

ALLAH, Praise be unto Thee, the Lord of all that exists
MUHAMMED, Peace & Blessings of Allah be upon Him.

TRIPLE TALAQ & HALALA

TRIPLE TALAQ & HALALA

(In the light of Quran & Authentic Traditions)

Authored By

MUFTI RAZA-UL-HAQ ASHRAFI



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In The Name Of ALLAH the Most Beneficent The Most Merciful

The Publication Division of Ahle Sunnat Research Centre (ARC) located in Mumbai having branches in Nasik, Malegaon and Pune affiliated with As Syed Mahmood Ashraf Darul Tehqeeq wa Tasneef - Jame Ashraf Kichaucha Sharif, is publishing well-researched and authentic booklets and compilations in different languages on religious topics of Ahle Sunnat wa Jamat. This book on "Triple Talaq and Halala - In the light of Quran and authentic traditions" is the 11th book released under its publications.

By the Grace of Allah, since its commencement the centre is leaving no stone unturned in its services towards Deen (religion), knowledge, reformation and prosperity and day by day its services are expanding. The Founder and Leader of ARC 'Hazrat Quaid e Millat Shaykh Maulana Muhammad Mahmood Ashraf Ashrafi al Jilani (Sajjada Nasheen Aastana e Aaliya Ashrafia Hasaniya Sarkar e Kalan, Kichaucha Sharif, UP and Patron of Jame Ashraf Arabic University), apart from his other responsibilities and busy schedules, is giving his kind attention and precious time for the growth and advancement of the Centre. All the services of the Centre are running under the supervision of the Shaykh.

May Allah shower his blessings on the Shaykh and give him a long life. May the Centre progress and accomplish its goals under his leadership, Aameen

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ARC is thankful to all its well-wishers and supporters for their kind devotion and dedication through possible sources for the achievement and growth of the Centre. May Allah bless them all with the best in this world and hereafter.

By Ahle Sunnat Research Centre (ARC) - Mumbai and other branches.

Foreword

Pronouncing Talaq (Divorce) thrice in one sitting is Triple Talaq and is a part of the Islamic faith from the first Islamic century till date. . It is a proved evidence from Quran and Hadith, The consensus of Sahabas and Tabaiens and Ulema e Mujtahideens that Triple Divorce in one sitting is counted and considered as three and the relation of marriage ends between the husband and wife. Although, giving triple divorce in one sitting is a sin and cruelty, but by such a divorce, marriage comes to an end. This is not a new issue in Islam on which research is to be done or provide a space for differences of opinions. When there is agreement of the Ummah on this issue, then every Muslim has to accept it as it is the part of Islamic faith based on the Quran and Hadiths.

However, in the 8th Century of Islamic era, Ibn Taymiyyah and his student Ibn Qayyim went against this consensus issue and claimed that three divorces given in one sitting will be considered as only one divorce. Neither did the Muslims of that era accepted Ibn Taymiyyah's personal view and nor did the Muslims after him. Rather Ibn Taymiyyah has to suffer punishment for his disagreement on this consensus issue. In spite knowing all this, some Gair Muqallid (non - conformists) Ahle Hadees supports the view of Ibn Taymiyyah. Tho , Ulema of Saudi Arabia who are the followers of Ibne Taymiyyah does not support his view in this issue, some inspired Wahabi Ahle Hadees followers tries to deviate the Sunni Muslims and they indirectly support the critics of Islam in making false propaganda and creating misconceptions amongst Muslims on the matter of Triple Divorce and Halala. May Allah provide then proper thinking.

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It is an appreciable effort by Ahle Sunnat Research Centre (ARC), that a well-evidence Authentic book on this topic is brought to the readers so that the confusions and misconceptions be cleared from their minds and even people following other faiths (non-Muslims) get themselves acquainted on this issue and can see with the eyes of justice that the Law of Divorce in Islam is free from any kind of cruelty and injustice.

May Allah make this Effort by the Author of this book 'Maulana Mufti Raza ul Haq Ashrafi' acceptable for all and accept all his services towards the good cause. May Good comes in this world and hereafter to all the members and supporters of Ahle Sunnat Research Centre (ARC) and give the research centre progress everywhere. Aameen.

Words of Prayer By

Quaid E Millat Abul Mukhtar, Mehmood Ul Mashaikh Maulana Al-Haaj Shah

SYED MAHMOOD ASHRAF ASHRAFI AL JILANI

Hafizahullah, Sajjada Nasheen -Kichaucha Sharif

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Introduction

Compatibility in Marital Affairs as per the Islam Law of Jurisprudence

Islam is a religion of nature. For this its basic laws are permanent, universal and as per the requirements of human nature. Similar to other laws, Islamic law of marriage and divorce is useful, equal and manageable.

In the eyes of Islam, marriage is not just a contract but Islam gives it a status of worship. Marriage is a source of completion of faith. It is half faith. It is a reason of chastity and purity of men and women. Through marriage, Islam wishes to establish a society wherein there is rule of modesty, chastity, love, tolerance, sympathy, grief and pleasant link and relations between families.

The purpose of marriage is the end of immorality. Hence, Islam has made such a law that there can be no infiltration of immorality or pornography through the back door of marriage. For the right of women, Islam has declared the brothers of husband as strangers (Non-mahram). It is not permissible for the brother of the husband to freely mingle with their brother's wife or vice-versa. She should not show act of non-privacy in front of them. There is no such restriction in many other religions. In fact, in some religions, it is not a sin to have even sexual relation with brother's wife. There are also examples of some religion wherein a woman can be a joint wife of all brothers. It is not permissible in Islam for men and women to show their private parts in front of others. However, still in some religions, nudism is considered as a part of religion, even today.

Therefore, the Islamic law of marriage is compatible, supreme in term of its comprehensiveness, and utility. This is the reason that as per the change in time, other followers of other religion have utilized the Islamic Laws, reformed, and amended their religious laws. Those religions where divorce did not find place, at last the reformers had to accept that terming divorce as illegal would be like fighting with nature. Hence, they also specified divorce laws on their own. It is

no doubt the miracle of Islam, the influence of others on the principles of Islam, whether consciously or non-consciously. Islam is a divine religion. Allah and his prophet (Peace be upon him) have put its laws in place. Hence, none of the worshippers has the right to repeal or amend it. If a person brings such thought to his mind it would mean that, he is revolting and fighting Allah and the Prophet. Such a person's claim of faith and Islam cannot be justified.

Divorce: Permitted but Most Disliked Deed by Allah

Giving even one divorce, let alone three, is a cruelty in Islam. The most undesirable thing in the sight of Allah is divorce without reason. Marriage is voided not only by triple divorce, but also even by one divorce (Revocable). If a person unjustly divorces his wife irrevocably in a single meeting, his marriage would become void and this is cruelty. However, if it were done due to some necessity then it would not be a cruelty. However giving triple divorces in a single meeting is cruelty and a sin whether given due to necessity or not. It should also be noted that although man is cruel if he gives triple divorce at one go, however, the woman is not always innocent. Sometimes man becomes cruel by giving instant triple divorce and sometimes woman becomes cruel by asking for divorce. In Islam, as it is cruel for a man to divorce his wife without any reason, similarly it is cruel for a woman to demand divorce without any reason. It is the saying of Allah's Prophet (Peace be upon him) that a woman who demands divorce from her husband without any reason, the fragrance of the heaven is forbidden for her.

This cannot be denied that sometime woman criticizes man for not giving divorce and demands divorce. As a result, the man in anger and rage gives triple divorce in ignorance and then both man and woman regret. Does in this circumstances is it correct to blame only the man? I myself had a chance to go to a Muslim arbitrary. The man had given triple divorce to his wife in one sitting. After listening to the statements of man and woman, the arbitrator asked the man, "Why did you give divorce and, if given, why triple divorce?" He replied, "My wife always fights with me, abuses my mother and sister and demands divorce. Today she abused my mother and sister in such words and demanded divorce that I could not control my anger." When the arbitrator asked the woman, she confessed abusing and demanding divorce. This incident happened in front of

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me. Does similar other incidents do not occur? We accept that there are men who give triple divorce to their wives in cruelty but to solely blame men for triple divorce is against justice.

Part 1:

Exposing the truth of Supreme Court judgement on Triple Talaq

Muslim Divorce - A tool to exploit political gain

Quite often huge outcry is made on the divorce issue of Muslims. It is said that giving triple divorce a place in Muslim Personal Law gives cruelty to women and hence it should be abolished. These voices are being raised by people of such quarters who have least interest in the welfare of the Muslim society. The fact is that behind this, there is no enthusiasm of sympathy for Muslim women. Rather bad political ambitions of communal political leaders are hidden.

Recently (24th August 2017), in the matter of Saira Bano case, the bench of five judges of Supreme Court gave a majority decision that pronouncing triple divorce in one sitting is prohibited in Islam and hence legal restriction is made on it. That means that if someone gives triple divorce in a one sitting it would be void and not be considered. The five-judge bench pronounced this decision in majority and two judges in their moral note asked the government to legislate in the central cabinet on triple divorce within six months by discussing with Muslim intellectuals and other political parties.

As per the Supreme Court order, if someone gives triple divorce to his wife, she would not become illegitimate to him. To take credit of this judgment, the central government has made some so-called Muslim men and women supporters and media person taking benefit of the opportunity spread this issue with full color. Some news channels even gave complete allegiance and joined the earth and the sky in praising the prime minister of India as if the country got its independence today. Some said that this is biggest historical judgment. Some said that the issue of triple divorce is closed and the Muslim women will be saved from cruelty.

This was made in a planned way so that in the parliamentary elections of 2019, it would pave way for misuse of a particular vote bank.

Plot to backseat more important issues by promoting the Divorce issue

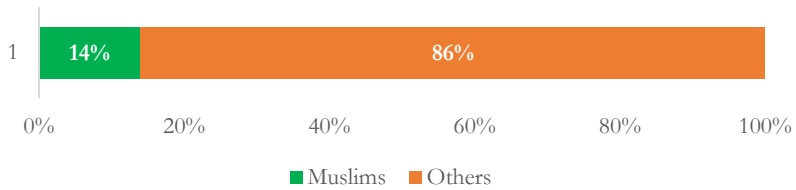
India is the largest democracy in the world. Its beauty lies in its colorful civilization. Its unity and integrity is given as examples around the world. However, since some decades, an evil eye has harmed this dear country such that hatred is being spread here in the name of religion. Extremist organizations R.S.S. and Hindu hardcore Bharatiya Janata Party are busy in spreading poison in the mind of the secular Hindus against the country's biggest minorities, Muslims. It has made Muslim enmity its electoral agenda. This is reason that Muslims are discriminated in every department. Instead of bringing them into the stream of development, their basic problems are left in back and they are being confused in unimportant issues. Sometimes the issue of Uniform civil code is raised, sometime Muslims are asked for certificate of patriotism, sometime their educational institutions are termed as haven of terrorism and sometime there is talk of putting a stop on their religious freedom. So the fear of non-protectionist being forced into the minds of the Indian Muslims. Upon this, those people who are putting the beloved country into the fire of hatred and doing divisive politics are considered the biggest nationalist.

The main reason to raise the issue of triple divorce by the Hindu extremist political leaders was that the Muslims be confused in their issues and are not able to raise their voice for constitutional rights.

Muslims in India in comparison to other communities are victim to backwardness. The report presented by the Sachchar Committee in 2006 says that the educational and financial condition of the Muslims is worse than Dalits. Since then in the long period of ten years, no government has made any strong strategy to remove the educational and financial backwardness of the Muslims. Whenever a Muslim Member of Parliament demanded reservation for Muslims, it was rejected on the ground that the demand of reservation based on religion is

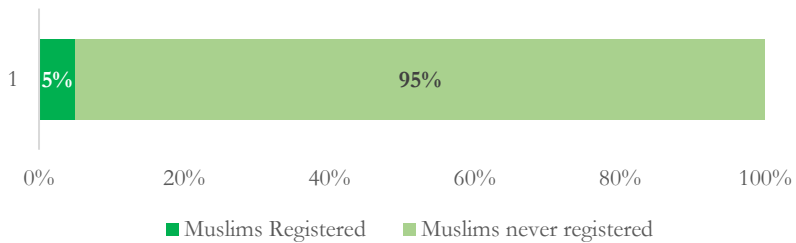
worthless. However, the same scale of justice of the government completely changes while giving reservation to Hindu scheduled caste and Christian tribal.

% of Muslim Population in India



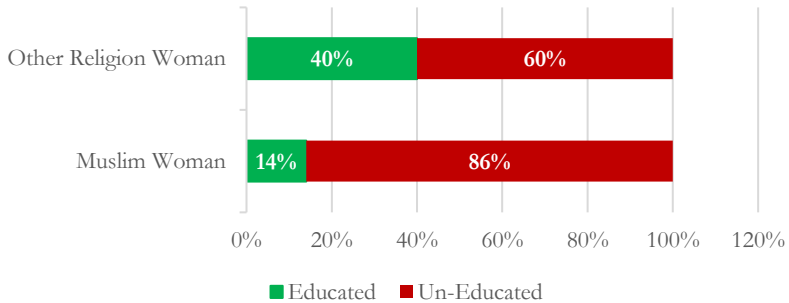
The condition of educational backwardness of Muslims is such that as per the government survey of 2014-15, Muslims were 14% of the total population. However, only 4-5% of the students were able to register themselves in the higher educational institutions. (Daily Siasat, Hyderabad – 6th August 2016)

% of Muslims registered for Higher Educational Institutions



The number of Muslim students leaving their education is more than students of other religion.

% Woman Education in India



As per the government statistics of 2011, the rate of education among Muslim women was 14% compared to women of other religion, which was at least 40%. The rate of education among Muslim women in rural areas was less than compared to urban areas. There is no proper arrangement of education for women. There is no proper arrangement of government primary schools in the Muslim majority areas. There is corruption in the government scheme run in the name of ‘Suraksha Abhiyan’. The ‘Anganwadi’ scheme has become a source of extortion for government employees as well as spokespersons and the rest. The shade of unemployment on Muslims is deepening day by day. The government does not worry on these things; it only worries on the triple divorce. It seems that by banning triple divorce, Muslim women would be protected from cruelty and excesses and would stand side by side with the women of other religions in the field of education and development.

Below is the excerpt from the article written on the government survey done in 2001, which shows that, like other states, Muslim women in U.P. are very backward in the field of education compared to women of other religions. Dr. Merajuddin and Qamar Jahan, Associate Professor of Education Department, AMU Aligarh, writes:

“The community wise analysis of female literacy in UP revealed that the females belong the Jain community possess the highest literacy rate (90.28%) as compared to the others and the females

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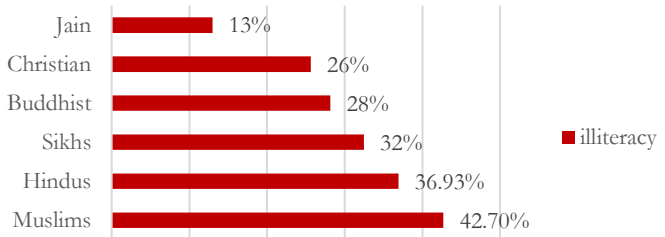
belong to the Muslim community possess the lowest literacy rate (37.28%) as per the census 2001. The same trend was seen in Aligarh district i.e. the females belong to the Muslim community possess the lowest literacy rate (40.93%) and Janis the highest (94.09%). In the present study it was found that women are educationally backward in general and Muslim Women in particular, there exists a community and gender disparity in Uttar Pradesh. “

Literacy rate Muslim Women in Uttar Pradesh page (1)

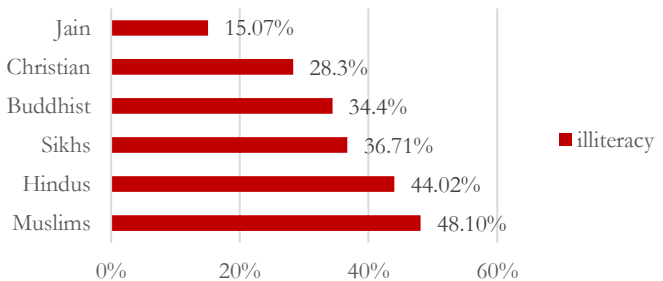
As per the 2011 government census, 42.7% of Muslim men are illiterate, whereas, among Hindus it stands at 36.93%, Sikhs 32.49%, Buddhist 28.16%, Christian 25.65% and Jain 13%. Illiterate women among Muslims are 48.1%, Hindus 44.02%, Sikhs 36.71%, Buddhist 34.4%, Christian 28.3% and Jain 15.07%. (<https://thewire.in/63286/census-literacy-religion/>)



% of Man's illiteracy in India



% of Women's illiteracy in India

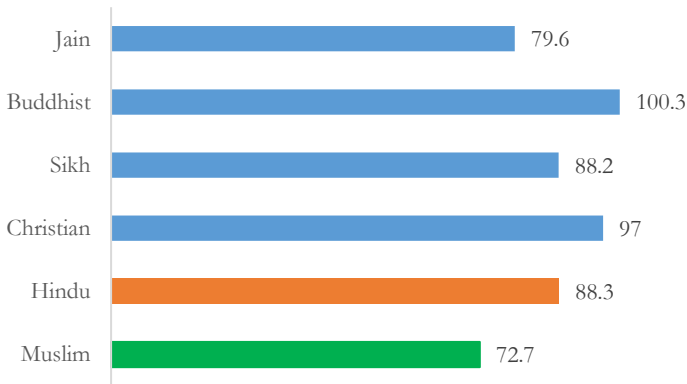


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As per above mentioned government census, the literacy rate of Muslim men and women is much lower compared to other religions. Now it is time to mention rough and comparative rate of divorce, separation and widowhood of women, from which it can be easily decided whether the issue of triple divorce of Muslim women is more important or the issue of their education.

The famous English newspaper The Times of India in its edition of 24th August 2017 has published a survey report. As per the report, out of 1000 widow Hindu women, 88.3 women live their life without marriage compared to 72.7 in Muslims, 97.0 in Christians, 8.2 in Sikhs, 100.3 in Buddhists and 79.6 in Jains.

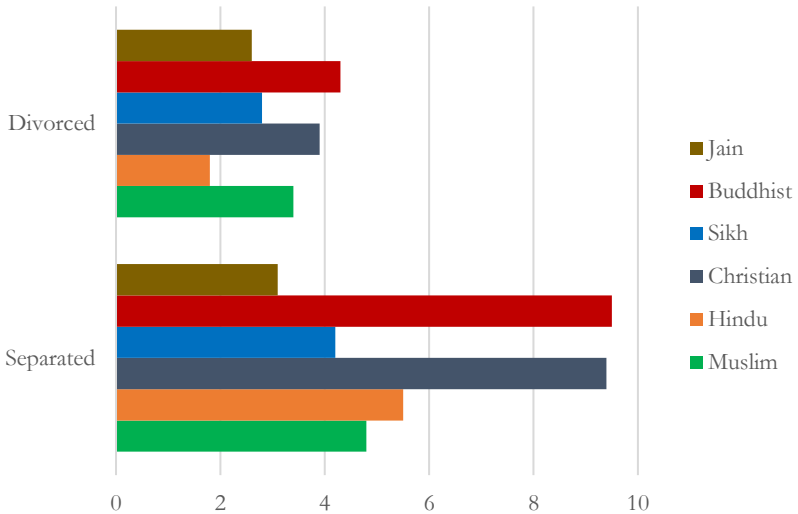
Widowhood Lowest among Muslims: CENSUS Marital Status: Per 1,000 married people



Out of 1000 Hindu women 5.5 women, live separately without divorce compared to 4.8 in Muslims, 9.4 in Christians, 4.2 in Sikhs, 5.9 in Buddhists and 3.1 in Jains.

Out of 1000 Hindu women 1.8 are divorcees compared to 3.4 in Muslims, 3.9 in Christians, 2.8 in Sikhs, 3.4 in Buddhists, and 2.6 in Jains.

Religion wise number of womens Separated or Divorced



The government never pondered upon 5.5 oppressed Hindu, 9.4 Christian and 5.9 Buddhist women out of 1000, that their husbands have discontinued marital relationship without breaking their marriage. This number of Christian and Buddhist women is much more than the number of Muslim women. Are these women not oppressed? No political leader raises their voice on the oppression on these women. Perhaps the action of the Prime Minister of our country justifies its legitimacy.

Divorce rate among Christian and Buddhist community is much higher than that among Muslims. Still why divorce issue of Muslims is raised? It can be analyzed from the above-mentioned facts that anti-Muslim political leaders want to use the issue of divorce or triple divorce as political issue and deprive Muslims of their constitutional rights.

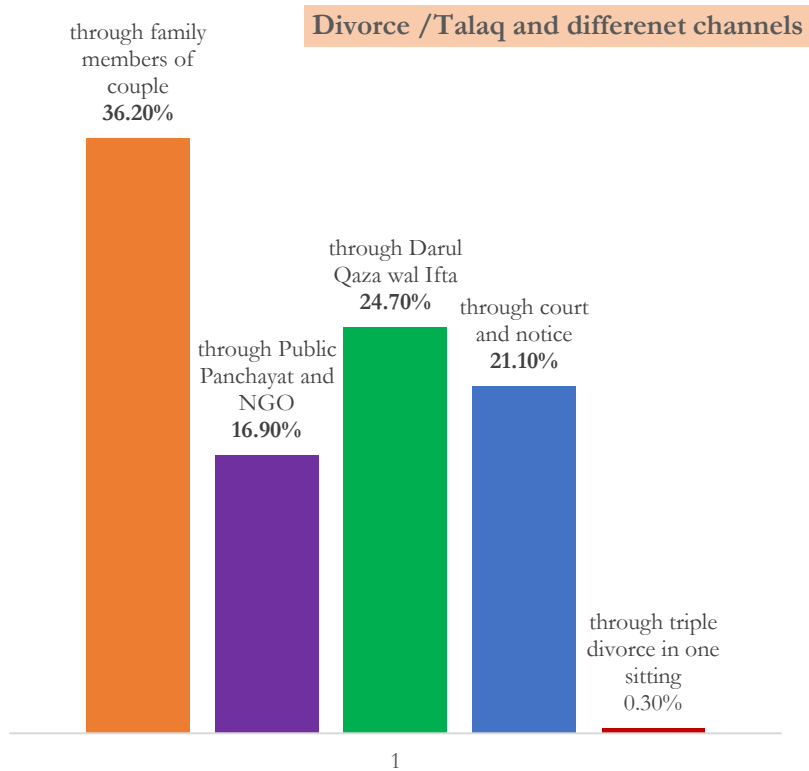
Unfair Media trial on Triple Talaq issue

Normally in a debate, interview and discussion on the issue of triple divorce, such people are invited who do not have correct knowledge of Islamic law of divorce as well as Islamic teachings. When the statements, replies and comments of people having half knowledge is broadcasted on television, then misunderstandings and doubts increase on the issue of divorce. I have witnessed in a T.V. channel a scholar like person sitting in the studio. The T.V. anchor asks him that where the mention of triple divorce in the Quran is. There is only mention of two divorces in the Quran. This scholar like person is helpless in his reply. Hence the anchor keeps on repeating that when there is no mention of triple divorce in the Quran, the question arises that why is this tradition going among Muslims?

Indian media is slowly attaining saffron color. The whole media becomes active whenever an opportunity arises to defame Muslims. Then no stone is left unturned to exaggerate the issue and to hide the facts. The same behavior of the media was observed on the topic of triple divorce.

Media also raised that Muslims divorce their wives through WhatsApp, E-mail and SMS. Media raised this in a manner as if all Muslims divorce their wives in the similar manner. Although the survey which media referred to clarifies that such cases of divorces is only 0.002% i.e. out of 1,00,000 people giving divorce, only 2 people have been reportedly using such manner. Still the media is hiding the facts and misleading the people by exaggerating the issue.

A government institution “Centre for Research and Debates in Development Policy” (CRDDP) published a report based on a survey of 20,671 people between March and May 2017. This survey was conducted under supervision of Dr. Abu Saleh Shareef, former chief economist, National council of Applied Economic Research (NCAER) and was also member of the Sachchar Committee. This report shows that 36.2% of the divorces happen through family members of the couple, 16.9% happen through Public Panchayat and NGO, 24.7% happen through Darul Qaza wal Ifta, 21.1% happen through court and notice and only 0.3% percent of the divorce happen through triple divorce in one sitting.



The issue of triple divorce, which is only 0.3%, huge outcry, is being raised by the government and the media, but is dumbfounded on the issue of cruelty on 5.5% Hindu women who spent their life without husband although being married.

This is the headlines in the India Today edition of 4th September 2014 – *Statistics: 92 women raped in India every day*. As per statistics in India, daily 92 women are raped. This is the report of 2014 and these are cases of oppressed women, which are reported. However, there would be many rape victim women whose cases are not lodged with the police administration. Is the issue of triple divorce more important for the government compared to the suppression on the women that

such a hue and cry is made, although, the cases of triple divorce is not more than 0.3%.

Brief Analysis of the Judgement of the Supreme Court of India

There are many points of the judgment of Supreme Court, which are considerable. If these points are analyzed than it is clear that even the court accepts that although giving triple divorce in one sitting is although heresy, but the perpetrator of this heresy has not come into existence in the last ten to twenty years, rather some person have perpetrated this since 1400 years. When this is, the case then Shariah laws related to it would have been stated 1400 years ago. And the rule is that such persons due to divorcing their wives through triple divorce are sinner, tyrant and deserved punishment however, such triple divorces would be enforced.

Please refer to the point 141 of page 202, 203 of the judgment comprising of 395 pages:

“141. As a historical fact, ‘talaq-e-biddat’ is known to have crept in Muslim tradition more than 1400 years ago, at the instance of Umayyad monarchs. It can certainly be traced to the period of Caliph Umar – a senior companion of Prophet Muhammad. Caliph Umar succeeded Abu Bakr (632-634) as the Caliph on 23.8.634. If this position is correct, then the practice of ‘talaq-e-biddat’ can most certainly be stated to have 203 originated some 1400 years ago.”

The court accepts this that giving triple divorce at one time is heresy. However, 1400 years ago some people used to give such divorces. Now the question is whether this talaq-e-biddat is effective to annul the marriage or not? This is proved from the traditions and sayings of the companions that such divorces have been termed sin by Allah’s Prophet ﷺ and his companions. However if some committed this sin then the divorce has not been considered ineffective, rather, order has been enforced for his wife being illegitimate for him. In the era of second caliph Hazrat Umar رضي الله عنه when the count of person giving triple divorce increased, he then began to punish. Hence, triple divorce in a single sitting should be banned. It should have appropriate punishment like the one Hazrat Umar رضي الله عنه used to whip those who use to give triple divorce. However, terming the triple divorce in one sitting as ineffective is against the Islamic law of divorce.

Point 144 of page 204 of the judgment accepts that 90% of Muslims in India are Hanfi Sunni. Along with this, it is also said that Sunni Hanfi Muslims have accepted the talaq-e-biddat as a popular method of divorce.

“144. The fact, that about 90% of the Sunnis in India, belong to the Hanafi school, and that, they have been adopting ‘talaq-e-biddat’ as a valid form of divorce, is also not a matter of dispute.”

90% of the Sunni Hanafi Muslims of India have accepted talaq-e-biddat (giving triple divorce in a single sitting) as a valid form of divorce. With reference to "The accepted valid form of divorce" if means that three divorces in one sitting is three and it is effective in annulling the marriage, then it should be clear that this belief is not only of the Sunni Hanafi Muslims but also the belief of Shafaie, Hanbali and Maliki Muslims. And from the same if it is understood that Sunni Hanafi Muslims have accepted the triple divorce in one sitting as the right and correct way then this is a big misconception. The correct thing is that for Muslims talaq-e-biddat (which is against the prescribed way mentioned by Shariah) is not a valid form of giving divorce. This method is unacceptable and disagreeable by Allah and his prophet. A person giving such divorce is a sinner but the divorce would be effective and cannot be annulled because anything due to its being unacceptability and illegality cannot be outside the boundaries of the law.

Whatever order it has would be enforced. There are many examples of this in the Islamic Shariah: For example, if a person says to his wife “You are like my mother to me” then the wife becomes illegitimate for him and only after paying penance, it will not be legitimate to have sexual relation with her. The penance of this sin is that man keeps fast for two months in consequence without missing a single day. If he is unable to fast then he should provide food for two meals for 60 poor or make every poor owner of the amount equal to sadqa-e-fitr. This is called ‘Zihar’ in Shariah. Doing this is unacceptable, unpopular and is forbidden. However, its order would be enforced on the person doing it. Similarly, occupying anyone’s land is forbidden and the one occupying is a sinner and an offender. However if someone offers prayer on the occupied land it would be accepted, although it is preferred not to pray on it. Likewise, sale and purchase is prohibited

after the call for Jumah (Second Call), however if someone does it, matter of his purchase and sale would be enforced along being a sinner.

Prophet Mohammad ﷺ and his companions has termed ‘talaq-e-biddat’, whether given thrice in a single sitting, or once in menstrual time, or once in normal condition after consummating the marriage, a sin however have confirmed its enforcement. Hence, ‘talaq-e-biddat’ although being unpopular method of giving divorce is enforced. It is a different thing to be effective and enforced and being unpopular and disliked. The second misunderstanding is that the enforcement of triple divorce is considered the stand of Sunni Hanafis, although this stand is of majority of companions and the followers of the four schools of Islamic jurisprudence and they are all Sunnis.

If some so-called Muslims, by making arbitrary interpretation of consensus law make it a custom law, then the consensus law cannot be amended basis this evidence.

Those who say that triple divorce in one sitting would not be counted, such people do not count and hence there is no discussion with them. Discussion is with those who say that triple divorce in a single sitting would be counted as one. We would provide evidence to these people later, however initially, we would like to ask them that if a person in anger and ignorance (because triple divorce is generally given in a fit of rage and ignorance) gives triple divorces in three different sittings, i.e. in every sitting he says to his wife that I give you triple divorce, then would not these triple divorce be enforced? When triple divorce in a single sitting is considered as one divorce then triple divorce in three sittings (total of 9 divorces) would be considered three divorces. Then would the wife of such a person not be illegitimate for him forever. Is it correct to decide for this person that his wife is not illegitimate for him? Clearly the observation of Supreme Court judgment is to ban the triple divorce, in whatever way it is given. This is the reason that the Supreme Court while speaking on banning the triple divorce and Halalah, gave references of divorce laws of some Muslim countries. Allah willing, research overview would be given later on the reality of the references made on the laws of these countries. At present we would talk on the topic that

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whether there is mention of step wise divorce and triple divorce in one sitting in the Holy Quran or not.

Part 2:

TRIPLE TALAQ

(In the light of Quran and Authentic traditions)

Triple Talaq – Quranic Evidence

Giving triple divorce in a single sitting i.e. for example saying “I divorce you (says it thrice) or give you triple divorce” is cruelty and a sin. However, the effect of this cruelty will affect the marriage of the couple. As the wife becomes illegitimate for the husband if given three divorces in separate sitting and they become strangers for each other, similarly, in case of triple divorce being given in a single sitting will enforce three divorces. The marriage is annulled and the couple becomes strangers to each others.

Evidence of triple divorce is present in the Quran, prophet’s tradition and there is even consensus on it. Hence, there is no room for its denial.

The instruction that is mentioned in the Quran related to divorce is that if the spouses, due to incapability of the bitterness of life, agree to cut off marital cord, they should not take such steps at one time. Rather they should process it gradually so that capacity to ponder and reconciliation remains.

Quran says: "الظَّلَاقُ مَرَّتَانٍ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ" (*Al-Baqarah: 229*)

This means special divorce, in which return is possible, is twice. By terming twice, it means that a person should not give divorce twice at one time, although marriage would not be void by two divorces. In fact he should give one divorce at one time and then after pondering plans not to annul the marriage then with good faith should stop his wife within the waiting period i.e. take her back and if he intends to annul the marriage then with goodwill should leave the wife independent to complete the waiting period. After the completion of the waiting

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period, the marriage would be annulled. Now if the man and woman wish, they can become husband and wife with a fresh marriage. Even after giving second divorce, if the husband wishes he can take her back within the waiting period. Even after second return, if same bitterness and distances remains, then by giving third divorce, the marriage would be annulled instantly and man and woman would become illegitimate for each other. After this, the woman cannot marry her ex-husband. After completion of the waiting period, if the woman wishes, can marry any person with whom marriage is permissible by Islam. If the second husband after consummating the marriage, divorces her or he dies then after completing waiting period of divorce or death, if she wishes to marry her first husband.

Hence, the Quran says:

” فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدِ ذَلِكَ أَنْ يَكُونَ لَهَا زَوْجًا غَيْرُهُ فَإِنْ طَلَّقَهَا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يَتَرَاجَعَا إِنْ ظَلَمَ أَنْ يُتَيَّمَا حُدُودَ اللَّهِ وَتِلْكَ حُدُودُ اللَّهِ يُبَيِّنُهَا لِقَوْمٍ يَعْلَمُونَ (Al-Baqarah: 230) ”

"Then if he divorces her the third time, she will not be lawful to him until she stayed with another husband; then if the other husband divorces her, it is no sin for these two to reunite if they consider that they can keep the limits of Allah established, these are the limits set by Allah which he explains for the people of intellect."

Readers! Please review the Quranic instructions on divorce with an eye of justice and pondering that Islam has made the law of divorce well managed, just, beneficial and as per human nature.

Please note that condition has worsened. There is no love and affection between the spouses, marital life has become hell, objective of marriage has ended, all efforts for reconciliation between the spouses has gone in vain. To get rid of such unhappy married life, there is only one option and that is the marital relation of the spouses is annulled. In such condition, as well Islam does not say that you close the chapter of marriage by giving triple divorce instantly. Rather in such a disappointing condition Islam says, with ray of hope, that no not at all. Do not take a final decision emotionally. Do not seal all ways of pondering and to settle

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house instantly. If you wish to give divorce, give one divorce. However, remember that divorce should be given when the woman is pure and not in menstrual days and you have not consummated the marriage. Else what would be the justice that on one hand you want to leave your wife due to anger and disagreement and on the other hand you also do want to consummate.

Now that you have given one divorce, do not think that your wife has been illegitimate instantly. There are many opportunities for both of them to think and ponder. If the woman is menstruating, then the time is for three cycles of menstruation. Till then there is opportunity for the spouses to think and decide. If decision is taken that it is better to continue the married life then just simply say to the wife that “I take you back” or have sexual relation with her or kiss her and she will continue to be her wife as before. In Shariah terminology, it is called ‘Raja’at’ (return/take back). Now both should try to live a pleasant family life forgetting the past bitterness and dispute. If god forbid, the past bitterness and dispute return or increase and again decide to annul the marriage, there is instruction that the remaining two divorces should not be given at one time and annul the marriage. Rather during the period of woman’s purity and before having sexual relation, should give the second divorce and again efforts should be made by the spouses for reconciliation and mutual love and affection within the three menstrual cycles. In the meanwhile, if it is felt that it is improper to annul the marriage then the husband should once again go back to his wife like the previous method and once again make efforts to make marital life pleasant and eternal. If he decides to annul marriage then he need not take her back, rather let the waiting period after first or second divorce end and the marriage would get void. But route to remarriage would not be difficult. Rather with a fresh marriage, the spouses can start their marital life again. After two attempts if hope could not materialize, bitterness and dispute remained or rather increased and decision is made to annul the marriage, then this is the final step. The objective of the third divorce is to cutoff the marital relation forever as there is no way for the spouses to dwell along. Hence Quran says that the wife would become illegitimate the moment third divorce is given by the husband.

Note that spouses have been given all instructions for the survival of the marriage. Socially both have been encouraged to create mutual reconciliation.

Approximately 6 months' time has been given to the spouses to think and create ways for reform and reconciliation. However, it has been proved from repeated experience that it is useless to keep the marriage and rather it is cause of anxiety and restlessness and against the objectives of the marriage. Then it is said to give third divorce. Hence, the sole aim of giving third divorce is to make the spouses illegitimate to each other. After the final step, if the spouses wish to come together, Quran says that No this is the third and final step. You have utilized all the options and opportunities. After failure in attempts to think and reconciliation related to marital life for approximately 6 months, you have taken the final decision that after this, both cannot be together. Now if you wish to try again a new experiment, problems would arise which both of you have to face. You have deliberately made the final decision after understanding and thinking. After third and final divorce both of you have become forbidden to each other. Now if you wish to get tied to marital cord again, it is only possible that the woman on her own wish marries someone and the second husband consummates and then divorces or dies. However it should be remembered that if the remarriage is done for cruelty on woman or it is most likely that both would be unable to fulfill each other's rights, then men and women should not remarry as would cause sin. Non-Muslim intellectuals should be asked to study the Islamic law of divorce with just and unbiased mind and tell what error is there in it? Where is cruelty and excess?

Quran reminds Muslims that if need arises to annul marriage through divorce, then three divorces should not be given at one time, rather give three divorces in three phases. In between the above-mentioned three phases, there is a long interval to think and reconciliation. In this interval, easily marriage can be continued or marital relation be established through fresh marriage or take her back by proper understanding.

This interval of thinking is approximately 6 months. After this, the decision of third divorce is the final one. After giving third divorce, wife and husband will become forbidden for each other.

Sadly, for those immature Muslims who violate such a managed and beneficial law of divorce and provide others to point finger. It is also strange that those non-Muslim intellectuals and politicians who in guise of women rights make women

their luxury goods by making them uncovered and shameless, provide legal justification to the occurrence of consensual rape by men and women without marriage, they also say that a woman can have consensual sexual relation with many men, to whom woman is just a luxury good, those who think it to be moderate keeping half nude women as beauty in markets and recreation places, those who keep their wife without giving her rights and the oppressed woman cannot even ask for divorce as per religious constitution from cruel husband, such cruel people are objecting on the just system of Islam and just divorce law. May Allah provide them proper thinking.

The principle of giving three divorces in three phases mentioned in the Quran is most appropriate, just and convenient to human nature. On the contrary giving triple divorce in a single sitting is cruel and sin. This is also proved from the Quran. How is this proved from Quran? Let's see how we get this reply from the Quran.

The principle of divorce mentioned in the Quran, verses 229,230 of Surah Al-Baqarah and verse 1 of Surah Al-Talaq that if divorce needs to be given then it should be given in such a way that taking her back is possible in the waiting period, which is second divorce. If he gives divorce after that, marriage would be annulled and the wife would be forbidden on the husband. And when it is mentioned in the Quran that giving divorce to wife after two divorces, she becomes forbidden for him unless she marries some other person, it is proved that Quran mentions triple divorce. If one gives divorce after two divorces it would be triple divorce. Even a common person can understand this. However, it is strange on these wise men and intellectuals who say that there is no mention of triple divorce in the Holy Quran. From the above mentioned verses, from where triple divorce is proved, it is also proved that it is cruel to give triple divorces in one sitting, but if someone gives it would indeed occur because the law stated by Quran for the occurrence of three divorces in phases and the instructions mentioned related to divorce are termed as Allah's limits. That means that all the laws and instructions related to divorce which has been stated are all Allah's appointed limits. Anyone who crosses these limits will be counted among tyrants. This means that giving three divorces in three phases is among the limits appointed by Allah. If a person

gives triple divorce in a single sitting, he would transcend Allah's appointed limit and would be tyrant.

In the Quran, verse 229, 230 of the surah Al-Baqarah while mentioning stepwise triple divorce, it says: "تِلْكَ حُدُودُ اللَّهِ" These laws of divorce are Allah's appointed limits and says:

"تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَأُولَئِكَ هُمُ الظَّالِمُونَ"

These are the limits of Allah, so do not transgress them. And whoever transgresses the limits of Allah - it is those who are the wrongdoers.

As per the Quranic verses, when giving three divorces stepwise is the limits of Allah, then giving triple divorce in a single sitting is transgressing Allah's appointed limits which is cruelty. That proves that giving triple divorce in a single sitting is cruelty. And if three divorces in single sitting does not enforce and annul the marriage, then how would this be cruelty?

The commentator of 'Sahih Bukhari', Imam Nawawi writes that giving triple divorce in a one sitting has been accepted as three divorces by Imam Shafii, Imam Malik, Imam Ahmed, Imam Abu Hanifa and majority of past and present scholars. He writes:

"وَاحتجَّ الجُهْمُ بِقَوْلِهِ تَعَالَى وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ (الآية) قَالُوا امْعَنَاهُ أَنْ الْبُطْلَاقَ قَدْ يَجِدُ لَهُ نَدْمٌ فَلَا يُحْكَمُ فِيهِ تَدَارُكُهُ لِقَوْلِهِ السَّبِيحُونَ فَلَوْ كَانَتِ الثَّلَاثُ لَا تَنْفَعُ وَلَمْ يَقْعِ طَلَّاقُهُ إِلَّا رَجُوعًا فَلَا يَنْدَمُ."

Translation: Majority has taken the evidence on enforcing triple divorce in one sitting by Allah's saying "وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ" (and who transgress Allah's limits, has certainly wronged himself). Majority says that this means that the person giving divorce sometimes repents his action and there is no return from

divorce as the wife had moved out of marriage. If triple divorce in a single sitting was considered one reversible divorce then (by giving three divorces) there would have been no repentance. (Sharah Nawawi alaa Muslim, 10/70)

The same has been stated by Imam Jassas Razi in these words:

وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ يَدْرَأُ عَلَىٰ أَنَّهُ إِذَا طَلَّقَ لِغَيْرِ السَّنَةِ وَقَعَ طَلَاقُهُ وَكَانَ طَالِبًا لِنَفْسِهِ بِتَعَدِّيهِ حُدُودَ اللَّهِ لِأَنَّهُ ذَكَرَ عَقِيبَ الْعِدَّةِ فَأَبَانَ أَنَّ مَنْ طَلَّقَ لِغَيْرِ الْعِدَّةِ فَطَلَاقُهُ وَاقِعٌ لِأَنَّهُ لَوْ لَمْ يَقَعْ طَلَاقُهُ لَمْ يَكُنْ طَالِبًا لِنَفْسِهِ.

Translation: Allah’s saying “He who transgresses Allah’s limits has certainly wronged himself” is evidence that if someone has given divorce against tradition it would be enforced although he would wrong himself by crossing the limits of Allah. Because Allah has stated after mentioning the waiting period that he who has given divorce in non-waiting period (in menstrual condition or purity after sex or gave instant triple divorce) then his divorce would be enforced. If his divorce was not enforced then he would not be doing wrong on himself. (Ahkaam ul Quran, 3/608)

When giving triple divorce in a single sitting is cruelty as per Quran, then it is surely and compulsorily proved that by giving triple divorce in a single sitting, divorce would be enforced because if they weren’t enforced, rather they be considered as ineffective and void or considered one, then why is it wrong to give triple divorce in one sitting and the one giving it a wrongdoer? He has been termed as wrongdoer because he has violated the principle of Quran by annulling the marriage by giving triple divorce instantly.

The gist is that as per Quran it is cruel to give three divorces in one sitting, but would be enforced if given and would be effective in annulling the marriage. If the triple divorce in a single sitting is made void or ineffective then it is necessary that it would not be wrong or a sin to give triple divorce in a single sitting although as per Quran such action is wrong.

By the grace of Allah, we have proved by the Quranic verses that there is mention of triple divorces in phases as well as mention of triple divorces in one sitting. However, triple divorce in one sitting is cruel and excesses in the light of Quranic verse.

This is possible that some scholars and intellectuals might not see the mention of triple divorce in the Quran and is also possible that this thing is hidden for some scholars and virtuous people that triple divorce is mentioned in the Quran. However this is accepted that all Shariah laws, in general and normal conditions and in the form of overview, are mentioned in the Quran whose explanation, interpretation and description the Ummah has it through the traditions of Prophet Muhammad ﷺ, remnants of companions and diligence of imams and jurists.

Quran is full of knowledge, meanings and information that are beyond the imagination and through which rare pearls are extracted by those whose heart is illuminated by light of faith and divine grace strengthen them. May Allah make the graves of these jurists and rulers garden of heaven, who have spent their whole life in extracting laws and meanings from Quran and traditions, May Allah enrich us with their benefits and blessings.

Triple Talaq – Ruling of the Holy Prophet

Allah's Prophet ﷺ have termed triple divorce in one sitting as three and the person giving such a divorce is a sinner. And such procedure of divorce is also against the tradition (Sunnah) and hence it is called Talaq e Biddat. Below are some traditions mentioned as its evidences:

HADITH (1):

Imam Baihaqi has copied this narration of Hazrat Suwaid bin Ghaflah that a woman from Khashami tribe was married to Hazrat Hasan bin Ali رضي الله عنه. When Hazrat Ali رضي الله عنه was martyred and allegiance was being pledged for the caliphate of Hazrat Hasan bin Ali رضي الله عنه, this woman came to Hazrat Hasan رضي الله عنه and said, "Congratulation on your caliphate. " Hazrat Hasan bin Ali said, "You are mocking the murder of Hazrat Ali, triple divorce to you." The woman said, wrapping cloth on the body,

“Swear to Allah, my intention was not this.” She then sat for the waiting period. When the waiting period was over, Hazrat Hasan رضي الله عنه sent her the remaining dower amount and a gift of 20 thousand dirham. When the messenger brought this money to the woman and she saw it, she said, “مَتَاعٌ قَلِيلٌ مِنْ حَبِيبٍ مُفَارِقٍ” This money is less compared to separation of beloved. When the messenger mentioned the woman’s word to Hazrat Hasan, he started crying and said, “Had I not heard from my father this tradition of my maternal grandfather Prophet Mohammad ﷺ, that he who gave triple divorce to his wife, she would be unlawful for him until she marries another person, I would have taken her back.” (Sunan al Kubra lil Baihiqi, 7/419, Baab ul Mutate)

HADITH (2):

These are the words in Sunan Dar-ul-Qutni: “أَمَّا رَجُلٌ طَلَّقَ امْرَأَتَهُ: “ثَلَاثًا عِنْدَ كُلِّ طَهْرٍ تَطْلِيقَةً أَوْ عِنْدَ رَأْسِ كُلِّ شَهْرٍ تَطْلِيقَةً أَوْ طَلَّقَهَا بِجَمْعٍ لَمْ يَحُلْ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ” (Sunan al Dar Qutni, 5/56, Kitab ul Talaq wa Khula)

Translation: The person who gives his wife triple divorce, either one divorce in every purity, or one divorce at the start of every month or gave three divorces instantly, the woman would not be lawful unless is married to another husband.

Extraction of Hadith:

Apart from Baihaqi and Dar Qutni, Tibrani has also mentioned this hadith in Mojam Al-Kabeer.

Order of Hadith:

This hadith in respect to the text is ‘Sahih Li Ghairihi’.

Reply to objection on chain of narration of hadith:

Gair Muqallid (Non- Conformist) Ahle Hadees scholar Shamsul Haq Azeemabadi objecting to the chain of narration of this hadith by terming it as unacceptable, writes that scholars of hadith (Muhaditheens) have mentioned negativity on the narrator of the chain of narration of this hadith, Amar bin Abi Qais and Salma bin Fazal. Abu Dawood has mentioned regarding Amr bin Abi Qais that: لَا يَأْسُ بِهِ لَهْ أَوْهَامٌ – There is no flaw in him however there is some illusion. Ishaq bin Rahwiyah terms Salmah bin Fazal weak and Bukhari says: فِي أَحَادِيثِهِ بَعْضٌ فِي أَحَادِيثِهِ بَعْضٌ – There are some denier in his hadiths. Ibne Maeen says: يَتَشَبَّهُ وَقَدْ كَتَبْتُ عَنْهُ وَلَيْسَ بِهِ بَأْسٌ. – He was a Shiite, I have written hadiths from him and there is no flaw in him. Abu Hatim says: لَا يُجْتَنَّبُ بِهِ – He would not be invoked. Abu Zara'a says, 'People of opinion did not took interest in him because of his bad opinion and cruelty.' (Al Mugni Sharah al Dar Qutni, 2/437)

Reply of negativity on Amr bin Abi Qais:

Imam Abu Dawood mentions about Amr bin Abi Qais: لَهْ أَوْهَامٌ – There are some illusions of him. This does not prove unacceptability of Amr bin Abi Qais. If this proves unacceptability or weakness of any narrator, then many narrators of Bukhari and Muslim would be mandatorily be weak. For example, Hammad bin Salmah is trustworthy. Zahbi has written for him Imam, Qadwah and Shaikh-ul-Islam and also said "لَهْ أَوْهَامٌ" for him. Bukhari has mentioned comments in his Sahih from Hammad bin Salmah. Apart from this, he is the narrator of Sahih Muslim, Abu Dawood, Tirmizi, Nisai and Ibne Majah. Similarly, Bukhari has mentioned comments in his Sahih from Amr bin Abi Qais. Apart from this he is the narrator of Abu Dawood, Tirmizi, Nisai and Ibne Majah. He

is trustworthy and person of mastering. Hence, after mentioning the saying of Abu Dawood, Zahbi says: كَانَ مِنْ أَوْعِيَّةِ الْعُلَمَاءِ. Amr bin Abi Qais was treasure of knowledge. (Tareekh ul Islam, 4/468)

Authentication of Amr bin Abi Qais:

Ibne Maeen calls him trustworthy. Ibne Shaheen mentions in 'Kitab-us-Siqaat'. Bazar says: ثِقَّةٌ مُسْتَقِيمٌ الْحَدِيثِ، رَوَى عَنْهُ جُمَاعَةٌ مِنْ أَهْلِ الْعِلْمِ – He is trustworthy; a group of intellectuals has narrated from him. (Al Ikmal Tehzeeb ul Kamaal, 10/249)

Abu Hatim Basti says: مِنْ جُلَّةِ أَهْلِ الرَّأْيِ وَمُتَّقِيهِمْ – Greatest scholar among person of opinion and person of mastering. (Mashahiro ulema il Amsaar, 1/314)

When people asked Sufyan Thawri about hadith, he said: أَلَيْسَ عِنْدَكُمْ الْأَزْرَقِيُّ – Don't you have Amr bin Abi Qais Azraq among you? (Tehzeeb ul Kamaal, 22/203)

It is proven from the sayings of majority of critics that Amr bin bin Abi Qais is trustworthy, person of mastering, straight talk and popular narrator. His narration is at least of the Fair (Hasan) degree which can also reach to the degree of Sahih in case of supporting narrations and evidences. Hence it is incorrect for non-imitated scholar Shamsul Haq Azeemabadi to make negativity (jirah) on him and term above hadith as weak and unacceptable.

Reply on negativity (jirah) on Salmah bin Fazal:

From the saying of Bukhari 'فِي أَحَادِيثِهِ بَعْضُ الْمَنَّاكِرِ', it does not prove his weakness and unacceptability. For example, Sulaiman bin Musa Qarshi Umawi was among the younger

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Tab'ieen (followers). He is narrator of Muslim, Abu Dawood, Tirmizi, Nisai and Ibne Majah. Ibne Maeen says about him: **ثِقَّةٌ وَحَدِيثُهُ صَوِيحٌ عِنْدَنَا** – He is trustworthy. His hadith is authentic (Sahih) for us.

(Tehzeeb, 1986) Abu Hatim says, he is the biggest jurist among the companions of Makhool and I do not know anyone more established than him. (Siyaro Aalaam, 5/435)

Despite this Bukhari writes about him: **عِنْدَنَا مَمَّا كَثُرَ** – He possesses some denounced (Munkar) narrations. Abu Ahmed Hakim says: **فِي حَدِيثِهِ بَعْضُ الْمَمَّا كَثُرَ** – In his collection of narrations (ahaadith) there are some denounced (munkar) narrations. (Al Asma wal Kunni, 1/289)

The gist is that if some narrations are denounced (munkar) among the narrations of the narrator, it does not prove unacceptability of this narrator nor makes all his narrations as denounced. Ishaq bin Rahwiyah terms Salmah bin Fazal, weak, but Ibne Maeen calls him trustworthy (siqah) and said that he has noted many hadiths from him. Imam Ahmed bin Hambal says of Salmah bin Al-Fazl: **لَا أَعْلَمُ إِلَّا خَيْرًا** – I know only good of him. Abu Dawood calls him trustworthy. Zahbi says: He was among those memorizers of hadiths who would use to memorize anything at the very start. Ibne Sa'ad mentions him among the trustworthy. Ibne Khalfun mentions him in his siqaat. Abdur Rehman bin Abi Hatim says that I heard my father saying that Salmah bin Fazl was righteous. His rank was truthful. Ibne Adi says: None of his hadith I have found extreme denounced (munkar). Ibne Khazimah in his Sahih has extracted hadith from him. (Refer books: Ikmaal Tehzeeb ul Kamaal, Tehzeeb ul Kamaal, Al Jaraho wal Tadeel li ibn Abi Hatim, Tareekh ul Islam lil Zahbi, etc)

Now, terming him a Shiite by Ibne Maeen does not mean present day Shiite which is used as the meaning of rifz, rather the intention is love of Ali and love of Prophet's household (Ahle bait) because in the old terminology, this word was used for the same meaning. If basis he being Shiite, his narration is termed as unacceptable then, some narration of Bukhari and Muslim will also have to be termed unacceptable, because some of its narrations are narrated from such narrators who have been called Shiite. If Shiite meant him being a rafdhī, then Ibne Maeen would not have written narration from him because for him it was forbidden to take narration from the deviants. Abu Hatem terming him incapable means that when his narration is against a siqah (trustworthy) narrator and there is no other reason available for its supporting authenticity, then his such a narration will not be taken as evidence. Before terming the said narration of Salmah bin Fazl as unacceptable, it is necessary to prove that this narration violates a siqah narrator and there is no evidences and witness for its support and strength. To prove this thing, critics do not have any evidence. Saying of Abu Zara'a that due to his cruelty, people of opinion had left him, apart from being jirah e mubham (unclear criticism), it is also against the majority of the critics, hence their negativity (jirah) is unacceptable. It has been known that Salmah bin Al-Fazl is not an unacceptable narrator and his narration cannot be absolutely rejected.

This topic has been made in Ibne Majah: "He who has given triple divorce in one sitting" and then this hadith is mentioned under it:

HADITH (3)

It is narrated from Hazrat Aamir Shaabi, that he said to Fatima bint Qais to narrate her condition of divorce, so she said: "My husband gave me instant triple divorced while leaving on a trip to Yemen and Prophet Mohammad ﷺ enforced it." (Sunan Ibne Majah, 1/652, Baabo Man Talaqas Salasa fi mijlisin wahidin)

Imam Bukhari has mentioned this hadith under the topic of triple of divorce:

HADITH (4)

Prophet's companion Hazrat Uwaimir Ajlani and his wife blamed each other of adultery in the presence of Prophet Mohammad ﷺ. Then Hazrat Uwaimir said to Prophet Mohammad ﷺ: "O Allah's Apostle! If I keep my wife with me, I would be termed liar." Then before the order of Prophet Mohammad ﷺ, Hazrat Uwaimir gave triple divorce to his wife. (Sahih Bukhari, 7/42, Baabo man ajaza talaqal salasa)

HADITH (5)

The same hadith is in Sunan Abu Dawood and these words are present in it

فَطَلَّقَهَا ثَلَاثَ تَطْلِيقَاتٍ عِنْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَنْفَذَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ .

Translation: Hazrat Uwaimir gave triple divorce in the present of Prophet Mohammad ﷺ, hence it was enforced by Prophet Mohammad ﷺ. (Sunan Abu Dawood, 2/274)

HADITH (6)

Hazrat Abdullah bin Umar رضي الله عنه gave one divorce to his wife in menstrual cycle and then decided to give the other two divorces in two menstrual cycles. When Prophet Mohammad ﷺ was informed of this he said: O Ibne Umar! Allah has forbidden giving divorce in this way. You have wronged in giving divorce against the Sunnah way. Sunnah is that you wait for the woman to be in purity then give divorce. Hazrat Ibne Umar states that Prophet Mohammad ﷺ ordered me to take her back and I took her back. Then he said: When your wife is pure after menstrual cycle, then if you wish give her one more divorce or keep her. I said: O Allah's Apostle! Had I given her triple divorce, would it be legitimate to take her back? He said:

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Your wife would have been separated from you and this would have been a sin. (Sunan al Sugra lil Baihiqi, 3/115)

HADITH (7)

It is narrated in Sunan Nisai from Mehmood bin Labeed. He said that Prophet Mohammed ﷺ was informed that a person has given his wife triple divorce instantly. Prophet Mohammad ﷺ said angrily: He toys with Allah's book when I am there? A man said standing: O Allah's Apostle! Should I kill him? (Sunan Nasai, 6/142)

It is clear from this hadith that Prophet Mohammad ﷺ expressed his anger because this person had violated the order of Allah's book and gave triple instantly to his wife and made her unlawful upon himself.

Order of Hadith:

Ibne Qayyim says: The chain of narration of this hadith is as per the condition of Sahih Muslim. (Zadul Ma'ad, 5/220)

Famous non conformist (Gair muqallid) scholar Qazi Shokani has mentioned this chain of narration excellent with reference of Ibne Katheer and mentioned all narrators as trustworthy in reference with Buloogh Al-Maraam of Hafiz Ibne Hajr. (Nilul Awtar, 6/269)

Muhaddis Ibnul Turkamani termed this chain of narration as Sahih. (Al Jawharul Naqi, 7/333)

Shaikh Albani has termed it weak. Against the validation of Hafiz Ibne Hajr Asqalani and Muhaddis Ibnul Turkamani, the weakening of Albani is rejected. Non-conformist (Gair

Muqallideen) should also state the saying of Albani as rejected in comparison to the validation of Ibnul Qayyim and Qazi Shokani because for them the status of Ibnul Qayyim and Shokani is much higher than Albani.

Reply to the negativity of the chain of narration of Hadith:

One narrator in the chain of narrators of this Hadith is Mukhramah bin Bakeer Alashaj. Imam Ahmed bin Hambal says about him that his hearing is not proved from his father and this hadith is narrated by the chain of Mukharamah bin Ubaih, the owner of the chain of narrations, and hence his chain of narration is broken (munqat'i). Ibne Qayyim himself gives two replies on this negativity.

First Reply: Although Mukhramah's hearing from his father is not proved, however he has the narrations of his father in the form of book, and by looking at it he would mention narration in reference to his father and such narrations are valid. Hence, Ibne Maeen says: *فَحَرَمَةُ بْنُ بُكَيْرٍ وَقَعَ إِلَيْهِ كِتَابُ أَبِيهِ* – Mukhramah had his father's book. Musa bin Salmah states, "I came to Mukhramah. I asked him: Has your father narrated hadith to you? He replied: My father is not alive, however, I have these books of his." Ibne Qayyim further writes that there is no difference in validation between a hadith listened and a hadith seen from a book. Rather there is more caution in narrating from the copy of the book when it is confirmed that this is copy of Shaikh. Narrating by seeing the book is the way of companions and ancestors.

Second Reply: Some people have said against those people, who have said that Mukhramah had not listened from his father, that he has listened from his father. Who have said about listening have more knowledge and saying with evidence is much stronger. As per the saying of Abdur Rehman bin Abi Hatem that his father was asked about Mukhramah, and he replied: He is of 'swaleh ul Hadith'. Ibne Abi Owais says that he saw on the back of the book of Imam Malik. I asked Mukhramah on the hadith he has narrated from his father, whether he has listened from him? He said swearing, "Swear to the Lord of this Masjid! I have listened to these hadiths from my father."

Ali Ibne Al-Madini says: “I have heard Ma’an bin Esa saying that Mukhramah had listened from his father. It is more than enough for his hadith to be eligible for validation, as Imam Malik had validated from him in his Muatta. (Zadul Ma’ad, /220)

I (author) would mention that the biggest evidence for the hadith of Mukhramah an Ubaih to be authentic (sahih) is that Imam Muslim has mentioned 11 hadiths from the chain of narration of Mukhramah an Ubaih in his Sahih. Imam Bukhari has recorded in Adab al Mufrad, the same chain of narration hadiths from this chain of narration and interesting thing is that Shaikh Albani himself has mentioned this chain of hadith in Al-Adab Al-Mufrad as ‘*Hasan*’ and in other place as ‘*Sahih*’. (Al Adab ul Mufrad, 1/134, Baabo Qublatul Rajulo al Jariya al Sageerah)

Some people object on this hadith saying that there is no evidence of the last narrator Mehmood bin Labeed having heard from Allah’s Prophet ﷺ, hence this hadith is ‘*Mursal*’, and it is incorrect to derive derivations from this.

The reply to this objection is that Mehmood bin Labeed is a companion for majority of Muhaditheen, even if hearing was not received. Ibne Hibban, Imam Baghwi, Abu Naeem, Zahbi, Imam Asqalani, etc. has termed him companion. Imam Bukhari also termed him companion and this is known to the students of hadith that ‘*Mursal*’ of a companion (sahabi) is by consent evidence.

It is clear from the above-mentioned ahadiths (narrations) that Prophet Mohammad ﷺ had termed the enforcement of triple divorce in one sitting and issued order for his wife to be unlawful for him.

Triple Talaq – Ruling of the Companions of Holy Prophet

(1) Hazrat Abdullah bin Umar رضي الله عنه:

It is narrated from Hazrat Abdullah bin Umar رضي الله عنه, that when he was asked, what if a person divorces his wife in her menstrual cycle? Hazrat Abdullah bin Umar would reply, if you have divorced your wife with one pronouncement or two, then you can take her back and then if you wish to divorce, then divorce her while she is purified of her menses and before having sexual intercourse with her. If you have given three divorces, then your wife is forbidden for you until she married another husband. Similarly, by giving one, two or three divorces in the menstrual cycle, you have disobeyed Allah in divorce rule and by giving triple divorce; your wife has become forbidden for you. (Sahih Muslim, 2/1093, Baabo Tehrimo Talaqil Ha'ezi bi gaire ridhaha)

(2) It is narrated from Nafe' that Hazrat Abdullah bin Umar رضي الله عنه used to say:

مَنْ طَلَّقَ امْرَأَتَهُ ثَلَاثًا فَقَدْ بَايَئْتُ مِنْهَا امْرَأَتَهُ وَعَصَى رَبَّهُ تَعَالَى وَخَالَفَ السُّنَّةَ

Translation: He who gives triple divorce to his wife then his wife would be separated from him and he has disobeyed Allah and violated the Sunnah. (Sunan Dar Qutni, 5/58, Kitab ul Talaq wa Khula)

(3) Hazrat Anas bin Malik رضي الله عنه:

It is narrated from Shaqiq that Hazrat Anas bin Malik رضي الله عنه used to say: He who gives triple divorce to his wife without consummating the marriage (i.e.: without having sexual intercourse), she would not be lawful for him until she marries another person. (Sunan Saeed bin Mansoor, 1/302, Baabo Ta'adi fil Talaq)

(4) & (5) Hazrat Abu Huraira and Abdullah bin Abbas رضي الله عنهما:

It is narrated from Mohammad bin Iyas bin Abu Bakr that a person gave instant triple divorce to his wife without consummating the marriage, wished to remarry her, and came asking for fatwa. I took him to Hazrat Abu Huraira and Abdullah bin Abbas رضي الله عنهما, and both gave this reply: لَا نَرَىٰ أَنْ تَنْكِحَهَا حَتَّىٰ تَنْكِحَ زَوْجًا غَيْرَكَ – You cannot marry her unless she marries someone except you. He said that, I could have given her one divorce (as she would become illegitimate on me), hence two divorces are extra? Hazrat Ibne Abbas said: By the extra divorces, you let them slip out of your hands. (Sharah Mani ul Aathar, 3/55, Baabo Ar rajalin Yu talaqa imra'atahu salasa ma'an)

In Sunan Abu Dawood, a narration of Hazrat Ibn Abbas is recorded as follows: Hazrat Mujahid said: "I was present with Ibne Abbas. A man came and said that he has given instant triple divorce to his wife. Hearing upon this, Hazrat Ibne Abbas got silent. I (Mujahid) thought that Hazrat Ibne Abbas will order him to go back to his wife. After a while, Hazrat Ibne Abbas told him: A man commits a stupid act, and then comes to me and says, 'Oh Ibne Abbas, Oh Ibne Abbas. Listen! Allah says, "Those who fear Allah, Allah makes ways for him. While giving divorce, he did not fear Allah (gave instant triple talaq). Therefore, I (Ibne Abbas) do not see any way out for you. You disobeyed Allah, and your wife was separated from you. (Sunan Abu Dawood, 2/260)

Just look at the attitude of Ibne Abbas's words. He showed a feeling of anger towards the person who gave instant triple divorce and He displayed that it is an act of disobeying Allah, but at the same place he enforced the triple divorce and gave a decision of their marriage being annul.

(6) Hazrat Umar رضي الله عنه:

It is narrated from Hazrat Anas bin Malik that whenever a person was brought to Hazrat Umar رضي الله عنه, who had given triple divorce to his wife in a single sitting, he

would punish him and annul their marriage. (Musannaf ibne Abi Shayba, 4/61, Baabo Man Kareha Ayataliqa ar rajalo imra'atahu salasatan fi maqadin)

(7) Hazrat Imran bin Hussain رضي الله عنه:

It is narrated from Waq' bin Suhban; he said that Hazrat Imran bin Hussain was asked about a person who gave triple divorce to his wife in a single sitting and he replied: اَيْضًا أَتَمَّ بِرَبِّهِ وَحَرَّمَ عَلَيْهِ امْرَأَتَهُ. "He committed a sin and his wife is forbidden for him." (Previous Reference)

(8) Hazrat Ali رضي الله عنه:

Imam Al-Baihaqi has recorded a narration from Aamash that he said: There was a person in Kufa who used to say that he has heard Hazrat Ali bin Abi Talib saying: When a person gives triple divorce to his woman in one sitting, it would be considered one divorce. People used to head up to listen to this narration of the Shaikh and they used to listen to this narration from Shaikh. Aamash said, I came to Shaikh and knocked on the door and the Shaikh came out. I said: What have you heard from Hazrat Ali رضي الله عنه regarding a person who gives triple divorce in one sitting? Will it be considered one? He said it would be considered one. I asked: When did you hear this narration from Hazrat Ali? Shaikh said: I will show you a writing. The writing he showed, it was written:

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ: هَذَا مَا سَمِعْتُ عَلِيَّ بْنَ أَبِي تَالِبٍ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ ثَلَاثًا فِي مَجْلِسٍ وَاحِدٍ فَقَدْ بَانَتْ مِنْهُ وَلَا تَحِلُّ لَهُ حَتَّى تَنْكَحَ زَوْجًا غَيْرًا.

Translation: "In the name of Allah, the most beneficent the most merciful. I have heard this narration from Ali bin Abi Talib. He says: When the person gave his wife triple divorce in one sitting, his wife would separate from him. She would not be lawful for him unless she marries another person."

I said: May bad omen be on you! You have stated against what is mentioned in this writing. Shaikh said: What is written is correct however, as per the wishes of the people, I stated against it. (Sunan Al Kubra, 7/556)

(9) Hazrat Abdullah bin Amr bin Aas رضي الله عنه:

Imam Baihaqi has copied from Mohammad bin Iyaas that Hazrat Abdullah bin Abbas, Hazrat Abu Huraira and Hazrat Abdullah bin Amr bin Aas رضي الله عنه were asked that if a person gives triple divorce to his wife without consummating the marriage, will all be enforced? All replied: She would not be lawful for him unless she marries another husband. (Sunan al Sugra lil Baihiqi, 3/114)

(10) Hazrat Abdullah bin Masood رضي الله عنه:

It is narrated from Hazrat Zar bin Habeesh that Hazrat Abdullah bin Masood رضي الله عنه said: If a person gives triple divorce to his wife before consummating the marriage, ruling for it is the same as for the consummated woman (that the triple divorce would be enforced). (Musannaf ibne Abi Shayba,4/67)

(11) Hazrat Aisha Siddiqah رضي الله عنها:

Ibne Abi Shebah has copied a narration from Mohammad bin Iyas bin Bakr that Hazrat Abu Huraira, Ibne Abbas and Aishah رضي الله عنها used to say that if a person gives triple divorce to his woman before intercourse, the woman would not be lawful for him till she marries another husband.

(12) Hazrat Ubadah bin Samit رضي الله عنه, son of a Badri Sahabi,

Dawood states that my grandfather gave one thousand divorces to his wife. When my father clarified the problem by going to the Prophet Mohammad ﷺ, the Prophet ﷺ said: Does he not fear Allah? Then he enforced the three divorces and termed the rest 97 extra and useless and mentioned this action as cruel and aggressive. (Musannaf Abdur Razzak, 6/393, Baab Al Mutalaqan Salasa)

It has been known from the above mentioned narrations that in the opinion of Hazrat Abdullah bin Masood, Hazrat Aisha Siddiqah, Hazrat Umar, Hazrat Ibne Abbas, Hazrat Ali, Hazrat Abdullah bin Umar, Hazrat Abdullah bin Amr, Hazrat

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Ubadah bin Samit, Hazrat Imran bin Hussain, Hazrat Abu Huraira, Hazrat Anas bin Malik رضي الله عنهم, triple divorce in one sitting would be considered three and wife would be unlawful on the husband.

For example, narrations of some companions have been mentioned here, otherwise, all companions are in consensus on the matter that triple divorce in one sitting would be considered three.

It is the consensus of the companions and the ancestors that triple divorce in a single sitting is considered three. Those scholars of later period who have copied the saying of consensus, some of these names are mentioned below:

Ibne Rajab Hambali Says:

إِعْلَمُوا أَنَّهُ لَمْ يُعْبُدْ عَنْ أَحَدٍ مِنَ الصَّحَابَةِ وَلَا مِنَ التَّابِعِينَ وَلَا مِنْ أُمَّةٍ السَّلَفِ الْمُعْتَبَرِ بِقَوْلِهِمْ فِي الْفَتَاوَى فِي الْحَلَالِ وَالْحَرَامِ شَيْئٌ عَرِجٌ فِي أَنَّ الطَّلَاقَ الثَّلَاثَ بَعْدَ الدُّخُولِ يُحْسَبُ وَاحِدَةً إِذَا سَبَقَ بِالْقَطْعِ وَاحِدًا.

Translation: Those fatwas of Predecessor Imams, related to lawful and forbidden things, any companions and Tabiein, which can be trusted, none of these prove that if a person gives triple divorce in a single word to his wife will be considered one divorce. (Majmuato Abhase hay'altil kibaaril Ulemae bil Saudia tik Arabiya)

Imam Abu Bakr Hasas Razi (Death: 270 H.) writes:

فَالْكِتَابُ وَالسُّنَّةُ وَاجْتِمَاعُ السَّلَفِ تُوجِبُ إِيقَاعَ الثَّلَاثِ مَعًا وَإِنْ كَانَ مَعْصِيَةً.

Translation: It is proved from Allah's book, Prophet Mohammad ﷺ's tradition and consensus of the predecessors that the triple divorce instantly gets enforced although this way is a sin. (Ahkaam ul Quran, 2/85)

Allamah Abul Waleed Albahi (Death: 474 H.) writes:

“فَمَنْ أَوْقَعَ الطَّلَاقَ الثَّلَاثَ بِالْقَطْعِ وَاحِدَةً لَمْ يَمْدَمْ مَا أَوْقَعَهُ مِنَ الثَّلَاثِ.” – He who gives triple divorce with single word, then indeed, three would be enforced. Then further writes:

وَالدَّلِيلُ عَلَى مَا نَقُولُهُ إِجْمَاعُ الصَّحَابَةِ، لِأَنَّ هَذَا مَرْوِيُّ عَنْ ابْنِ عُمَرَ وَعُمَرَانَ بْنِ حُصَيْنٍ وَعَبْدِ اللَّهِ بْنِ مَسْعُودٍ وَابْنِ عَبَّاسٍ وَأَبِي هُرَيْرَةَ وَعَائِشَةَ - رَضِيَ اللَّهُ عَنْهُمْ - وَلَا خِلَافَ لَهُمْ .

Translation: What we say (that triple divorce in one sitting is three) has the evidence of the consensus of the companions because this is narrated from Hazrat Ibne Umar, Hazrat Imran bin Hussain, Hazrat Abdullah bin Masood, Hazrat Ibne Abbas, Hazrat Abu Huraira and Hazrat Aisha رضي الله عنهم and none of them have opposed it. (Al Muntaqa Sharah Muwatta, 4/3)

Qazi Abu Bakr Ibnul Arabi Maliki, mentioning the discussion related to the narration of Ibne Abbas رضي الله عنه in which there is mention to admit triple divorce in one sitting as one in reference to the house, writes this:

أَنَّهُ حَدِيثٌ مُخْتَلَفٌ فِي حَيْثِيَّتِهِ فَكَيْفَ يُقَدَّمُ عَلَى إِجْمَاعِ الْأُمَّةِ وَلَمْ يُعْرَفْ لَهَا فِي هَذِهِ الْمَسْئَلَةِ خِلَافٌ إِلَّا عَنْ قَوْمٍ ائْتَمَرُوا عَنْ رُتْبَةِ النَّبِيِّينَ وَقَدْ سَبَقَ الْعَصْرَانِ الْكَرِيمَانِ وَالْإِثْقَانِ عَلَى لُزُومِ الثَّلَاثِ فَإِنْ رَوَوْا ذَلِكَ عَنْ أَحَدٍ مِنْهُمْ فَلَا تَقْبَلُوا مِنْهُمْ إِلَّا مَا يَقْبَلُونَ مِنْكُمْ تَقْلِبْ الْعَدْلَ عَنِ الْعَدْلِ وَلَا تَجِدْ هَذِهِ الْمَسْئَلَةَ مَنْسُوبَةً إِلَى أَحَدٍ مِنَ السَّلَفِ أَبَدًا .

(Al Nasikh wal Mansookh - with reference to: Majmuato Abhase hay'altil kibaaril Ulemae bil Saudia tik Arabiya 1/389)

Translation: There is opposition on the health of the narration of Ibne Abbas رضي الله عنه (triple divorce in a single sitting is one), then how can it be preceded on the consensus of the nation? No opposition is known in this issue except for some who are below the level of Tabein. Two honorable periods (era of prophet hood and the companions) have passed in which triple divorce in one sitting was considered implemented. If opponents bring a narration against this from either the companions or the Tabeins, do not accept, rather demand from them to bring narration of a just from a just, similar to the demand they make from you. You would see that this issue (triple divorce in a single sitting is one) is not attributed to any of the predecessors.

Muhadith Ali Qari (Death: 1014 H.) writes that there is consensus of the companions to accept triple divorce in a single sitting as three. He writes mentioning the discussion on understanding the consensus:

أَمَّا أَوْلَا: فِإِجْمَاعُهُمْ ظَاهِرٌ، فَإِنَّهُ لَمْ يُنْقَلْ عَنْ أَحَدٍ مِنْهُمْ أَنَّهُ خَالَفَ عُمَرَ حِينَ أَمْضَى الثَّلَاثَ، وَلَيْسَ يَلْزَمُ فِي نَقْلِ الْحُكْمِ
 الْإِجْمَاعِي عَنْ مِائَةِ نَفْسٍ أَنْ يُسَمَّى كَلًّا لِيَلْزَمَ فِي مُجَلِّدٍ كَبِيرٍ حُكْمٌ عَلَى أَنَّهُ إِجْمَاعٌ سُكُونِيٌّ وَأَمَّا تَالِيًا: فَإِنَّ الْعَبْرَةَ فِي نَقْلِ الْإِجْمَاعِ
 نَقْلُ مَا عَنِ الْمُجْتَهِدِينَ لَا الْعَوَامِرَ، وَالْمِائَةُ الَّتِي تُؤَقَّى عَنْهُمْ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَا يَبْلُغُ عَدَدًا الْمُجْتَهِدِينَ الْفُقَهَاءَ مِنْهُمْ أَكْثَرَ
 مِنْ عِشْرِينَ: كَالْخُلَفَاءِ وَالْعَبَادِلَةِ وَرَبِيبِ بْنِ تَابِثٍ وَمُعَاذِ بْنِ جَبَلٍ وَأَنْسِ وَأَبِي هُرَيْرَةَ وَقَلِيلٍ وَالْبَاقُونَ يَزُجَعُونَ إِلَيْهِمْ وَيَسْتَفْتُونَ
 مِنْهُمْ وَقَدْ أَثْبَتْنَا النُّقْلَ عَنْ أَكْثَرِهِمْ صَرِيحًا بِإِيقَاعِ الثَّلَاثِ وَلَمْ يَظْهَرْ لَهُمْ مَخَالِفٌ، فَمَاذَا بَعْدَ الْحَقِّ إِلَّا الضَّلَالُ وَعَنْ هَذَا قُلْنَا
 لَوْ حَكَمَ خَاكِمٌ بِالْثَّلَاثِ بِفِعْلٍ وَاحِدٍ وَاحِدًا: لَمْ يُنْقَضْ حُكْمُهُ (Mirqaat ul Mafatih, 5-7, 214)

Translation: Consensus of the companions is clear. Because when Hazrat Umar رضي الله عنه enforced its implementation, then no opposition was reported from any companions. When a consensual order is reported from hundred people, then it is not necessary to mention the name of hundred people. If this was the case, then for every order a thick book have to be prepared. Apart from that, this is silent consensus. Then for copying the consensus, copying the mujtahideen is necessary and not copying the public. At the time of death of Prophet Mohammad ﷺ, among the 100 distinguished companions present, mujtahideen among them were not more than twenty. For example the four caliphates, Hazrat Abdullah bin Masood, Abdullah bin Abbas, Abdullah bin Umar, Abdullah bin Amr bin A'as, Zaid bin Sabit, Muaz bin Jabal, Anas bin Malik, Abu Hurairah and some other people – and rest apart from them used to ask them. We have copied the stand of most of them that triple divorce in one sitting will be enforced as three. There is nothing cited against it. Hence leaving the truth after clarity is misleading. Based on this we have said that if a ruler has passed this order, that if triple divorce is given instantly would be considered one, this order would not be enforced.

Ibne Qudamah Hambali (Death: 682 H.) after giving the references of the signs of Hazrat Umar, Hazrat Ali, Hazrat Ibne Masood, Hazrat Ibne Abbas and Hazrat Ibne Umar رضي الله عنه as a proof in accepting triple divorce in a single sitting as three

divorces, writes that there is consensus of companions on it. The words of Ibne Qudamah are:

وَلِأَنَّهُ قَوْلٌ مِّن سَدِّينَا مِنَ الصَّحَابَةِ رَوَاهُ الْأَثَرُ وَعِزُّهُ وَلَمْ يَصِحَّ عِنْدَنَا فِي عَضُدِهِمْ خِلَافٌ قَوْلِهِمْ فَيَكُونُ ذَلِكَ إِجْمَاعًا.

Translation: Triple divorce in a single sitting is three. The argument is that the name of the companions that we have mentioned, it is their word. Asram, etc have copied this and in the era of these companions, we do not have any proof with correct chain of narration that anyone has opposed it. Hence, this is the consensus of the companions. (Al Sharhul Kabeer Alaa Matanil Muqana, 8/258)

Triple Talaq – Stand of Ahlul Bayt

Allamah Mohammad bin Hussain Aajri (Death: 360) in his chain of narrators has mentioned this narration that Hazrat Imam Jaafar Sadiq عليه السلام stated:

We, the Ahl al-Bait, say that he who gives triple divorce to his wife (in one sitting) would be three. (Al Shariyaul Aajari, 5/223)

Muslimah bin Jafar Ahmasi said that I said to Jafar bin Mohammad (Imam Jafar) that some people think that if a person due to ignorance gives triple divorce to his wife instantly, can it be considered as one divorce so that to make him return to the way of Sunnah? People say that this is the stand of you, Ahl al-Bait. Imam Jafar Sadiq said: *مَعَاذَ اللَّهِ مَا هَذَا مِنْ قَوْلِنَا مَنْ طَلَّقَ ثَلَاثًا فَهُوَ كَمَا قَالَ* – God forbid, this is not our saying, the Ahl al-Bait. He who gives triple divorce, then it is indeed three. (Al Sunan al Kubra Lil Baihiqi, 7/556)

The rumor was spread among people related to Ahl al-Bait that as per them triple divorce in one sitting is one. As mentioned earlier in a hadith with reference Hazrat Ali that as per the wishes of the people, a sheikh stated this narration in front of the people with reference to Hazrat Ali that I have heard from Hazrat Ali saying that he who gives triple divorce to his wife would be considered as one. When sheik was caught and he was asked from where he has listened this narration from Hazrat Ali, the sheikh had no answer and he accepted his lie and said that he had referred incorrect thing to Hazrat Ali considering the wishes of

the people. This is the same statement of Hazrat Ali that he who gives triple divorce in one sitting would be considered one.

Triple Talaq – Stand of Tabieen

Even majority of Tabieen رضي الله عنهم are on consensus on the enforcement of triple divorce in one sitting. Below are mentioned some names of Tabieen:

1. Hazrat bin Jubair:

Muhadith Abdur Razzaq and Saeed bin Mansoor Jozjani has copied from Abu Bashr and Jafar bin Abi Wahshiyah that Saeed bin Jubair رضي الله عنه said: A person says to non consummated wife “to you triple divorce”, then the wife would not be lawful for the husband till she marries second husband. (Sunan Saeed bin Mansoor, 1/302, Baabo At ta'addi fil Talaq)

2. Hazrat Ata'a bin Yasar:

It was the opinion of Ata'a bin Yasar that if anyone gives triple divorce instantly to his wife with whom the marriage has not been consummated, it would be considered as one, similarly like by giving one is considered one (and the wife is separated from marriage, but can be remarried). Once a person asked this issue from Hazrat Ata'a and he replied: “الْغَلَافُ وَالْوَاحِدَةُ لِلْبِكْرِ سَوَاءٌ” – One divorce in one sitting and triple divorce is same for virgin woman (with whom marriage has not been consummated). Hazrat Abdullah bin Umar رضي الله عنهما said to Hazrat Ata'a: **إِنَّمَا أَنْتَ قَا** **صٌّ** **وَلَسْتَ بِمُفْتٍ** – You are a story teller and not a Mufti. If given one divorce the woman would be revocable (Bainah) and if given triple divorce she would be forbidden unless she marries another husband. (Marifatul Sunan Al Aathar, 11/65, Baabo Talaqati lam yudkhil biha)

3. Hazrat Mujahid:

Hazrat Mujahid stated, in reference to Hazrat Abdullah Ibn Abbas رضي الله عنه, that a man gave his wife hundred divorce, so he said, consider three divorce as valid and consider the rest as cancelled. (Previous reference)

4. Hazrat Akramah:

Hazrat Akramah, the freed slave of Hazrat Ibne Abbas رضي الله عنه, has stated in reference to Hazrat Ibne Abbas رضي الله عنه that I am witness that a person came to Hazrat Ibne Abbas who had given divorce to his wife like this: You are divorced, You are divorced, You are divorced. Hence he termed it as one divorce (as she was not consummated – If given triple divorce with different word, then she would be revocable with one). Then a man came who had given divorce to his wife like this: You are divorced, You are divorced, You are divorced. Then he annulled marriage of both of them (because the woman was consummated hence all three were enforced and the woman was unlawful)

Explaining the above hadith, Imam Ahmed bin Hambal said: This decision was depending on the different condition of the Woman. The woman, for whom the decision was made for one divorce, was not consummated and hence she became revocable with one divorce and the rest two divorces were cancelled and the woman, for whom the decision was made for triple divorce, was consummated, hence all three were enforced. (Marifatul Sunan wal Aathar, Baabo Akhtiyari fil Talaq)

5. Shaqeeq bin Abi Abdullah (Demise 150 H):

Same was the stand of Hazrat Shaqeeq bin Abi Abdullah that triple divorce in a single sitting would be enforced. Hence, he has narrated this with reference from Hazrat Anas رضي الله عنه that Hazrat Umar رضي الله عنه used to punish the person who used to give triple divorce in one sitting and would separate wife and husband. (Musannaf ibne Abi Shayba, 4/60)

6. Qasim bin Mohammad bin Abi Bakr Siddique:

The grandson of Hazrat Siddique Akbar, Hazrat Qasim (Death: 106 H) was asked by Yahya bin Saeed: Can a person give triple divorce to his wife instantly if he wants? He replied: He should give triple divorce in different sittings. (Previous Reference)

Benefit: If the triple divorce of in one sitting was not enforceable or no divorce was enforceable, then Hazrat Qasim would not have said that to give triple divorce in different sittings. It can be known from this that giving triple divorce in one sitting is forbidden, but enforced if given.

7. Shaqeeq bin Salmah:

He was among the eldest among the Tabein. His death took place in the era of the caliphate of Hazrat Umar bin Abdul Aziz. Imam Abu Jafar Tahawi, with his reference, has copied the narration of Hazrat Umar رضي الله عنه in شرح معاني الآثار that Hazrat Umar رضي الله عنه used to whip lashes on the back of the person who used to give triple divorce in one sitting. (Sharhul Maani al Aathar, 3/59)

8. Hazrat Hasan Basri:

Similar was the stand of Hazrat Hasan Basri رضي الله عنه that triple divorce in one sitting would be enforced and he also used to say that respected companions used to give exemplary punishment to the person who gave triple divorce in one sitting. (Musannaf ibne Abi Shayba, 4/62)

9. Qazi Shureh:

Qazi Shareeh bin Haris Kufi was the eldest among the Tabein. A person came to him and said: I have given my wife 100 divorces. What is the order on this? Qazi Shareeh replied: By three, your wife has been separated from you and the rest are extravagant and doing such is a sin. (Musannaf ibne Abi Shayba, 4/62)

10. Imam Jafar Sadiq:

Muslimah bin Jafar Alahmasi states that I asked Jafar bin Mohammed: Some people say with reference to you (the Ahle Bait) that he who gives triple divorce to his wife in ignorance, he would be turned towards Sunnah and one divorce would be enforced. Imam Jafar Sadiq said: God Forbid! This statement is not ours (Ahl al-Bait). Our statement is that he who gives triple divorce to his wife will be enforced three. (Sunan al Kubra- Baihiqi, 7/555)

Warning: This is the stand of Imam Jafar Sadiq and Ahl al-Bait that triple divorce in a single sitting will be considered three, however, it is strange that those (Shias) claiming the love of Imam Jafar Sadiq and Ahl al-Bait do not follow their stand. They should reform themselves.

11. Ibrahim Nakhi'i:

This statement is copied in reference to Ibrahim Nakhi'i that he disliked the person who gave his wife triple divorce instantly. He used to say: He should give one divorce and then should wait for the waiting period to complete.

Conclusion:

If giving triple divorce instantly in one sitting was not enforced, then why would Ibrahim Nakhi'i term it as disliked? What is the meaning of it being disliked if neither one divorce is enforced or nor any divorce is enforced by it? It being cruel and disliked means that by giving triple divorce in a single sitting, all three gets enforced.

Certain Clarifications for Readers

Doubt #1: In the verse 229 of Surah Al-Baqarah in the Quran, it is mentioned that Talaq is twice, there is no mention of third talaq. Hence, it is known that there is no proof of triple talaq from the Quran.

Reply #1: This doubt is not a new invention, rather some people had this doubt even in the era of Prophet Mohammad ﷺ and the prophet also replied to this. So there is a narration in Sunan Al-Dar Qutni from Hazrat

Anas رضي الله عنه that a person asked Prophet Mohammad ﷺ: O Allah's Apostle! Allah says "الطَّلَاقُ مَرَّتَانِ" Divorce is twice, then from where did this third divorce came? Prophet Mohammad ﷺ said: From this saying of Allah "فَمَا مَسَاكٍ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ" – After two divorces, either stop the wife in good or leave her with goodwill. (Sunan Dar Qutni, 5/7, Kitab ul Talaq wal Khula wal ilaa wagairah)

The companions رضي الله عنهم, with this piece of above-mentioned verse, used to extract the meaning of triple divorce. Hence, in مصنف ابن ابي شيبة, it is narrated from Hazrat Anas رضي الله عنه that when someone would get a woman from the house or his daughter married he would say "أَرْوُجُكَ" "عَلَى إِمْسَاكِكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ" I am marrying you with this condition that either stop you in good or leave you with goodwill. (Musannaf ibne Abi Shayba, 3/463)

It is known that from verse 229 of Surah Al-Baqarah of the Quran, proof is provided of third divorce. الطَّلَاقُ مَرَّتَانِ proves two divorces and تَسْرِيحٍ بِإِحْسَانٍ has two ways (freeing with goodwill); either does not take her back and let the waiting period completes and then the woman becomes revocable, and would become legitimate with fresh marriage or gives third divorce and make the wife unlawful upon himself. It is known that تَسْرِيحٍ بِإِحْسَانٍ also provides proof of third divorce. Hence, it is incorrect to say that there is no mention of triple divorce in the Quran.

Imam Baihaqi has made a topic on this: 'Mention of three divorces in the Allah's Book' (Sunan Al Kubra - Baihiqi, 7/556)

Doubt #2: There is not mention of triple divorce in one sitting in the Quran. Hence, it should be abolished.

Reply #2: Firstly, this is incorrect to say that an Islamic instruction, which does not mention in the Quran, should be abolished. Because both Quran and Prophet's hadiths are source to Islamic instructions and through both of these, consensus of the companions and analogy of Mujtahideen is also source of Islamic instructions and Law. Hence if any instruction is not clearly mentioned in the Quran, but has been mentioned by Allah's Prophet ﷺ, or the companions have extracted that order from Quran or the action and sayings of Prophet Mohammad ﷺ, or Imams of Mujtahideen have extracted any instruction through legal analogy (Qiyas e Sharic), then all these instructions in sequence would be included in the Islamic Shariah. Hence, this concept that if an instruction which is not mentioned in the Quran is not a part of Islam is against Quran itself, because Quran says: “ أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ. ” (SURAH NISA, VERSE 59)

Translation: O people who believe! Obey Allah and obey the Noble Messenger and those amongst you who are in authority.

‘Authority’ means Head of Caliphate and Mujtahideen Jurists. The commentator of the Quran, companion of the Prophet, Hazrat Ibne Abbas رضي الله عنه and Hazrat Jabir رضي الله عنه has stated similar commentary. Same is in credible books of Commentary like Tafseer e Baghwi, Tafseer e Qurtubi, Tafseer e Durr-e-Mansoor, Tafseer e Tabri, etc.

In accordance to the instructions of the Quran, which are mentioned in the Quran, it is mandatory for Muslims to obey them and follow them. Thus instructions proved from Hadith of the Prophet is also mandatory to be obeyed and followed and those instructions which are proved from consensus of the companions and analogy of the Mujtahideen of the Ummah is also mandatory to be followed and obeyed. A person, who says that those instructions, which are not in Quran, are not part of Islam, has not understood Islam. Such a person is miles away from Islam. First of all, he has to understand Islam.

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Indeed if he studies Islam without bias and understood, he would be compelled to embrace the truth of Islam.

Secondly: It is incorrect to say that triple divorce in a single sitting is not mentioned in Quran. Some Islamic laws are mentioned in Quran clearly and some laws have been mentioned comprehensively and briefly whose details and interpretation has been made by Prophet Mohammad ﷺ by his actions and sayings. Quran is a complete book of guidance and perfect code for the whole of humanity which was revealed with complete comprehensiveness on Prophet Mohammad ﷺ who is its interpreter and preacher.

Instructions regarding divorce have been mentioned quite comprehensively in the Quran. Quran mentions three divorces to be given gradually in periods. Order is to give two divorces and take back the wife, however, after giving two divorces, the wife would become unlawful by giving third divorce and would not be lawful unless she marries another husband, consummate the marriage and is either divorced by her husband or becomes a widow.

After mentioning these divorce laws, Quran also says that these laws are Allah's limits. He who crosses it would be cruel. When the Quran has made legal limitations for divorce that gradually three divorces should be given, then if a person violates it by giving triple divorce in one sitting, he would be cruel. As per the decree of the Quran, such a person is cruel, then three divorces would indeed be enforced. If the three was not enforced by giving three, rather one would be enforced or none would be enforced then why would a person giving triple divorce in one sitting be cruel? If by giving triple divorce instantly would not annul the marriage or the wife would not become unlawful, then why would giving triple divorces instantly be cruelty? It is known that by giving triple divorce in a single sitting would enforce three divorces and the person doing such action would be cruel as per the verses of the Quran.

The gist is that although the mention of triple divorce being given in one sitting is not clearly mentioned in the Quran, however it has been mentioned in signals and overall, whose details and interpretation can be found in Sahih hadith of Prophet Mohammad ﷺ and upon which is the consensus of the companions. Hence, of course it is correct to say that triple divorce in one sitting is effective in making the wife unlawful. It is mentioned in the Quran and Quran has termed it cruelty. It is correct to take legal action on giving triple divorce in one sitting and to define specific punishment on it however completely rejecting it or terming it ineffective so that the wife does not become unlawful would be interference in Islamic law.

Doubt #3: When divorce is considered the most disliked action then why should be considered correct and permissible? Can a disliked and hated action be a part of Islam? (*Citing some objections from the judges*)

Reply #3: Divorce has not been termed absolutely disliked in Islam. Sometimes as per need, condition and reason, giving divorce is permissible and legitimate, sometimes obligatory and sometimes illegitimate and forbidden.

There is no mutual understanding and love between husband and wife, married life is unpleasant then it is permissible to give divorce. Man is incapable to render the rights of wife or he is not worth for her or she is immoral or disobedient and all ways of reform is closed then it is obligatory to give divorce. In the above-mentioned conditions, it is not unpleasant in eye of Islam to give divorce, however for this as well Islam has specified principles and laws that no one should give triple divorce in one sitting. This form of giving divorce is unacceptable in Islam and is cruel. However, effect of this cruelty will indeed be on the marital life of husband and wife and both would be unlawful for each other. Similarly, if a man, without any need, divorces his wife, whether it is one or two, this action is also unacceptable in Islam. If anyone commits such unacceptable

thing, then Islam has also specified rules for it that if he takes her back within the waiting period, the marriage would not be annulled and if he does not take back within waiting period the marriage would be annulled, however both the husband and wife with mutual consent can remarry.

The gist is that in the eyes of Islam, the divorce is unacceptable and sin, which is given without any need or by cruelty and excesses or which is not given as per the method mentioned by Shariah. For example, although giving triple divorce in one sitting is a sin and unacceptable, however Islam has not kept it out of its legal jurisdiction, rather specified law for it that a person who gives divorce in this manner will be cruel, his marriage would be annulled and spouses would become unlawful for each other.

Saying this that how can an action which is a sin and disliked be part of Islam, is a result of lack of knowledge of Islamic instructions. Indeed a sinful and disliked action is cause of Allah's and Prophet's anger, however it is included in the jurisdiction of defined laws of Islam. A lot of non-permissible, unlawful and sinful actions are unacceptable and sinful in the eye of Islam, but all are in the jurisdiction of Islamic law. A worshiper has no right to exclude any one of them from the specified legal jurisdiction of Islam.

For example:

Deliberately eating while fasting is a sin and forbidden. As per Islamic law, it breaks the fast and atonement (*kafarah*) is mandatory. Does anyone has the right to say that deliberately eating while fasting is a sin, and Allah dislikes it and any action which is not liked by Allah cannot be part of Islam? If a person does it, will the order be that his action would be annulled and by this neither the fast is broken nor atonement is mandatory?

To abuse anyone is a sin and unacceptable in Islam. Zaid abused Bakr. Bakr filed a case against Zaid. Will this judgment be made that both of you are Muslim and if you wish to listen as per Islamic law then listen: Abusing someone is a sin and cruelty in Islam and anything which is a sin cannot be a part of Islam, hence the abuse that Zaid gave to Bakr is annulled and ineffective? Such a judgment would be funny.

This needs to be pondered that Islam has termed triple divorce in one sitting as cruel. If the cruelty does not have any effect then why is it cruel? If triple divorce in one sitting is cruelty then it will indeed have effect on marriage. How to stop this cruelty should be pondered upon. What punishment should be made for it? Instead of putting appropriate strategies and laws to stop this cruel action, terming the cruel act ineffective and void is irrational and would lead to increase in cruelty.

Doubt #4: Hazrat Ibne Abbas رضي الله عنه states that Rukanah رضي الله عنها gave triple divorce to his wife in one sitting. Then he became sad and hence asked Prophet Mohammad ﷺ on the issue. Prophet Mohammad ﷺ asked, “How did you give divorce?” Rukanah رضي الله عنها said: “I gave her triple divorce.” The prophet asked, “In one sitting?” Rukanah رضي الله عنها said: “Yes”. Prophet Mohammad ﷺ said: “It is one divorce, if you wish you can take her back.” Hence, Rukanah رضي الله عنها took her back. (Sunan al Kubra - Baihiqi, 7/555)

By this hadith, it is known that Prophet Mohammad ﷺ termed triple divorce in one sitting as one divorce and on your instruction, Rukanah رضي الله عنها took his wife back.

Reply #4: The above-mentioned narration of Hazrat Ibne Abbas رضي الله عنه lacks credibility.

First Reason: This narration of Hazrat Ibne Abbas رضي الله عنه mentions that Prophet Mohammad ﷺ had termed the triple divorce in one sitting of Rukanah رضي الله عنها as one divorce, though the fatwa of Hazrat Ibne Abbas رضي الله عنه himself used to be against it. It is not possible that he used to give the fatwa against the order of Prophet Mohammad ﷺ. The principle is that when there is something in the narration, which is against the madhab of the narrator, and then this narration lacks credibility. Hence the above-mentioned narration of Hazrat Ibne Abbas رضي الله عنه in which the triple divorce of Hazrat Rukanah رضي الله عنها is considered one, lacks credibility.

Second Reason: If any incident occurs in a house, the people of the house know it better. There is a famous saying “صَاحِبُ الْبَيْتِ أَدْرَى بِحَالِهِ” – The person of the house knows the condition of the house better. The incident of the divorce of Hazrat Rukanah رضي الله عنها was mentioned by Hazrat Akramah from Hazrat Ibne Abbas and also reported by great grandson of Hazrat Rukanah, Nafe bin Ujair bin Abd e Yazeed, hence the narration of Nafe bin Ujair would be superior. It is the narration of Nafe bin Ujair that Rukanah had given his wife ‘Battah Divorce’ (emphasized divorce). He came to Prophet Mohammad ﷺ and said: “O Allah’s apostle! I have given my wife Battah divorce and I swear to Allah that I meant only one divorce. Prophet Muhammad took an oath from him for did he had an intention of giving one divorce? Hazrat Rukanah said: " I swear on Allah! My intention was only for one divorce. Prophet Mohammad ﷺ termed it as one divorce. (Sunan Abu Dawood, 2/263, Baab fil al Battah)

As per Hazrat Rukanah’s great grandson, Hazrat Rukanah had not given triple divorce to his wife rather Battah Divorce (emphasized divorce) and while giving ‘Battah Divorce’ if the intention is not of triple divorce, then it would be irrevocable divorce and if the intention is of three then triple divorce would be enforced. This is the reason that Prophet Mohammad ﷺ asked Hazrat Rukanah after

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taking oath whether he had the intention of one divorce? He replied, “Yes, I had the intention of one divorce.” It is clear from this that if Hazrat Rukanah’s intention was triple divorce then three would have been enforced and the wife would have become unlawful on him. Hence, from Rukanah’s hadith also it is known that triple divorce in one sitting will be considered one.

Talking on the narration of Hazrat Ibne Abbas رضي الله عنه in which it is mentioned that Hazrat Rukanah had given triple divorce to his wife, and then there could be error on part of any narrator in the chain of narration in interpreting the case. The narrator might have thought that by Battah Divorce (emphasized divorced) it meant triple divorce. Hence, the narrator as per his understanding said that Rukanah gave triple divorce to his wife and Prophet Mohammad ﷺ termed it as one divorce and then stated it in reference to Hazrat Ibne Abbas رضي الله عنه, though it was the fatwa of Hazrat Ibne Abbas رضي الله عنه that triple divorce in one sitting would be considered three.

Regarding divorce of Hazrat Rukanah, the narration of Hazrat Nafe bin Ujair is more preponderant than the narration of Hazrat Ibne Abbas because the narration of Nafe bin Ujair is the narration of the family of Rukanah. In addition to this, the narration of Hazrat Ibne Abbas رضي الله عنه is against the stand and his fatwa. This is the reason that Imam Baihaqi had commented after copying the hadith of Hazrat Rukanah:

وَهَذَا الْإِسْنَاءُ دَلَالَةٌ تَقُومُ بِهِ الْحُجَّةُ مَعَ تَمَامِيَّةِ رَوَاةٍ عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا فُتِيَاهُ يُخْلَفُ ذَلِكَ وَمَعَ
رَوَايَةِ أَوْلَادِ رُكَانَةَ أَنَّ طَلَاقَ رُكَانَةَ كَانَ وَاحِدَةً.

Translation: It is incorrect to establish validation from this chain of narration because eight persons have copied against this the fatwa of Hazrat Ibne Abbas. In addition to this, it is in the narration of the children of Rukanah that Rukanah’s divorce was one (Sunan al Kubra - Baihiqi, 7/55, Hadith no 141987)

Also, Imam Dawood has commented relating to Rukanah's hadith:

وَحَدِيثُ تَالِيفِ بْنِ عُجَيْرٍ وَعَبْدِ اللَّهِ بْنِ عَلِيٍّ بْنِ يَزِيدَ بْنِ رُكَانَةَ عَنْ أَبِيهِ عَنْ جَدِّهِ أَنَّ رُكَانَةَ طَلَّقَ امْرَأَتَهُ الْبَيْتَةَ
فَرَدَّهَا إِلَيْهِ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَحْسَحُّ لِأَنَّ وَلَدَ الرَّجُلِ وَأَهْلَهُ أَعْلَمُ بِهِ أَنَّ رُكَانَةَ إِثْمًا طَلَّقَ امْرَأَتَهُ الْبَيْتَةَ
فَجَعَلَهَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَاحِدَةً.

Translation: The narration of Nafe bin Ujair and Abdullah bin Ali bin Yazeed bin Rukanah from their father and grandfather that Rukanah (رضي الله عنه) had given his wife 'Battah Divorce' (Emphasized divorce), then Prophet Mohammad ﷺ left it over to Rukanah's (رضي الله عنه) intention. This hadith is more correct than the hadith of Ibne Abbas because the person's children and family members know him much better and it is the saying of Rukanah (رضي الله عنه)'s children that Rukanah (رضي الله عنه) had given his wife Battah divorce and Prophet Mohammad ﷺ had considered it one divorce. (Sunan Abu Dawood, 2/259, Hadith no 2196)

It was known that Hazrat Rukanah (رضي الله عنه) had not given triple divorce to his wife, but only battah divorce and by this his intention was one divorce for which he even swore in front of Prophet Mohammad ﷺ, then Prophet Mohammad ﷺ as per his intention termed battah divorce as revocable divorce. Hence, it is incorrect to argue from the hadith of Rukanah (رضي الله عنه) that Prophet Mohammad ﷺ had termed triple divorce of Hazrat Rukanah in one sitting as one.

Allama Nawawi states in Sharah Muslim:

“وَأَمَّا الرِّوَايَةُ الَّتِي رَوَاهَا الْمُخَالِفُونَ أَنَّ رُكَانَةَ طَلَّقَ ثَلَاثًا فَجَعَلَهَا وَاحِدَةً فَرَوَاهُ صَعِيفَةُ عَنْ قَوْمٍ مَجْهُولِينَ
وَإِثْمًا الصَّحِيحُ مِنْهَا مَا قَدَّمَ نَاهُ أَنَّ طَلَّقَهَا الْبَيْتَةَ وَلَفَّظَ الْبَيْتَةَ مُحْتَبِلًا لِوَأَحَدَةٍ وَالثَّلَاثِ وَلَعَلَّ صَاحِبَ هَذِهِ
الرِّوَايَةِ الصَّعِيفَةَ اعْتَقَدَ أَنَّ لَفْظَ الْبَيْتَةِ يَفْتَحِي الثَّلَاثَ فَزَوَّاهُ بِالْمَعْنَى الَّتِي فِيهَا وَعَلَى فِي ذَلِكَ (10/70)

Translation: The narration that opposition has made reference to that Hazrat Rukanah had given triple divorce to his wife and Prophet Mohammad ﷺ had decided on one divorce, is weak (dhaeef). It has copied from unknown (majhool) people. The correct narration is that which we have mentioned earlier that Hazrat Rukanah had given battah divorce and the word battah is presumed to be one divorce as well as three divorces. Perhaps the narrator of this weak narration would have thought that the word battah means triple divorce and hence the meaning that was understood by the narrator, narration was done as per it and it became incorrect narration.

Doubt #5: There is a hadith of Sahih Muslim Sharif that Hazrat Ibne Abbas رضي الله عنه said: In the era of Prophet Mohammad ﷺ, the caliphate of Hazrat Abu Bakr رضي الله عنه and the first two years of the caliphate of Hazrat Umar رضي الله عنه, triple divorce was considered as one. Then Hazrat Umar رضي الله عنه termed triple divorce as three. This proves that considering triple divorce in one sitting as one divorce was the way of Prophet Mohammad ﷺ and first caliph Hazrat Abu Bakr Siddique رضي الله عنه.

Reply #5: This is correct that this narration is present in Sahih Muslim, but by this it is incorrect to understand that Prophet Mohammad ﷺ and Hazrat Abu Bakr Siddique رضي الله عنه used to consider triple divorce in one sitting as one divorce.

The incident is that the above mentioned narration is related to a special case and that is in the era of Prophet Mohammad ﷺ, Hazrat Abu Bakr and the initial era of Hazrat Umar رضي الله عنه, a person would give divorce to his wife by saying: “انـتِ طالق، انـتِ طالق، انـتِ طالق” (You are divorced, you are divorced, you are divorced). By this, the intention of the person giving divorce was of one divorce and the additional twice انـتِ طالق was for emphasis. By saying انـتِ طالق the intention was not to give triple divorce, rather when they wished to

give triple divorce, they would say **انْبِ طالقاً ثلاثاً** (You are divorce thrice). Hence, it was considered one divorce. However if a person had the intention of triple divorce from it then it was considered three. This order depends upon intention. If the intention was one then one, and if the intention is three then three. However if someone said that my intention was neither to emphasize one divorce nor to give three divorces, then in this case, considering the majority, most of the people would not intend three divorce by it, rather intended emphasizing on one divorce. The order used to be given that by saying triple divorce in this manner would be considered one divorce. This condition remained till the initial two years of caliphate of Hazrat Umar رضي الله عنه. Then most of the time it happened that people used to say divorce word thrice and did not meant to emphasize one divorce, rather used to say the word divorce thrice with the intention to give triple divorce. Hence, Hazrat Umar رضي الله عنه considering the majority gave the order that if anyone says the divorce word thrice and his intention is neither to emphasize one divorce nor to give triple divorce, in such condition triple divorce would be enforced.

The decision of Hazrat Umar رضي الله عنه was neither against the decision of Prophet Mohammad ﷺ nor against the decision of Hazrat Abu Bakr Siddique رضي الله عنه. In the era of prophet and Abu Bakr, as most of the people by saying “**انْبِ طالقاً**” thrice meant emphasizing one divorce, hence by saying “**انْبِ طالقاً**” thrice, if it was meant emphasis and not the intention of triple divorce, interpreting the intention of majority of the people, it was considered one divorce favoring such a person. However, in the era of Umar Farooq, most of the people said “**انْبِ طالقاً**” with the intention of giving triple divorce. Hence, Hazrat Umar رضي الله عنه considered triple divorce in favor of that person whose intention was neither one divorce nor triple divorce. The order which was made in the era of prophet and Hazrat Abu Bakr

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related to one specific divorce considering the majority, in the era of Hazrat Umar, order was implemented contrary to it, considering the majority as the condition of majority had changed to its opposite.

It was known that Hazrat Umar رضي الله عنه neither went against Prophet Mohammad ﷺ on this issue nor against Hazrat Abu Bakr Siddique رضي الله عنه. This difference is in fact is the difference in person's status and the current trend and in reality not the difference in the order.

In addition to this, Majority of Muhadditheen and jurists have termed the hadith of Tao'os as non-credible.

There is the saying of Muhaddith Ibne Abdul Bar Almaliki:

وَرَوَايَةُ تَاوُوسٍ وَهَمْدٍ وَعَاطِلٍ لَمْ يُعْزَجْ عَلَيْهَا أَحَدٌ مِنْ فُقَهَاءِ الْأَمْصَارِ بِالْحِجَازِ وَالشَّامِ وَالْعِرَاقِ وَالْمَشْرِقِ
وَالْمَغْرِبِ.

Narration of Tao'os is wrong and illusion. Jurists of Hijaz, Syria, Iraq, west and the east do not term it valid. (Tafseer e Qurtubi, 3/129)

Tao'os is unique in this narration. Other disciples of Hazrat Ibne Abbas, for example Saeed bin Jubair, Ata'a bin Rabah, Mujahid, Amr bin Dinar, Malik bin Haris, Mohammad bin Iyas, Muawiyah bin Abi Ayaas, all these people have copied narration against Tao'os from Hazrat Ibne Abbas and that is that Hazrat Ibne Abbas رضي الله عنه considered triple divorce in one sitting as three. Hence, the narration of single hadith of Tao'os, being unique against other majority disciples of Hazrat Ibne Abbas, is isolated (Shaz) therefore non-credible and this is the reason that Imam Baihaqi has stated this saying of Imam Ahmed that:

divorce in one sitting as three and same was the stand of the companions رضي الله عنهم.

The interpretation and explanation of Hadith of Sahih Muslim mentioned by me (author) is not self-opinion rather this is the interpretation of Imam Jalaluddin Syuti رحمته الله mentioned in Sharah Sahih Muslim. Hence, he writes in reference to Imam Nawawi:

هَذَا الْحَدِيثُ مَعْدُودٌ مِنَ الْأَحَادِيثِ الْمُشْكِلَةِ وَالصَّحِيحُ فِي تَأْوِيلِهِ أَنَّ مَعْنَاهُ أَنَّهُ كَانَ فِي أَوَّلِ الْأَمْرِ إِذَا قَالَ “لَهَا أَنْتَ طَالِقٌ أَنْتَ طَالِقٌ أَنْتَ طَالِقٌ وَلَمْ يَنْوِ تَأْكِيدًا وَلَا إِسْتِثْنَاءً يُحْكَمُ بِوُقُوعِ طَلْقَةٍ لِيَقْلَعَ إِرَادَتِهِمْ إِلَّا سِتْمَتًا بِذَلِكَ تَحْمِيلًا عَلَى الْعَالِيَةِ الَّذِي هُوَ إِرَادَةُ التَّأْكِيدِ فَلَمَّا كَثُرَ فِي زَمَنِ حَمْرٍ وَكَثُرَ إِسْتِعْمَالُ النَّاسِ بِهَذِهِ الصِّيغَةِ وَعَلِبَ إِرَادَةُ الْإِسْتِثْنَاءِ بِهَا حُمِلَتْ عِنْدَ الْإِطْلَاقِ عَلَى الثَّلَاثِ عَمَلًا بِالْعَالِيَةِ السَّابِقِ إِلَى هَذِهِ الصِّيغَةِ وَمِنْهَا فِي ذَلِكَ الْعَصْرِ. (Sharah Suyuti, 4/89)

Translation: This hadith is included in Ahadith mushkilah. The correct thing in its interpretation is that its meaning is that initially (in the Prophet era and Hazrat Abu Bakr’s era) the matter was that when a person said to his wife ‘انتطالق، انتطالق، انتطالق’ (you are divorced, you are divorced, you are divorced) and the intention of the word طالق was neither emphasis of one divorce nor the intention of giving triple divorce, then the order would be given to enforce one divorce because most of the people meant emphasis by this repeat of divorce. Hence considering the majority, interpreting triple divorce of such person to emphasize, was considered one divorce. But in the era of Hazrat Umar رضي الله عنه, when many people by saying ‘انتطالق’ thrice intended triple divorce, then Hazrat Umar رضي الله عنه, considering the majority, termed such specific triple divorce as three because in his era generally people would say to wife ‘انتطالق’ thrice and the intention was to give triple divorce.

This mentioned hadith of Sahih Muslim does not mean that in the era of prophet and Hazrat Abu Bakr, triple divorce in one sitting was considered one absolutely. Rather, it was a specific divorce. A person giving such specific divorce was given order that one divorce is implemented on his wife.

This shows that if a person, with the intention of giving triple divorce, said 'you are divorced' thrice then even in the era of the prophet and Hazrat Abu Bakr, it was enforced as triple divorce. Then how can it be correct to say absolutely that in the era of the prophet and Hazrat Abu Bakr triple divorce in one sitting was considered one?

Even if this is accepted that triple divorce in one sitting was considered one in the era of the prophet and Hazrat Abu Bakr and Hazrat Umar رضي الله عنه in his caliphate termed it triple divorce, then the question arises that whether this action of Hazrat Umar رضي الله عنه was termed acceptable by the companions of his era? Indeed companions had termed acceptable this action of Hazrat Umar رضي الله عنه. No companions denied it in fact all agreed. When the companions did not denied then who has the right to term this action of Hazrat Umar رضي الله عنه unacceptable?

There are many instructions of Islam which after the era of prophet and Hazrat Abu Bakr and Hazrat Umar changed due to change in time with consensus of the companions and till date, Muslim Ummah follows it.

In the era of the prophet and Hazrat Abu Bakr, Taraweeh prayers was not worshipped in congregation, but Hazrat Umar رضي الله عنه in his caliphate established it and now congregation of Taraweeh prayers is Sunnah.

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In the era of the prophet and Hazrat Abu Bakr, women had permission to pray along with men in congregation in Masjids, however Hazrat Umar رضي الله عنه stopped it in his caliphate because due to change in time mischief was prevailing among the action and intentions of people and companions fully supported this decision of Hazrat Umar. So, Hazrat Aishah said while supporting this decision: Had Prophet Mohammad ﷺ saw the condition which has come in women today; he would have indeed stopped them in coming to Masjids, like Bani-Israeli women were stopped. (Sahih Bukhari, 173/1)

The first Azan of Friday prayer was not in the era of the prophet, Hazrat Abu Bakr and Hazrat Umar, but Hazrat Usman رضي الله عنه, seeing the large population of Muslims and their engagement in their business activities, added the first Azan to make them able to get ready for the Friday prayer and the companions without any denial accepted it and till date Muslims around the world are following it.

There are many similar instructions in Islam which are proved after the era of the prophet by the consensus of the companions and the whole Muslim Ummah accepts it. If some people later term it unacceptable then, in comparison to majority of Muslim Ummah, their saying is unacceptable and rejected.

The truth is that triple divorce in one sitting has been accepted as three by Prophet Mohammad ﷺ, Companions, Tabieen, and Aimmah Mujtahideen. Hence, there is no scope of denial from it.

Doubt #6: The hadith of Sahih Muslim which is narrated from Uwaimir Ajlani رضي الله عنه that after blaming his wife for adultery gave his wife triple divorce and Prophet Mohammad ﷺ enforced it; it is incorrect to argue from this that the triple divorce in one sitting to be considered thrice because with the word adultery itself there is separation occurs among the spouses and their marriage is annulled. For this divorce

is not required. Separation between Hazrat Uwaimir Ajlani and his wife had already happened due to adultery blame hence Prophet Mohammad ﷺ did not ask Hazrat Uwaimir to give triple divorce, but he gave triple divorce and Prophet Mohammad ﷺ did not deny because prohibition was proved due to adultery blame and not due to triple divorce and thus Prophet Mohammad ﷺ did not forbid from it. But how is it correct to prove from it that generally every time when a person gives triple divorce in one sitting would be enforced? If the order is taken from this hadith on the enforcement of triple divorce, then it should also be proved from this that giving triple divorce in one sitting is Sunnah because this same hadith is in Sunan Abu Dawood and this words are also mentioned in it: “وَكَانَ مَا”
 “صُنِعَ عِنْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سُنةً.” – Whatever done near Prophet Mohammad ﷺ was Sunnah. Will this be said that this action of Hazrat Uwaimir Ajlani is Sunnah? If this is Sunnah then why triple divorce in one sitting is said heresy (bida’at)?

Reply #6: Blame of Adultery itself does not bring separation between spouses and the marriage is not annulled, rather after separation by the Qazi (Judge), it reaches irrevocable divorce and the spouses’ marriage is annulled. Before separation by the Qazi, the marriage is not annulled. This is the reason that if the husband before separation retracts from his accusation and says that I had wrongly accused my wife of adultery, then the husband would be punished for adultery blame and would remain in marriage and there would be no need for remarriage. This is also proved from the narration of Hazrat Uwaimir Ajlani رضي الله عنه. Hence, when Hazrat Uwaimir completed his blame of adultery, Prophet Mohammad ﷺ had not ordered separation and he said: “O Allah’s Apostle! If I now take back my wife in marriage, I would be accused of making false allegations; hence, I gave her triple divorce. As Hazrat Uwaimir’s marriage was not annulled till the order of separation and Hazrat Uwaimir wished that his wife be unlawful upon him permanently, hence he gave his

wife triple divorce and Prophet Mohammad ﷺ also enforced them. This proves that in case of marriage continuing, if the husband gives triple divorce to his wife in one sitting, then all three would be enforced. Before separation, Hazrat Uwaimir's wife did not get out of marriage, hence Hazrat Uwaimir رضي الله عنه gave triple divorce and Prophet Mohammad ﷺ enforced it.

As far as the narration of Abu Dawood is concerned, where it is mentioned 'Whatever happened in the presence of Prophet Mohammad ﷺ was Sunnah', it is incorrect to form accusation that if Hazrat Uwaimir's triple divorce is considered enforced then it would be mandatory to term the triple divorce of Hazrat Uwaimir in one sitting as Sunnah, though Prophet Mohammad ﷺ had termed triple divorce in one sitting a sin. This accusation is not correct because the word Sunnah here is not related to the triple divorce of Hazrat Uwaimir rather it is for blame of adultery. This would mean that Hazrat Uwaimir رضي الله عنه made the adultery blame in front of Prophet Mohammad ﷺ and this procedure of adultery blame continued. Support on this is made by the narrator of the above-mentioned hadith Ibne Shahab Zahri which is mentioned in Sahih Muslim. Ibne Shahab Zahri says: "فَكَانَتْ سُنَّةُ الْهَيْلَاعَيْنِ" i.e. when Hazrat Uwaimir blamed his wife of adultery and went to Prophet Mohammad ﷺ to ask on the issue, then revelation was revealed on Prophet Mohammad ﷺ for the order of adultery and he said:

"قَدْ نَزَلَ فِيكَ وَوَيْ صَاحِبَتِكَ فَأَذْهَبِ فَأْتِي بِهَا" – Translation: Order has been revealed for you and your wife, go and bring your wife. Then Prophet Mohammad ﷺ made procedure of adultery on the spouses and this process was followed. This proves that Sunnah here means Sunnah of Claiming adultery and not Sunnah of divorce. Hence, it is incorrect to say that it obligates triple divorce in one sitting as Sunnah.

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It is known that from hadith of Sahih Muslim related to Hazrat Uwaimir Ajlani, it is correct to argue enforcement of triple divorce in one sitting.

Doubt #7: Triple divorce and Halala is banned in Muslim countries such as Egypt, Syria, Saudi Arabia, Qatar and Pakistan and is termed void, then why can't this be legally banned in India?

Reply #7: This is cheating. As per my (Author) study, neither triple divorce in one sitting has been voided in Islamic countries nor Halala have been legally banned.

Below are some excerpts from the legal law documents of some Islamic countries:

Islamic Countries and their state laws- regarding Triple Talaq& Halala

In United Arab Emirates

Section 104, clause 2 of divorce law says:

الطَّلَاقُ الْبَائِنُ بَيْنُونَةَ الْكُبْرَى: لَا تَحِلُّ الْبُطْلُقَةُ بَعْدَهُ لِطَلِّقِهَا إِلَّا بَعْدَ انْقِضَاءِ عِدَّتِهَا مِنْ زَوْجٍ آخَرَ دَخَلَ بِهَا فِعْلًا فِي زَوَاجٍ
عَيْنِيح

Translation: The woman, who has been given triple divorce, would be lawful for the person giving divorce when after completion of waiting period she marries another husband, consummates the marriage and then spends the waiting period.

((الطلاق في الامارات: المادة 104، شق 2)) (Al Talaq fi al Imaaraat: Al Madah 104, sec 2)

In Algiers

“لا يُحْكَمُ أَنْ يُرَاجَعَ الرَّجُلُ مَنْ طَلَّقَهَا ثَلَاثَ مَرَّاتٍ مُتَتَابِعَةً إِلَّا بَعْدَ أَنْ تَتَزَوَّجَ غَيْرَهُ وَطَلِّقَتْ مِنْهُ أَوْ يَمُوتَ عَنْهَا بَعْدَ الْبَيْتَاءِ.”

Translation: The woman to whom the husband has given triple divorce in succession, she would become lawful to him only when she marries another husband and divorces her after consummating the marriage or when her husband dies. (Qanoon e Usrat, Section 51)

In Kuwait

Page 35, section 107 of Kuwait's collection of Law “قانون الاحوال الشخصية” (Qanoon al Ahwalul Shakhsiya) states:

“يملك الزوج على زوجته ثلاث طلاقات” – Husband owns three divorces on his wife.

In Qatar

Page 41, section 111 of Qatar's collection of Law Al Mizaan (“الميزان”) states:

الطلاق البائن بينونة الكبرى: لا تحل المطلقة بعدة إلا بعد انقضاء عدتها من زوج آخر دخولا حقيقيا يعتد به شرعا في
زواج صحيح.

Translation: After divorced by triple divorce, divorcee would be lawful for her husband only when after waiting period marries another husband, consummates the marriage, which is legally valid.

In Syria and Egypt

Dr. Wahba Zuhaili writes while giving reference to section 91 of divorce law of Syria and Egypt:

“يَمْلِكُ الرَّوْحُ عَلٰى رَوْحِيْهِ ثَلَاثَ طَلَقَاتٍ” - Husband has the right to give three divorces on his wife. (Al Fiqhu al Islami wa adalatohu, 7/406)

The gist is that, the reference that is given of those Islamic countries that they have annulled triple divorce and Halalah and legally forbidden it and hence why Muslims have objection when same is done in democratic country like India. This is cheating and propoganda. All Islamic countries have retained legal status of triple divorce and Halalah as you have seen above some sections of legal documents of some Muslim countries. Yes there are some Muslim countries where against the opinion of majority of companions and Hadith and Quran, the supporters of Shaikh Ibne Taimiyah of 8th century Hijri and his disciple Ibnul Qayyim, have termed triple divorce as one, but their count is very less. (Ibne Taymiyya was also given punishment for going against this unanimous matter)

Although Saudi government and Ulema are the supporters of Ibne Taymiyya and Ibne Qayyim, The fact is that law in all Islamic countries including Saudi Arabia is the same i.e. triple divorce in one sitting is one by which wife would not be lawful for first husband without second marriage and Halalah.

Hence, as per Dr. Wahba Zuhaili, the team of Department of Ifta of Riyadh after mutual discussions have rejected terming triple divorce in one sitting as one, and have adopted the concept of triple divorce as concept of majority and have said that by giving triple divorce instantly will be enforced as three divorces. (Al Fiqhu al Islami wa adalatohu, 7/406)

In Saudi

A collection of Fatwas of the Muftis of Saudi Arabia by the name ‘الدرر السنّيه في الاجوبة النجدية’ (Al Darus sahiya fi ajubatil Najdiyya) has been published from Saudi Arabia. In its 1996/1417 H. edition, Vol. 1, page 240, fatwas of Saudi Muftis is available in these words:

وَعِنْدَنَا أَنَّ الْإِمَامَ ابْنَ الْقَيِّمِ وَشَيْخَهُ إِمَامًا حَقًّا مِنْ أَهْلِ السُّنَّةِ وَكُتُبُهُمْ عِنْدَنَا مِنْ أَعْرَ الْكُتُبِ إِلَّا الْآغَايِبُ مُقَدِّمِينَ لَهُمْ فِي كُلِّ
مَسْأَلَةٍ فَإِنَّ كُلَّ أَحَدٍ يُؤْخَذُ مِنْهُ قَوْلُهُ وَيُتْرَكُ إِلَّا نَبِيًّا مُحَمَّدًا صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَمَعْلُومٌ فِي عِثْرِ الْفِتْنَةِ لَهَا فِي عِدَّةٍ مَسَائِلٌ مِنْهَا
طَلَاؤُ الثَّلَاثِ بِالْفِطْرِ وَاحِدٍ فِي جَهْلِيَّسٍ فَإِنَّا نَقُولُ بِهِ تَبَعًا لِلْأَكْثَرِ الْأَرْبَعَةِ.

Translation: For us, Imam Ibne Qayyum and his sheikh (Ibne Taimiyah), Imam of Ahle Sunnah are right and their books are important for us. However we still do not follow them in every issue because except our Prophet Mohammad ﷺ, some saying of every person is acceptable and some non acceptable. This is known that we have opposed Ibne Qayyum and his sheikh in some issues. Among them is the issue of triple divorce in one sitting. Following the Imams of four schools of thought, we consider it three.

Despite deviating from consensus issues, why Ibne Taimiyah and his disciple Ibne Qayyum are Imam of Ahle Sunnah for Najdi scholars? For the time being we leave this discussion and we would like to prove that it is incorrect to abolish the Sharii status of Halalah and triple divorce in one sitting by giving reference of Islamic countries. Those who say this are either unaware of the divorce laws of Islamic countries or deliberately trying to cheat through media. The purpose is to make unaware Muslims fall in uncertainty and doubt on the issue of divorce law of Islam and to create feeling of disillusionment from Islam among people.

It should be clear that the correct experts of Islamic instructions and laws are scholars of Islam and jurists of the religion and the source of Islamic instructions and laws are Quran, Hadith, and consensus of the companions and indirectly analogy of the Mujtahideen. Even Muslims do not have the right to change or annul those instructions which are mentioned in Quran and hadith and upon which there is consensus of the companions. Hence, if the government authorities of any Muslim country have annulled legally triple divorce in one sitting or termed it one, then their law is against the Islamic law in comparison to Quran, hadith and consensus of the companions. That is completely unacceptable for all Muslims of correct faith because Muslims of correct faith keep belief on Quran, hadith and not on the government authorities of any Muslim country.

It is proved from Quran, hadith and consensus of the companions that triple divorce in one sitting is three. Although giving such divorce is a sin, however if a person gives then his wife would be unlawful on him until she remarries and performed Halalah. Hence, it is incorrect to annul it or accepting it as one divorce legally by giving reference to any Islamic or non-Islamic country. No Muslim can accept it.

Doubt #8: It is mentioned in Musannaf Ibne Abi Shayba the sayings of Tao'os, Qatadah and Jabir bin Zaid: When a person gives triple divorce to his non-consummated wife, it would be one divorce.

(These people are Tabein and it has been mentioned in the previous pages that there is no correct narration from any Tabein that triple divorce in one sitting would be considered one.)

Reply #8: The mentioned narration of Musannaf ibne Abi Shayba and narrations of similar type and the meaning that the opposition understands is not correct. The correct meaning of these narrations is that if a person gives triple divorce in one sitting to his non consummated wife with separate words, for example says 'You are divorced, you are divorced, you are divorced' then it would be one irrevocable divorce and the two meaningless divorces. However if a person gives triple divorce to his non consummated wife with one word then it would be enforced three and if he gives triple divorce to consummated wife, whether by one word or separate word or in one sitting or different sittings it would be enforced as three.

Earlier, in the narration of Hazrat Ibne Umar رضي الله عنه that he had given one divorce to his wife in her menses and Prophet Mohammad ﷺ had ordered to take her back and said that when the woman is pure from her menses then if you wish give her one divorce before having sex. Hazrat Ibne Umar asked, O Allah's Apostle, what if I had given triple divorce, would I have been able to take her back.

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Prophet Mohammad ﷺ had said: No, your wife would have separated from you and would not have been lawful.

Similarly, earlier this narration has been mentioned under the topic of Tabein that a person asked Hazrat Ata'a (Tabein) whether what is the order if a person gives triple divorce to his virgin wife. Ata'a replied that divorce of virgin is one. Hazrat Abdullah bin Amr said while correcting him: You are a storyteller and not Mufti. She would be irrevocable by one divorce and unlawful by three.

Part 3

Myths & Facts on Halala

What is Halala?

Whether the husband gives triple divorce to his wife as per Sunnah or against it, proclaims triple divorce in one word, or gives triple divorce to his consummated wife in separate sittings, then instantly marriage would be annulled and the spouses would be unlawful for each other. After giving such divorce husband does not have the right to take back the wife within the waiting period or remarries after waiting period.

As per the instructions of Quran and hadith, the wife now has the option if she wishes to marry another man and spent her life with him. If the woman marries another man with the intention of spending life with him, however could not adjust with him and the woman wishes to return to her first husband, it would be lawful only when second husband has sex with her and then either divorces her or dies and the wife after completing the waiting period of divorce or death, marries the first husband. This is known as Tehleel (تَحْلِيلٌ) or Halala as per jurisprudence terminology. Proof of Halala is from Quran, Hadith and consensus of the companions and even from the four schools of thought; hence there is no scope for Muslims to deny. We are mentioning arguments from each of it in sequence:

Proof of Halala from the Quranic verses

It is there in the verse 230 of Surah Al-Baqarah in the Quran:

فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدِ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهَا فَإِنْ طَلَّقَهَا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُتَرَاجَعَا إِنْ ظَنَّا أَنْ يُقِيمَا حُدُودَ اللَّهِ وَتِلْكَ حُدُودُ اللَّهِ يُبَيِّنُهَا لِقَوْمٍ يَعْلَمُونَ .

Translation: Then if he divorces (for the third time), she will not be lawful for him until she marries some husband other than him. But if he (the latter) also divorces her, in such a case there shall be no sin on both of them (the former husband and the wife) if they return (once more to the wedlock), provided both of them (now) think that they would be able to observe the limits set by Allah. And these are the limits (prescribed) by Allah which He explains to those who have knowledge.

Warning: Marriage in the verse means intercourse as the explanation is mentioned in ‘Ahadith Sahihah Mashhooah’. This is the reason that interpreters have interpreted marriage as intercourse and the real meaning of marriage is intercourse. Hence it is there in Tafseer Ibne Katheer: “حَتَّى تَدْخُلَ زَوْجًا غَيْرَهَا حَتَّى يَطَأَهَا” – Until has intercourse by having legal marriage with second husband. She would not be lawful for the first husband without having intercourse with second husband. Imam Shafi’i رحمته الله writes in its interpretation:

فَيَبِّئُ عَلَى لِسَانِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يُصَيِّبَهَا وَإِلَّا كَفَرَتْ تَحِلُّ لَهُ

Translation: Allah has said by the words of Prophet Mohammad ﷺ that to have intercourse with the second husband, or else she would not be lawful for the first husband. (Tafseer Imam Ash-Shafai, 1/368)

Proof from Ahadith

After third divorce or after giving triple divorce instantly, the marital relation ends between spouses and both become unlawful for each other. After this, the woman has the right to marry any other person of her wish after the passage of the waiting period and spend her marital life with the second husband. After second marriage, if the woman wishes to go back to her first husband and the first husband wants to take her back, it is only legally possible when the second husband divorces her after intercourse or dies. Then the woman after the passage of the waiting period of divorce or death can marry the second husband. This is proved from Hadith e Sahih Mashhoo and the hadith is that wife of Hazrat Rifa’ah Qarzi came to

Prophet Mohammad ﷺ and said: ‘O Allah’s Apostle! Rifa’ah has given me triple divorce. After that I have married Abdur Rehman bin Zubair Qarzi.’ Then she said something in gestures which meant that she wanted to go back to Hazrat Rifa’ah. Prophet Mohammad ﷺ said: ‘Perhaps you want to return to Rifa’ah? You can marry Rifa’ah only when you and Abdur Rehman do not have intercourse. (Bukhari & Muslim)

Proof from Consensus of the Companions (Sahabas)

Abul Hasan Yahya Yemeni Shafi’i (Demise: 558 H.) writes:

فَقَدَّتْ نِكَاحَ الثَّانِيِ بِالْأَيَّةِ وَتَبَدَّدَتْ إِصَابَتُهُ بِالسُّنَّةِ وَهُوَ إِجْمَاعُ الصَّحَابَةِ لِأَنَّهُ رُوِيَ عَنْ عُمَرَ وَعَلِيٍّ وَابْنِ عُمَرَ وَابْنِ عَبَّاسٍ وَجَابِرٍ وَعَائِشَةَ وَلَا يُعْرَفُ لَهُمْ مُخَالَفٌ.

Translation: For a woman, who is divorced by triple divorce, and wishes to marry first husband, proof for second marriage is from the (quranic) verse and to have intercourse is from Sunnah and there is consensus of the companions on it because this is narrated from Hazrat Umar, Hazrat Ali, Hazrat Ibne Umar, Hazrat Ibne Abbas, Hazrat Jabir and Hazrat Aishah رضي الله عنها and there is no companions violating it. (Al Bayan fi madhahib e Imam Shafai, 10/250)

Abul Hasan Ali Mawurdi Shafi’I (Demise: 450 H.) writes:

وَلِأَنَّهُ إِجْمَاعُ الصَّحَابَةِ رُوِيَ ذَلِكَ عَنْ عَلِيٍّ وَعَائِشَةَ وَجَابِرٍ وَابْنِ عُمَرَ وَأَنَسٍ أَنَّهُمْ لَا يَحِلُّ لِلْأَوَّلِ حَتَّى يُصِيبَهَا الثَّانِيِ وَقَالَ عُمَرُ وَعَلِيٌّ حَتَّى تَلِدُ فِي الْعُسَيْلَةِ وَهِيَ مَاءٌ لَا يُبَسُّ لَهُمْ فِي الصَّحَابَةِ مُخَالَفَةٌ.

Translation: To be lawful for marriage with the first husband it is important to have intercourse with the second husband as this proven from Sunnah and it has consensus of the companions. This is narrated from Hazrat Ali, Hazrat Aishah, Hazrat Jabir, Hazrat Ibne Umar and Hazrat Anas رضي الله عنهم that the woman would not be lawful for the first husband until she has intercourse with the second husband. Hazrat Umar and Hazrat Ali says that what hadith says that woman taste the

honey of man means that she has intercourse with him. None among the companions opposed it. (Al Haawi al kabeer, 10/327)

Stand of Imams of four schools of thought related to Halala

Imams of all four schools of thought are in agreement that a woman, after triple divorce, cannot be lawful for the first husband without Halalah. Although there are minor differences among them related to Halalah, however they all are in agreement that a woman, without Halalah, cannot be lawful for the first husband.

Imam Ahmed bin Hanbal

Ibne Qudamah Hanbali writes:

”وَجْهُورُ أَهْلِ الْعِلْمِ عَلَى أَنَّهَا لَا تَحِلُّ لِلأَوَّلِ حَتَّى يَطَّأَهَا الرَّوْجُ الْعَانِي وَطَبَّأَ يُوجَدُ فِيهِوَالْبِقَاءُ الْمُحْتَمَلِينَ“

Translation: Majority of scholars are in agreement that woman of triple divorce would not be lawful for the first husband till she has such an intercourse with second husband that their places of circumcision meet each other. (Al Mugni, 7/566)

Imam Shafi'i

It is in the book of Imam Shafi'i (‘الام’ - Al Umm) that:

وَقَالَ الشَّافِعِيُّ: فَإِذَا تَزَوَّجَتِ الْمُطَلَّقَةُ ثَلَاثًا زَوْجًا صَحِيحَ النِّكَاحِ فَأَصَابَهَا ثُمَّ طَلَّقَهَا فَأَنْقَضَتْ عِدَّتُهَا حَلَّ لِزَوْجِهَا الأَوَّلِ إِنْ بَدَأَ
نِكَاحَهَا

Translation: Imam Shafi'i says: When the woman of triple divorce legally marries second husband and he has intercourse with her, and then divorces her, then she would be lawful for the first husband after the passage of waiting period. (Al Umm, Nikah al Mutalaqa Salasa)

Imam Malik

Imam Malik رحمته الله on the proof of Halala, after mentioning the hadith related to divorced wife of Hazrat Rifa'ah رضي الله عنه as an argument, say:

“فَمِنْ أَجْلِ ذَلِكَ لَا يَحِلُّ لِمَنْ بَتَّ طَلَاقَ إِفْرَأْتِهِ أَنْ يَتَزَوَّجَهَا حَتَّى تَتَزَوَّجَ رَجُلًا غَيْرَهُ وَيَدْخُلَ بِهَا وَيَمْسَسَهَا”

Translation: It is proved from the above-mentioned Hadith that whoever gives his wife triple divorce, she would not be eligible for remarry unless she marries another husband and has intercourse with him. (Al Mudawwana, 2/209)

Imam Abu Hanifah

It is in the credible book of Hanfi school of thought, مبسوط السرخي:

“وَلَا يَحِلُّ لَهُ بَعْدَ مَا وَقَعَ عَلَيْهَا ثَلَاثُ تَطْلِيقَاتٍ حَتَّى تَتَزَوَّجَ رَجُلًا غَيْرَهُ وَيَدْخُلَ بِهَا”

Translation: After enforcing triple divorce, Woman would not be lawful for her husband unless she marries another husband and has intercourse with him. (Mabsoot al Sarakhsi, 6/8)

From the Islamic four Schools of thought it is proved that after the enforcement of triple divorce, the woman will be lawful for her husband only after she marries another husband and her second husband divorce her or dies after having intercourse with her and woman passes her waiting period and marry him.

Performing Marriage for Halala

If a man for reform purpose marries a woman divorced by triple divorce, for example man and woman are separated due to triple divorce for some reason and the man regrets his action and the woman also wishes to marry her first husband or both due to inevitable condition mutually agree to marry, then to protect both husband and wife from inconvenience and harm and for the purpose of reform and welfare of both, it is lawful to make Halalah marriage and also rewarded for

good faith. This is the sect of Imam Abu Hanifah. However, marrying with the condition of Halalah, for example, marrying on this condition that the second husband would divorce her after having intercourse so that she becomes lawful to marry her first husband is a sin and Makrooh Tahreemi. Marrying like this, for the natural desire and not for reform or with the condition of giving divorce, is a sin. It is in hadith that Allah's and his apostle's curse is on the one doing Halala and the one performing Halala.

Similarly performing Halala marriage for money is disgusting practice and a severe sin. It is in the hadith that such a person was called **تیس مستعار** (rented bull) in the period of arrogance. This is a social and legal crime, hence such a person is a criminal both in the eye of the society and Shariah.

□ Arranging marriage to second husband for natural desire or by taking money or on the condition of giving divorce is a sin however if the second husband marries like this and divorce the woman after intercourse, then the woman after the waiting period would be lawful for her first husband. This is the stand of Imam Abu Hanifah.

The argument of Imam Abu Hanifah **رضي الله عنه** is that the condition mandatory for legality of second marriage is obtained. Those who are marrying are both adult and mature and for the health of the marriage, solvent location is also available and two mature adults have accepted the proposal in front of witnesses hence the marriage is legal and the condition of Tahleel i.e. the condition that second husband after intercourse will give divorce, becomes invalid. But if along Nikah there is evil condition then the condition would not be considered and the marriage would be legal. Hence, the marriage with the second husband was made on this condition that he would divorce after intercourse then he cannot be forced for divorce. If the marriage with second husband is correct then after intercourse, she would be lawful for first husband and marriage with first husband would be correct. It is in the trusted book 'Al Hidayah' of Hanafi school of thought, **هدايه**:

وَأَذَا تَزَوَّجَهَا بِشَرْطِ التَّخْلِيلِ فَالتَّكَاخُ مَكْرُوهٌ وَالْقَوْلُ بِهِ عَلَيْهِ السَّلَامُ لَعَنَ اللهُ الْمُحَلَّلَ وَالْمُحَلَّلَ لَهُ وَهَذَا هُوَ مَعْتَمَدٌ فَإِنْ طَلَّقَهَا بَعْدَ مَا وَطَّئَهَا حَلَّتْ لِلأَوَّلِ لِوُجُودِ الدُّخُولِ فِي نِكَاحٍ صَحِيحٍ إِذَا التَّكَاخُ لَا يَبْطُلُ بِالشَّرْطِ .

Translation: When the marriage is made on the condition of Halala (giving divorce after intercourse), the marriage is Makrooh (disliked) because Prophet Mohammad ﷺ said that Allah's curse is on the person doing Halala and the one enforcing Halala. This hadith has the same meaning (i.e. marrying on the condition to give divorce after intercourse). Then after intercourse divorce is given, she would be lawful for the first husband because intercourse was found through legal marriage and by this condition, marriage would not be invalid. (Hidaya, 2/258, Faslo fima Tahillo fihi al mutalaqato)

□ As per the Maliki school of thought, marrying second husband with the condition of giving divorce, so that she becomes lawful for first husband, will lead to condition and marriage both becoming invalid. Same is mentioned in Al Mudawwana (المدونة) , etc. It is in حاشية الصاوى على شرح الصغير:

إِعْلَمُ أَنَّهُ إِنْ تَزَوَّجَهَا بِشَرْطِ التَّخْلِيلِ رِجَالٍ أَوْ بغيرِ شَرْطٍ لَكِنَّهُ أَقَرَّ بِهِ قَبْلَ الْعُقْدِ فَالْفَسْخُ بِغَيْرِ طَلَاقٍ وَإِنْ أَقَرَّ بِهِ بَعْدَهُ فَالْفَسْخُ بِطَلَاقٍ كَمَا فِي التَّوَضِيحِ .

Translation: If the second husband marries on the condition to give divorce after intercourse or married without condition but admitted before knot then the marriage would be annulled without divorce and if admitted after knot then the marriage would be annulled by divorce. Same is in Tawzeeh. (Hashiya Saawi, 2/413)

This shows that for Maliki school of thought, marrying with the condition of Halala would make the marriage invalid and hence giving divorce after intercourse would not make her lawful for first husband. However from the narration of Ashhab and Nafe, this saying of Imam Malik is also copied that Imam Malik was asked if a woman marries a person with the intention of Halala, but the man does not know, and after intercourse she takes divorce, then this marriage would be

valid and by this the woman would be lawful for her first husband. (Al Bayan wat tahseel, 4/385)

□ According to Shafi'i school of thought if there no condition applied at the time of marriage that after intercourse he will divorce but before the knot this agreement has taken place, then although this agreement is makrooh but the marriage would be valid and after divorce from second husband the woman would be lawful for first husband. But if the condition is in **صَلْبِ عَقْدٍ** i.e. at the time of marriage this condition is mentioned then along with the condition the marriage would become invalid and this would be like contract marriage (Muta'a)

Hence it is in the book "Al Umm" of Imam Shafi'i, كتاب الامر :

وَلَوْ كَانَتْ بَيْتُهُمَا مُرَاوَضَةً فَوَعَدَا أَنْ نَكَحَهَا أَنْ لَا يَتَسَكَّهَا إِلَّا أَيَّامًا أَوْ إِلَّا مُقَامَةً بِالْبَلَدِ أَوْ إِلَّا قَدَرًا مَا يُصِيبُهَا كَانَ ذَلِكَ بَيِّنِينَ
أَوْ غَيْرِ بَيِّنِينَ فَسَوَاءٌ وَأَكْرَهَ لَهُ الْمُرَاوَضَةَ عَلَى هَذَا وَنَظَرْتُ إِلَى الْعَقْدِ فَإِنْ كَانَ الْعَقْدُ مُطْلَقًا لَا شَرْطَ فِيهِ فَهِيَ قَائِمَةٌ لِأَنَّهَا انْعَقَدَ لِلْحَيِّ
وَاجِدٍ وَتَنَهَّمَا عَلَى صَاحِبِهِ مَا لِلزَّوْجَيْنِ وَإِنْ انْعَقَدَ عَلَى ذَلِكَ الشَّرْطِ فَسَدَّ وَكَانَ كَيْسَاجَ الْمُتَعَةِ. (الامر ٥/٨٥)

Translation: If an agreement takes place between second husband and the divorced husband that after marriage the man will not keep her, rather some days or till staying at a place (city) or till intercourse, whether this is with condition or without, such agreement would be makrooh and (Imam Shafi'i) my opinion on the marriage is that if agreement is not mentioned in the marriage then it would be valid because marriage took place with mutual agreement of the spouses and their rights and if it is taken place on condition then it would be invalid like the contract marriage (Muta'a).

The gist is that after triple divorce, the woman would not be lawful for first husband without second marriage. This is proved from Quran, hadith and consensus of the companions and Imams of all four schools of thought agree on it. Hence, anyone's concept against it is rejected and unacceptable.

Clearing Clarifications related to Halalah

This misunderstanding is being spread by others that order of Halala is a cruelty on woman. By this, the woman is forced to have sexual relation with another man. This is a type of sexual violence.

This misunderstanding is in fact result of non-study of divorce law of Islam, justly and minutely. The way Islam has told to give divorce, as per it, neither the man bears loss nor the woman. Giving stepwise divorce is the acceptable method of Islam. The purpose of giving third divorce after giving step wise two divorces is that the marital relation of spouses is permanently finished and both as per their wish remarry and spend their life. After the marriage ends, both man and woman are independent for their marital related to marital life. Islam has not forced man and woman to remarry after ending marriage by divorce.

Man by giving instant triple divorce to his wife has made her unlawful to himself and did wrong to his wife and by his ignorance did wrong to himself as well. If by giving triple divorce instantly due to ignorance and anger, wife suffers, the man also has to suffer. After giving divorce the man runs to Muftis and scholars of Islam, so that any scope arises and the wife does not goes from marriage. Seeing this natural habit of human being, Quran has warned man that those transgressing the limits of Allah in divorce law would be a wrongdoer.

Earlier I had mentioned that sometimes the reason for giving divorce is also woman, hence woman is also included in this cruelty. This shows that in enforcing triple divorce in one sitting, sometime man is cruel and sometime woman. Islam has no relation to this cruelty. Because Islam has never granted permission to give triple divorce instantly in one sitting and hence Divorce law of Islam is pure from all type of cruelty.

If a man has given instant triple divorce to woman and she is innocent, then indeed man is a sinner and cruel. He would be punished by Allah for this sin as well as Shariah does not stop to punish such man economically and socially. Shariah does not force such divorced woman to marry another man so that she can marry her first husband. Shariah has given her right. If she wishes she can

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permanently get separated from such cruel husband and if need be marry another person and spend her life. Marrying divorcee or widows is not considered vicious in Islam, rather it is the Sunnah of Prophet Mohammad ﷺ. Hence Islam encourages Muslims that they should marry divorcee and widows to ensure increase in the honor of women and deserve rewards of the hereafter.

If a divorced woman, affected by the cruelty of the husband is not able to marry due to some reason and she has children, then Islam makes mandatory for the children to be her guardian. Rather Islam has given her right to spend from her children's money without their permission for her needs and the children do not have right to stop her. Islam orders Muslims that if they require heaven then they should please their mother by serving her. Prophet Mohammad ﷺ said heaven is below the feet of the mother.

If the divorced woman does not have children, then it is mandatory for her relatives to be her guardian. Muslim society also should take care of her needs. Islam has also made mandatory system of Zakat on Muslims for this. By the Zakat money, needs of such oppressed women be fulfilled. Now anyone should tell with justice, cruelty in which aspect is there in any Islamic law on divorced woman?

By triple divorce, Islam has not forced divorced woman that by Halala she should become lawful for first husband. Rather she has given the option that if she wishes she can marry and spend her life with second husband. But if she wants that her second husband divorces her and she can marry her first husband who gave her triple divorce, then Islam has put condition that she would not become lawful for the first husband till she has intercourse with second husband. When Islam has not forced the woman divorced by triple divorce that she marries her first husband rather on her own wish she marries second husband so that she can marry her first husband, then where has Islam done wrong on her? When the woman on her own marries another person and consummates the marriage, then how can it be sexual violence? Terming sexual relation of husband wife as sexual violence is ignorance and undue violence.

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This misunderstanding is also being spread that the condition made for the woman divorced by triple divorce to marry her husband, that she marries another husband and have intercourse and then he gives her divorce or dies then after passage of waiting period she can marry first husband is irrelevant condition and such action is immoral and hence should be abolished.

This misunderstanding is created due to being unaware of the wisdom of this condition and its background. The purpose of Islam is to reduce the ratio of divorce to the lowest because divorce is disliked thing in Islam. Keeping this purpose in mind, right to give divorce is given to men in general condition. Because naturally, most of the men have more patience level, high level of forgiveness and ability to take correct decisions compared to women. Woman has to spend every month some days of impurity in which naturally their health has some irritation. Generally, women due to being busy in household chorus, taking care of children suffer mental stress. The man remains outside to complete financial needs and enters the house after hard work, then after meeting wife and children, his tiredness and mental stress goes out. This is accepted by experts of Physics that women generally in comparison to men are of poor understanding and less knowledge. Compared to men they have more level of revenge.

Keeping in mind the disparities in physical and natural attributes of man and woman, Islam has given the right to divorce to men because they have more wisdom, patience and perfect sense hence essentially by giving rope of divorce to men, the ratio of divorce in the society would be less. This is Islam's perspective. When the right to divorce is with men and the ratio is 0.3%, then it would be higher had it been with the women.

This is also a fact that some women are ahead of men in wisdom, patience and understanding, but naturally, men are ahead in these attributes. Hence keeping in mind the natural attribute of men, it is relevant to give the right to divorce to men.

Some men are of less understanding & wisdom, impatience, emotional and hasty and are carefree, cruel and lazy in executing the rights of the wife. Attacking wife now and then and inflicting cruelty on her is his hobby. In such condition Islam

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does not force woman to remain in relation with such cruel man and to suffer, rather gives permission to go to city Qazi and present her case and demand divorce or Khula.

The condition kept in Islam for the woman to be lawful to first husband after triple divorce is also based on this wisdom that the ratio of triple divorce remains less. To understand this it is necessary to tell the background behind the limitation of triple divorce in Islam.

Before the advent of Prophet Mohammad ﷺ it was the rule of the Arabs that some people after giving trouble gave frequent divorce to their wives and take her back. Like this, a person would give tens of divorce to his wife and then take her back in his fold. Islam has abolished this cruelty.

Hence, through verse 29 of Surah Al-Baqarah in the Quran, this law was announced that only after two divorces the right to retain the woman remains. After third divorce, man loses this right and woman is freed from his marriage. After the advent of this law, essentially the incidents of divorce reduced because now generally men would give one or two divorce and if desired took her back within the waiting period due to this situation of separation between spouses did not arise. However, there were some people who would give triple divorce to their wife and due to this marriage would get annulled and some people would get the marriage annulled by giving instant triple divorce. Then they wish to take her back or wish to remarry. Hence, the danger of rise in triple divorce rose; hence, Islam added a clause in the divorce law as divorce without need is against the spirit of marriage as the wife became permanently unlawful on him and marriage is to retain and not to break. Hence, after giving triple divorce if one wishes to marry his divorced woman, it is only possible that the woman after passage of waiting period marries another person and he after intercourse divorces her or dies and after the waiting period if the woman agrees can marry the first husband.

In this clause of the law, Islam has accommodated the nature of man. Naturally, man's honor does not accept that he marries a woman with whom another person

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had intercourse, even when marriage is correct. Hence affected by this limitation of the law, man would abstain in giving triple divorce to his wife, which would lead to graph of divorce coming down.

On the other hand, even woman's honor would not accept that she loses her modesty to more than one man, even by marriage. There are so many divorced and widow women who do not remarry due to this honor and spent their whole life with chastity and modesty. When a married woman would keep in mind that, if her husband gives triple divorce in a fit of anger, her marriage would get annulled and for remarriage she would have to pass through the difficult phase of second marriage, then indeed the woman would try to use happy, compassionate and sweet language. Neither she would demand divorce from man nor would use foul and evil language that would raise his anger. This would reduce the fear of enforcement of triple divorce by the man. Hence the condition of Halala for divorced woman after triple divorce is relevant and as per human nature. If pondered justly it would be understood that the condition of Halala (second marriage) has helped in reducing the incidents of triple divorce.

Part 4

Author's Inference and Remedial measures to curb divorce in Society

This is the ground reality that the incidents of step wise divorce among illiterate Muslims are less compared to triple divorce in one sitting which is more, though the matter was just opposite in the era of companions. The reason is that leave aside young men in the Muslim society, the elders also do not know when to give divorce and how? Due to unawareness of Islamic education and distance from it, most of the Muslims think that the wife would get divorced only when in one sitting divorce is given thrice. They do not know that even by saying divorce once, divorce would take place and then there is scope to take back the wife in the waiting period. They also do not know what is the Sunnah way of giving divorce. What is revocable? What is hearsay divorce (Talaq e Biddat) and what is waiting period? They just know that man is the owner of triple divorce. When he is the owner then ownership behavior should be shown. Hence, whenever they are angry, rain triple divorce.

We are responsible behind this cruelty and excesses. People do not worry to learn important religious issues. Scholars and Mashaikhs do not have interest to run important religious and reform movements on ground level. Orators do not take interest in speeches comprising of important religious issues basis in context and reform speeches leaving aside professional sermons.

No movement have been initiated to bring awareness among general Muslims related to important issues like Divorce due to which the condition we are facing in regards to divorce, every conscious Muslim knows.

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The need is that the community is guided on divorce issues and similar sensational issues. Instead of having formal sermons in Milad gatherings of the wedding ceremony, stepping out of formal sermons, sermons should be made on issues comprising of important issue like marriage and divorce. Parents should teach young boys and girls before marriage the Islamic way of spending marital life. What are the rights of spouses on each other? Ways permissible by Shariah on How and when to give divorce? Books on marriage and divorce and rights of spouses should be given to educated young boys and girls and they should be emphasized to read it. Apart from this, other effective measures should also be adopted. If awareness is brought among people in this way then Allah willing, the ratio of divorce in the Muslim society would automatically go down. May Allah give us strength to reform ourselves and our Muslim brothers.