

Validity of Talaq if written and not pronounced

Q 3: Is the Talaq (divorce pronounced by a husband) valid when it is written on paper without the husband uttering it verbally?

A: The ruling is that there is no difference whether Talaq occurs in writing or is pronounced by word of mouth. When you write that something is forbidden to you, intending to swear your wife will be divorced if you do such thing, the divorce takes place when you break your oath. It counts as one pronouncement of divorce which can be revoked so long as it is not the third pronouncement and the woman's `Iddah (woman's prescribed waiting period after divorce or widowhood) has not expired. On the other hand, if you intend to take an oath to urge and encourage doing something or warn against something and you do not mean to initiate divorce, no divorce takes place as a result of breaking the oath. In such case, Kaffarah (expiation) for oath is required. You are to feed or clothe ten poor persons or to manumit a believing slave. If you can not afford this, you should fast for three days.

May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

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