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FISQ AND FUJOOR EFFACE THE WILAAAYAT OF A FATHER

QUESTION

A Haafiz recently eloped with a girl with whom he was conducting an illicit/zina relationship for about two years. They forged the haraam relationship at school. There is no gainsaying in the fact that they had indulged in zina multiple times.

They further regularly exchanged lurid, pornographic whatsapp messages of filth and zina. The wording used by the haafiz is absolutely appalling, disgusting and nauseous. This obscenity and zina continued for about two years. The parents of the boy and girl were fully aware of the zina relationship, but did nothing or could do nothing to terminate the relationship.

Ultimately, when the two were drowning in their cesspool of fornication and porn, they realized that the filth had to end, and the only way was for them to get married. However, the parents of the girl were dead against marriage. The zina relationship was tolerable, but not the Nikah solution.

When the girl's parents resolutely refused to allow Nikah, the boy and girl eloped and had their Nikah performed privately by a Maulana. Was the Nikah valid without the consent of the father?

The girl's father is now accusing the Maulana who had performed the Nikah of ruining the life of his daughter. The father and the family of the girl want the Nikah to be annulled. Are their valid grounds for annulling this Nikah? Did the Maulana act correctly by having performed the Nikah despite being aware of the opposition of the parents? Please comment on this issue in the light of the Shariah. There are many similar cases. Haraam zina relationships

are struck up in schools and universities. Parents almost always turn a blind eye on these relationships. In the interests of secular education, parents quietly accept the zina relationship to continue. But when the couple seeks to terminate the Haraam relationship with Nikah, all hell breaks loose and the parents of the girl will be up in arms, leaving no stone unturned in the endeavor to prevent the Nikah.

What is the verdict of the Shariah for the participants in this type of saga?

ANSWER

The primary rascals and swines in these kinds of zina relationships are the parents. The actual fornicators are secondary in line of damnation. The parents had paved the way of Jahannam for their children by casting them into these ‘educational’ brothels. They should now not bite their fingers and lament when their children have sunk deep into Hell with their zina addiction.

These parents, if they still have any semblance of Imaan, should understand that every act of zina – the zina of the eyes, zina of the ears, zina of the tongue, zina of the hands, zina of the mind, zina of the heart, and the ultimate physical act of fornication – is loaded on to them. Since they had prepared the groundwork for zina for their children, and furthermore, aided and abetted them in the perpetration of innumerable acts of zina over an extended period of years by virtue of their condonation and abstention from instituting drastic measure to terminate the haraam relationship, they will be held fully liable in the Hereafter for the deluge of sin and immorality of their children.

These miserable unfortunate parents, born to be bad, had sent their children to be educated in the school brothel for years. The chimera of secular education dangling in front of them overwhelmed their brains which are denuded of Imaan, and had constrained them to set aside the demands of Imaan and the commands of the Shariah. Thus, they gave preference to secular-kufr education over the imperative requisite of guarding the Imaan and Akhlaaq of their children.

Since kufr education had a greater appeal for the parents than the objectives of Imaan and the Shariah, the two-year period of zina of their children was tolerable and acceptable. But when the boy and girl were sick and felt rotten on account of their zina diseases and desired to submit to the remedy and solution, that is perform Nikah, the satanic parents of the girl, dancing to the tune of Iblees and submitting to the dictates of the nafs, went overboard the cliff of Imaani destruction to prevent Nikah.

They cared not for the perpetuation of zina by their daughter. But they raised a hue and cry and even sought ‘Deeni’ protection in their inordinate, unintelligent and unreasonable attempt to block the performance of the Nikah which is the sacred bond which effaces the past sins if accompanied by Taubah.

Now suddenly they run to the Shariah claiming that their daughter married without parental consent. These swines should understand that they had long ago forfeited their Shar’i rights of which the Shariah had made them the repositories. But the sacred rights granted to the parents were eliminated by the fact of sending their daughter to the school of ZINA. What did they expect of their daughter whom they had cast among the wolves of zina? Did they hallucinate that their daughter will emerge from the portals of the zina hell as a *waliah* – a saintly lady? Indeed Iblees had urinated on the brains of these miserable parents who had converted their daughter into a vile slut.

Often the parents of the girl trapped in this type of zina situation seek to shift the blame 100% on the male culprit while both are equally culpable. The Qur’aan does not absolve any of the zina participants. In fact, the Qur’aan calls first for the punishment to be meted out to the girl, hence Allah Ta’ala says:

“The zaaniyah (the female fornicator) and the zaani (the male fornicator), flog them...”

In the case of theft, the Qur’aan Majeed says:

“The saariq (male thief) and the saariqah (female thief), cut off their hands...”

Note the difference in the Qur’aanic address and acquittal of the Divine Command. Since the female is the greater culprit due to wrecking her Imaani *haya*, the punishment for zina is announced firstly for her then for the male. On the other hand, in the scenario of theft, the punishment is announced first for the male then the female.

The girl’s parents should not lament and not seek to minimize the immorality and villainy of their daughter by shifting the entire blame on the boy. Both are equally liable for their zina.

All parents who find themselves in this type of situation which they had crafted with their own hands should understand the following masaa-il of the Shariah:

- (1) Zina is tantamount to the destruction of Imaan while Nikah is Half of Imaan.
- (2) In the scenario of zina which parents create for their children, the latter have every right to proceed with Nikah regardless of the denial of parental consent.
- (3) By having dumped his daughter into the cauldron of zina, the father has LOST his *Wilaayat* over her. As such, she may proceed to have her Nikah performed even if he denies consent. His consent is no longer required. It is a mere imaginary figment which if forthcoming will be a mere ceremonial measure to save a vestige of the ruined respect and honour of the parents.
- (4) The girl's father in a saga of this type loses his right of *Wilaayat*. Since he is a faasiq and faajir, he is not an appropriate *mahram* for her. A man who has the Ibleesi guts of tolerating the prolonged and multiple acts of fornication of his daughter for the sake of kufr education is classified a *khinzeer*. That is why he can tolerate zina, but not Nikah.

The parents of this girl are now shedding wasteful tears. They are more concerned with their image in society. If they had any concern for their daughter, never would they have allowed her to take up 'employment' in a brothel. Secular schools are dens of vice and immorality.

The parents of the boy too are equally guilty for the development of the zina saga in which their son has become ensnared by Iblees. It is absolutely haraam to refer to this boy with the title 'Haafiz'. It is an insult to the Qur'aan Majeed. Never is it possible for one who indulges in prolonged and multiple acts of zina to be a Haafiz of the Qur'aan Majeed. How is it possible for a true Haafiz to send below gutter-level vulgarities and porno words of disgust to a female? The Qur'aan curses such a person who indulges in vice and immorality despite having memorized the Qur'aan. In brief, the parents, the girl and the boy in this saga are *khanaazeer*. Nevertheless, sincere Taubah will efface their *khinzeeriyat* and *shaitaaniyat*.

ADVICE TO BOYS AND GIRLS TRAPPED IN ZINA RELATIONSHIPS

It is firstly essential to understand that pursuing worldly/mundane education in schools and universities is absolutely HARAAM. There is no scope for permissibility.

If due to misfortune and *nafsaaniyat* a boy and girl attending these dens of vice and *shaitaaniyat* at the behest of their evil parents become entrapped in an illicit relationship, they should immediately terminate it. They should fear the Blazing Fire of Jahannam. They should understand that Allah Azza Wa Jal is looking at them and the Two Recording Angels are at their side 24 hours.

If, due to their *khinzeeriyat* they refuse to terminate the illicit zina relationship, they should then immediately enter into the fortress of Nikah to save themselves from the Wrath and Curse of Allah Azza Wa Jal and from the disastrous consequences of zina – consequences in this dunya and in the Aakhirah.

In such a scenario if the girl's parents refuse consent, the boy and girl should proceed to extricate themselves from the filth by performing Nikah even ***without*** the consent of the girl's parents. They should not arrange a clandestine Nikah. Remember that zina is a secret affair while Nikah is a public institution.

If they are unable to find a responsible person to perform the Nikah, they should perform their own Nikah.

The performance of Nikah is quite simple in Islam. The validity of Nikah requires only the following factors:

(1) The *Ijaab (Proposal)*. The *Ijaab* may be by either the boy or girl. The girl should say: "*I accept you as my husband in Nikah.*"

(2) The *Qubool (Acceptance)*. In response to the Proposal, the boy should say: "*I have accepted you as my wife in Nikah.*"

(3) Two Witnesses. It is imperative to have two Muslim male witnesses to witness the utterances of *Ijaab and Qubool*.

Both the *Ijaab* and *Qubool* MUST be sufficiently audible for both Witnesses to hear. Once the aforementioned three ingredients have been fulfilled, the Nikah is VALID.

The validity of the Nikah is not reliant on the Khutbah and Mahr. However, for observance of the Sunnah and for barakat, any one present may recite the Khutbah prior to the *Ijaab* and *Qubool*. The Mahr should preferably be arranged prior to the Nikah. Payment may be deferred for a future date.

WARNING

The couple getting married should understand that the aforementioned method of Nikah is not a temporary stratagem for legalizing their zina conduct. It is a real Nikah contract which has permanent effect. It is not a temporary halaalization of zina as is the *mu'tah* practice of the Shiahs. If the intention is for the nikah to be a temporary measure, it will then be tantamount to Shi'i *mu'tah* which is haraam, and not valid.

MAHRAMIYYAT

A *Mahram* for a woman is a male with whom marriage is permanently not permissible and not valid, e.g. father, son, uncle. If a mahram is a faasiq-faajir, then he will not be a valid mahram for a woman on a journey nor should she be in privacy with him. Thus, a woman may not go alone on a journey with her father or uncle if they are faasiq-faajir. Fisq and Fujoor defeat the objective of *mahramiyyat*.

It is the obligation to the mahram to protect the *haya* and honour of the female whose guardian he happens to be. This objective is not achieved if the mahram is a faasq-faajir.

ANSWERS TO THE SPECIFIC QUESTIONS

Q. Can this nikah be annulled?

A. There are no grounds for annulment. The Nikah is valid.

Q. The father says that the Maulana has ruined his daughter with the Nikah. Is he correct?

A. On the contrary, this miserable, faasiq, faajir father has ruined the life of his daughter by having paved the path of Jahannam for her. He condoned all her zina practices and shenanigans.

Q. Did the Moulana act correctly within the confines of the Shariah by performing the nikah without the consent of the father?

A. The Maulana acted 100% in conformity with the Shariah. He assisted the extrication of the couple from the trap of zina which the parents had created for them.

Q. What is the verdict of the Shariah?

A. The Nikah is valid. The parents must resort to Taubah and so should the girl and boy. The father has lost his *Wilaayat* over his daughter.