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Study of Rule for Sacrilege in Islamic Jurisprudence

Mohammad Mahdi Ahmadi*, Seyyed Hassan Chavoshi**

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Abstract

Since man came into existence, he began to be in need of sacred criteria to outlive socially, in the shadow of which he can justify his effort to survive and as he found its self-esteem and respect necessary, he saw disrespect and sacrilege an unforgiveable sin. In conspicuous religion of Islam, some matters like the Almighty God, Prophethood, resurrection and...are recognized as the religious sanctities that are given special respect; henceforth, Islam finds their sacrileges unpermitted; it is to be said that offensive sacrilege is one of the important issues of jurisprudence in Islam and has different topics under study like paying tribute to rites and prohibiting sacrileges which are referred to in jurisprudence and narrations. The sanctities whose offending is scolded can be generally enumerated as: offending fundamentals of religion, God the Praiseworthy Who is the Holiest for Muslims and the offender deserves death in the eyes of all Islamic religions. All divine prophets particularly the holy Prophet of Islam, the twelve Imams and Hazrat Fatima. Insulting positive laws, sacred abodes, sacred times, sacred books, causes of sacrileges, exceptions and applying cases of sacrileges....all of which have been elucidated. In this article, all religions and sects particularly Imamiyya believe that it is required to pay respect to sanctities for proof of which narrative-rational evidence exist in abundance and determines applications of Islamic respects.

Keywords

Applications, Curse, Paying tribute, Sacrilege, Sanctities.

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Retrieval of Deficiencies and Diseases of Man Leading to Dissolution of Matrimony in the Eyes of Sheikh Ansari with a Glance Over Views of Imam Khomeini (RA) and Shahid Thani

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Abstract

Breakup of spouses is one of major issues of Islamic jurisprudence. The separation takes place in two major forms: A. Divorce, B. Dissolution. Dissolution of marriage is discussed in jurisprudential books with the title of "Fi Mujeb Al-Khiyar". In Islamic jurisprudence, when there emerges doubt about survival of matrimony due to pre-marriage illness or defect in woman or man, the main principle is authorization of necessary conclusion of marriage, but the verbal evidence like narrations of trickery, there is no injury and so forth are given priority over the principle. The way the sacred legislator predicts for compensation of damage from illness or defect in each one of spouses is the right of dissolving marriage, which removes damage. Some illnesses and deficiencies are common in spouses and others are exclusive. What is discussed in this article is diseases and defects existing in men only. What is deeply dealt with here is opinions of Sheikh A'zam Ansari in the field of illnesses of men with a glance over views of Imam Khomeini (RA) so that the writer and researchers of the field might be totally aware of permissions for dissolution of marriage.

Keywords

Dissolution of marriage, Disease, Imamiyya jurisprudence, Matrimony, Trickery.

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Avant-Gardes of Jamal School in Islamic Philosophy and Gnosticism

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Abstract

Every man chooses a path to reach God; one finds way of religion, another one chooses way of ethics, the third one goes along worshipping and the fourth one finds rational way of reaching God, but the shortest way as heart testifies to reach God is path of love. This is the path of Jamal School. The School of Jamal formally emerged in Islamic Gnosticism since 3rd A.H and salient figures believed and abided by it. This school sees the world nice; it seeks philosophy and aim of creation in nicety, calling man on nice things. The original message of the school lies within love relationship with God and the world of existence. School of Jamal emanating from human nature and innateness pays attention to all existential facts of man and uses all of his capabilities to reach proximity to God; it is not limited to a certain period and short juncture of history of Islamic Gnosticism and Iran just as the great men and personalities of the school are not restricted to a few people. The school can be traced back to various human civilizations. This article aims to descriptively elucidate, while introducing School of Jamal, its componential elements as Islamic philosophers and mystics see it and to come to conclusion that there are a number of elements of the school that have been manifested in writings and works of divine philosophers and mystics.

Keywords

School of jamal, Philosophy, Islamic gnosticism, Beauty.

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Deputization Norm for the Issue of Attorneyship

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Abstract

Contract of attorneyship is included among the most prevalently applicable contracts in the community thanks to the function it has in facilitating affairs and solving problems through deputation. But the important question posed about use of this contract is that whether one can fulfil all affairs through attorney-at-law and by granting attorneyship or certain matters can be only done by appointing one as attorney. Deputization matters and setting a normative standard for them have been favored in works of jurists and jurists. In this article, attempt is made to look into norms for diagnosing deputization affairs raised by jurists and jurists and to clarify matters whose deputation is in doubt; Finally, this idea has been accepted that all legal acts can be represented by attorneys unless matters for which individual agency on fulfilment is set as a condition and attorneyship is faced with legal barriers and public order. In the end, non-deputization basis of oath, confession, testimony, imprecation and forswear a woman stipulated in note 2, article 35 of civil procedural law is discussed; rule of legislator for absolute non-deputyship is criticized and its amendment is proposed.

Keywords

Agency, Appointment of attorneyship, Attorneyship, Deputization, Non-deputization.

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Conditions for Marriage According to Hanafiyya

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Abstract

Conditions for marriage in Hanafiyya are: Terms of conclusion, terms of accuracy, terms of effect and terms of necessity. Terms of conclusion relate to offer, acceptance and marriage recital such as occurrence of offer and acceptance in one sitting and adjustment of offer and acceptance; both parties of marriage contract hear and understand each other's words. Also, solemnizer of marriage must be competent enough to recite the marriage recital; that is he must be wise and discerned. Therefore, someone who is frenzy, undiscerned underage cannot conclude the recital. If the wife is Muslim, the husband must be Muslim too because non-Muslim's marriage with Muslim is abolished. Terms of accurate marriage contract are the conditions without which marriage contract is ineffective and disrespected legally. There are two conditions stipulated for accurate marriage contract: testimony and competence of woman for marriage contract. Terms of effective marriage contract are the conditions without which decisions on marriage contract will not take effect for both sides of marriage; marriage contract is not concluded until permission is given and in case permission is given, marriage contract becomes effective such competence and guardianship. Hanafiyya explicated four requisites as necessary terms of marriage: conclusion of marriage contract for an premature person by father of ancestral father or child; choice of suitable dower or more as marriage portion in marriage of wisely mature person, the husband having no deficiency and social equality for both parties of marriage.

Keywords

Accuracy, Conditions of marriage Contract, Effectivity, Necessity.

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Rule for Makeup in Islamic Jurisprudence

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Abstract

Makeup has been favored by people. This is a case study in respect of hygiene, esthetics and religion. In this study, ruling for shaving face is religiously evaluated. Typical face shaving which is known as shaving beard as commonly said by religious people is being researched. This research proved banned beard-shaving through the holy Qur'an, Sunna of Ahl-e Bayt ('a), truly Islamic jurists conduct and virtuously devout people. Also, this article deals with the point that many jurisprudents consider beard shaving as an ugly, devilish and non-Islamic act. Of course, regarding face whose hair is cut, as commonly used by people, it is a point of disagreement among experts and will be examined here.

Keywords

Beard, Cheeks, Countenance, Face, Lohay (where face hair grows).

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