

Communication Regarding Rules of Divorce

Subject: Rules of Divorce in the Islamic Religion

Dear Sir/Ma'am,

This communication was issued in response to the high number of requests from people who have open divorce cases in courts. Because these individuals are bound by the effective laws of the land and at the same time are observant Muslims, they come to I.M.A.M. to request clarifications regarding their familial status from a religious perspective. I.M.A.M. is authorized and commissioned by the supreme religious authority of Shia Muslims, which has been based in the Seminary of Najaf in Iraq for more than a millennium, to support and serve the Shia Muslim community in North America.

We would like to inform you that, according to Shia Islam, the right to divorce can only be conducted by the husband and may not be performed without his full consent, except in the following two cases:

- 1) There is a prenuptial agreement that specifies the wife can exercise the right of divorce by herself.
- 2) The husband has failed to provide his wife with her marital rights, such as supporting her financially and satisfying her physical needs, whereby he is no longer considered to be her guardian and she can be divorced by authorized persons, such as religious authorities who have the qualifications to issue religious edicts.

Regarding possessions, each party has the full right to regain possession of his or her personal property unless there is shared ownership of that property, in which case every party gets his or her share of that property. This is a fundamental principle that all Muslims of different denominations agree upon. However, there is a gift of marriage referred to as "Mahr" that the husband has to give to the wife as agreed upon before the marriage. If for any reason the "Mahr" has not been paid in full at the time of divorce, the wife is entitled to receive full payment of it.

We hope this gives you a better understanding of the rights and regulations in an Islamic Shia divorce and would kindly request you to take this into consideration whenever handling such cases.

For more information, please do not hesitate to contact us through any of the communication channels listed below.

Sincerely,

I.M.A.M.