

The Questions of Three Divorces

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

by
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PREFACE

In this present time, the Muslims are confronted by the Fitna (mischief) of the "Ghair Muqallids" or the proponents of "non-Madhabism", that is, those who do not believe in the Four Imaams. In order to warn the youth, who generally fall prey to the non-Madhabites, the Noble Ulema have written thousands of authentic books over the last fourteen centuries in which they have explained the importance of following one of the Four Imaams.

Due to the absence of such learned Ulema and scholars who can derive Islamic solutions by themselves from the Holy Quran and Hadith alone, today, it is Waajib (compulsory) for us to follow one of the four Imaams - Imaam Nu'man bin Thaabit Imaam-e- Azam Abu Hanifa, Imaam Maalik bin Anas, Imaam Muhammad bin Abu Abdullah Idrees Shafa'i and Imaam Ahmad bin Hambal (radi Allahu anhumul ajma'in). These four Imaams are the founders of the four schools of Fiqh (Islamic Jurisprudence), namely Hanafi, Maaliki, Shafi'i and Hambali, respectively.

It is also very important for each one of us to make Taqleed, that is, to follow our respective Imaam and act on his Ijtihad (interpretation of Islamic law) and Fatawa (Islamic Decrees). The great Ulema have stated that those who do not follow any one of the four Imaams is Gumrah (misled) because the knowledge and spirituality of understanding the Holy Quran and Hadith in it's proper context has been bestowed upon them by Almighty Allah. This understanding and knowledge of the Holy Quran is not found in anyone today. Thus, for the Ummah to gain proper guidance and salvation, it is necessary for us to make one of them your Imaam, and to follow them. Almighty Allah says in the Quran-e-Majeed: "O People! Ask the men of knowledge if you know not". (Surah Nahl: 43)

It is also not permissible for a Muslim to follow different Imaams to suite his or her own personal needs. In other words, one cannot follow Imaam-e-Shafi'i (radi Allahu anhu) in one mas'ala (law) and then following Imaam Abu Hanifa (radi Allahu anhu) in another mas'ala. The proper method would be to follow one's own Imaam in all Laws of Shari'ah. It must also be remembered that the differences of opinion of the Imaams should not be confused with the difference of belief between the Ahle Sunnah Wa Jamaah and the other Sects. The difference of opinion of the Imaams, is only in certain Masa'il-e-Far'iya (Laws of Fiqh) and not in Aqa'id-e-Asliya (Laws concerning Belief). None of the Imaams differ when it comes to Aqa'id-e-Asliya.

If a person gives his wife three Talaqs (divorces), which is a very serious act, the Talaqs will be effective or valid. The divorced woman will not be legal for him without "Halalah". Halalah is accomplished by the woman marrying another man, divorcing him after consummation of the marriage (having sexual intercourse), and re-marrying her first husband.

Ghair Muqallids, that is, those who do not follow any one of the Four Jurist or Madha'ib, deny this fact. Due to them following their own desires, they regard the three divorces given at once as only one divorce, and that the couple may still live together as husband and wife.

Therefore, in this treatise, Moulana Abdun Nabi Hamidi has presented enough Dalaa'il (Proofs) from the Shari'ah to substantiate our argument that if a person issues three Talaqs to his wife all at once, then all three will be counted as three. In the second chapter, he has also answered the objections posed by the objectors and readers will be satisfied with the answers provided. Insha-Allah.

We make D'ua that Almighty Allah through the Wasila of Nabi Muhammad (sallal laahu alaihi wasallam) reward Moulana Abdun Nabi Hamidi for his efforts in clarifying the issue by taking the Shari'ah into consideration. May He grant us the Taufeeq to be steadfast on the path of the Ahle Sunnah. Aameen.

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INTRODUCTION

Allah, in the Name of, Most Beneficent, Most Merciful

In today's society, the disease of divorce has become so common that through a minor argument or baseless suspicion, three divorces are pronounced immediately. Later when the couple realise what they have done they suffer from untold anxieties and extreme embarrassment.

In order to resume their life as husband and wife they seek the assistance of the Ulema and lawyers, uttering all kinds of lies and falsehoods. It is sad that there are some very "enlightened" Ulema and lawyers who falsely claim that three divorces given at once or at the same time constitute a single divorce. There are also some females who maintain that a divorce is not valid when said in anger. They say that anger in itself is Haraam (unlawful). While there are some who will believe that until the women does not accept the divorce, the divorce will not be valid.

With these conflicting thoughts and fancy interpretations concerning us, we think that it is necessary to put forward a short and comprehensive discussion on the question of three divorces. We pray that Muslims in the future will not act in haste and careful consideration and analysis should be taken before embarking upon the act of divorce so that they may be saved from untold miseries.

DIVORCE

I have presented this humble effort based on the extensive research, which is done in "Tafseer Na'eemi" and "Ja'Al-Haq" by Hazrat Mufti Ahmad Yaar Khan Na'eemi (radi Allahu anhu), but firstly, a synopsis on divorce. Trusting in Almighty Allah, I have intended to clarify the question of three divorces by presenting this short treatise. May Almighty Allah and His Beloved Rasool (sallal laahu alaihi wasallam) guide us on the Shari'ah and accept this humble effort.

There are situations as a result of circumstances where divorce is permissible but to resort to divorce without any reason is unlawful in Islam. Sayyiduna Rasoolullah (sallal laahu alaihi wasallam) said, "From the things permitted by Almighty Allah, the most disliked is divorce." (Abu Dawud; ibn Majah; Daar Qutni)

Hazrat Sooban (radi Allahu anhu) reports that the Holy Prophet (sallal laahu alaihi wasallam) said, "That woman who asks for divorce from her husband, without any reason, the smell of Paradise is unlawful to her." (Daarmi Shareef, Vol. 2, pg. 85) In other words, apart from seeing Paradise, she will not even smell it!

If a person wants to divorce his wife, it is better that he gives her one divorce while she is in the state of "Tohr" or purification after menses. If he has to give her three Talaqs, he should give her one Talaq at a time in each Tohr. However, if he gives the woman Talaq while she is in the state of menses or if he gives her three Talaqs all at once, which would not be according to the Shari'ah, the Talaqs will still be regarded as valid.

There are three methods of giving three Talaqs at once. These are:-

FIRST: If the husband divorces his legal wife with whom he has made Nikah, but did not consummate the marriage, that is, he did not have sexual intercourse with her, but he says to her, "Upon you is Talaq, upon you is Talaq,

upon you is Talaq", in this case, only ONE Talaq will be valid. By uttering the first Talaq, this woman is out of Nikah and there is no 'Iddat upon her. The reason for this is that for the effectiveness of Talaq there has to be Nikah or 'Iddat and for that reason the last two Talaqs will be null and void. If he says to his wife, "I gave you three Talaqs", now all three will be valid because in this case, all three Talaqs were given while the husband and wife were in Nikah.

SECOND: If the husband divorces his wife with whom he had sexual intercourse by saying to her, "I give you Talaq, Talaq, Talaq", but he only intended emphasis with the last two words, i.e. "Talaq, Talaq", in reality, it will be ONE Talaq. However, in the court of law, his testimony regarding emphasis will not be heard.

THIRD: If husband divorces his wife with whom he had sexual intercourse by saying to her that, "I give you three Talaqs" or if he says, "Upon you is Talaq, upon you is Talaq, upon you is Talaq", in this condition three Talaqs will be valid. Imam Abu Hanifah, Imam Shafi'i, Imam Malik, Imam Ahmad (radi Allahu anhum) and the majority of the Ulama have reached consensus on this matter. Some of the Ulama who are not influenced by deep Islamic knowledge differ with this consensus/Mas'ala (decree).

Allamah Sawi (radi Allahu anhu) writes: "The Ulama of the Muslim Ummah have reached consensus that the one who gives three Talaqs separately or all at once, in both cases, his wife will become Haraam (unlawful) for him". (Tafseer Sawi, under the verse no. 230, Surah Baqarah)

Imam Nowvi (radi Allahu anhu) writes in his "Nowvi Sharah Muslim", Vol. 1, under the chapter of three Talaqs: "Whosoever says to his wife, 'I give you three Talaqs', according to the four Imams and the majority of the present and past Ulama, the three Talaqs will be effective. Some of the Ahlus Zaahir (those who are influenced by external actions) have said that, in this case, only one Talaq will be affective".

In their obsession to seek ease for their carnal desires, Ghair Muqallids (those who do not conform to the teachings of one the Four Imams) of the present time, regard any false or weak saying as acceptable to them. In following Ibne Taimiya they have adopted the belief that three Talaqs uttered at once are equal to one Talaq.

Allamah Sawi (radi Allahu anhu) writes: "Ibne Taimiya Hambali has stated that 'three Talaqs given at once are equal to one'. The Imams of Hambali Madhab have refuted Ibne Taimiya. The Ulama have said that Ibne Taimiya is misled and is a misleader. Relationship of this issue with Imam Ash Hab Maliki is false". (Tafseer Sawi, under the verse no. 230, Surah Baqarah)

We have learnt from this that the Ghair Muqallids of the present time have chosen the false belief or false concept in the issue of Talaq as long as it suits their carnal desire.

CHAPTER 1 : PROOFS IN SUPPORT OF THREE TALAAQS BEING VALID

NUMBER 1:

Allah Almighty says in the Holy Quran: "This divorce is for two times only, then is to retain with good or to release with kindness." (Surah Baqarah: 229) "Then if she is divorced for the third time, then that woman will not be lawful for him." (Surah Baqarah: 230)

One comprehends from these verses that the right of the husband in returning to his wife is till two Talaqs, and not after three Talaqs. The unconditional use of the word "MARRATAAN" in this verse proves that giving separate Talaqs is not the condition for the Talaq to be valid or affective. If person gives separate Talaqs or all at once, Talaq will be valid and effective whichever way it may be.

Allama Sawi (radi Allahu anhu) explains these verses in "Tafseer Sawi": "If someone gives three Talaqs, it will be effective regardless if he gives all at once or separately. The woman will not be lawful for him." Similar explanations of these verses are given in other commentaries of the Holy Quran as well.

NUMBER 2:

Allah Almighty says: "And whosoever crossed the limits of Allah, undoubtedly, he did injustice to his own soul. You know not that perhaps Allah may send any new commandment after it." (Surah Talaq: 1)

This verse means that whosoever crosses the limits of Almighty Allah, that is, by giving three Talaqs at once, he does injustice to himself. It is often that a person is regretful and embarrassed after having given Talaq and wants to return to his wife. It is not stated in this verse that if someone has given three Talaqs at once it would not be affective. Rather, it is stated that the person is unjust to himself. If the three Talaqs given were ineffective, then the woman is still considered to be his wife. How can he then become a Zaalim or transgressor? Imam Nowi (radi Allahu anhu) gives a similar explanation in the chapter of Three Talaqs in "Sharah Muslim".

NUMBER 3:

Sowaid Ibn Ghafalah narrates in "Baihq" and in "Tibraani" that Imam Hasan Ibn Ali (radi Allahu anhum) gave three Talaqs at once to his wife Ayesha Khsh'amyah. He was later informed that she cried a lot in his separation. When he heard this, he also cried and said: "I would have returned to her if I had not heard from my father that if a person gives three Talaqs to his wife separately or all at once, then that woman is not lawful for him without Halalah". (Sunan Kubra Lil Baihq, Vol. 7, pg. 339)

NUMBER 4:

Habib Ibn Abi Sabit (radi Allahu anhu) narrates: "A man came to Hazrat Ali (radi Allahu anhu) and said, 'I have given thousand Talaqs to my wife'. Hazrat Ali (radi Allahu anhu) told him, 'Three Talaqs have made her Haraam upon you. Go and distribute the remaining Talaqs amongst your other wives'". (Sunan Kubra Lil Baihq, Vol. 7, pg. 335)

This statement of Hazrat Ali (radi Allahu anhu) means that the three Talaqs are effective and the rest of the Talaqs are absurd or nonsense. It is obvious that this man did not give one thousand Talaqs in one thousand months, otherwise he would have spent 83 years and 4 months to do that! He gave one thousand Talaqs at once and Hazrat Ali (radi Allahu anhu) issued the verdict that three are valid.

NUMBER 5:

Hazrat Imam Jafar Sadiq (radi Allahu anhu) narrates from Hazrat Ali (radi Allahu anhu) that Hazrat Ali (radi Allahu anhu) said: "Whosoever gives three Talaqs to his wife at once, his wife will not be lawful for him without Halalah". (Sunan Kubra Lil Baihq, Vol. 7, pg. 335)

NUMBER 6:

Baihq narrates from Mohammad Ibn Ayaz Ibn Kabeer (radi Allahu anhum), that a person gave three Talaqs at once to his wife before he had intercourse with her. He intended to marry her afterwards. He approached Hazrat Abu Hurairah and Hazrat Abdullah Ibn Abbas (radi Allahu anhum) to find a solution. They told him, "We do not see any possibility for re-marriage without Halalah". The man said, "I have given three Talaqs at once". When Hazrat Abdullah (radi Allahu anhu) heard this, he said: "Whatever was left in your ownership you have given it away collectively". (Sunan Kubra, Vol. 7, pg. 335)

NUMBER 7:

Somebody asked Hazrat Abdullah Ibn Abbas (radi Allahu anhum): "I have given 100 Talaqs to my wife". He replied, "Take three and leave ninety-seven". (Three Talaqs are sufficient to break the marriage. The rest of the 97 Talaqs are useless.) (Sunan Kubra, Vol. 7, pg. 337)

NUMBER 8:

Sa'eed Ibn Jubair (radi Allahu anhu) reports that a man came to Hazrat Abdullah Ibn Abbas (radi Allahu anhum) and

said, "I have given a thousand Talaqs to my wife". He replied, "Take three and leave 997". (Sunan Kubra, Vol. 7, pg. 337)

NUMBER 9:

Sa'eed Ibn Jubair (radi Allahu anhu) narrates that Hazrat Abdullah Ibn Abbas (radi Allahu anhuma) told a man who gave three Talaqs to his wife, "Your wife has become Haraam upon you". (Sunan Kubra, Vol. 7, pg. 370)

NUMBER 10:

Amar Ibn Dinar (radi Allahu anhu) reports that someone asked Hazrat Abdullah Ibn Abbas (radi Allahu anhuma): "What is the ruling of that person who has given his wife Talaqs equal to (the number of) stars". He replied, "Tell him that for you (him) the head of Zodiac of Gemini is enough". Remember, there are three stars on top of Zodiac of Gemini. (Sunan Kubra, Vol. 7, pg. 327)

NUMBER 11:

Fatma Bint Qais (radi Allahu anha) says, "My husband gave me three Talaqs at once before he left for Yemen". The Holy Prophet (sallal laahu alaihi wasallam) legalised these as three Talaqs. (Ibn Majah, Chapter - "Who gave three Talaqs in one sitting")

NUMBER 12:

Hakim, Ibn Majah and Abu Dawood narrated from Abdullah Ibn Ali Ibn Yazid Ibn Rukanah (radi Allahu anhum) who said: "My grandfather, Rukanah, gave Talaq BATTAH (emphasized Talaq) to his wife. Then, he went into the holy court of the beloved Rasool (sallal laahu alaihi wasallam). The Holy Prophet (sallal laahu alaihi wasallam) asked him in that regard. Rukanah replied, 'I made intention of one Talaq'. The Holy Prophet (sallal laahu alaihi wasallam) asked him, 'Do you swear by the Name of Allah that you made intention of one Talaq?' Rukanah said, 'I swear by the Name of my Lord that I made intention of one Talaq only'. The Holy Prophet (sallal laahu alaihi wasallam) then returned his wife to him". (Ibn Majah - Chapter of Talaq Al Battah; Abu Dawood - Chapter of Al Battah)

If three Talaqs given at once are equal to one Talaq, why then did the Holy Prophet (sallal laahu alaihi wasallam) ask Rukanah to swear for his intention? He in fact told his wife "I give you Talaq, Talaq, Talaq" and the last two words of Talaq that he used was to emphasize the first Talaq. Therefore, it was regarded as one Talaq. This narration is highly accurate and reliable. Ibn Majah said, "What a noble narration this Hadith is". Abu Dawood said, "This narration is more accurate than the narration of Ibn Jarir".

NUMBER 13:

In the time of Hazrat Umar (radi Allahu anhu) the law was made that three Talaqs given at once will be regarded as three. (Muslim, Kitaabut Talaq, Chapter of Three Talaqs)

Imam Nowvi (radi Allahu anhu) explains this Hadith by saying that the Sahabah have reached consensus on this issue that three Talaqs given at once will be regarded as three.

NUMBER 14:

The husband has the right to divorce. What is the reason for him giving three Talaqs and it is counted as one? The husband owns the Talaq, and the disposal of an owner should be valid in his ownership.

NUMBER 15:

The Islamic Law cannot be changed because of an unlawful act. To give three Talaqs at once is, undoubtedly, prohibited. But, when the husband is uttering three Talaqs from his mouth, why then would it not be affective?

To slaughter an animal with a stolen knife is indeed Haraam, but if someone has slaughtered the animal with it, then the slaughtered animal will be Halaal. It is Haraam to give Talaq to the wife while she is in the state of menses, but if someone has given it, it will be effective.

NUMBER 16:

The majority of the Ulama, in particular, the Four Jurist Imams (radi Allahu anhum) believed that three Talaqs given at once are valid and effective.

CHAPTER 2: ANSWERS TO OBJECTIONS

Ghair Muqalids, in their attempt to support their false claims could only make the following objections. Insha-Allah, these false claims will be eradicated.

FIRST OBJECTION

Allah Almighty says in the Holy Quran: "This divorce is for two times only." (Surah Baqarah: 229) The Quranic word "MARRATAAN" in this verse requires that Talaqs should be given separately. To give three Talaqs at once does not fulfill the requirement of this Quranic verse.

OUR ANSWER:

There are a few answers to this objection:

1. This verse does not mean that three Talaqs issued at once will be equal to one Talaq. The true understanding of this verse is that Raji' Talaqs are counted as two Talaqs. (Raji' Talaq is that Talaq that allows a person to return to his wife after divorcing her). Thereafter, Almighty Allah says in the very next verse, that whosoever gives more than two Talaqs, his wife will not be lawful for him without Halalah. "Tafseer Ahmadi", "Sawi" and "Jalaalain" can be seen for reference.
2. For instance, if the word "MARRATAAN" in this verse means that Talaqs should be given separately, then the one who says to his wife that "I give you Talaq, I give you Talaq, I give you Talaq", there is "wordy" separation in his saying. One who says to his wife that "I give you three Talaqs", there is "numeral" separation in his saying. We fail to understand from where they have taken the meaning of this verse to be that there must be a period of one menses between the Talaqs, then only Talaq will be valid? Almighty Allah says in the Holy Quran: "Then look again and again towards the Heavens." (Surah Mulk: 4) This does not mean that one must look towards the Heavens once in a month. I suppose Ghair Muqalids might translate this verse to mean that one should look towards the skies once in a month!
3. According to their explanation of this verse they say that Talaqs should be given separately. We also say that issuing three Talaqs at once is severely prohibited, and that it is necessary to give Talaqs separately. The question that arises is this is that if someone, due to his foolishness, had given three Talaqs all at once, will the Talaqs be effective or not? The verse is quite about it.

SECOND OBJECTION

It is reported from Hazrat Abdullah Ibn Abbas (radi Allahu anhuma) that during the time of the Holy Prophet (sallallahu alaihi wasallam), in the time of Hazrat Abu Bakr Siddique (radi Allahu anhu) and in the early period of Hazrat Umar (radi Allahu anhu), three Talaqs given at once were regarded as one Talaq. (Reference: Muslim - Kitabut Talaq).

Furthermore it is reported in "Muslim", in the same Chapter, that Abu Sahba asked Hazrat Abdullah Ibn Abbas (radi Allahu anhum): "Do you know that in the period of the Holy Prophet (sallal laahu alaihi wasallam) and in the period of Abu Bakr (radi Allahu anhu) three Talaqs given at once were regarded equal to one?" He replied, "Yes". It becomes obvious from here that three Talaqs given at once are regarded as one Talaq.

OUR ANSWER:

There are a few answers to this objection:

1. This Hadith is "Mansookh" or abrogated. The reason for this is that Hazrat Abdullah Ibn Abbas (radi Allahu anhu) narrated this Hadith and he himself issued the verdict that three Talaqs given at once are valid and effective. A detailed explanation is written in the first chapter of this book. When a narrator of a Hadith practices against his narration it will mean that as far as the knowledge of the narrator is concerned, the Hadith is Mansookh (abrogated).

Hazrat Umar (radi Allahu anhu), in the presence of the Sahaba, made this law that three Talaqs given at once will be effective. This law was accepted and practised by the Sahaba (radi Allahu anhum). Hazrat Abdullah Ibn Abbas (radi Allahu anhum) also did not object to it. This informs us quite evidently that this Hadith was abrogated or "Mu'awwal" (reinterpreted) in the knowledge of the Sahaba. Could the Sahaba (radi Allahu anhum) ever reach consensus against the Hadith?

2. In this Hadith, the case of that woman is discussed with whom her husband did not have intercourse. If the husband told his wife with whom he did not have intercourse yet, that "I give you Talaq, I give you Talaq, I give you Talaq", indeed, in this case, only the first Talaq will be counted and the remaining two Talaqs are ineffective.

Abu Sahba asked Abdullah Ibn Abbas (radi Allahu anhum): "Don't you know that during the time of the Holy Prophet (sallal laahu alaihi wasallam) and in the time Abu Bakr (radi Allahu anhu) that when people used to give three Talaqs at once it was regarded as one Talaq?" He replied, "Yes, when they used to give to Ghair Madkhool Beha (with whom intercourse did not take place)." (Abu Dawood, Kitabut Talaq, Chapter: Returning to wife after giving her three Talaqs)

It is crystal clear that the narration of "Muslim" also means the same.

3. In the Prophetic period and in the period of Abu Bakr Siddique (radi Allahu anhu), people used to divorce in the following way by uttering "I give you Talaq, Talaq, Talaq". They used to emphasize the first Talaq with the last two words of Talaq.

In the Farooqi period, the peoples condition changed. They began issuing three Talaqs with the three words of Talaqs, that is, not emphasizing the last two words. Due to the change of condition, the ruling also changed. (Reference: Nowvi Sharah Muslim, Kitabut Talaq).

It is mentioned in the Holy Quran that eight categories of the people deserve Zakaah. In the period of Hazrat Umar (radi Allahu anhu), the Sahaba reached consensus that the "Mo Allefatul Quloob" or the "Kuffar attracted towards Islam" be excluded from these eight categories. In the earlier period of Islam, Muslims were few and weak, therefore, the Kuffar were drawn towards Islam by giving them Zakaah. Now, in the period of Hazrat Umar (radi Allahu anhu), the Muslims were neither few in number nor weak, so the giving of Zakaah to the Kuffar was stopped. In this instance, the law changed due to the change of circumstances. For example, Zaid (a person) was poor and could accept Zakaah, but once he became rich, he must pay Zakaah.

Today, people are totally unaware of Takeed (emphasis). They give three Talaqs with the intention of three Talaqs. It is strange that circumstances are something else and ruling is something else!

THIRD OBJECTION

Hazrat Abdullah Ibn Abbas (radi Allahu anhumah) narrates that Abd Yazid Abu Rukanah (radi Allahu anhu) gave Talaaq to his wife. The Holy Prophet (sallal laahu alaihi wasallam) told him, "Return to your wife." He replied, "I have given three Talaqs". The Holy Prophet (sallal laahu alaihi wasallam) said, "I know, but go back to your wife." He then recited the first verse of Surah Talaq which means: "O Prophet, when you people divorce your women, then divorce them at the time of their prescribed periods." (Sunan Kubra, Vol. 7, pg. 339; Abu Dawood, pg. 299; Durre Mansoor, Vol. 1, pg. 279)

If three Talaqs given at once were valid, then the Rojoo' (going back to the wife) was impossible, and there was need of Halalah. It becomes known from here that one Talaq was made valid and two were rejected although Abu Rukanah said "I have given three Talaqs".

OUR ANSWER:

It is a shame and dishonour on the objector that he has quoted only half of the Hadith. "Baihqi" and "Abu Dawood" have given beautiful answers to this objection, which the objector has not mentioned.

It is narrated in the same place in "Baihqi" and "Abu Dawood" that: "Naafe Ibn Ajeer and Abdullah Bin Ali Bin Yazid Bin Rukana (radi Allahu anhumah) narrated from his grandfather Rukana that Rukana gave Talaq Battah (emphasized Talaq) to his wife. Therefore, the Holy Prophet (sallal laahu alaihi wasallam) returned his wife to him. This Hadith (regarding Rukanah) is more accurate than the other Ahadith because the son or the family members are more acquainted with the household (matters) than outsiders".

Here, the grandson says that his grandfather gave Talaq Battah to his grandmother, while the outsiders say that he gave three Talaqs. Surely, the narration of a family member is more accurate in family matters than any body else!

We have mentioned in the first chapter that Rukanah told the Holy Prophet (sallal laahu alaihi wasallam) that "I have made intention of one Talaq". The Holy Prophet (sallal laahu alaihi wasallam) asked him to then take an oath by the Name of Allah, then only did he allow Rukana to go back to his wife. Imam Nowvi (radi Allahu anhu) said that the narration of three Talaqs regarding Abu Rukanah is weak and narrated by unknown people. Regarding the Talaq of Abu Rukanah, the narration we have presented is correct, that he gave Talaq Battah to his wife.

FOURTH OBJECTION

Hazrat Abdullah Ibn Umar (radi Allahu anhumah) gave three Talaqs to his wife while she was in the state of her menses. The Holy Prophet (sallal laahu alaihi wasallam) regarded this as only one Talaq and ordered him to go back to his wife. If three Talaqs given at once were effective, then it was impossible for Hazrat Abdullah (radi Allahu anhu) to return to his wife.

OUR ANSWER:

This argument is incorrect. Hazrat Abdullah Ibn Umar (radi Allahu anhumah) only gave one Talaq to his wife in her state of menses. The Holy Prophet (sallal laahu alaihi wasallam) ordered him to make Rojoo because the correct way of issuing Talaq was to give the Talaq while the woman is in the state of Tohr, and not in the state of Haiz (menses).

It is stated in Muslim Shareef: "Naafe narrates from Abdullah that he gave one Talaq to his wife while she was in her menses. The Holy Prophet (sallal laahu alaihi wasallam) ordered him to go back to his wife." (Muslim, Vol. 1, Baabu Tahrimat Talaqil Ha'ize) Imam Nowvi (radi Allahu anhu) states that "the correct narration of Ibn Umar is that which is reported in Muslim, that he gave one Talaq to his wife." (Nowi Sharah Muslim, Chapter of three Talaqs)

FIFTH OBJECTION

Imam Razi (radi Allahu anhu) states: "It is Waajib (compulsory) to give Talaqs separately, and this is the exact explanation of those people who have said that giving three Talaqs at once is Haraam." (Tafseer Kabeer, under the verse no. 230, Surah Baqarah) It is obvious from here that giving three Talaqs at once is not Shar'i Talaq.

OUR ANSWER:

It is necessary to give three Talaqs separately. Nobody denies this. But, the argument is that if someone, due to his foolishness, gave three Talaqs at once, will these Talaqs be valid or not?

It is not stated anywhere in "Tafseer Kabeer" that these Talaqs would not be valid. What has been said in "Tafseer Kabeer" is that to give three Talaqs at once is Haraam. Something being illegal is one thing and the application of Shar'i rulings upon it is another thing. It is Haraam to drink or eat while fasting in the month of Ramadaan, but if anyone eats or drinks, his fast will be null and void.

SIXTH OBJECTION

Imam Razi (radi Allahu anhu) states: "Many of the Ulama of Deen have chosen this way that if someone gives two or three Talaqs together, then only one will be valid". (Tafseer Kabeer, Vol. 2, pg. 247). It is determined from here that according to Ulama of Islam, three Talaqs given at once are equal to one Talaq.

OUR ANSWER:

Here, the objector did not mention who those Ulama are. We will tell you! Those Ulama are Ibne Taimiya and his followers. Ibn Taimiya and his followers are regarded by the Ulama as misled and as misleaders. Reference to this was made in the first chapter of this book.

Furthermore, the objector did not quote the full statement from "Tafseer Kabeer". Hazrat Imam Razi (radi Allahu anhu) continues after that statement which is quoted in the objection that, "the second saying is the saying of Imam Abu Hanifah (radi Allahu anhu), although it is Haraam to give three Talaqs at once, but it will be valid." Imam Razi (radi Allahu anhu) states a little further: "It is the Mazhab of all Jurist Imams that if the wife is given three Talaqs together, she will not be Halaal for the husband". (Tafseer Kabeer, Vol. 2, page 265).

SEVENTH OBJECTION

It is common sense that three Talaqs given at once should be regarded as one Talaq, because performing anything at once, which was ordered to be done separately, is counted as doing it once only. For example, to take an oath (swearing) four times is compulsory in "Li Aan" (mutual cursing by a couple in a Court of Law in a case of adultery). If someone has taken four oaths with one word, it will be counted as one and he has to swear three more times. The stoning of the Jamaraat seven times separately is Waajib during Hajj. If someone hits the Jamara one time with seven stones it will be regarded as one hitting and he has to hit it six more times. Similarly, if someone took a vow that he will send Salutations upon the Holy Prophet (sallal laahu alaihi wasallam) thousand times and he says that "I send Salutation upon the Prophet thousand times", this will be regarded as only one Salutation. Similarly, if someone gave three Talaqs at once, it will be regarded as one Talaq not three Talaqs.

OUR ANSWER:

In Li Aan and in Rami (hitting the stones), action is required, not its effect. But in Talaaq, effect is required, not just action. Therefore, their analogy is incorrect.

Every Qasam (swearing, oath) in Li Aan is equal to one witness. Four witnesses are required in the case of adultery. In Li Aan four actions of swearing is needed because Li Aan stands for four witnesses. In the hitting of the Jamaraat seven actions are required - hitting seven stones one time is one action. The Holy Prophet (sallal laahu alaihi wasallam) performed seven actions in Rami. In order to follow him, we need to hit seven times. In Durood Shareef, reward is granted according to one's effort. The vow of reading thousand times Durood is in fact the vow of the same amount of effort. It is obvious that saying one time "I send Salutation upon Rasool thousand time" does not have the effort of reading a thousand times. Talaaq is not an act which causes reward, so for it to be valid, different rules are applied.

NOTE: If three Talaqs given at once are equal to one Talaq and if the husband and the wife live separately, it is not very harmful. But, if three Talaqs given at once are valid and if the husband and wife are living together without Halalah, then it means that they will be committing adultery for the rest of their lives. Therefore, safety and care must be implemented in this way - that three Talaqs be accepted as three Talaqs and not as one.

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