

## **ABSTRACTS**

### **Nullity or Validity of Suspension in legal acts**

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The Jurists and Lawyers are at variance of opinion regarding validity of suspended legal acts. However, Having stated the evidences of nullity and validity followers of suspension and having considered the legal justifications of void and valid legal acts, we understand that principle in validity [principle of validity: a transaction is presumed to be genuine unless proved to the contrary] in the suspended contracts, unilateral contracts and obligations. Exceptionally and in special cases, suspended legal act is void. Law, logic and custom authenticate it. In this paper, for avoiding stretching a speech we do not object to the effects of the suspended legal acts (whether narration or exploration).

## **Religious democracy and the question of legitimacy**

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After a brief remark on the necessity of discussing the subject and necessity of the Islamic government, the writer touches upon the source of legitimacy in the liberal democratic government and the position of voting in that political system and the source of legitimacy of the government in the Islamic government as viewed by the Shi'ite and Sunni jurists. The writer divides legitimacy into two kinds, primary legitimacy and secondary legitimacy, and then drawing on valid documents, explains the apparent contradiction between the fact that the Islamic democracy is, on the one hand, a divine system and, on the other hand, is voted by the people. Finally, the writer presents two sets of quotes from Imam Ali (PBUH), which show the falsity of the claim the religious democracy is contradictory in terms.

**Keywords:** Religious democracy, Islamic government, Legitimacy, Imamat, Voting, Allegiance, Democracy, Justice, Ijtihad.

## Principle of Constraint

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Constraint is the condition of driven by necessity. The principle of constraint determines the duties of the person constrained. In jurisprudence, it includes a range of activities from cleanness to blood compensation. However, jurists have discussed it mainly with regard to those that can be eaten and drunk, and presented three different interpretations: fear of losing one's life; fear in general, including fear of losing one's life, or one's limb, etc.; and fear of things not related to oneself but to others. The roots of constraint are compulsion, precautionary concealment, loss and necessity. The present article deals with a kind of constraint whose source is necessity. The Qur'an has explicitly excused the person constrained from duties provided that the oppressor shows no inclination to sin. Tradition says that "there is no unlawful act that God Almighty has not made it permissible under constraint." The intellect also knows it permissible to give up necessary duties and to do the unlawful acts under constraint. Finally, the writer presents the conditions under which the application of the principle of constraint is made permissible.

**Keywords:** Compulsion, Constraint, Loss, Unlawful act, Lawful act, Distress and constriction, Permissibility.

**Studies on the great «osuli» s' opinions  
On the «shart-e Mota'akhhker»**

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This article studies the opinions of great scholars such as: Akhond-e Khorassani, Nayini, Iraki, Esfahani, Khoyi, Khomeyni, and Tabatabaei on the «shart-e mota'akhhker», and three solutions are being suggested, namely Nayini, Esfahani, and the current opinion's solutions.

**Keywords:** Shart-e mota'akhhker, Shart-e hokm, Shart-e Ma'mooron beh, Shart-e waz'a, Shart-e mogharen, Shart-e taklif.

**Tolerance in the political thoughts of Islam**

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This article takes preliminary steps toward presenting a theory on tolerance in the political thoughts of Islam. The writer first states the problem by clarifying the meaning of tolerance, and then presents the conventional principles of tolerance as viewed in the political thoughts of Islam. The limits and the application areas of tolerance constitute the framework of the theory. The writer then explores the concept of

tolerance in the life of the Prophet (PBUH) and examines cases of tolerance in the early history of Islam. Finally, the writer evaluates the Islamic point of view by pointing out the ways tolerance should be practiced in the world of Islam.

**Keywords:** Tolerance, Political thoughts of Islam, Freedom of expression, Freedom of religion, Government and politics in Islam, Violence.

### **Mudejans and Moriscoes in the Spanish culture**

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In this article, the writer deals with certain cultural activities of Mudejans and Moriscoes offered as the literature of Al-a'jamiyah, those without a good command of idiomatic Arabic, clarifying the role they played, as carriers of the Islamic heritage, in the advancement of literature of the Christians of Spain. Although the ruling Christians were hostile to the Muslim minorities, they never ignored their scientific capabilities and achievements, making the most of their capabilities.

**Keywords:** mudejans, Moriscoes, Al-a'jamiyah.