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# Contents

<b>Identifying the Conditions Effective on Development of Philosophy and Theosophy in the Safavid Era .....</b>	<b>1</b>
Mohammad Hossein Irandoust, Ma'soumeh Hassandoust	
<b>Critical Investigate of Mills Utilitarianism .....</b>	<b>2</b>
Mojtaba Jalili Moqaddam, Hossein Ma'soum	
<b>Distinguishing Claimant from Defendant in Alimony Lawsuit.....</b>	<b>3</b>
Seyyed Mahdi Mirdadashi	
<b>Analysis of Torture in International Law .....</b>	<b>4</b>
Hojjatullah Mohammad Pourzad, Ahmad Moradkhani	
<b>Trail in Absentia in Islamic Fiqh and Some Current Legal Systems .....</b>	<b>5</b>
Esmatulsadat Tabatabaie Lotfi, Zinat Ne'mati	
<b>Inviolable Ordinances of Marriage in Hanafiyya.....</b>	<b>6</b>
Mohammad Sadeqi	

## Identifying the Conditions Effective on Development of Philosophy and Theosophy in the Safavid Era

Mohammad Hossein Irandoost\*, Ma'soumeh Hassandoust\*\*

(Received: 2 February, 2016; Accepted: 18 February, 2016)

### Abstract

This article intends to respond to this main question that what conditions led to development of philosophy in this era with a consideration given to course materials like logic and philosophy in seminaries as well as writing of important philosophical treatises? The Safavid era is one of the important periods in Iranian history where the twelve-Imam Shi'a as the official religion was established in the country. The Islamic philosophy and theosophy has spent one of the most flourishing spans in the Islamic Iran, particularly in the cities of Shiraz and Isfahan. In this article, conditions recognized in this age are "situation of religion", "specific educational methodologies" in the Safavid era, "Policies of the Safavid Sultans" including support of education centers, welcome of migration of Jebel Amel scholars, support of establishing suitable training centers and major seminaries and contribution to constitution and consolidation of libraries as grounds for growth and development of philosophy.

### Keywords

Islamic Philosophy, Safavid Era, Shiraz Seminaries and Isfahan Seminaries.

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## Critical Investigate of Mills Utilitarianism

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(Received: 3 February, 2016; Accepted: 18 February, 2016)

### Abstract

Mill as a social reformer did not innovate Utilitarianism but he presented perennial interpretation from it and modified Bentams Utilitarianism which was under severe and vigorous critics. He responded a lot of query and revived the Utilitarianism. These reformations and innovations happened on principles, purposes and interpretations but on occasions the reforms could not respond appropriately the critics, even the own reformations and innovations made other critics. . In this essay I have endeavored that deliberated Mills Utilitarianism and analyzed his backgrounds, principles and purposes so that showed how much his modified Utilitarianism can solve the critics and resist against the critics. Mill as a social reformer did not innovate Utilitarianism but he presented perennial interpretation from it and modified Bentams Utilitarianism which was under severe and vigorous critics. He responded a lot of query and revived the Utilitarianism. These reformations and innovations happened on principles, purposes and interpretations but on occasions the reforms could not respond appropriately the critics, even the own reformations and innovations made other critics. . In this essay I have endeavored that deliberated Mills Utilitarianism and analyzed his backgrounds, principles and purposes so that showed how much his modified Utilitarianism can solve the critics and resist against the critics.

### Keywords

Benefit, Pain, Pleasure, Preference.

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## Distinguishing claimant from Defendant in Alimony Lawsuit

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### Abstract

One of the challenges facing family courts trial is to find response to this question that if the wife files a claim for demanding alimony, should she prove her obedience or in the case of disobedience her excuses and justification in addition to submitting her marriage certificate? Or she should only submit her marriage certificate and it is up to the husband to prove her disobedience and her unjustified excuse for disobedience? In other words, who is the claimant in alimony lawsuit so that he/she might be asked to provide evidence? The article writer intends to respond to this question.

### Keywords

Alimony, Claimant, Defendant, Obedience.

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## Analysis of Torture in International Law

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### Abstract

Torture is blatant violation of international law and it is considered as a demeanor against human respect and esteem. In international and regional documents, while banning the exercise of torture, the nations are demanded to make arrangements for officers not to exercise the act against the suspects. The United Nations General Assembly has condemned the act. Nowadays, torture is being recognized as an international crime in International Penal Code and anti-torture convention enacted by the UN in 1984 as well as international criminal articles-of-the-association has underscored torture as being a crime. In International Convention, anti-torture rule has been accepted as an internationally imperious rule. In international penal code and internal penal code of most nations, the crime is thought to undergo Punishments and the three types of competence: “territorial”, “personal” and “global” can be applied to examining the crime.

### Keywords

Torture, International Penal Code, International Conventions, Global Competence

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## Trail in Absentia in Islamic Fiqh and Some Current Legal Systems

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(Received: 2 March, 2016; Accepted: 10 February, 2016)

### Abstract

Justice execution is the ultimate aim of any trial and fair trial is one of the most important criteria to measure social and judicial development of any society. Hence, it was seen necessary from long time to resent needed mechanisms to guarantee it. Although the principle of conflict and hostility between people has been always accompanied with the principle of parties' attendance in trial, sometime unconditioned obligation to this principle cause negating people's rights since one party may hide from another party or justice executors and causes insecurity, distrust and dissatisfaction from judicial system. To this end, in Islamic and even in Roman – German law system, in contrary to Common Law, trial in absentia accepted to establish security and to prevent people's right denial. The forbidden of trial in absentia in Common Law is due to use adversary trial while it is investigatory in Roman – German system. In investigatory system, judicial authority should gather evidences. Therefore, when the procedure starts, the court has relevant evidence in the interest of defendant. Islamic jurisprudents have allowed trial in absentia conditionally based on narratives when the issue concerns the people's rights. There is no absent verdict on the right of Allah and punishment.

### Keywords

Common Law system, Islamic Fiqh, Roman – German System, Trial in absentia.

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## Inviolable Ordinances of Marriage in Hanafiyya

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### Abstract

Barriers of marriage (Inviolable ordinances) are matters lack of which stand as conditions for marriage and if they exist, they stop true marriage. Every woman as to her nature is qualified for marriage and she can marry a man, but she might not be suitable for marrying a certain man. It means that it might be permissible or unlawful (haram) for a given man to marry her; this unlawfulness might happen to last forever or for a short period of time; therefore, tools of illegalizing women for marriage might be permanent or transient. Permanently inviolable ordinances are the cases that a woman never becomes halal to a man who have been haram to her because the haram-based attribute is one of the attributes that remains indispensable to her such as relative kinship. Matters leading to permanent haram are divided into three categories: Kinship, kindred of marriage, foster relationship. Transiently inviolable ordinances go for women who are not permanently haram but temporarily and woman stays haram to a man as long as she carries the haram-based attribute. When the attribute changes and haram cause stops, a woman becomes halal to a man as it is the case of a married woman who becomes halal for marrying another man when her husband passes away or divorces her. Transient inviolable ordinances are: Married woman, divorced woman's waiting period before marrying another man, different religion, and man having four wives, being one of the near relatives, imprecation, triple-time divorced woman in relation to her husband.

### Keywords

Barriers of Marriage, Inviolable Ordinances, Kinship, Kindred of Marriage, Permanent Haram.

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