

governments emerged after the collapse of the Soviet Union, their economic approach toward the lake led to more tension. Moreover these governments are trying to get rid of the Soviet Union's treaties. That exacerbates the situation.



The foundation of doctor's tortious liability.
Sayed mohammad zaman daryabari

Doctors' liability is their being accountable for the damages they have made to patients and these are done due to practicing medical duties. If this liability is based on "non-contractual theory" the burden of proof regarding the doctor's negligence is on the patient and if based on "contractual theory", whether the doctor's obligation is a "determinate one" or it is an "undertaking to do some thing" the case will vary.

In this article, with a new approach to doctor's liability, the shortcomings in this sphere are addressed. The first part is dedicated to the history of doctor's liability and the second one to the nature and principles of doctor's tortious liability. Afterward, different ideas regarding doctor's liability, the nature of the treatment contract and the principles of their liability (including wrong diagnosis, treatment and surgery) are quoted and criticized and the concept of "Consent" and its characteristics are discussed.

Government hire purchase papers as a substitute for bonds
Sahid Keyghobadi



After Islamic revolution of Iran, laws and regulations pertaining to money and banking institutions, and monetary policy design, were amended to eliminate the Riba from the economic system. The discussion mentioned above should have helped to make it clear that monetary policy would have play an important role to help us realize the objectives of Islam.

However, given the abolition of interest and non-availability of the tools of discount rate and open-market operation in interest hearing government securities, some question arise:

How will monetary policy be made to play an effective role in achieving the goals of an Islamic economy? And what will be the alternative to interest bearing government securities? It is to be noted that the alternatives must be arranged within the framework of Islamic law.

Some alternatives are:

- 1- discount bonds. 2- government credit-purchase papers. 3- government Mutharabah papers. 4- government participating papers. 5- transferable participating-deposit certificates.

But the writer's proposal is government hire-purchase papers. The hire-purchase agreement is a conditional lease contract, which automatically results in the ownership of the lessee on expiration of it, provided that it conforms to incorporated terms and conditions in the lease agreement.



Mistake and Criminal Liability
Mohammad Maghbooli

As a determinant factor in criminal liability, mistake is one of the important, precise and controversial issues in general criminal law.

Criminal law authorities generally consider it to be one of the excitatory defenses, while I do not think that is a good idea. In fact, mistake is a wrong assumption about the reality; i.e. imaginary thing is thought to be real and vice versa. By definition, mistake might be of law or fact.

Mistake of law is a wrong assumption someone has either about the law itself or its interpretation. Mistake of fact is when someone is aware of the law but is mistaken in the type of act, its circumstances or consequences.

It is classified into two categories: intentional and unintentional.

The theoretical and practical status of development in Koran

Majid esmaeeli

When religious foundations pervade a Muslim's life, they render the status of development-i.e. Promotion of abilities and qualitative and quantitative aspects of human existence-to be the focus of Islamic orders. What people are invited to by the prophet and Imams, is a good life in which Man achieves the highest points of elevation and perseverance as a requisite for getting to perfection. In Islamic thought, prior to every goodness is faith and good deed; so we shall call them the theoretical and practical foundations of development.

Faith is achieved through reason and God's will and reason gets its strength from knowledge and determination. In Koran knowledge is pervading all aspects of human Life. So in Abraham's monotheism, Noah's ship-making, David's iron-melting, Joseph's economic affairs and Solomon's knowing the bird's languages, this can be realized. Good deed is based on the denial of the false and practices of the true; thus polytheism is rejected and instead worship, obedience and piety are replaced. In this respect invocation of God is dominant in the atmosphere of faith and good deed.



The conflict between Ilkhans and Mamalik and its Impact on the Propagation of Shiism.

Mortaza Rahimi

After the newly established Ilkhans government came to power in Iran they immediately faced their only rival: the "Mamalik in Egypt".

Their conflict resulted in the empowerment of the Shia school of thought, for it became the only accepted version of Islam for a short period of time.

The row between these two powers led them to a series of battles and Ilkhans were defeated in most of them. Thus, they did all they could to achieve their great dream: the conquest of Egypt. So they fortified their ties with Shias, which were against the caliphate in Cairo. For them there was no difference between Islam and other religions. In fact, in certain situations they even allied themselves with the Christians against Muslims of Egypt. In general three factors led to the expansion of the Shia school of thought:

- 1- The Ilkhans, themselves, leaned toward the Shias while resisting the caliphs in Egypt.
- 2- The elites of Ilkhans declared to be Shias in order to rid themselves of the possible label of being the agents of the caliph
- 3- The Ilkhans did their best to win the affection of Shias of Iran.



The study of the Islamic Republic of Iran's constitution in regard to its emphasis on research.

Mahmud Sufi Abadi

As we know, research plays a key-role in the development of a country. Hence it has been one of the principal concerns of Iranian legislators.

If we take a subtle look at the constitutional principles we will see that one way to achieve the objectives of our country is to take advantage of other's knowledge and experience. Obviously we can not achieve this without paying enough attention to the issue of research. Moreover the government should, through well-planned economic policies, combat the economic problems in order to revitalize an atmosphere of research in the society. Finally it is important to recall that the constitution has notified the executive branch of the importance of research.

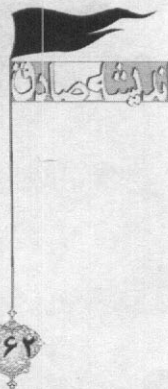


The legal regime of the Caspian Sea and the Stance of Littoral States.

Nader Niknami

The Caspian Sea is the largest lake in the world. In the northern part of the lake, close to the shore of Kasakhstan, there are oil reserves of approximately 36 billion barrels. The region is also significant from an environmental perspective. As we know it has no natural connection to an open sea. so, it can not be considered as a closed or a semi-closed sea. And the participants declared it clearly in Almati conference. Therefore the neighboring countries should divide this lake, according to the international law. Generally, this kind of division can be done according to the borderlines or the median lines and in some cases, lakes have been held in common. There used to be some agreements about the legal regime of the lake. But the oil reserves were completely ignored in these agreements. Thus when the newborn





The Domain of Religion and Man's Expectations from it. Vali Allah Abbasi

Man's expectations from religion and the domain of religion are among the new discourses in the philosophy of religion and modern theology. By determining the sphere of religion, the actual sphere of it is meant, not deciding a sphere, which obliges God. In fact, man's expectation from religion determines the domain of religion; i.e. the questions we should expect it to answer. Of course the approaches to this question in traditional theology and modern theology are different. The role of the prophets and their message plays a key role in this discourse. Some of the thinkers favor Secularism or distinction between religion and politics. On the contrary, people like Shahid Motahari support the idea of coordination of religion and politics. Distinction between religion and politics or Secularism is a western phenomenon, which grew first there and then conquered other countries including Iran. Of course Islamic revolution might be considered as the fall of Secularism in Iran. It is necessary to remind that Motahari, Contrary to Secularists, believed that Islam has a program for this world as well as after life and by no means accepts the distinction between religion and politics.



Freedom of thought and speech in Motahari's view Mohammad Rostami

Every living being needs freedom in its way toward perfection and a free man is one who fights against the obstacles in his own way. From Shahid Motahari's point of view, freedom of thought and speech depends on this fact that one can express his thoughts according to what he really believes in. In liberalism everyone's life belongs to himself and its not God's or the government's business. Everyone is free to accept any idea that he wants. Meanwhile in Motahari's point of view freedom isn't an objective. Motahari believes that if we confine people to this prejudgment that they probably make many mistakes they can not be able to improve their thoughts. Motahari, during his fruitful life, tried hard to prepare a proper situation for thoughts and ideas to be presented. He believes that the main reason for Islam's liveliness is its power to face opposite ideas.



Method of research in the issue of " Islam and the modern world "

Ali Asghar khandan

How can one be a faithful person in the modern worlds? In another word, how can we make compatible the Islamic values and the modern world exigencies? The study of tradition and modernity provides for the proper atmosphere in regards to the answer to this question. The proposed fields of research in this regard are: 1-Recognition of tradition 2-Recognition of modernity 3-The challenge between these two 4-Criticism of tradition 5- Criticism of modernity 6-A combination of tradition and modernity 7-Study of examples of these challenges 8 - Survey of scholars in this regard. Religion is considered as the main manifestation of tradition and it must be taken into consideration if we desire to solve the problems of the modern world. In the definition of modernity there is some ambiguity. There are some important issues which if ignored would have some negative effects on religion. From Shahid Motahari's point of view the changes of the modern world can be classified into two categories: Those changes that we must fight against, and those that we must follow. According to him, we must first understand "tradition" and "modernity" and the challenges they pose to one another. Then we must find the proper solutions that would solve the conflict between the two.



The critique of "Manteghah Al-Feragh" theory Sayed Ali Hosayni

Shahid Ayah Allah Mohammed Bagher Sadr is one of the greatest contemporary Shia scholars, who has been an authority in many fields and he has many invaluable works. Also he had many innovative theories in different fields like philosophy, logic, economics, and etc. The theory of "Manteghah Alferagh" is one of his main theories that can be used in economics and political Shari'a. This paper tries to present a critique and a study of this theory. Moreover, it will indicate the background of the issue in the attitude of Shia and Sunni thinkers. Finally it is equally necessary to reaffirm the value of this theory and its author as well. However it is obvious that such a critique will not undermine the strength and the validity of this theory.





Motahari's Rationalism

Dr. Haddad Adel

Shahid Motahari, a talented man and a genius, was a rationalist. He believed that the skeleton of the being is based on reason and his paying attention to Islamic philosophy was due to this.

He was also sensitive about justice - from political to social and economic justice- in a political and social system. His care for justice was because of his rationalism. One of the reasons that made him popular among Ulama and university scholars was his sense of moderation.

In some ideologies, regarding the status of reason, there are some excessiveness and failures to respect it. Failure is that some people, in the name of religion, leave no room for reason. Our inheritance from Motahari is more the result of his method rather than the unquestionable consequences of his thought.

Apparently, today we are facing some questions that were not posed in his time and we are not to find an answer to all of them in his books.



Social justice in Motahari's view

Mahdi Toghyani

The concept of "social justice" conveys a sacred meaning. And according to the Holy Koran it is one of the main objectives that prophets tried to reach. From Shahid Motahari's point of view social justice means showing proper respect to people's rights, and that it should be maintained and honored. Motahari believes that in an accurate definition of justice, equality must be manifested in the legal system. And that it should avoid discrimination. In other words it must treat those, who are the same in creation and condition, on an equal basis. He believed that individual justice plays a fundamental-role for social justice and that divine justice is the foundation for individual justice, And social justice has some important effects in:

- 1-public opinion 2-personal ethic 3-public behavior

Reformism in Motahari's view

Mohsen Esmaeely

Shahid Motahari (May Allah be pleased with him) is a thinker that can be called an ideologist in the field of religion reformism. Reformism means that it is possible to make a complete change in the form of social, political and economic life through reform -and not revolution -by using peaceful ways. In motahari's point of view the main principle is: recognition of goals and harms of reform and avoiding extremism in this matter. One's own religion and culture, in his view, has most essential role in the reform process. He says it is Islam's great and rich culture that can, and should, support reform campaign and it is Islam's scholars who are experts in this great culture and aware of the time that can, and should, lead the campaign. He believed that one of the most dangerous conspiracies of enemies is: weakening the people's religious beliefs and obliging them to withdraw from their values and principles in the name of campaigning against bigotry and propagating leniency and tolerance.

The relation of knowledge and religion in Motahari's view.

Mohamad Hossein Mahdavinejad

The historical deliberation over the relation between religious instructions and what we call human intellect has been considered as one of the main concerns of philosophers and theologians for many years. We have been observing the continuous debates between these two during the history. Hence the main question is what we shall do in the face of the probable conflict of modern science and what we take from divine inspiration. Some of the intellectuals have tried to make them look compatible. Others, have argued that there exist fundamental incompatibilities between the two. Those, whose main concern has been both religion and intellect, have tried to affirm the compatibility and the conformity of scientific findings and revealed teachings. Finally some like kant and existentialist have spoken about a big gap between intellect and religion.



Shahid Motahari and the malaise of revivalism Mohsen Alviri

From the sociological perspective, the revivalist movement in religion has two inclinations: One towards purism, and the other towards efficiency. Both movements have been entangled with some malaise. The main malaise of the first inclination is intellectual stagnation, populism, isolation from intellectuals and the modern world exigencies, and restricting the religion to personal scope.

The main malaise of the second inclination is its unawareness of the truth of religion, eclecticism, isolation from the mass of people, and ignorance of the devotional aspects of religion.

Shahid Motahari (May Allah be pleased With him), following the historical school of Ahl Albeit who were the true revivalists of religion, was away from this malaise. He managed to achieve a noble position in the revivalist movement of the pure and efficient religion.



Motahari in Aiah Allah Mahdavi's view

Shahid Motahari (May Allah be pleased with him) was an intellectual, just as Islam dictates one to be. Motahari had many distinctive characteristics. One of them was that, unlike many so-called intellectuals, he did not prioritize attainment of knowledge over Islamic rituals and valued servitude just as much.

Another distinctive characteristic of Motahari was that through out his life, he relentlessly strived in the path of strengthening the clergy establishment and showed utmost sensitivity with respect to its reputation. Unlike many writers, Motahari never wrote in a vacuum or for the sake of writing alone. He continuously identified the predicaments of the society, as a whole, and the young generation, in particular, and provided solutions for them.

These persistent efforts of Motahari finally paved the road for the needed socio-cultural revolution that formed and strengthened the foundations of the Islamic Revolution.

These said, it becomes clear why Imam Khomeini (May Allah be pleased with him) had stated that "Motahari was a part of my Flesh."



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افراد: ۲۰ دلار
مؤسسات: ۳۰ دلار

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