

**Prof. Liyakat Takim**

## Marriage and *Khul' Ṭalāq* According to Ayatullah Ṣāni'ī

### **ABSTRACT:**

Marriage is an extremely important institution in Islam. It has been continuously emphasised in both the Qur'ān and ḥadīth literature. This paper will examine marriage as an institution that was inherited and endorsed by Islam. As such, many of the laws surrounding marriage reflect the conditions in pre and early Islamic Arabia.

The paper will go on to examine the impact of endorsed laws in Islam and will argue that in many instances, pre and early Islamic customs have been imposed on twenty first century Muslims without taking into account the conditions in the contemporary world.

The paper will also discuss the question of *khul'* divorce. Most jurists have opined that it is essential to get the husband's permission for a wife to get any kind of divorce. They have further claimed that as long as the husband fulfils his marital duties, she is not able to get even a *khul'* divorce if he does not accept it. Ayatollah Ṣāni'ī challenges this thesis and argues that a woman should have the same unilateral rights of divorce as a man does and that she can recite her own *talaq* as long as she returns the *mahr* that she received from him. The paper will critique Ṣāni'ī's hermeneutical and interpretive exercises as he draws from Qur'ānic verses and traditions to argue for women's rights to unilateral divorce. The paper will also examine other hermeneutical enterprises of Ṣāni'ī as he draws on non-scriptural sources to vindicate his claim.



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### **BIO:**

Prof. Liyakat Takim is the Sharjah Chair in Global Islam at McMaster University in Canada. A prolific writer and speaker he has authored one hundred and forty scholarly works which have been published in various journals, books, and encyclopaedia. He has also translated a number of books from Arabic to English. He has written on a wide range of topics such as reformation in Islam, Qur'ānic exegesis, the role of custom in shaping Islamic law, Islam in the western diaspora, Islamic fundamentalism, Islamic mystical tradition, Islamophobia, the treatment of women in Islam law and many other topics.

His latest book titled "*Shi'ism Revisited: Ijtihad and Reformation in Contemporary Times*" was published by Oxford University Press in January 2022

Professor Takim has also spoken at more than one hundred and ten academic national and international conferences. He has spoken in different parts of the world ranging from Australia, New Zealand, and Singapore, to East Africa, Dubai and North America.

He has published four books and is now working on his fifth book on Qur'ānic exegetical literature. Professor Takim has taught at several universities and is actively engaged in dialogue with different faith communities.