



مفتى محمد يوسف دنكا  
Mufti Muhammad Yusuf Danka

# بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الحمد لله حمد الشاكرين، والصلاة والسلام على المبعوث رحمة للعالمين، وهدايا للناس أجمعين.  
صلاةً وسلاماً دائمين إلى يوم الدين، وآله وصحبه ومن تبعهم بإحسان، وسلم تسليماً كثيراً، أما بعد:..

## The Giving of Three Talaqs in One Sitting According to Shari'ah

باب من أجاز (أوجوز) الطلاق الثلاث، لقول الله تعالى: الطلاق مرتن فإمساك بمعروف أو تسريح بإحسان (البقرة: 229) (صحيح البخارى ص: 791، جلد: 2) والذي يظهر لي أنه كان أراد بالترجمة مطلق وجود الثلاث مفرقة كانت أو مجموعة. (فتح البارى شرح صحيح البخارى ص: 280، جلد: 9)

Allah ﷻ has stated in the Holy Qur'an: "Divorce is Twice, after that either you retain your wives on reasonable terms or release them in kindness..." (Surah Baqarah, v 229)

In the religion of Islam, the institution of marriage (Nikah) holds great status and honour. The Prophet ﷺ stated: 'Nikah is from my Sunnah.' In other narrations the Prophet ﷺ stated: 'Whosoever marries, has fulfilled half of his faith. He should fear Allah in respect of the remaining half.' (Mishkaat Masabih p276)

To safeguard such a blessed institution as marriage, every possible means should be sought to prevent the collapse of the relationship. In certain circumstances, when every avenue has been exhausted and there is no solution to the problem, living together as husband and wife becomes a nightmare rather than bliss, divorce is then the only solution, even though according to Shari'ah it is disliked. In certain circumstances, if the husband is being unreasonable with the wife, she can obtain a Khula. The Prophet ﷺ stated: 'From amongst all those things made permissible by Allah ﷻ, there is nothing more disliked than divorce.' (Abu Dawood p296)

According to Shari'ah it is preferred that only one divorce is issued in the woman's 'clean period'. Immediately after issuing the first divorce, the Iddat begins. However if after the issuing of the first or second divorce, the husband decides to revoke the Talaq, he can do so. This must happen within three monthly cycles from the issue of the first or second divorce. There is no need for a new Nikah. If the Iddat period is completed after the first Talaq without the husband and wife getting back together there is then no need to issue a second or third divorce as the divorce becomes complete anyway and the wife becomes a stranger to the husband and can remarry anyone else including the ex-husband. Nowadays, due to ignorance over the rulings of the Shari'ah, a minority do not believe that a valid divorce has taken place until three divorces are issued in separate sittings. If someone issues three divorces in one sitting and, due to ignorance of the Holy Qur'an and Sunnah, believes it to be one divorce and stays with the same woman and has children with her, then in the light of the Shari'ah, such a lifestyle is regarded as totally Haram. Talaq given in anger is also regarded as a Talaq and one should therefore control one's anger. RasulAllah ﷺ said: Three things are such, whether said in jest or earnestly they are effective, Nikah, Talaq and revocation of Talaq. (Abu Dawood p228, Ibn Majah # 2039)

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In the time of Ignorance (Jahiliyah) before the advent of Islam, people were accustomed to issuing their wives with many divorces and then taking them back on numerous occasions within the period of waiting (Iddat). There was no limit to the number of times a divorce could be issued. This was also a means of upsetting and tormenting the womenfolk. (Tafsir Ibn Abaas vol 1, p139)

In reference to the above verse of the Holy Qur'an; Sunan Tirmidi, Abu Dawood, Muwata Imam Malik, Mustadarak Hakim, Bayhaqi and other religious texts state that the purpose of this revelation was to cancel the previous principle of issuing an unlimited number of divorces to one's wife and stipulating a maximum of three. For this very reason, if somebody was to issue three divorces, (Talaq Mughallazah) whether they be in various sittings or a single sitting, in all cases, three divorces take place. Whether they be issued in one phrase ("I give you three divorces") or three separate words ("Talaq, Talaq, Talaq"), they are both considered as three issuances of divorce. This makes the wife unlawful for the husband. In the above verse of the Holy Qur'an there is no allowance for any conditions or exceptions to be made in respect of divorces. After the issuing of three divorces the right of taking your wife back is also lost.

Allah ﷻ Says in the Holy Qur'an: 'After three divorces, she is unlawful to him thereafter until she has married another husband.' (S2, v230)

Allamah Ibn Hazam رحمه الله stated in respect of the above verse: ‘Those divorces that have been issued together or separately, verily three divorces will be issued. To join this verse with any conditions regarding numbers of sittings is not permissible.’ (Al Mahali vol 11, p221)

Allah ﷻ has stated in the Holy Qur’an: ‘Those are the limits set by Allah ﷻ. And whosoever transgresses the set limits of Allah, indeed he has wronged himself...’ (Surah At-Talaaq, v1)

It is evident from this verse that a man has the right to take back his wife up to the issuing of two divorces. If in any situation three divorces happen to be issued, then the right of the husband to take back his wife ends. Until the wife marries another man and is then either divorced by this man or becomes widowed she cannot marry the first husband. This is the penalty for transgressing Allah’s limits (i.e giving more than two divorces)

### Proofs from the Ahadith of RasulAllah ﷺ:

It was asked of Aisha Siddiqah رضي الله عنها: ‘If somebody has married a woman (who has previously been married and divorced) and he then issues her with three divorces, is she able to be taken back by her husband from a previous marriage? Aisha رضي الله عنها replied: ‘RasulAllah ﷺ stated that a woman will not be permissible for her previous husband unless she has been intimate with her new husband.’ (Sahih Bukhari vol 2, p791. Sahih Muslim vol 1, p463)

Hafiz Ibn Hajar Asqalani رحمه الله: Imam Bukhari رحمه الله has used the above mentioned Hadith to prove that issuing three divorces together is binding upon the issuer. (Fathul Bari Sharah Sahih Bukhari vol 9, p280)

باب من أجاز (أوجوز) الطلاق الثلاث، لقول الله تعالى: الطلاق مرتين فإمساك بمعروف أو تسريح بإحسان (البقرة: 229) (صحيح البخارى ص: 791، جلد: 3)  
والذي يظهر لي أنه كان أراد بالترجمة مطلق وجود الثلاث مفرقة كانت أو مجموعة. (فتح الباري شرح صحيح البخارى ص: 280، جلد: 9)

When Ibn Umar رضي الله عنهما used to be asked regarding Talaaq during menses, he used to say ‘If you issued one or two divorces then RasulAllah ﷺ gave me permission to tell you to take her back. If you have given three talaqaq together then you have disobeyed Allah and your wife has also become divorced. (Sahih Muslim vol 1 p476)

Uwaymir Ajlani’s رضي الله عنه cursing (La’an) ordainment with regards to his wife is well known. The Prophet ﷺ ordered that La’an take place; after the La’an took place the Sahabi رضي الله عنه said: ‘O Prophet of Allah, if I wanted to keep her with me, but then I have already cursed her...I would like to issue her with three divorces instead.’ In that gathering Uwaymir Ajlani رضي الله عنه issued his wife with three divorces in the presence of the Prophet ﷺ and the Prophet ﷺ took them as three divorces.’ (Abu Dawood vol 1, p306. Sahih Bukhari vol 2, p791. Nasai vol 2, p99)

By reading all the above Ahadith as proof it is clear that from the time of the Prophet ﷺ three talaqaq in one sitting become three talaqaq and the husband and wife become strangers to each other. All the Salaf as Saliheen, Ijma’ Sahabah, Mujtahideen, Muhaditheen and Mufasssireen state that if three divorces are issued in one sitting then they are treated as three divorces.

### The Consensus Amongst The Sahabah رضي الله عنهم:

إمام ابن الهمام رحمه الله: فإجماعهم ظاهر، فإنه لم ينقل عن أحد منهم أنه خالف عمر رضي الله عنه حين أمضى الثلاث له. (فتح القدير، ص: 330، جلد: 3)  
After the Holy Qur’an and the Sunnah, the third proof established in Islam is reached through ‘Ijma’ Ummat’. This unified agreement being expressed is not a minor agreement of the Scholars. In view of Talaaq, it is none other than the Ijma’ of the Blessed Sahabah (Companions) رضي الله عنهم in the time of the Khulafa Rashideen رضي الله عنهم. No evidence can be found from any companion to prove that any of them رضي الله عنهم were against the ruling that three talaqaq in one sitting constitute three complete talaqaq. (Fathul Qadeer, vol 3, p33)

Therefore in this ruling, the Ahle Sunnat Wal Jammah were unanimously united. After Ijma’ has been established in respect of a matter, if a voice is raised against this ruling, it is regarded as a falsification and is rejected. (Fathul Bari Sharah Bukhari, vol 9, p278)

In this nation, the status that the Blessed Companions رضي الله عنهم have been honoured with is not attainable by anyone else. They learnt their Deen and morals directly from the most perfect guide to mankind, the Prophet ﷺ. No scholar or learned person in this nation can ever reach the level of thought, wisdom and action with which Allah ﷻ favoured the Blessed Companions رضي الله عنهم. Sayyidina Abdullah Ibn Masud رضي الله عنه related with regards to the unique status of the Companions of the Prophet ﷺ: ‘These are The Companions of the Prophet ﷺ! The sincerity of their hearts, the depth of their knowledge, and simplicity of their nature cannot be matched in this nation! Allah ﷻ chose them for the companionship of His Prophet ﷺ and the

establishment of His Deen. For this reason, O People! Recognise the greatness of these individuals and follow them. Verily, these companions are upon the true guidance.’ (Mishkaat, p32)

Sayyidina Anas رضي الله عنه stated: ‘When a person who had given his wife three talaqs in one sitting was brought before Umar رضي الله عنه. Then Umar رضي الله عنه would punish the man and separate the husband and wife.’ (Al Jawhirul Naqi, vol 7, p333 / Sunan Kubra, vol 7, p334)

A man came in the company of Sayyidina Uthman رضي الله عنه who had issued his wife with 1000 talaqs. Uthman رضي الله عنه stated: ‘Your wife was finished with you from three talaqs’ (Fathul Qadeer, vol 3, p330 / Zaadul Ma’ad, vol 2, p259)

Ibn Abi Layla رحمه الله relates that Sayyidina Ali رضي الله عنه would proclaim about that person who gave his wife three Talaqs in one phrase: ‘His wife will not be Halal for him, until she marries someone else, and is divorced from that marriage.’ (Sunan Kubra, vol 7, p334)

Alqama رحمه الله relates that a person came to Sayyidina Ibn Masud رضي الله عنه and said he had issued his wife 99 talaqs in one sitting. Ibn Masud رضي الله عنه stated: ‘After three your wife was separated from you, the rest is your mischief.’ (Majma’ul Zawahid, vol 4, p338)

Ata رحمه الله relates: A man came in the company of Sayyidina Ibn Abbas رضي الله عنه and said he had issued his wife three Talaqs together. Ibn Abbas رضي الله عنه stated: ‘You drag yourself in dirt, then come to me?! By giving three together, you have disobeyed Allah عز وجل and your wife is Haram for you.’ Imam Muhammed رحمه الله (died: 189 H) relates: ‘It is upon this that we act, and this is the way of Imam Abu Hanifa رحمه الله and the people of knowledge. There is no disagreement in this matter.’ (Kitabul Athar p277)

أمام نووي الشافعي رحمه الله: وقد اختلف العلماء فيمن قال لإمرأته: أنت طالق ثلاثاً، فقال الشافعي ومالك وأبوحنيفة وأحمد وجماهير العلماء رحمهم الله من السلف والخلف: يقع الثلاث. (شرح النووي على صحيح مسلم، ص: 478، جلد: 1)

Imam Nawawi رحمه الله writes: ‘Whosoever announced three talaqs together to his wife...then verily, three will be performed. Upon this Imam Abu Hanifa, Imam Malik, Imam Shaafi’I, Imam Ibn Hambal, The Salaf and Khalaf رحمه الله are ALL unanimous. (Sharah Sahih Muslim, vol 1, p478)

The Muhaditheen are also found to be unanimous on their opinion in this matter. Imam Bukhari and Imam Muslim are of the opinion as proven by the Ijma’ of the companions رضي الله عنهم and Salaf as Saliheen. Imam Zuhri رحمه الله, known as the Imam of the Muhaditheen, has given a fatwa relating: ‘A person gave his wife 3 talaqs in the presence of two witnesses during a journey. After returning to their area of residence, he was intimate with this woman. Upon this, the witnesses complained that he had given 3 talaqs to his wife in their presence. On this occasion, Imam Zuhri and Qatada رحمه الله stated: ‘If the husband is willing to take an oath that these two witnesses are giving a false testimony, then he will be lashed 100 times and the man and woman will be separated. If the man accepts that he issued 3 talaqs to his wife, he will then be stoned.’ (Musanaf Abdur Razak, vol 4, p95)

قال الله تعالى: فإن طلقها فلا تحل له من بعد حتى تنكح زوجاً غيره- (البقرة: 230)

Allah عز وجل Says in the Qur’an: ‘After three divorces, she is unlawful to him thereafter until she has married another husband.’ (S2, v230)

أمام ابن حزم الظاهري رحمه الله: فهذا يقع على الثلاث مجموعة ومفرقة، ولا يجوز أن يخص بهذه الآية بعض ذلك دون بعض بغير نص. (المحلى ص: 221، جلد: 11)

Imam Ibn Hazam رحمه الله was a Ghair Muqalid Scholar but even he stated that the issuing of 3 talaqs in one sitting or in different sittings will be treated an irreconcilable divorce and the woman will not be permissible for this husband without Halallah because this is very clear from the above Ayat. (Al Muhali, vol 10, p173)

### **The Propaganda of Regarding Three Talaqs as only One Talaq:**

Imam A’amash Tabiee رحمه الله (died; 147H) relates: ‘There was an old man in Kufa. He used to say that he heard from Sayyidina Ali رضي الله عنه that if a person issued his wife with three talaqs in one sitting, then Ali رضي الله عنه would regard it as one Talaq.’

Imam A’amash رحمه الله went to the house of this old man and asked him: ‘What did you hear from Sayyidina Ali رضي الله عنه in regards to the proclaiming of three talaqs in one sitting?’ The old man replied: ‘In this situation, Ali رضي الله عنه would take three talaqs in one sitting as only one Talaq being issued.’ Imam A’amash رحمه الله asked: ‘Where did you hear this statement from Ali رضي الله عنه?’ The old man replied: ‘I will show you my notebook. I wrote in the notebook whilst listening to Ali رضي الله عنه.’ Imam A’amash رحمه الله says: ‘When that man showed me the notebook it said ‘I heard from Ali Ibn Abi Talib رضي الله عنه...he stated, when a man issues his wife with three talaqs in one sitting, the woman will be Haram for him, until she marries and divorces.’ Imam A’amash رحمه الله said: ‘I asked the old man...pity upon you! You relate one thing with your tongue, yet have written

the opposite in your notebook.’ The old man replied: ‘What I have written in the notebook is correct. However, due to the pressure of the people (Rafidi Shi’a), I have changed my verbal testimony of it.’ (Sunan Bayhaqi, vol 7, p340- 340: ص، جلد: 7، السنن الكبرى للبيهقي)

In the time of the Companions ﷺ the Ijma’ of three talaqs in one sitting being binding was established. In the time of the Tabieen, the above propaganda occurred only once and was unsuccessful. For this reason, every Century from the time of the Companions ﷺ the Mujtahideen and Muhaditheen of Ahle Sunnat Wal Jammah stayed firm on the path and decision of the Companions ﷺ. None of them was found to go against the way shown by the Companions ﷺ or the unified agreement of the 4 Imams رَحِمَهُمُ اللهُ. However, It is unfortunate that after 700 Hijri Allama Ibn Taymiyah رَحِمَهُ اللهُ presented a ruling of three talaqs in one sitting as not being binding as three, rather being one instead. The Mashaikh Ulama of that time opposed his decision, and due to him going against the Ijma’ of the Companions ﷺ and creating confusion within the Ummah, he was imprisoned. (Tazkiratul Huffaaz, p1019)

Allama Ibn Taymiyah رَحِمَهُ اللهُ himself wrote: ‘When the Companions of the Prophet ﷺ are unanimously united upon any given topic, then that cannot be false. It is a rule of Shari’ah that after the Holy Qur’an and Sunnah the actions of the Sahabah ﷺ are followed’ (Minhaj, vol3, p66 / Fatawa Ibn Taymiyah, vol 4, p155)

Allama Hafiz ibn Taymiyah رَحِمَهُ اللهُ writes: ‘The ways of the rightly guided Khalifas was also in conformity with what has been ordained by Allah and his Prophet ﷺ, there are many proofs to establish this.’ (Fatawa Ibn Taymiyah, vol 4, p108)

The Prophet ﷺ stated: ‘After the Prophets and Messengers, Allah ﷻ blessed my companions رَحِمَهُمُ اللهُ above all of mankind, and from amongst them He ﷻ blessed Abu Bakr, Umar, Uthman and Ali رَضِيَ اللهُ عَنْهُمْ. In every one of my Companions ﷺ there are excellent qualities.’ (Tafsir Qurtubi, vol 16, p297/ Majmaul Zawaid, vol 10, p16)

The Prophet ﷺ specifically gave the Ummah an advice: related from Huzaifa رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ stated: ‘I do not know how long I will remain amongst you. After me, follow Abu Bakr رَضِيَ اللهُ عَنْهُ and Umar رَضِيَ اللهُ عَنْهُ. (Jami Tirmidhi, vol 2, p208/ Mishkaat Masabih p560/ Ibn Majah #97)

The Ulama of Salaf-us-Saliheen رَحِمَهُمُ اللهُ have left the Ummah rules/regulations on how best to interpret Ahadith: if in any narration the message is not completely understood or there are a number of conflicting opinions regarding the same topic it is essential to refer to the practises and recommendations of the Sahabah ﷺ, especially the actions of the Khulafa Rashideen رَضِيَ اللهُ عَنْهُمْ – ‘for you that is the true path’. (Fathul Bari Sharah Bukhari vol 2, p269/ Tareekh Baghdad vol 2, p247/ Ahkamul Qur’an vol 1, p17)

أبحاث هيئة كبار العلماء: In 1393 Hijri (1973), under the Authority of Samaahatul Shaykh Abdul Aziz Bin Baz رَحِمَهُ اللهُ there was an assembly of the Theological Scholars of the Kingdom of Saudi Arabia. In this meeting, there were scholars of all degrees, as well as those who accepted the teachings of Ibn Taymiyah رَحِمَهُ اللهُ. It was decided in this scholarly assembly by a majority of the Scholars including Shaykh Bin Baz, Abdullah Humaid, Ibrahim Ale Shaikh, Shaykh Afifee and many other prominent Arab Ulama رَحِمَهُمُ اللهُ that the issuing of three talaqs in one sitting and in one phrase would constitute a complete and verified three talaqs. (Abahath Hayhatu Kubarul Ulama, vol 1, p215-422)

Even today 99% of the Ummah is upon this way, this is the united stance of the Companions ﷺ and also of the people. To divert from this decision and not accept the pronouncement of three talaqs in one sitting as three binding and complete talaqs, is to create confusion in the Ummah. To encourage this stance is to go against the way of the Holy Qur’an and Sunnah and Companions ﷺ and leads one towards Haram. To not accept the issuing the 3 talaqs in one sitting as 3 talaqs and a complete divorce is the belief of the Shi’a Rawafid. This is the very ruling which the Ghair Muqalideen are propagating, this is completely against the Ijma’ of the Companions ﷺ, the Salaf and Khalaf. The Ahle Sunnat Wal Jammah are united and unanimous upon this matter.

May Allah ﷻ guide us to the way shown by the Holy Qur’an and Sunnah and the Blessed Companions ﷺ. آمين Ameen!

والله وحده هو المسؤول والمستعان وهو الهادي إلى سبيل الخير والسلام .  
مفتى محمد يوسف دُنْكَا (عفاالله عنه)

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