah it is registered in terms of the Marriage Act, or if a marriage officer performs the Nikah.

The notion which the legal aunts and grannies are peddling is that the Marriage Act and the Divorce Act discriminate against Muslims, not against any other community. This idea is a huge fraud. The Marriage Act applies uniformly and fairly to all citizens of the country irrespective of race, colour and creed. Whoever wishes to be availed of these Acts of law is free in terms of the law. There is absolutely no discrimination from the side of the State in this regard.

Muslim marriages not being recognized is not an act of discrimination by the government. It is a happy and a volitional act by Muslims themselves. Muslims, the vast majority – almost 100% - want to be married, and do marry according to the laws of the Shariah, not according to the rules of the secular Marriage Act. They voluntarily abstain from acquiring legal recognition so as not to be tied by the

legal consequences of the other Acts pertaining to matrimonial matters. It is the conscience and Imaan of Muslims which compel them to abstain from the acquisition of legal recognition.

Furthermore, when a Muslim discerns some mundane reason for legal recognition, then, if he is knowledgeable of the requisites of the Shariah, he will opt for the ante nuptial contract which excludes the accrual system to ensure that his Islamic Will is valid.

The *juhala* aunts are at pains to convey the canard that Muslims are aggrieved because of non-recognition of their sacred Nikah bonds. This is a huge deception. On the contrary, Muslims are perfectly contented with the current position of non-recognition. There is absolutely no stigma attached to non-recognition by secular law. Everyone in the country respects and accepts the validity of the holy Nikah performed in accordance with religious rites. Now when Muslims themselves are not interested in legal recognition, what right does this group of audacious aunts and gremlakins have to disgorge their drivel in the name of Muslim women?

The couple of disgruntled women who were once upon a time 'Muslims', whose lawyers the aunts were, cannot confer to the WLC the right to speak on behalf of Muslim women. We say *'once upon a time'* because a professed Muslim makes his/her exit from Islam when he/she makes demands in rejection of the tenets imposed on Muslims by Allah Ta'ala – tenets which are in fact the immutable Shariah.

Welfare of the minor children

In her affidavit, the *murtaddah* aunt asks for the secular concept of *"welfare of minors"* in the case of the dissolution of the Nikah be imposed on the Muslim father. This request too is made for imposition on only Muslims, not on Jews, Christians, Hindus, and members of other religions. Hereto, the aunts vividly portray their detestation for Islam. Only Muslims should be burdened compulsorily with the secular kufr effects. This is blatant discrimination even according to the kufr constitution of the country.

The Islamic concept of *"best interest and welfare"* of minors differs widely from the secular concept. In fact, in most aspects the latter is the very antithesis of the Shariah's law pertaining to the welfare of minors. What is the *"best interest"* in terms of secular law can be in the worst interests and as such not permissible according to the Shariah, and vice versa.

Matrimonial property regime

The aunts clamour for the community of property to apply compulsorily to Muslim marriages notwithstanding the fact that the law accepts the system which negates community of property, namely, ante nuptial contract without accrual. Despite the fact that this system is constitutionally acceptable, and despite the fact that all Muslim marriages are automatically out of community of property according to the Shariah, the WLC aunts are desirous of encumbering the Nikah with the haraam community of property system. This is both unjust and discriminatory. They are not claiming the same injustice for Jewish, Hindu and other marriages. Only for Muslim marriages.

Advertising their ignorance

In her affidavit, the aunt asks the court to order that the following be incorporated into the Recognition Act:

"That the definition of customary law in section 1 be extended to include "and customs and usages of Islam traditionally observed among the muslim community of South Africa and which form part of the religion and culture of that community."

Ignorant and unwary Muslims could be misled by this statement. They will be deceived into understanding that freedom for Islam is being asked for. This is not so. Either the legal aunts are egregiously ignorant of Islamic traditions, culture and law, or they are perpetrating the deception of misleading Muslims with such ambiguous terminology.

None of the customs, traditions, and laws of Islam as applicable to Nikah and its consequences are compatible with the constitution. All of the Shariah is starkly in conflict with the ethos, tenets and objectives of the secular constitution. Should the abovementioned demand of the aunts be incorporated into law, Islamic traditions and laws will be interpreted and 'developed' by the courts to conform with the constitution. Echoing this stance and duty of the courts, Judge Moseneke of the Constitutional Court, commented in the Gumede case :

> "This case concerns a claim of unfair discrimination on the grounds of gender and race in relation to women who are married under customary law as codified in the province of KwaZulu-Natal. At one level, the case underlines the stubborn persistence of patriarchy and conversely, the vulnerability of many women during and upon termination of a customary marriage. At another level, the case poses intricate questions about the relative space occupied by pluralist legal systems under the

umbrella of one supreme law, which lays down a common normative platform.

Courts are required not only to apply customary law but also to develop it. Section 39(2) of the Constitution makes plain that when a court embarks on the adaptation of customary law it must promote the spirit, purport and objects of the Bill of Rights.

The adaptation of customary law serves a number of important constitutional purposes. Firstly, this process would ensure that customary law, like statutory law or the common law, is brought into harmony with our supreme law and its values, and brought in line with international human rights standards. Secondly, the adaptation would salvage and free customary law from its stunted and deprived past. And lastly, it would fulfil and reaffirm the historically plural character of our legal system, which now sits under the umbrella of one controlling law – the Constitution."

The courts have the obligation of promoting the ethos and objective of the constitution. To achieve this objective, they will interpret, transmogrify and mutilate the Shariah beyond recognition. The end transmogrified kufr product will still be termed *"muslim" personal law.* With the sharp and wide differences, the chasm between Shariah Law and secular law is unbridgeable. Shariah Law under the domination of secular law is a total impossibility. Only moron Muslims are deceived by any such possibility.

The MJC's pro forma marriage contract

Despite the MJC supporting the kufr so-called 'Muslim' marriages bill, the WLC in its court papers asks the court to

invalidate the Islamic marriage contract form prepared by the MJC. The aunt asks in her affidavit for the court to *"declare the pro forma marriage contract to be contrary to public policy and accordingly unenforceable in law."*

Although the MJC is an ally of the legal aunts entity, this entity's abhorrence for Islam has constrained it to ask for the invalidation of the MJC's marriage contract because the greater part of the contract conforms to the Shariah. Despite conforming with the Shariah, there are a number of provisions in the MJC's marriage contract which are in conflict with the Shariah. However, this is not the juncture for elaborating on this issue. Insha-Allah, in a future article we shall point out the flaws of the MJC's marriage contract.

The claim of public interest

The aunt states in her affidavit:

"The public interest litigation undertaken by the WLC includes cases aimed at ensuring that the marriages of women married in accordance with the tenets of a religion are legally recognized and that they receive a fair share of the assets of their marriages when these marriages are dissolved by death or divorce."

This is false. The current application of the WLC concerns only Muslim women to the exclusion of all non-Muslim women married according to their respective religious rites. Thus, the claim of 'public interest' is a dastardly canard. If the motive had any virtue, the application would have included all women of all religions and not be restricted to Muslim women.

The claimed failure of the State to enact legislation

The *murtaddah* aunt alleges in her affidavit:

"The Trust submits that this application is in the public interest in essence because the national executive has failed to prepare and initiate legislation to provide for the recognition of all muslim marriages as valid marriages for all purposes in South Africa and consequently, Parliament and the President have not enacted and implemented such legislation."

In her papers, the aunt alleges that the government has failed in its duty as supposedly imposed on it by the constitution to enact legislation to recognize specifically Muslim religious marriages. This is another ludicrous contention devoid of substance. While the constitution permits recognition of religious marriages, it nowhere imposes the duty as an obligation on the government to enact such legislation. There is a big difference between permitting such legislation and imposing the enactment of such legislation as an obligation on the State.

If there is a genuine clamour from a community for its religious marriages to be accorded legal validity, the government may then look into the matter, and if it discerns the feasibility for enacting such legislation, it may do so. But the court may not order the government to legislate an act which the constitution does not impose on the State as an obligation.

In this regard, the essential function of the court when petitioned, is to review existing legislation to determine its constitutionality. It is not the function of the judiciary to intrude into the domain of the legislature to issue orders for the enactment of legislation. This has greater emphasis regarding a matter so contentious and silly as the proposed 'Muslim' Marriages bill, in view of:

(1) The constitution imposes no obligation on the State to introduce such legislation.
(2) It is discriminatory in terms of the constitution in that it targets only the Muslim community to the exclusion of the Jewish, Christian, Hindu and other communities.
(3) The vast majority of the small Muslim population is averse to such legislation and rejects it as offensive to their religious feelings, and because it is in diametric conflict with the Shariah.
(4) It negates the constitutional imperative of freedom of religion.
(5) For Muslims who desire recognition of their marriages, there currently exists a Marriage Act which applies uniformly to all people of the country irrespective of their religious and ideological persuasion.
(6) It is unnecessary entanglement of the secular State with the religious doctrines of the Muslim community.

Religious and Social Marginalization

In her affidavit, the *murtaddah* aunt avers:

"The perpetuation in South Africa of the religious and social marginalization of muslims, which in the past coincided strongly with racial discrimination and their political disempowerment, is shameful and ought to be a remnant of the past."

The aunt has here let loose a red herring to deceive and mislead. The attempt is to peddle the notion that non-recognition of Muslim marriages as it exists today, is an anachronism which is inconsistent with the constitution and which discriminates against Muslims on the basis of religion. This idea is baseless. Even during the apartheid era when racial discrimination was the criterion in general,

Muslims, in so far as religious practices, especially matrimonial matters, are concerned were not discriminated. The aunt perpetrating one of her stunts to mislead, here attempts to convey that during the apartheid era Muslim marriages were not recognized because of religious and social marginalization on the basis of racial discrimination. This idea is thoroughly debunked by the then prevailing reality. As today, the Marriage Act applied uniformly to all citizens of the country during the apartheid era irrespective of race and creed. Any Muslim or Hindu or any non-white of whatever ideology, religion or persuasion, was free to register his marriage in terms of the Marriage Act even during the days of apartheid. This is precisely the position prevailing today in South Africa.

Thus, as far as marriages were concerned, despite racial discrimination having been a fundamental doctrine of the apartheid regime, no one was discriminated. Everyone was free to register their religious marriages in terms of the Marriage Act to acquire legal validity and recognition. Numerous non-whites, including Muslims, had registered their marriages to gain legal recognition. It is therefore, most dishonest for the WLC to introduce the red herring of racial discrimination for discrediting the government with the deception of it perpetuating a 'remnant of the apartheid regime'.

Furthermore, despite Muslim marriages not having legal validity during the apartheid regime just as all other religious marriages had no validity, officialdom used to accept the validity of the Islamic Nikah Certificate for certain purposes, e.g. for registration of births to obviate insertion of the offensive term, 'illegitimate', for allocation of municipal homes, for tax purposes, etc. Thus, there was no religious and social marginalization of the Muslim community on the

basis of religion. Such marginalization applied in other domains.
Muslims today, do not accept that they are being religiously and socially marginalized because of the non-recognition of their religious marriages. On the contrary, they voluntarily opt for such non-recognition because it affords them greater religious freedom than legal recognition of their marriages. There is absolutely no merit in this stupid red herring of the WLC.

Muslim Dignity
The aunt further avers:
"The failure to recognize muslim marriages not only impairs human dignity of muslims but perpetuates the unacceptable discrimination exemplified by the case referred to above."

This contention too is baseless. Secular non-recognition of our marriages in no way whatsoever impairs Muslim dignity. Regarding impairment of dignity, the aunts should ask Muslims about their feelings. These aunts should not audaciously impose on Muslims their convoluted concept of 'human dignity'. The aunts should not attempt to impose their matriarchy on the Muslim community. We are a patriarchal society, not a matriarchy. Islam does not tolerate the hierarchy of the species it designates *naaqisaatul aql.* These legal aunts should content themselves with directing their matriarchal concepts and silly ideas to those who are comfortable with female domination.

There is absolutely no stigma attached to Muslim religious marriages. Non-recognition of our marriages does not sully our human dignity. On this score, even the apartheid regime had not denied Muslim dignity on the basis of our religious marriages. Their denial of dignity was structured on the premise of racial discrimination, never marital or religious

discrimination. To illustrate this fact, we narrate an interesting episode.
About half a century ago, a Christian lady after being divorced by her Christian husband, accepted Islam and married a Muslim. The court had ordered the former husband to pay maintenance for the minor children. When he refused to pay, the lady complained to the court. The ex-husband was summoned. In court he explained that he had withheld paying maintenance because his ex-wife was living in 'adultery' with the Muslim man with whom she was married by Islamic rites. The marriage was not legally registered.

The magistrate who was a verkrampte broederbonder asked: *"Is she not married in the Mosque?" (i.e. according to Muslim religious law).* The ex-husband was constrained to concede that she was indeed married according to Islamic rites. The magistrate then sternly asked the Christian man: *"Do you mean that a hundred million Arabs who are married in the Mosque and not according to the Marriage Act are all living in adultery? Don't ever use that word in my court against the lady."* This then was the general attitude of officialdom towards Muslim marriages even during the heyday of the apartheid regime. The aunt should not attempt to pull wool over the eyes of the court and of those who are unwary and ignorant with her red herring stunts.

In a court case, a Hindu woman had claimed that her human dignity was impaired by the non-recognition of her marriage by Hindu rites. In his judgment delivered in 2007, Judge Patel, also a Hindu, commented:
"In essence the Plaintiff's (i.e. the Hindu lady's) argument is that the non-recognition of a Hindu customary marriage violates her right to equality and dignity in terms of the

Constitution. ……..I have already stated at the outset The Marriages Act applies to all South Africans who enter into a monogamous marriage irrespective of race, colour or creed…….

Registration as a marriage officer is open to members of all religious faiths. Thus a Christian marriage if performed by a priest who is not a marriage officer will also have to be solemnized by a marriage officer duly appointed in terms of the Marriage Act before such a marriage can have legal validity…….These religious marriages although they lack legal validity are regarded as lawful marriages in terms of the common law. ……

Both the Plaintiff and her expert witness were constrained to concede in their evidence that the requirements of the Marriage Act are not per se unreasonable. That the requirements of the Marriage Act do not discriminate on the basis of one's religion. It is of uniform application to Christians, Hindus, Jews and Muslims. Nor was there a suggestion that considered objectively the requirements contained in the Marriage Act are such as to limit the dignity of anyone. …….

The Plaintiff failed to advance any cogent or acceptable evidence establishing that the non-recognition of the marriage as a valid legal marriage offended her dignity. Nor did she advance any cogent evidence as to how her dignity if it was indeed lost, be regained if a secular decree of divorce was granted. I therefore come to the conclusion that none of the Plaintiff's constitutional rights have been compromised and accordingly neither the provisions of the Marriage Act or Divorce Act needs to be ruled unconstitutional."

Thus, the WLC's argument of impairment of the dignity of Muslims by the non-recognition of Muslim religious marriages is bereft of substance.

Insulting Islam

Adding insult to her stupid disgorgements, the *murtaddah* aunt of the WLC states in her affidavit:

"This state of affairs has been particularly prejudicial to muslim women. They are often socially vulnerable and in many instances the victims of deep patterns of disadvantage……...in the muslim community, which like our other communities remains markedly patriarchal, it is far harder for women than men to receive income, acquire property and thereby ensure that they and their children are not dependent or homeless if their marriages are dissolved by death or divorce."

Muslims proudly proclaim that indeed Islamic society is patriarchal. The patriarchy of Islam does not countenance injustice as the aunt implies. If husbands are unjust to their wives, it is not the effect of Islamic patriarchy. In general, it is the effect of westernization. Western secular education has cultivated animality in the Muslim life style. Islamic morality and culture have become greatly corrupted by the materialistic and immoral western cult. The Shariah does not condone injustice nor does the Shariah by its provisions render women destitute.

In this era of western modernity and immorality, Muslim women leave the home precincts to earn for three reasons:

(a) Unscrupulous relatives who refuse to fulfil the obligation the Shariah imposes on them.

(b) Unscrupulous women who have banished from themselves all the *haya* (modesty and shame) which the Shariah imposes on them. They just want to be on the streets and be in the domain where they can rub shoulders with fussaaq, fujjaar and kuffaar

males. Their western indoctrination has blighted their Imaani intelligence and ruined their Islamic morals. The home is now too boring for them. They want to be outside like prostitutes. They want to be equal with males. Therefore, even when arrangements can be made for their upkeep, they insist on being outside to prowl the streets.

(c) Greed for haraam western luxuries.

Islam has its own elaborate, wonderful system of benevolence to see to all the needs of women. There is no need for destitution if the Shariah is implemented. A destitute woman, in terms of the Shariah, is the responsibility firstly of her adult sons, if she has any. If she has no adult sons, then the responsibility of fully maintaining her devolves on her father, then her grandfather, then her brothers, then brother's sons, then their sons. If she has no male relatives on her father's side as mentioned, then the responsibility of looking after her devolves on the male relatives on her mother's side, in the following order: First maternal grandfather, then maternal uncles, then maternal cousins, then maternal nephews.

Assuming that she has absolutely no relatives on both her mother's and father's side, then the duty of maintaining her settles on her neighbours. And, neigbours in Islam mean 40 houses to the right, 40 to the left, 40 in front and 40 behind. In other words, all homes within a radius of 40 houses. On the extremely remote possibility of there being no such neighbours who can maintain her, e.g. such as exists in refugee camps, the obligation settles then on the Islamic state.

The problem with relatives and rulers nowadays is that they are like animals because of westernization. Their brains are

colonized by western culture and the norms and attitudes which western education breeds in their minds and hearts, hence they conduct themselves like animals. They are not concerned with the Waajib obligations the Shariah imposes on them. They are like dogs who are concerned with only themselves, not with the next dog.

It is not the kuffaar so much who make it difficult to follow the Shariah. Muslims are blameworthy in this regard. They have opted to lead the life of the western kuffaar, hence they are so indifferent to the plight of the next Muslim man and Muslim woman.

It is the bounden duty of the Ulama to constantly educate the Muslim masses on issues of this nature.

Religious and cultural tribunals

The aunt makes the following stupid averment:

"The vulnerability of muslim women is compounded by the unavailability of legal enforcement mechanisms to which the muslim community can turn, in respect of the enforcement of muslim personal law which governs the dissolution of muslim marriages through divorce and its consequences. This in turn forces the Muslim community to turn to religious and cultural tribunals or decision making bodies, which are largely, if not exclusively controlled by men and which enforce muslim personal law in a manner which is skewed in favour of muslim husbands."

The ideas of this woman are totally skewed in favour of her anti-Islam bias. She has miserably failed to understand the offence she has caused to Muslims with her rubbish, anti-Islam disgorgement. Her statement is riddled with conflict and malice for Islam which are the effects of her *irtidaad.*

Any Muslim woman is free to take the route to the secular court whether she be a *murtaddah* disgruntled with the Shariah, or a genuine Muslim woman seeking, on the advice of the Ulama, the assistance of the court to gain an Islamic right – such a right which the secular law finds compatible with the constitution. The 'vulnerability' claimed by the *murtaddah* aunt is the effect of deliberately induced hallucination. Her contention is utterly baseless.

She firstly claims that Muslim women have no "legal enforcement mechanism" to enforce "Muslim personal law which governs the dissolution of Muslim marriages". Then with extreme stupidity she says in the same breath that the decrees of the Shariah handed by the "religious and cultural tribunals", i.e. the Ulama Councils, are skewed in favour of men. The conundrum underlying these self-conflicting averments is solved when the sinister basis of the legal aunts is understood.

While they ask for the imposition by law of "muslim personal law", the intention is not the Law of the Shariah which is for the conglomerate of *murtaddeen* "skewed in favour of men". By "muslim" personal law, the *murtaddah* means kufr law – skewed and messed-up kufr law peddled in the name of 'Muslim'/'Islam' – it is kufr law which they want to be enacted as "muslim personal law" to bamboozle and deceive ignoramuses, and among these ignoramuses are those juhala 'sheikhs' of the MJC, and juhala' molvis of NNB Jamiat and other similar modernist outfits who are unable to distinguish between right and left.

The decrees of genuine Ulama Councils, not bodies such as the bogus 'uucsa', are in strict conformity with the Shariah. Since the Shariah is unacceptable to the *murtaddah* aunt, she insultingly, stupidly and falsely

describes it as being ‘skewed in favour of men’. Only a brain skewed in favour of baatil is liable to disgorge such noxious effluvium. Since the decrees of the Shariah are intolerable to the *murtaddah* aunt, and incompatible with the constitution, she terms such orders of Islam as being “skewed in favour of men”. Secular law is in fact skewed in favour of injustice, immorality and sexual perversion, which all are just and moral for the likes of the WLC.

In terms of the Shariah, Muslim women do not encounter any problem. The decrees of the Shariah are just and make adequate provision for the maintenance and care of Muslim women. However, women whose brains have been colonized by the kufr cult of the West, and skewed in favour of kufr, are disgruntled with the Shariah, hence they take the haraam route to the secular court thereby destroying their Imaan and sacrificing their everlasting salvation of the Aakhirah for the miserable crumbs of this world.

The imagined plight of Muslim women

The *murtaddah* says in her affidavit:

“Muslim women who are divorced by their husbands are often left with a wholly inadequate proprietary claim against them and are often forced out of their homes.”

This is a massive lie uttered by the *murtaddah.* She and her clique of aunts have dealt with one or two cases of divorcees being ‘forced’ out of the house which was her former marital home. How many such cases can this aunt cite to bolster her calumny? Furthermore, ante nuptial contract excluding accrual is a legal system which is accepted by all and sundry. The WLC has not applied to court to have this system struck down as being unconstitutional for the simple reason that it is not

unconstitutional. It is a matrimonial property system which the husband and wife select of their own volitional will.

Once the woman is divorced, and if she had opted for this system, she may not claim a property which does not belong to her. Both the civil law and Shariah Law do not permit that a property which does not belong to her be awarded to her at the time of divorce. All Islamic marriages are out of community of property and without accrual. She therefore may not usurp what does not belong to her. No one forces the divorcee out of her previous marital home. No one puts her on the street as the WLC falsely alleges. She will be given ample time to relocate. But the problem in the case or cases handled by the legal aunts is that the woman refused to vacate. She rather claimed to be the owner of the property. There was a dispute of ownership, and in this process she may have been evicted. But in all the cases of marriage dissolution, Muslim women are not forced out of the home. Suitable arrangements are made by relatives whose responsibility she now becomes according to the Shariah.

It is unjust and immoral to hang her like a dead albatross, around the neck of a man who was her husband once upon a time, while now she is free to prowl around in search of another man whose responsibility she will become according to the Shariah. But, until she remains unmarried, she is the responsibility of her family as explained earlier. The argument of the *murtaddah* is palpable bunkum.

The clamour for haraam consequences

The WLC is labouring to achieve the objective of encumbering Muslim marriages with haraam and kufr consequences. Whilst the plot is to accept Islamic

marriages as valid, the consequences of such marriages should not be Islamic. On the contrary, the plot envisages secular consequences for purely Islamic marriages, and this is what the fight is all about.

It is irrational, false and unjust to describe a kufr law as "muslim" when it imposes such consequences on the Nikah which are in total conflict with the Shariah. There is no need for such stupidity and incongruency. The simple solution for the bunkum and hallucinated 'hardships' of women is to advise those whose minds are skewed in favour of kufr, to avail themselves of the Marriage Act. They will then be favoured with the type of kufr consequences they clamour for. They should not contend to be Muslim and demand kufr, for such a contention is a skewed concoction.

The Marriage Act has uniform application for all. It is not skewed in favour of anyone. No one is debarred from pursuing the objective of kufr consequences. They only have to register their marriages according to the Marriage Act. There is thus no need whatsoever for the enactment of special legislation which will open up a Pandora box and create considerable offense to the religious feelings of Muslims.

It is hoped that the government will be able to see through the ploys and stunts of the WLC – plots and stunts which are calculated to create numerous problems whilst solving none.