

# Justice and reasonable causes in Iran constitution law

Mahdi Najafi Zia<sup>a</sup>, GHafuor KHoeini<sup>b</sup>, Abol hasan Mojtahed Soleimani<sup>b</sup>,

<sup>a,b,c</sup> Faculty of Law & Political Sciences, Kharazmi University, Hamedan, Iran.

Corresponding author: najfiziamahdi@yahoo.com

© Author(s)

OIDA International Journal of Sustainable Development, Ontario International Development Agency, Canada

ISSN 1923-6654 (print) ISSN 1923-6662 (online) www.oidaijds.com

Also available at <http://www.ssrn.com/link/OIDA-Intl-Journal-Sustainable-Dev.html>

**Abstract:** Human being has tried continuously during his history to reach and also define *justice*. Divine and non-divine schools and their doctrine have had a central role through determining justice. Legal system of Iran since last centuries and especially after 1979 revolution, has utilized Islam's doctrine in order to construct itself. What is recognized through legal and religious scholars as sources of legislation and basis or criterion of sentencing is based on Islamic resources, people's customs, jurisprudence and somehow legal doctrine. What is accepted unwittingly is that acting as those rules say, contains justice and it is not necessary to notice the principle of justice while legislating or making a sentence. Legal texts also have somehow become holly by thoroughly following Islamic resources and in contradiction with Islamic- legal records; judicial elements are not capable of being critical. The religious process of legislation and disregarding an institution for reviewing the laws and also lack of sanction for eliminating unfair rules, unjust rules especially on expropriation and disregarding ownership rights by governmental organizations and lack of related laws for solving such problems, trial prorogation are named as main motives for writing the article in hand. While the Holiness oriented attitude of government's power for rights abuses is an obstacle in order to accept some rules as unjust, there are some Iranian scholars who had regarded justice debate as a basis. The article in hand is trying to pave the very basic steps of constructing a modern legal system as the first one through the subject "Critical approach to laws based on justice".

**Keywords:** law, Iran, ideology, fair, justice

## Definition of concepts

There are some terms used through the article that may have been explained as below:

**Law:** the word law contains several usage in most of which is regarded as mandatory, way, rule, order, customs, governmental orders, constant rules through the society, natural necessities and so on. The concept of law is orders and commitments declared by the state or the religion and the government demand acts or omissions to the society based on them. The general definition of law is a general rule coincident for people, the order of whom is known by that rule. This criterion is expressed through Formal and substantive concepts.

The formal concept of law contains the formality of its legislation which is mentioned within the article 58 of Iran's constitutional law: "The functions of the legislature are to be exercised through the Islamic Consultative Assembly, consisting of the elected representatives of the people. Legislation approved by this body, after going through the stages specified in the articles below, is communicated to the executive and the judiciary for implementation." The most important mandatory rules in Iran are legislated by the parliament, established by the constitutional law. Beside the parliament, "Recourse to public opinion" is regarded as sort of legislation function (article 59). Including some conditions, the approvals of internal commissions of the parliament are valid to be law.

**Substantive law:** The law scholars have defined it as transitional legal rules of the competent government for enforcement and legislative which includes all binding (Katuzian, *ibid.*). In a general sense, the term law as it is substantive means the proposition or set of propositions which include mandatory rules or conditional/default rules that is legislated by a competent authority and its execution is warranted by sanctions (Kadkhodaei, *ibid.*, 43). Law enforcement and a related authority is a necessity for defining law. The mere verbal or written existence could not have an impact on subjective relationships and there should be a capable to be responsible for training and maintaining the implementation of the law (JavadiÂmulî, 1392, p. 74). Having the deference and enforcement descriptions, other kinds of orders or out of law definition namely requests, threats, and moral virtues (Hart, 1392,

55 minutes). Rules are a set of communication protocols containing specific messages through which individuals contact (13,2011:Carvalho). The discussed meaning of the law in this paper is the rules legislated by the parliament according to the formalities and conditions mentioned through the constitutional law (Katuzian, *ibid.*, 70) The decisions of the Executive are to applicable when they are in contrast to the state laws and legal provisions. Thus if they are unfair, they could be reversed by the administrative justice court (Article 173 of the constitution). Although in Iran the main source of law is the resolutions of the parliament, there are other institutions involved. Administrative decree issued by the Supreme Leader, resolutions of the Expediency Council and religious texts of which judge have to find the sentence in the absence of legal resources. According to the authority of these institutions the fairness through their resolutions and sentences is referred here.

**Justice:** justice is referred in this senses: equality, moderation, rebate and taking easy, endurance and going astray (Ibn Manzur : 1414, C-11, the following words of Justice). In Islamic law it also means the strength of giving up of doing sins and keeping to do religious obligations (Qazvini: 1419, 18).

Types of justice: According to the definitions of justice, the following types have been discovered in different realms:

Justice is divided rational, customary and legal according to the ruler. (Akbarian: 1386, p. 26). The attitude of those who recognize reason as the source of justice rules is based on the nature and objects of universal general order and purpose of creation. In contrast, some recognize the faith and human emotions as basis of justice (Katuzian: 1388, vol. 1, p. 624).

Adaptive Justice: With the consent of the people or a specific group, such as elite on something, it would be fair/just. Bertrand Russell states: "Justice is what the majority of people know it just" (Katuzian, *ibid.*, 621). Contrary, many scholars such as "Aristotle" and "Lefebvre" do not see justice as a subordinate for public opinion. Lefebvre recognize the opinion of the most righteous people as the basis of justice (Katuzian, vol. 1, 626 ). Aristotle in his Ethics divides natural justice to legal division. Natural justice is the rules matches the nature of people and objects and is not related to personal opinion and rules (consistory, vol. 1, 611). Contrary, legal justice is manifested through legislator's orders. Katuzian writes: "The Natural justice is ideal and natural and legal justice is deducted from legal data" (Katuzian, *ibid.*). Natural justice is also called real justice or self-governors. This kind is based on what is really justice and is not related to human understanding (Akbarian: *ibid.*, 29). Thus, some authors in Islamic law have known the subject of justice rule as real justice and believe that customary justice is only referred occasionally as a Demonstrability standard for discovering real justice. This theory is called "Fiqh theory of real justice" (Akbarian the same, 31). Although, in contrast, there are "????? Justice" and "customary justice" , according to the rules of Islamic law, the prevailing thought of justice in Islam and Iran law, in fact, is only real justice indicated through customary justice rules (Akbarian: 74), or "??? justice" (consistory: *ibid.*, 623). The legislator of

Islamic law is God declared through Holy holly Quran that was revealed on Prophet Muhammad (peace PBUH). The main goal of the Islam is worship closeness to God that mentioned in these verses: "Tell them: "O people of the Book, let us come to an agreement on that which is common between us, that we worship no one but God, and make none His compeer, and that none of us take any others for lord apart from God." (Al-i- Imran, 64), "Those to whom We have given the Scriptures rejoice in what We have sent down to you; but some of their factions reject some of it. Tell them: "I am commanded to worship only God, and not to associate compeers with Him. To Him I call you, and to Him is the destination." (Ar-Ra'd, 36). However establishment of justice is also on the goals of Islam such as mentioned: 'We have surely sent apostles with clear signs, and sent with them the Book and the Balance, so that men may stand by justice; and We sent down iron which causes much distress but also has advantages for men, so that God may know who helps Him and His apostles in secret. Verily God is all-powerful and all-mighty.' (Al-Hadid, 25). Here the main purpose of prophets is introduced as establishment of justice among people. Balance here may mean religion (Tabatabai, 1374, vol 19, p 302) or fair laws and regulations ( Motahari: 1389, 18: 152). Establishment of justice by prophets is possible by humane and social scale rules (Motahari, *ibid.*).

Making these rules and laws is done by Quran, Prophet and Imams as a substantive theorem which means that the nature of objects is considered through Islamic legislation (Motahari, 287). However this rule making is not based on examples of the legislation time, but based on principles and titles (Motahari, 289). These rules are Terrence while they are divine in accordance to real interests and corruptions of human life based on reason (mohmasani, 1385, 186). Regardingly it is obvious that the legal discourse of Iran is not the same as that of Islam's foundation. Iran's legal system tries to follow Islam law through legislation. Those rules and laws which are based on the exact religious texts cannot be criticized by justice standard. The other rules may be matched with justice rules (DaneshPajooh, 1391, 201). These rules are known as primary rules. The others are secondary or administrative rules, considering justice while legislating secondary rules is necessary (DaneshPajooh, 204). About secondary and

administrative rules, justice rule is the basis and in case of conflict the rule is reversed. There are several rules in Islam confirm this state. Accordingly the legislator must consider justice and does not see religious comments as religious rules while they should be criticized by justice. The judge is the one who execute the laws he may not be influenced by legal principles but rather he should consider his conscience and in legislator's silence he has to obey justice rules having the law and logic in his hands. Thus in the article in hand, talking about legal justice we also hold in mind judicial or legal justice which manifests legal, social and mental realities and the order it takes from courts hierarchy and the obligation of law enforcement. The judge is not in the serve of the power that has chosen him, but he is in serve of justice and use law as his mean for his ideal (Katuzian, vol. 1, 619).

**Equity:** equity is close to justice so that they are used alongside many times. However, equity in its substance has a softer meaning rather justice. Justice and equality are tools of pleading; meanwhile equity is close to ethics. It is used through formal and substantive law. For instance some elements are involved while deciding in case of uncertainty about the right for access to water of a stream, equality is assumed. Equity is used out of equality meaning. Through deciding in accordance with conscience some non-legal elements are involved (Langroodi: 1387, no.260). In Islamic law, the equity rule is more used beside justice rule and *lot* rule. The examples of enforcing this rule are more seen through financial cases or when claimant and defendant are similar in terms of evidence so the sentence is to divide equally (Akbarian, 1386, 38). However through the article in hand another meaning of equity is attended.

**The role of justice in law:** according to the forth article of constitutional law 'All civil, penal financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the Constitution as well as to all other laws and regulations, and the fuqaha' of the Guardian Council are judges in this matter'. The same state is seen through the introduction and other articles of the constitutional law. Islamic laws contain orders from the moment of formation of the embryo to the doomsday through which we are attending the social rules including justice and order. Quran as the constitution of Islam contains 500 verses on social communications of humans. The rules deducted from these verses are decisive and respected by all. Some other rules are derived from the procedure taken by holly prophet and Imams hold as Islam's rule after making sure of the validity of its authentication. However there are some rules and orders known as Islam's which are deducted by Islam's scientists according to Quran, procedure, consensus and reason as the main resources. Nowadays according to article 5 constitutional law 'During the Occultation of the Wali al-Asr (may God hasten his reappearance), thewilayah and leadership of the Ummah devolve upon the just ('adil) and pious [muttaqi] faqih, who is fully aware of the circumstances of his age; courageous, resourceful, and possessed of administrative ability, will assume the responsibilities of this office in accordance with Article 107.'

Although he is the leader, the legislation is a responsibility for legislature according to constitutional law. The parliament is elected by people's votes. However the members of parliament are experts in several fields they are not lawyers or Faqih to be aware of Islam's rules or all constitutional principles, so a council of lawyer and Faqihs assess the approvals of the parliament not be against constitutional or Islamic laws. In addition, while considering a case if the judge does not find the sentence through written laws he must refer to Shari'a laws in order to solve the case. In spite of all legislature efforts, according the complexity of the today's society and necessity of Ijtihad, it cannot be said that all rules and laws are explicitly the rule of god to be holly. These rules are based on human reason legislated by members of parliament and they may contain mistakes. Interpretation of these rules is also done by human who is influenced by his social environment. The justice suggested by social and economic system to the judge is the guidance of his reason to interpret the laws and it is possible that his preferences and misjudges are involved. The rules translated from fiqh are in same situation. The opinion of Fagih is inspired by social and economic requirements. It is obvious that they are not the rules of god (Katuzian, 1388, vol.1, 606). Thus criticizing the rules and laws and also administrative decrees and approvals of other institutions is possible and a Requisite for dynamism of fiqh and law. Researching through legal texts suggests that judges cannot cite justice independently and must be in accordance with legal texts or finding a justified theory according to interests throughout the religious theorems.

**just structures:** one of the principal requirements of justice establishment toward the society are just and fair elements and structures. Regarding the subject of the article in hand some examples are mentioned: Presumption of innocence, the right to fair hearing, independent and impartial tribunal established by law (article 34), the right to defend by accused, the right to choose an attorney or have one for free in case of insolvency, prohibition of being bound to testify, confess or oath. If a verdict is made in contrast with these principles it is not valid (article 35 & 38). Whoever has gain a property according to law has the right to enjoy it as he decides however according to article 40 'No person may exercise his own rights as a means of constraining others or violating the public interest.' Such

elements and structures help to found a fair and just system. In addition the fundamental role of Islamic rules through Iran legislation has caused reinforcement of the rules to be just. Regardingly the courts try to execute the exact implication of law texts and in case of defects refer the Shari'a. Although the mentioned claim is acceptable according to the accepted theory of justice through the Islamic rules, but in unwritten cases according to rational base of rules there may be some doubts about their fairness.

**Possibility of referring justice:** the judges have to sentence according to law. In case of lack of a related law or legal rule or their Ambiguity and brevity they should refer to religious texts. This is manifested toward the article 167 of the constitutional law and article 3 of civil law in which it is added that referring principle that are not in contrast with Shari'a is also permitted. Article 214 of criminal procedure law admit only Shari'a and valid advisory opinions resources, however in article 374 of the new law using general principles is mentioned.

Shari'a resources are only Quran, procedure, consensus and reason. Consensus of Faqihs is acceptable while it implies a procedure of prophet or Imams. Referring other resources is possible only by Shari'a scientists. By valid advisory opinions, some mean opinions of those faqihs who are certainly titled so. Contrary, some mention the opinion of those faqihs who brightly consider the time and geographical requirements as such (DehAbadi, 1385, 300). Referencing these resources may simplifies referring justice through the legal sentence; however differences between examples of resources and advisory opinions and also lack of specialty toward judges for deducting rules out of Islamic resources in one hand and not mentioning the rules which are exemplified to be new according to present time and geography on the other hand, determining the right is going to be difficult for judges. Especially some aspects exist in the absence of others so that people's rights may be offended by Ambiguity and brevity of the law. For instance the government may Expropriate and possess some lands according to ambiguous laws in order to follow some development projects. The legislator has considered some conditions for such Expropriation. If an organization proceed to such action disregarding the mentioned conditions, if the owner does not have an official title he may face difficulties through tribunal. The civil law recognizes one as owner while he has got an official title, on the other hand one is the owner while he occupy a land whether or not he owns an official title. In such cases when the government possess a land the owner will start a pleading while the civil courts do not hear such cases and refer the case to the administrative justice court and the latter will dismiss the case according to lack of official title. The owner has to follow the tribunal in a different way in which he should first prove that he has legally gained the ownership so that he has been competent to have an official title and after that he can claim against the government, a process which usually causes hopelessness and hatred from the law. The solutions of such problems are not mentioned through Islamic law resources and the judge can consider justice while using general principles, namely prohibition of loss and damage and The prohibition of abuse of rights.

Another example which may cause displeasure of law containing injustice is the act of maintaining the usage of farmlands. This act implies that any kind of CHANGE through the usage of such lands likewise building is known as a crime. This prohibition is against the property right and allows any interference in one's own privacy by the government through which even trivial repayments are titled as crime. Such implications are in contrast with the principles of private property which may cause Eisegeis in addition to justice obstruction. In such cases the judges try to prevent injustice by citing general principles, although it is another difficulty to define the general principles themselves that make another obstacle to cite them in case of unjust laws. This makes general principles ambiguous.

- Legal principles: linguistically principle means the basis and foundation of something or what the building stands on. The termly meaning is close to the lexical one. The term principle is known as principles of fiqh through the Islamic fiqh and there is knowledge recognized with the same title which is defined as the tool for deducting religious subsidiary rules of Shari'a. This definition is aimed to be discussed toward the article in hand. Principle in terms of foundation and basis is mentioned in four meanings by fiqh scholars:
- Apparent or Preponderant: a word which inexplicitly implies to the meaning and this implication is in accordance with philologist's opinion or rule of law or custom. Toward civil law one who deals, it appears to be his own deal (article 196) or the article 256 of civil law identifies the debt in case of paying money to other person.
- Rule: it is a general statement which is compiled to the minor examples based on which the sentence can be issued. Rules are current through all legal subjects holding the description not to imply a specific event (article 291 of civil law) such as the validity of contracts as a principle which is mentioned in article 223 of civil law. One of these rules is the prohibition of loss and damage. If we recognize it as a legal principle, when executing law will cause injustice, applying this rule may be helpful in order to prevent injustice. This rule is deducted from a Hadith of holly prophet, according to which anywhere that a rule or sentence may contain harm it is not applicable.

- The other meaning noted is “istishab”. This rule is reputed toward legal language to be “statement of some status to be continuous in a posterior time that had been proved for the prior time while its alternation cannot be approved. In istishab the subsequent doubt is not regarded due to former certainty. For instance in article 198 of civil procedure code it is mentioned that if someone is approved to be responsible for a debt or payment its continuity is assumed.
- Reason: when it is said that this theory is derived from law or custom, it means that law or custom are its reason.

Toward these four usages, the *rule* is closer to be legal principle. However there are differences between legal rule and legal principle. Legal rule itself is a legal mandate and is not efficient for inference or deduction of sentences as a general standard, such as the validity of confession about contracts. Moreover the article 303 of the civil code declares a rule as it says: ‘one who has gained some property without being entitled is guarantor for it and its benefits.’ The main difference between rules and principles is that legal principles are comprehensive than rules and several rules may be derived out of it namely freedom of contracts, the validity of contracts and etc.

Through Islamic law term legal principles is not discussed as much as it is though common law. What is similar is called fiqh’s rules. These rules contain orders and sentences of Shari’a conformed to subjective events. They are deducted from Quran and Hadith. Islamic faqihs deduct the sentence out of Quran, procedure and rules or consensus and reason in case of facing a new subject or event. According to lack of records for term legal principles towards Iran legal system its ambiguity gets more. The legislator refers it so vaguely in article 3 of the civil procedure code as solution of cases in absence of law. Here the term “wises praxis” may also be used to accept legal principles based on it.

Scholars of common law have defined legal principles as legal norms and normative rules or standards based on which the law is legislated. These principles are rules that are applied before law and have real substance. Becker has introduced legal principles as ‘set of rules that are not mentioned through the laws however are accepted as law by public conscience in a certain society.’ These realities are one important resources of law and when a judge cannot find the sentence throughout the laws he can refer to legal principles. Legal principles are a set of guiding sentences that dominant on written law as its advisor and explainer.

Indeed the legislator considers some principles while legislating as a source, for instance prohibition of abuse of rights or fulfillment of obligating. However is it possible that they exist out of legal texts? Answering this question is dependent on legal principles. The scholars have offered five answers: 1- raised from natural law 1- constructed by public conscience and social demands 3- public custom and special custom of legal scholars and jurisprudence 4- reason and equity 5- legal spirit

Legal principles gather with every one of these basis and construct the foundation of civilization and legal system of a country. Realizing and protecting them is a mean to maintain ethics, order and civilization of the society. The constitutional law of Iran has mentioned some of them in chapters ‘general principles’ and “the rights of people”. The most fundamental legal principle in Iran is the rule of justice. As if Imam Ali (PBUH) notes it as the head of affairs. This principle is dominant over all others and the other principles and rules have to be interpreted according to it. Citing justice rule through Iran’s law may have be according to Islamic laws, however the first note of article 3 of the civil procedure code which is the permission for referring legal principles, prohibits the judge to cite the Shari’a if he see a contrast between it and law. It is in contrast with Islamic law according to which the judge must be a faqih. Holding the note the law must be applied in any case even if it is against the Shari’a so that it is against the justice. On the other hand the judge cannot disregard the law, due to the legal consequences. However there are some judges that consider justice while sentencing.

Although the possibility of referring justice while facing an ambiguous or vague laws is acceptable for approvals of the parliaments, but this procedure is not seen through the regulations of other institutions. Nation’s Exigency Council proceeds to legislate in case of disagreement between parliament and the guardian council according to social demands.

Moreover, in some cases the supreme leader may issue an administrative decree which means a decree issued by the leader based on Shari’a through some Exceptional circumstances temporary, through which all interests and consequences should be regarded. Such decree is a response to social demands without changing Islamic rules. An example for such decree is the sentence for equality of blood money for Muslims and non-Muslims. According to authority of the supreme leader justice toward these decrees is more regarded than parliament.

Notwithstanding the two legislation institutions, administrative decree and Nation’s Exigency Council, legislates according to social demands, it is not possible to refer justice in order disobey them. Justice being a source for

legislation or law enforcement is a new subject that needs more research which is been tried by the legislature during recent years. For instance article 1082 of civil code which is deducted from fiqh, issues that when marriage occurs woman is the owner of dowry and in case man's refusing of paying it she can proceed to a tribunal even the man be imprisoned. But recently an act has been passed by parliament that limits the amount the dowry for which man can be imprisoned so that the law is going to be more just and adaptable to social demands.

- The role equity toward Iran law: the similarity between justice and equity, suffice the above mentioned debates about equity. However the attitude of the legislator on equity and also that of law scholars and faqihs implies positive opinion of equity in Iran law. However this reference is often in absence of a legal or Islamic rule. In such usage equity cannot be recognized as a source of law from the official point of view the sentences based on equity are just supported by their personal judgment. From realist point of view all efforts of a lawyer are concentrated on making things "right". Regarding equity is an ethical object. Equity cannot be known as a rule due to its fusion to different circumstances.
- Katuzian says about the concept of equity: 'equity is vague feelings of justices that is formed in people while executing legal rules and adjust them. Through fiqh theories quit differs justice. Equity is applied when parties are equal in evidences but justice is applied when parties do not have in hand a proof for their claim. However some have named equity and justice as a resource for deduction. In spite the difference between equity and justice they are kind of similar to lot rule however some have a different idea: 'the requirement of justice and equity is probable accordance between idea and reality. But the content of lot is definite accordance between the'.

In Islamic law in case of absence of a definite proof Circumstantial evidences and principles have to be regarded. Circumstantial evidence is prior to principle and the validity of Circumstantial evidence is accordant with reality to some extent while principles lack such validity. The lot rule is a Circumstantial evidence and is prior to justice and equity rule. Some Islamic scholars note that equity and justice have to be regarded through legislation and enforcement based on which the leader rules and it may be in contrast with the rights since that is what order requires. However towards tribunals justice should be considered unconditionally.

It is to be concluded out of Islamic scholars that their attention to rule equity is the same vague feeling of justice. Although the content of equity rule implies something close to the lot rule, if it differs the wise praxis is closer to justice.

## Conclusion

Iran laws are derived from Islamic resources and Islamic rules are accordant with real justice since they are issued by God. However it is to be doubted that how many of those just rules are now accessible for us. Therefore there is a difference between rule of Shari'a and rule of Fiqh. The former is a divine rule and the latter is a deduction of an Islamic scientist. Yet the holly Islam has got some rational principles based on which the Muslims can solve the minor issues. One the fundamental Islamic rules is justice that should be considered in the process of deduction. The laws of Islamic republic of Iran are derived from Shi'a fiqh and in some cases they are a mere translation of fiqh rules disregarding the justice. Constructing as institution for criticizing the laws and having a free atmosphere for such action and proceeding legislation according to justice and equity deducted out of Shari'a and wise praxis, will cause to have a regular and Islamic society. What was discussed through the article in hand was a curt assess for possibility of having discourse of criticizing the laws based on justice and the necessity of more researches on Islamic rules for legislation. What is been followed recently by some Islamic authors and scholars.

## References

- [1] Ibn maanzour, A. Jamalodin, Mohammad ibn mokram, Arabic language, SADER PUBLICATION, Lebanon, 1414
- [2] Bahrani, M.S., the document of orvarolvosgha, marriage book, Fadak publication, Qum, Iran, 1429
- [3] Bojnourdi, s, the rules of Fiq, Alhadi publication, Qum, Iran, 1419
- [4] Evandro Menezes de Carvalho ( Getúlio Vargas Foundation (FGV), Rio de Janeiro, Brazil), Translation by, Luciana
- [5] Carvalho Fonseca, SEMIOTICS OF INTERNATIONAL LAW Trade and Translation , Springer Dordrecht Heidelberg London New York, 2011,.
- [6] Jordan DACI, Legal Principles, Legal Values and Legal Norms: are they the same or different? European School of Law and Governance, Prishtina, Kosovo, Universum University, Prishtina, Kosovo, Academicus - International Scientific Journal, . Vol. 10 No. 3 September 1997.
- [7] .Nahj olbalagheh, translated by Mohammad Dashti , Institute of Imam Ali (AS), first edition, 1384 p, Qom.

- [8] Ibn Manzur, Abolfazl Jamal al-Din, Muhammad bin Mokaram, Arab language, 15 volumes, Dar Alfekr Letbah and Publishing House, Beirut - Lebanon, III, 1414 AH.
- [9] Bahrani, M. Send, document of Alorvah Alvosqa - Alnekah books, two volumes, Maktabat Fadak, Qom - Iran, first, 1429 AH.
- [10] Bojnoordi, Sayyed Hassan bin Aghabozorg Mousavi, Alqavaed Alfiqhi (Lelbojnordy, ALseyed Hasan), 7 volumes, AlHadi publication, Qom - Iran, first, 1419 AH.
- [11] Haji deh Abadi, Ahmad, necessary legislative, Institute of Islamic Thought and Culture, Tehran, 1383 Š.
- [12] Javadi Amoli, Abdullah Faqih, publication Asra, fifteenth edition, 1392, Qom.
- [13] Javadi Amoli, right and obligation in Islam, published by Asra, Fifth Edition, 1390, Qom.
- [14] Collective of authors, journal inmate Fiqh al (english), Volume 56, Institute on Religion Encyclopedia of Islamic jurisprudence as the inmate, Qom - Iran first, AH.

