

Divorce by Mail

Question: Because of her insolent behaviour, I have written a Baa'in divorce and mailed the letter to my wife who is with her parents in another village. She however refused to accept the letter and returned it. I then sent the letter with our Qaadhi. but she again returned it. Her parents and family insist that a written divorces is ineffective and cannot be effective until her dowry and maintenance are not with her. The dowry is in the custody of our Qaadhi Are they right?

Answer: A written divorce is as effective as a verbal one A written divorce will be ineffective only when it is written under duress. Your divorce is therefore effective regardless of whether she accepts the letter or not (even if left unsigned).

However, if the letter states that the divorce will fall as soon as she receives the letter, it will remain ineffective until she accepts it. And Allaah knows best what is most correct.

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