

## Darul Ifta Caribbean

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### Question

If someone messaged his wife saying: طالق but she never could read it because she lost her phone, will talaq still be valid?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**In the name of Allah, the Most Gracious, the Most Merciful**

### Answer:

The Shariah has recognized that writing a message is just like speaking it.<sup>1</sup>

There are a few conditions for a written message to be valid and for it to be used to establish a firm judgement. One of those conditions is that it has to be “mustabeenah” which means legibly written on something on which the writing appears clearly and can last for some time. Thus writing on the surface of water or in the air will not be valid in the shariah.<sup>2</sup>

The established and accepted norm of present times is the use of smart devices, thus the shariah has accepted this also as one way of sending and receiving messages due to the habits and custom of people.<sup>3</sup>

<sup>1</sup> Qawaaid Al Fiqhiyya,pg 52,# 38.

<sup>2</sup> Same as above

<sup>3</sup> Qawaaid Fiqhiyya,pg 46 to 50,# 34,35,36

Due to the Talaq message not being legible after it was sent to the wife, then it would not be considered as a Talaq through the message, however, if she was given the message verbally by the husband, then it would be considered as Talaq.

Only Allah knows best

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