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The optional decrease of the number of embryos; The principles of illegitimacy in Islamic jurisprudence

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(Date of Receipt: 12 October 2014; Date of Acceptance: 12 November 2014)

Abstract:

Although using of treatment methods of infertility makes the realization of the hope of having children more possible, it makes the infertile families face the multiparty problem. The medical society is trying to decrease the numbers of embryos to fertilize the infertile couples for decreasing their anxiety about having some babies. In this study, we are trying to study the reasons of legality or illegality of decreasing of the numbers of embryos. According to the juristic considerations: 1. The first principle which must be observed in the affairs which deal with human life is precaution rather than acquittance. So, we must be aware in confrontation with the issue of discredit to the legality of decreasing of the numbers of embryos. The reason is that the theme is killing of an existent that can be changed into a perfect human being. In fact, each action which leads to his/her demolition must be avoided. 2. The most important reason for verifying of illegality of decreasing of the numbers of the embryos is considering the embryo as a person. Although the existent inside the womb cannot be considered as a perfect human being, he/she is a potential human being which will have moral personalities, and subsequently juristic-legal personality, in the passing of his/her embryonic period. 3. The parents` consent is not enough for confirmation of the license of deceasing of the numbers of embryos. The reason is that their genetic dominion on their sexual liquids doesn't give them freedom to his/her demolition after spermatogenesis.

Keywords:

Embryo, Considering of Embryo as a Character, Decreasing of the Number of Embryos.

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To appoint an attorney in devotion

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Abstract:

It is so common in many legal activities to appoint an attorney, which is selected to do something on behalf of a client. To appoint an attorney for making a formula of devotion has always been in dispute among jurists. One finds evidences and discusses while another finds evidences against such an appointment. There is an explicit agreement about the conditions of appointing attorney in some binding contracts like sale or mortgage. On the other hand, the lawyers have agreed about the issue in situations like “condition included in the contract” (Shart-e-fel). What is a great importance here is that whether the devotion should be considered as an act of worship or else as a transaction (business) and whether it is required a pure intention on behalf of the servant towards God or not.

Keywords:

Alms, Binding, Devotion, Power or Attorney, Disputation, Pure Intention, to Appoint an Attorney.

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Types of blood money (atonement) dilution in jurisprudence and Iranian criminal code

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Abstract:

Blood money dilution is, inter alia, serious objective and unique quality conducted in four ways. Intensifying or dilution of blood money is unique to murder crime differs in terms of time and location of murder in Haram months or in Mecca. Islamic Penal Law ratified in 2013 has followed jurisprudents' opinion in some cases of blood money dilution while in the case of execution, Judiciary has ignored border between deliberate murder, unintentional murder, and pure error by determining only one kind of blood money and in this perspective. They have added to Islamic criminal laws the way of blood money dilution. Present paper in studies four methods of blood money dilution and emphasizes on the necessity to determine and dilute blood money in different types of murder.

Keywords:

Blood Money Dilution, Blood Money Payment Incumbent, Blood Money Payment Time, Haram Months, Mecca Sanctuary.

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Financial endowment values

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Abstract:

What in the past had been consecrated land, houses, gardens, and some movable property having intrinsic value, but Amrvz•htghyyr nature of money and credit values Dygrmannd emergence of new financial securities Mytvandzrfythy in the area dedicated to offer. However, the two theories have been proposed to devote money and securities. Some scholars do not consider it proper evidence offered to prove his claim. In contrast, another group also unsubstantiated criticism of the opposition, dedicated credit valid values and consistent with legal standards and these have to prove it

Keywords:

Dedication, Endowment Funds, Endowment Shares, Securities.

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The theory of governance and the bias of political legitimacy from the perspective of Grand Ayatollah Imam Khomeini

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Abstract:

Relationship between religion and politics in the thought of Imam led adherence of the social, cultural, economic, legal, judicial, administrative, and military notions from Shiism. The theory of governance of Imam profound effect on the nature of the political system and its legitimacy. In this paper, we explain the notion of governance from the perspective of Grand Ayatollah Imam Khomeini, the theory of Absolute guardianship of Faqih, and attempt to describe the basis of political legitimacy in the Islamic Republic era and also we will examine the characteristics and components of the central government policies that speed up the process of development governance model in Iran.

Keywords:

Absolute Guardianship of Faqih, Islamic, Governance, Government, Republic.

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The repeat of adultery in its punishment in criminal law of Imami

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Abstract:

Some causes have investigated in the general criminal laws that intensify punishment of crime. These causes are the intensifying causes of punishment. Some of these causes are: time and place of crime, using the gun, official position and mission, drunken state, blasphemy, marriage-bound and so on. There is similar cause in the criminal Imami jurisprudence when a crime is intensified. Some of these causes in the Imami jurisprudence are: time and place of crime, repeating the crime and so on. The subject of this paper is effect of the repeat of adultery in its punishment. "Repeat of crime" concludes "multiplicity of crime" in Imami jurisprudence. And, jurists describe the multiplicity of crime by the way of repeat of crime. So, in this brief in addition to the effect of "repeat of crime", the effect of "multiplicity of crime" will have investigated in imami jurisprudence. All kinds of "repeat of adultery" in the Imami jurisprudence fall under three rubrics. The first and second rubrics of them match the multiplicity of crime in criminal law. In this paper, by the way of investigating the views of jurist and their evidences about intensifying the punishment of adultery or not, "repeat of crime" offer the accepted view.

Keywords:

Causes of Intensifying the Punishment, Imami Criminal Law, Intensifying the Punishment of Adultery, Repeat of Adultery.

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Social security in Malek's treaty

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Abstract:

Social security institution of the modern state is based on the lives of ordinary people who impaired and supported by the system. The most costly part of the system, the field of social support is relevant to people who are unable to do even a fraction of the price to pay for the services they receive. The Treaty of Imam Ali Malek Ashtar as part of the community determined by the lower classes and addressed those cases explicitly cites. He also determines the financial resources to spend manages and will be directly responsible for social security. Although, the ruling states fearing and humble person for the job Committee, Imam Ali's do it right and it provides for enforcement with the same title.

Keywords:

Lower Classes, Imam Ali, Malik Ashtar, Social Security, Social Security Principles.

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Wergild of fingers “A critical view on the theory of difference of fingers in the amount of wergild”

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Abstract:

Legislator in Article 641 of the Penal Code, adopted in 1392, considered equal contribution for fingers in the wergild: "Shall be any of the fingers of the hand, a tenth of the complete (wergild)?" Imami jurists have supported the popular view. But in contrast, some views appeared in Imami Jurisprudence considering the existing differences in details of the issue- almost distinguished difference of fingers in the amount of wergild and deemed more contribution for the thumb. This view agrees Ayatollah Khomeini and scholars attributed to his religious school (schools of Najaf). The author in a detailed query in the words and documents of the supporters each of the two approaches, has found the perspective of supporters of the difference theory not complete, and objecting their alleged reasons, has approved the doctrine of equality of the fingers in the wergild as a consistent view with the standards of the Imami Jurisprudence.

Keywords:

Equity Theory, Theory of Difference, Thumb, Wergild of Fingers.

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