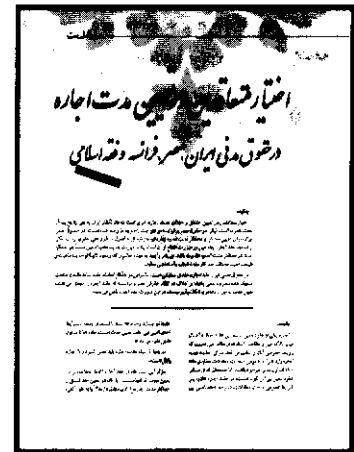


## The Option of the Contracting Parties in Fixing the Term of Lease in the Civil Law of Iran, Egypt, France and Islamic Jurisprudence

Ali Abbas Hayati

The option of the contracting parties in fixing the minimum and maximum of lease term is an issue which is not sufficiently dealt with in the Iranian legislation. In the Egyptian and French law, however, there exists some articles in this regard. In the Iranian civil law there is no other option but to resort to the established and general principles of law. One condition of the contract of lease is the survival of the object after application. Hence in regard to the nature of the object, the maximum term of lease may vary.

It is up to the ruler, then, to determine the maximum term by relying on the nature of the varying objects. In the Iranian civil law the lease contract is a possessory one, so at the time of making a contract one should fix the amount of possession. In the Egyptian and French law, however, the contract of lease is "obligatory" and it is not possible to set an unlimited term which can render the contract null and void.



## Characteristics of Religious Law

Mahdi Rashvand

The singular legal rule is a unit from which the law is derived and is characterized by the following:

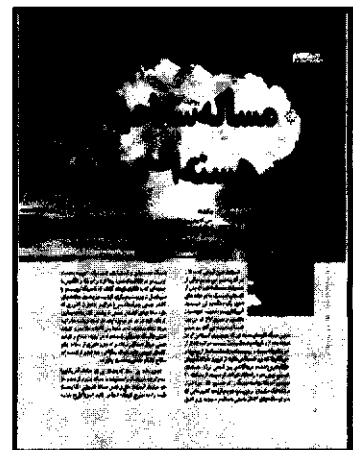
1- It is a statute rule 2- It is a behavioral rule 3- It controls the external manifestations of behavior 4- It addresses the members of society 5- It is abstract and general 6- It is sanctioned by punitive measures set by man. The religious law (the one derived from "Shari'a") is taken from the Holy koran, the Prophet's Tradition's and other authentic religious sources. There are similarities and dissimilarities between the legal rule and religious rule. The present article has elaborated on this by elucidating the boundaries of each. There is also an explanation of the difference between the Islamic Shari'a and social regulations.



## The Issue Of Nuclear Arms in Iran and Consequences of Signing the Additional Protocol

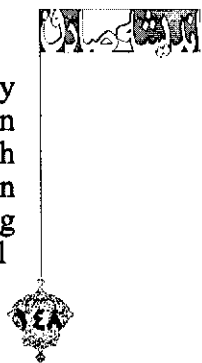
Dr.Kazem Jalali

The text is based on Dr.Kazem Djalali's speech delivered at ISU on 82/3/27 under the auspices of the Faculty of Political Sciences. The speaker clarified the issue of nuclear arms in Iran and the acceptance of the additional protocol and its effects on the country. He then answered to some of the topical questions raised by a number of students.



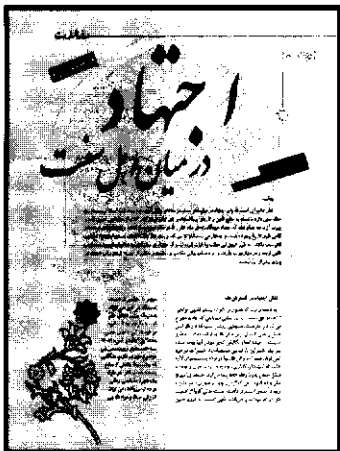
between supply, demand and cost.

This article discusses Ibn Khaldun's economic ideas about value, the quantitative theory about money and supply and demand. It is then compared with Adam Smith's view. Ibn Khaldun does not confine value to work and when it comes to services which deal with non-material production, he believes it to be entirely the result of work. Both Ibn Khaldun and Adam Smith avoid confining value to work and refer to other elements in creating value. Ibn Khaldun insists more on the role the nature plays and believes that the capital gets its meaning in leasing which is itself the result of the previous work. But if we accept Adam Smith's theory of production cost, we conclude that he believed in the effect of the three elements on creating value.



### Ijtihad Among the Sunnis?

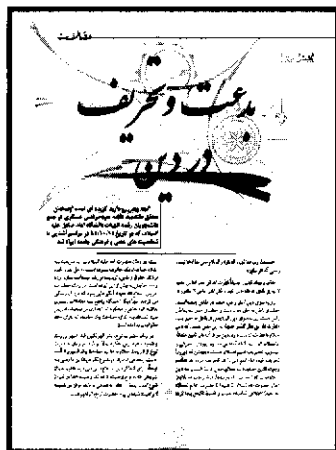
A. Kazemi



The dominant assumption is that Ijtihad (Islamic jurisdiction) was terminated among the Sunnis in the late third century of the Islamic Calendar. The writer has attempted to indicate the impossibility of disposing of Ijtihad both in theory and practice by having recourse to historical and jurisprudential references. He also mentions the fact that there have always been Sunni practitioners of jurisdiction throughout the history.

The study implies that Ijtihad among Sunnis has always been restricted to the four major jurisprudential schools and has been rendered within the framework of their founders' doctrines. Hence, what is said about the termination of Ijtihad can be the result of this condition. An exact definition of this situation from a scientific and historical perspective and a survey of its origin and development could be regarded as valuable for those interested in the history of Islamic

jurisprudence.



### Allameh Asgari's Address to a Group of ISU Students

This is a synopsis of the speech delivered by Allameh Asgari to the theology students of Imam Sadegh University on the occasion of introducing some of the cultural and scientific luminaries on 15,10,81 (The Iranian Calendar)



**The Occupation of Iraq and Prospective Opportunities for the Islamic Ummah**  
**Dr. Mohsen Alviri**

The occupation of Iraq by the US has certainly brought about some threats to the Islamic Ummah. But through our religious education we have been taught to withstand such harsh conditions and turn them into opportunities for carrying out our aims on the one hand and fighting against our enemies on the other. Guidelines of this kind could be traced in the Holy Koran and the Holy Prophet's and Imams' Traditions. Hence one should have a correct recognition of both the threats of the Great Satan's military expedition to Islamic countries and the opportunities provided by that. Here are some of the most important ones: an indication of the decadent nature of American regime, formation of good ground for the unification of Islamic countries against a common enemy, ideological crisis in the West and putting liberal democracy under question, direct introduction of the Islamic doctrine to the enemies, the possibility to show the beautiful features of Islam and Moslems to the world, the necessity of a serious and multilateral struggle against America and proving the futility of any negotiation with that regime, and finally Moslems' consciousness of their potentialities.



**An Introductory and Jurisprudential View of the Draft of the Constitution of the Islamic Republic of Iran**

The article is the translation of the letter written by Martyr Seyyed Mohammad Bagher Sadr in response to the request of a group of Lebanese religious scholars to expound on his jurisprudential view of the Constitution of the IRI. He first mentions some of the characteristics of the Islamic Revolution and then emphasizes the role of leadership as an eminently mature authority and explains the underlying thoughts of the draft of the Constitution. He continues by referring to methods of implementing people's authority and the characteristics of the person who assumes leadership and religious authority. Finally the writer identifies some of the goals of the Islamic Republic of Iran in other countries and introduces his own brief theory as a mere proposal to be observed and examined.



**A Short Comparison of Ibn Khaldun's and Adam Smith's Economic Ideas.**

**Hamid Akhavan**

One major issue discussed in economy is the nature of the relation between value and cost on the one hand, and the one

