

The question of three talaqs

Written by Administrator

Thursday, 19 January 2012 13:32 - Last Updated Thursday, 19 January 2012 13:35

QUESTION: There is a controversy prevailing on the question of three Talaqs. Some people say that three Talaqs issued in a single session or all at once equal ONE Talaq whereas we have always known three Talaqs to be counted as Three Talaqs. In support of Three Talaqs uttered simultaneously being one Talaq, they quote Shaikh Ibn Taimiyyah. Please explain the Shariah's viewpoint.

ANSWER:

The Shariah's viewpoint is what you and the entire Ummah have known and believed in for more than fourteen centuries, namely THREE TALAAQS ARE THREE TALAAQS regardless of the manner the three are issued, whether staggered over a period of years or administered in one statement. When THREE Talaqs have been issued it is termed Talaq Mughallazah which finally and irrevocably terminates the Nikah. Reconciliation is no longer valid. Only if the woman marries someone else, and if after consummation of the marriage, the second husband divorces her, may she again marry her previous husband. It is our intention to, Insha'Allah, write a booklet in response and refutation of all the baseless arguments which cranks in this age have acquired from the deviate Shaikh Ibn Taimiyyah for the baatil contention of three talaqs equalling one talaq. The aim of this article is to appeal to the intelligence of laymen who do not understand the technical and academic dalaal (proofs). The arguments presented in this article are simple for comprehension by unbiased intelligence uncontaminated by nafsaani dictates. Bear in mind the following facts:

- (1) Rasulullah (sallallahu alayhi wasallam) said: "Never will my Ummah unite on dhalaalah (deviation/error manifest/falsehood)."
- (2) The Shariah of Islam is more than fourteen centuries old.
- (3) Rasulullah (sallallahu alayhi wasallam) said: "The noblest of ages is my age (the age of the Sahaabah), then the next age (the age of the Taabieen), then the next age (the age of the Tab-e-Taabieen). Thereafter will prevail falsehood."
- (4) All the greatest authorities of Islam, namely, the Sahaabah, the Aimmah Mujtahideen, the great Fuqha, Muhadditheen and Mufasssireen, appeared in these three noble ages collectively known as Khairul Quroon.

On the basis of the foregoing facts which every Muslim can comprehend, and for which academic knowledge is not a requisite, the ruling of Islam was that Three Talaqs issued in

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any way whatsoever, even in a single statements, are THREE TALLAQs. There is Ijma' (Consensus) of the Four Math-habs on the validity of three Talaqs being three Talaqs. All Math-habs reject the notion of Three Talaqs being one Talaq if issued simultaneously.

The main argument which Ibn Taimiyyah and his followers who are today termed Salafis present for their baseless view of three talaqs being one talaq is that during the lifetime of Rasulallah (sallallahu alayhi wasallam), and during the Khilaafat of Hadhrat Abu Bakr (radhiyallahu anhu) and during the first two and half years of the Khilaafat of Hadhrat Umar (radhiyallahu anhu) three Talaqs uttered simultaneously were regarded as one Talaq. This argument is devoid of Shar'i substance for the following reason:

(a) The Khalifah of the time, Hadhrat Umar (radhiyallahu anhu) had issued the final Fatwa that three Talaqs are three Talaqs. He had greater awareness of the law which had prevailed in the lifetime of Rasulallah (sallallahu alayhi wasallam), Hadhrat Abu Bakr (radhiyallahu anhu) and during the first 2 years of his own Khilaafat. There is no one in the Ummah who can teach Hadhrat Umar (radhiyallahu anhu) a lesson in the Shariah. Despite being fully cognizant of the initial practice and ruling, he decreed that Three Talaqs administered simultaneously are Three Talaqs, no longer one Talaq.

(b) All the Sahaabah during his time concurred with Hadhrat Umar (radhiyallahu anhu).

There were numerous great Ulama among the Sahaabah. The Sahaabah enacted Ijma' (Consensus) on the decree of Hadhrat Umar (radhiyallahu anhu). Refer to fact No.1 above. Were all these illustrious Sahaabah who were the Students of Rasulallah (sallallahu alayhi wasallam) in error manifest and Ibn Taimiyyah who appeared on the scene seven centuries after Nabi (sallallahu alayhi wasallam) correct? Is it possible that all the Sahaabah were in error, and a man seven hundred years later had understood the Shariah correctly?

(c) The first wrung of Aimmah Mujtahideen were the Students of the Sahaabah, then these Students were the illustrious Asaatizah (Teachers) of the subsequent Mujtahideen and Fuqaha. Thus they received their Knowledge and understanding of the Deen directly from the Sahaabah, the Students of Rasulallah (sallallahu alayhi wasallam). Among these illustrious Aimmah Mujtahideen are Imaam Abu Hanifah, Imaam Malik, Imaam Shaafi', Imaam Ahmad Bin Hambal and innumerable other Aimmah and Fuqaha. Then down the centuries long before the appearance of Ibn Taimiyyah there were thousands of great Fuqaha whose erudition in the realm of Shar'i Uloom is phenomenal and mind boggling to the one who has access to their academic Works. Were all of them in error, and only Ibn Taimiyyah managed to stumble on the truth?

(d) Intelligence rejects the notion that an error had become part of the Shariah since the age of the Sahaabah and that this error was perpetuated for the first seven centuries of Islam, then discovered by Ibn Taimiyyah who is not among the Salfus Saaliheen of the epoch called Khairul Quroon.

(e) The notion that error was made an integral constituent of the Shariah since the age of the Sahaabah, and that all the Sahaabah had united on the error which supposedly Hadhrat Umar (radhiyallahu anhu) had enacted, and such error was discovered seven centuries later by Ibn Taimiyyah is absolutely preposterous and unsustainable. It flies in the face of the Qur'aan and Ahaadith which announced the perfection and completion of Islam during the very age of

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Rasulullah (sallallahu alayhi wasallam).

(f) The Principle of Ijma' (Consensus), especially of the Sahaabah and the Aimmah Mujtahideen (the Four Imaams), is the safeguard of the completion and perfection of the Shariah. Since this principle was decreed by Rasulullah (sallallahu alayhi wasallam) himself, it may not be concluded that the Ijma' of the Sahaabah, which promulgated the law of Three Talaqs being Three Talaqs was in conflict of the Shariah. The Sahaabah and the Aimmah Mujtahideen were the very foundations and bulwark of the Shariah whose perfection and completion the Qur'aan had announced.

(g) It should not be difficult to understand that it is not possible for one man appearing seven hundred years after Rasulullah (sallallahu alayhi wasallam) to be right – to have understood the Shariah correctly – whilst the Shariah which had been extant for seven centuries before him – the Shariah acquired from the Sahaabah – was wrong.

Today, every Tom, Dick and Harry who lack adequate knowledge of even the elementary masaa-il of Tahaarat and Salaat, believe that they have the ability to refute the Shariah handed to the Ummah by the Sahaabah in the first seven centuries. Their attitude is pure satanism and nafsaaniyat.