ABSTRACTS

Jurisprudence and the challenge between causal interpretation and devotion

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Although the knowledge of the principles of jurisprudence is referred to as the logic of jurisprudence, this knowledge itself depends on principles and foundations which, in the modern literature, have somehow been considered as belonging to the philosophy of jurisprudence; or perhaps they should be considered as belonging to the philosophy of the principles of jurisprudence. Among these foundations are "principality of causal interpretation" and "principality of devotion". Although, traditionally, these principles have not been discussed in detail in the principles of jurisprudence, they form the underlying basis of the fatwas and jurisprudential schools. In the present article, the writer discusses these principles, defines the domains of each, and clarifiers, in particular, the position of Shi'ite Muslims in this regard.

Key words: ta'abbod (devotion), ta'lil (causal interpretation), tahakkom, to'ghif (stay), meaning, reason, expediency.

Decree of denial after admission in the Islamic law and jurisprudence

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In spite of the fact that admission is an important positive proof in substantiation of claim, and despite the well-known rule in the Islamic jurisprudence and law "No denial after admission", not every case of admission after denial is to be rejected. While the holy Legislator has confirmed the rule, He has made certain exceptions. In this article, the writer, while clearing up the misunderstandings about this rule, discusses in two parts the exceptional cases with reference to the substative difference between admission of peoples' rights and God's rights, and the divine punishments, presenting the related texts and arguments and comparing with the written laws. In his discussion, the writer has tried to clarify the jurisprudential views of the four Sunni religions.

Key words: God's rights, peoples' rights, denial, reference, punishment, stoning, ghazaf (attribution of commission of adultery to someone).

Legal and Jurisprudential study of "Sabb al-Nabi" crime

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"Sabb al-Nabi", or vilifying the prophets, is one of the conventional crimes originated from Islam; therefore, it is necessary to refer to religious sources, particularly narrations made by the Infallible Imams in order to recognize the rules of this crime. The law-maker has set forth capital punishment in compliance with the aforementioned sources, yet he offers no further explanation about neither general nor specific elements related to the crime. Article 513 of the Islamic penal code, legal document for the subject crime, extends the scope to cases like despising the Islamic sanctities, vilifying every one of the great prophets (s), the saint Imams (a) as well as Hazrat Fatima (s). These cases lack clarity even in jurisprudential books. Owing to the fact that this new crime has been incorporated into the Islamic penal code through religious sources after the Islamic revolution of Iran, law books have not yet dealt with it as deserved. Thus, various aspects of the crime have been overlooked in our discussions of the penal law, and need to be researched. It is hoped that this article will serve as a step forward in this field.

A comparative study of the element "commission" in premeditated murder

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The element "commission" in the premeditated murder is among the issues that have long been discussed by both jurists and jurisprudents. An understanding of the various views expressed on the issue can help infer the viewpoints of the legislator in our country. The present article is a comparative study of the views of the jurisprudents of the four legal schools of Islam and jurists from various countries, specially customary law jurists.

Key words: the element of "commission", pillars of a crime, criminal behavior, criminal result, causal relation, premeditated murder, murder weapon, immaterial means.

A new proposal for periods of Imamiyeh Jurisprudence changes

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In this article, the writer first explains and criticizes the most important classifications of Imamiyeh Jurisprudence changes and then

proposes a new classification in which the main emphasis is on new jurisprudential changes in each period, covering all the periods. Also, the writer explains the advantages and characteristics of each period in detail.

Key words: Jurisprudence, history of jurisprudence and jurisprudents, periods of jurisprudence, divine legislation, theoretician in law, akhbariyoon (the followers of a certain group of Islamic jurisprudence who limit the reasoning and argument of jurisprudence to the Koran and narrations related to the Prophet), government, inferential arguments.

Majoos, "Zoroastrian", in the Koran and the traditions

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The discussion of the question of Zoroastrianism has a long precedence in the history of Islam. At the time of the Prophet (PBUH), the question discussed was whether Zoroastrianism was a divine religion and whether its followers were to be regarded as People of the Scripture. The question was discussed in the centuries that followed as well. The writer has made an attempt in this article to clarify position of Islam on this question and the way the Prophet dealt with it. To do

so, she first discusses the word majoos, its history and the people who were referred to as majoos and then she discusses the word as appeared in the Koran and the traditions.

Key words: majoos, Zoroaster, zimmi (free non-Muslim subject living in a Muslim country), People of the Scripture, The Koran, traditions, People of the Ditch, the Dwellers in Ar-Rass.

Doctrine of La Zarar and its effects on the affirmative judgment on a non-existent

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The doctrine La Zarar (use your own property in such a manner as not to injure that of another), as well as the doctrine La Haraj, on the affirmative judgments on non-existents has always been one of the great challenges in jurisprudence. In this article, the writer, looking at the question from a new perspective, makes an attempt to provide a solid foundation for a great number of jurisprudential issues. The writer has first given examples of the cases of La Zarar on the affirmative judgments on non-existents including substantiation of pledge, imprisonment of a free person with a profession, license for the divorce of the wife in case the husband refuses to provide her with alimony. He then puts forward ten arguments presented by those who

are opposed to the doctrine and criticizes them, thus paving the way for various jurisprudential applications which, in so many fatwas, have no precedence.