

## A New Attitude Towards Law of Diyat The historical Trend of Emerging System of Diyat (blood wits)

*Sayyid Muhammad Musavi Bojnurdi*

One controversial issue in Islamic fiqh is the law ruling over Diyāt. The essayist, here, first takes a historical look at law of Diyāt in pre-Islamic world, then he deals with system of Diyāt in Islamic religion, presenting views of faqihs of various religions about the legal nature of system of Diyāt.

In the end, the quantity and quality of three cases (Dinar, Dirham and Hilla) among the six-fold Diyat are considered.

## The Function of Receive in Mortgage Contract

*Sayyid Muhammad Musavi Bojnurdi*

The essayist first has given literal meaning of mortgage and defined it legally, referring to civil law of Iran and France. Next, he deals with rules of ratification and establishment, drawing this conclusion that rules of mortgage are those of ratification and establishment and the Islamic Shari'a has ratified what has been common among the sagacious people. Third, he talks about the features of a mortgage contract, saying that in the eyes of faqihs "Receive" is a requisite for mortgage contract. To this direction, he defines "Receive" literally with a precise elucidation of role of "Receive", in fact, mortgage and its rules.

By referring to civil law of Iran and talking about the function of "Receive" in mortgage contract, the essayist comments that mortgaging aims at Security and Receive, justifying Receive stands not as a condition for authenticity or necessity of contract.

## Spiritual Stations

*Fatima Ṭabaṭabaie*

Spiritual state and station are two terms with a high importance in Islamic gnosis and the wayfarer in achieving perfection has to perceive and acquire them. Hence, the essayist briefly has commented on seven spiritual stations approved by many of the Islamic gnostics after giving an explanation for both terms and while considering the ideas of great men like Izz al-din Kashani in *Miṣbāḥ al-hidaya wa miftāḥ al-kifāya* as well as Khwajah 'Abdullah Anṣari's in *Manāzil al-sā'irin*, she has dealt with Imam Khomeini's ideas in his two books of *Chehel Hadith* and *Sharh-i Hadith-i Junūd-i Aql wa jahl* (Forty Traditions and Commentary on hadith of armies of Reason and Ignorance)

## A Reflection Over Thought and Practice of Islamic Devotees Association

*Ali Reza Mullaie Tawani*

The Islamic movements undoubtedly are considered among the highlights in Iranian contemporary history; however, survey on these movements, so far, has mostly been directed towards a praiseworthy and commemorative approach. As to this study, an aura of sacred areas and sensitivities has always prevented from a critical approach as well as an analysis of religious movements. This is while, nowadays, ever than before, a pathological appraisal of the current Islamic movements is required so that its shortcomings and failures could be re-identified and re-discovered for avoidance of repetition.

In this essay, the movement of Islamic Devotees is viewed from the same angle, relying upon first hand sources and by glancing at their thought and epistemological principles, efforts have been made to show the Achilles's heel and inefficiencies in practice.

The essayist has revealed the existing inconsistencies and conflicts between their thought, practice as well as their epistemological-conceptual shortcomings through a historical, sociological and speculative approach, showing that why the action was incapable of being converted into a deeply rooted Movement with a huge socio-political back-up; instead of appearing as an independent and effective force, it came down to a great extent as then political elites and streamlines-led elements.

## A Few points on the Word of Tawhid (Monotheism)

*Sayyid Hassan Khomeini*

One of the issues related to ilm-i Kalam (Scholastic Theology) that is talked about digressively in methodology is the very "Word of Tawhid" or "Lā ilā ha illallāh" (there is no God but God). In this essay, after a brief explanation for the concept of exception, there is a discussion about different senses of the letter "Lā" and to see if it is possible to drop its repotive nature, so the area of dispute over the word of Tawhid is specified.

Next, the essayist raises the viewpoints by different "Ulamā" in response to this problem and finally he selects the best view.

## Explanation and Understanding in History

*William H. Dary*

*Tr. by: M.S. Aliabadi*

Philosophy of history in regard with the two different senses intended from the term "history", namely a series of past events - researched by the historian - and the research of historian itself, respectively are divided into speculative and critical philosophy or analytical philosophy of history. The critical philosophy of history aims at clarifying the research nature of history and surveying the basic presuppositions, systematizing implications as well as its research methodology. More of philosophical writings on history, in fact, attempt to respond to this question whether it can be unequivocally said that history is other than empirical science or not? In response to this question and in dealing with that type of explanation or understanding the historians are after, the idealists mostly believe that the idea of such explanation that is generally appropriate in scientific studies is different and in contrast the positivists usually deny the difference.

In this essay, William Dary first deals with an overall layout of positivistic position and then assesses the considerations vis-à-vis position. By calling this assumption a challenge that every elucidation is presented in response to question of "Why"? and bringing forth other types of explanation, as limited-law explanation, explanation monitoring the contingency of happening and reality of incidence as well as colligatory explanation, all called by the historians as explanation, he asserts that these explanations, despite lacking the conditions of ideatistic and positivistic explanations, are themselves complete explanations. That some history philosophers complain of such explanations being weak methodologically is in fact because they ignore the question raised not objecting to the way the historians proceeded typically to answer it.

## **A Jurisprudic Attitude Towards Methods of Family Planning**

**Hassan Reza Khalaji**

In this essay, a variety of family planning methods have been ushered and a verdict is presented owing to accessible jurisprudic sources.

In general, family planning methods, in terms of mechanism of action, are sub-divided into four groups:

- 1) Some ways stop forming of sperm and embryo, that if used per se are legally permissible.
- 2) The techniques that eliminate the formed and their application, according to the Imamate Faqihs and other Islamic religions, is illegal and banned. of course, it has been shown that other Imamate religion gives no authentic proof to rule the respect to abortion of embryo before spirit is breathed.
- 3) The techniques the practical mechanism of which is not exactly known; that is, first they prevent sperm from being formed and if failed, they trigger elimination of the formed embryo which if used is admissible according to principle of detestation although they'd better not be used.
- 4) Technique of infertitization or sterilization for ruling the respect of which there is no evidential proof at hand. As a result, infertilization is a per se legal action.

## **Contrastive Analysis of Reviewing**

### **the Constitutions of Islamic Republic and Mashrutiyyat**

**Mohsen Khalili**

The Constitutions besides being the legal and political outcomes of their time bear a few identical bases and techniques visible in their whole context.

The mechanism of reviewing the Constitution and its amendment is one of the similarities all the constitutions have dealt with multifariously. Here, it has been attempted to make an allusion to similarities and discrepancies existant in two Constitutions for review, amendment and revision by taking advantage of three criteria of process, content and technique.