

Examining the Authority of the Ruler in Public Endowment under the Iranian Legal System

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1. Round 1

1.1. Reviewer 1

Reviewer:

The paragraph concludes with, “Therefore, this article provides a detailed analysis...”—this transitional sentence should also indicate the structure of the paper (e.g., “Section 2 defines key terms... Section 3 discusses...”). This would enhance logical flow and reader orientation.

The text states that “ownership of such an endowment is transferred to God.” While doctrinally sound, a footnote distinguishing symbolic divine ownership from legal non-ownership would help prevent conceptual ambiguity for international readers unfamiliar with Islamic jurisprudence.

In “If it becomes evident that the appointed custodian lacks the competence or integrity...”—consider discussing procedural safeguards or evidentiary standards for determining such incompetence. Does the Endowments Organization conduct formal inquiries or rely on judicial verdicts?

The quotation from the 1996 Instruction on Definitions and Terminology could benefit from an official citation or legal reference number to improve traceability for readers intending to consult the primary source.

The description of the custodian’s leasing duties is clear but could be improved by including an example—such as market valuation disputes in mosque-related leases—to illustrate the application of *ihtiyāt* in practice.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The discussion cites multiple sources but lacks a comparative legal insight. Consider briefly contrasting the Islamic notion of usufruct with its civil-law counterpart (e.g., under French or Iranian Civil Code) to demonstrate interdisciplinary relevance.

The sentence, “In Persian usage since the Safavid era, *raqbah* has meant...”—include a historical reference or citation beyond secondary interpretation. A reference to a primary Safavid-era waqf document or historical jurist would substantiate this claim.

The phrase “The custodian’s authority is fiduciary and limited to the terms stipulated in the waqf document...” could be expanded by clarifying how Iranian statutory law (e.g., Civil Code Art. 75–91) regulates fiduciary breach or accountability in practice.

The statement, “no jurist has ever maintained that only those specifically known to the endower should benefit...” is too categorical. Consider softening the claim (e.g., “few jurists have maintained”) or providing examples of dissenting minority views to maintain academic precision.

When noting, “Some jurists contend that a ‘purpose’ or ‘cause’ cannot serve as a beneficiary...”, you might include illustrative cases from Iranian courts or comparative jurisprudence demonstrating how this debate affects endowment registration or dispute resolution.

The sentence “In cases of public endowments...where the endower has not appointed a custodian...” should reference the relevant clause in the Civil Code (Articles 83–91) or the 1984 Endowments Law to reinforce legal specificity.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.