

(1)

**References****Books**

1. Azimzadeh Ardebili, Faezeh, Khosravi, Leila, (2009), "Comparative study of women's rights from the perspective of Islam and the West (2):the right to property and employment", President, Women's and Family Affairs Center, Tehran.
2. Durant, Will, (1992), The Pleasures of Philosophy, Tehran: Islamic Revolution Education Organization and Publications.
3. Gharaati, Mohsen(2009), Tafsir Noor, Volume I, First Edition, Tehran: Cultural Center, Lessons from the Quran.
4. Javid, Mohammad Javad, (2009), Theory of Relativity in Citizenship Rights, Tehran: University of Tehran Press.
5. Khorram Del, Mostafa, (2005), Tafsir Noor, Fourth Edition, Tehran: Ehsan Publishing.
6. Makarem Shirazi, Naser (1992), Sample Interpretation, Volume 3, Edition 10, Tehran: Islamic Library.
7. Motahari, Morteza(2002), The system of women's rights in Islam, pp. 1 and 2, Tehran: Erat.
8. Stuart Mill, John, (2000), Subjugation and Women, translated by Aladdin Tabatabai, Tehran: Hermes Publications.
9. Tabatabai, Mohammad Hossein, (1995), Translation of Tafsir Al-Mizan, Volume 2, Fifth Edition, Qom Seminary Teachers Association: Islamic Publications Office.
10. Tabatabai, Mohammad Hussein, (1995), Translation of Tafsir Al-Mizan, Volume 4, Fifth Edition, Qom Seminary Teachers Association: Islamic Publications Office.

**Articles**

11. Ahmadinejad, Maryam, Aminoroaya, Yaser, Spring(2016), " Doctrine of Margin of Appreciation in Meeting National Interests of Member States of the European Convention on Human Rights ", Strategic Studies Quarterly, Vol. 19, No. 1, pp.93-118.
12. Ahmadinejad, Maryam, Aminoroaya, Yaser, Summer(2016), "The Legal Nature of the Permitted Margin of interpretation Doctrine", Quarterly Journal of Foreign Policy, Year Siam, No. 2, pp. 115-139.
13. Javid, Mohammad Javad, Abbas Ashrafi, Esmat Shahmoradi, (2014), "Positive Discrimination of Women and their Citizenship Rights", Quarterly Journal of Women's Strategic Studies, Vol. 17, No. 66, pp.157-193.
14. Mousavi, Seyed Fazlolah; Ahmadinejad, Maryam; Aminoroaya, Yaser, Fall and Winter (2018), "Status of the Individual's Right to Recognition of Legal

- Personality in the Global and Regional International Instruments and National Instruments", Comparative Law Review, Vol. 8, No. 2, pp. 777-798.
15. Qari Seyyed Fatemi, Seyyed Mohammad, (2001), "Analysis of Key Concepts of Contemporary Human Rights, Rights, Commitment, Freedom, Equality and Justice", Journal of Legal Research, No. 33-34, pp.209-266.
16. Sajedi, Amir(2015), "The position and functions of secularism in the West and the Islamic world", Azad University Research Journal, No. 31, pp.49-92.
17. Zamani, Seyed Ghasem, Fall and Winter(2009), "The Principle of Proportionality in the World Trade Organization", Research in Law and Politics, Eleventh Year, No. 27, pp.105-132.

(2)

**References****Books**

1. Andersen, Erik André, Birgit Lindsnaes,(2007), Towards New Global Strategies: Public Goods and Human Rights, Netherlands: Martinus Nijhoff Publishers.
2. Bailey,S.H,(2005)Cases, Materials and Commentary on Administrative Law, 4<sup>th</sup> Edition: Sweet & Maxwell Ltd, Swiss Cottage.
3. Bishop, David, (2006), The Wheel of Ideals: Lulu Ltd.
4. Burri, Susanne, Prechal,Sacha (2008),EU Gender Equality Law, European Commission.
5. Council of Europe(2011), Combating discrimination on grounds of sexual orientation or gender identity: Council of Europe Publishing.
6. Council of Europe, Council of Europe Gender Equality Strategy 2018-2023, April 2018.
7. Deller Ross, Susan, (2013), Women's Human Rights: The International and Comparative Law Casebook, Philadelphia: University of Pennsylvania Press.
8. Diezmann, Carmel, Grieshaber, Susan(2019) Women Professors: Who Makes It and How?, Australia:Springer.
9. Kirilova,Eriksson Maja, (2000), Reproductive Freedom: In the Context of International Human Rights and Humanitarian Law, Netherlands:,Martinus Nijhoff Publishers.
10. Louis,Anja, (2005), Women and the Law: Carmen de Burgos, an Early Feminist, Tamesis Books.
11. Pegorier, Clotilde,(2013),Ethnic Cleansing: A Legal Qualification, Routledge.
12. Reinbold,Jenna,(2007), Making and Unmaking Political Myth in the Era of Human Rights, USA, ProQuest.
13. Roger,Normand and Sarah, Zaidi, (2008), Human Rights at the UN: The Political History of Universal Justice, Bloomington: Indiana University Press.
14. Shanshan,Du,(2013),Chopsticks Only Work in Pairs: Gender Unity and Gender Equality Among the Lahu of Southwestern China, Columbia, New York: University Press.
15. United Nations Office of the High Commissioner for Human Rights(2003) Human Rights In The Administration Of Justice: A Manual On Human Rights For Judges Prosecutors And Lawyers, New York and Geneva, United Nations Publications.
16. Van der Wolf,Willem-Jan, Haardt, S. de , (2007), Global human rights law collection ,Part 3 ,Global Law Association.
17. Warwick,Mckean,(1983), Equality and Non-Discrimination Under International Law: Clarendon Press.
18. Yogi, Praveen, (2006), Human Rights and Equal Opportunities, india: Gyan Publishing House.

19. Ziemele, Ineta,(2005), Expanding the Horizons of Human Rights Law, Netherland: Martinus Nijhoff Publishers.

### **Articles**

20. Andreevska, Elena, Aziri,Etem,(2009), " Principle of Equality in International Law: The Right to Equality", Lex ET Scientia International Journal, Juridical Series, vol. 2. pp. 91-136

### **Documents**

21. Committee on Economic, Social and Cultural Rights, General Comment No. 20,(2009), Non-Discrimination in Economic, Social and Cultural Rights, U.N. Doc. E/C.12/GC/20.
22. Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979.
23. European Court of Human Rights(2019) Factsheet–Gender equality.
24. Human Rights Committee (2007), General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, U.N. Doc. CCPR/C/GC/32.
25. Human Rights Committee(2005) Fact Sheet No. 15 (Rev.1),New York.
26. Human Rights Committee, (2000), General Comment No. 28: Equality of rights between men and women (article 3), CCPR/C/21/Rev.1/Add.10
27. Human Rights Committee, General Comment No. 18, Non-discrimination, Thirty-seventh session, 1989.
28. International Covenant on Civil and Political Rights (ICCPR) General Assembly resolution 2200A (XXI), 16 December 1966.
29. The Charter of the United Nations(1945).
30. UN Office of the High Commissioner for Human Rights, (2005), Civil and Political Rights: The Human Rights Committee, Fact Sheet No. 15 (Rev.1).
31. Universal Declaration of Human Rights (UDHR), 10 December 1948.

### **International Law Cases**

32. Abdulaziz, Cabales and Balkandali v. the United Kingdom(no. 9214/80; 9473/81; 9474/81), ECtHR, Series A, Judgment of 28 May 1985.
33. Belgian Linguistics Case(no 1474/62; 1677/62; 1691/62; 1769/63; 1994/63; 2126/64), ECtHR, Series A, no. 6, (I) B. Interpretation adopted by the Court.
34. Bikramjit Singh v. France (2013), Human Rights Committee, Communication No. 1852/2008,4 February 2013.
35. Carvalho Pinto de Sousa Morais v. Portugal(no. 17484/15), ECtHR, Judgment of 25 July 2017.
36. Darby v. Sweden(no:11581/85), ECtHR, Series A, No. 187, judgment of 23 October 1990.

- 
37. Di Trizio v. Switzerland(no. 7186/09), ECtHR, Judgment of 2 February 2016.
38. Dietmar Pauger v. Austria, HRC. , Communication No. 415/1990, U.N. Doc.
39. Dogru v. France(no. 27058/05), ECtHR, Judgment of 4 December 2008
40. Ebrahimian v France(no. 64846/11), ECtHR, Judgment of 26 November 2015.
41. Emel Boyraz v. Turkey(no.61960/08), ECtHR, Final 2 March 2015.
42. Fretté v. France(no.36515/97), ECtHR, judgment of 26 February 2002 Joint partly dissenting opinion of Judge Sir Nicolas Bratza and Judges Fuhrmann and Tulkens
43. Gas and Dubois v. France(no. 25951/07), ECtHR, judgment of 15 March 2012.
44. Hamidović v. Bosnia and Herzegovina(no. 57792/15), ECtHR, Judgment of 5 December 2017.
45. Inze v. Austria(no. 8695/79), ECtHR, Judgment of 28 October 1987, Series A, No. 12.
46. Izzettin Doğan and Others v. Turkey(no. 62649/10), ECtHR, Judgment of 26 April 2016.
47. Karner v. Austria(no. 40016/98), ECtHR, judgment of 24 July 2003.
48. Konstantin Markin v. Russia(no. 30078/06), ECtHR, Judgment of 22 March 2012.
49. Kopecký v. Slovakia(no. 44912/98), ECtHR, Judgment of 28 September 2004.
50. Lithgow and others v. UK, ECtHR, Series A, No.102, 1986.
51. Pajić v. Croatia(no. 68453/13), ECtHR, Judgment of 23 February 2016.
52. Refah Partisi (the Welfare Party) and Others v. Turkey(nos. 41340/98, 41342/98, 41343/98 and 41344/98), ECtHR, Judgment of 13 February 2003.
53. S. W. M. Broeks v. the Netherlands, Human Rights Committee, Communication No. 172/1984, UN doc. GAOR, A/42/40.
54. S.A.S. v. France(no. 43835/11), ECtHR, Judgment of 1 July 2014.
55. Şerife Yiğit v. Turkey(no. 3976/05), ECtHR, Judgment of 2 November 2010.
56. South West Africa cases, Second Phase Judgment, Dissenting Opinion of Judge Tanaka, ICJ Reports, 1966.
57. Stec and Others v. UK(nos. 65731/01 and 65900/01), ECtHR, Judgment of 12 April 2006.
58. Van Raalte v. the Netherlands (no. 20060/92), ECtHR, Judgment of 21 February 1997.
59. X v. Turkey(no. 24626/09), ECtHR, 27/05/2013.
60. Zarb Adami v. Malta (no. 17209/02), ECtHR, Judgment of 20 June 2006.

#### **الكتب العربية:**

١. ابن منظور، محمدبن مكرم، (١٤١٤ق)، لسان العرب، المجلد الثاني عشر، بيروت: دار الفكر للطباعة و النشر و التوزيع.
٢. الدمشقي، أبوالفداء ابن كثير، (١٩٨٦م)، البداية والنهاية، المجلد الرابع، بيروت: دار الفكر.

٣. راغب اصفهانی، حسين بن محمد، (١٤١٢)، مفردات ألفاظ القرآن، بيروت: دارالقلم.
٤. شیخ حرعاملی، محمدبن حسن، (١٤٠٩ق)، وسائل الشیعه، الجزء العشرين، قم: مؤسسه آل البيت عليهم السلام.
٥. فضل الله، محمدحسین، (١٤١٩ھـ) من وحی القرآن، المجلد السابع، الطبعه الاول، بيروت: دارالملاک.
٦. کراجکی، محمد بن علی، (١٤١٠ق)، کنز الفوائد، المجلد الثاني، قم: دارالذخائر.
٧. کلینی، محمد بن یعقوب، (١٤٢٩ق) کافی، الطبعه الاول، قم: دارالحدیث.
٨. مجلسی، محمد باقر بن محمد تقی، (١٤٠٤ق)، مرآه العقول فی شرح أخبار آل الرسول، المجلد الواحد و عشرين، مصحح: سید هاشم‌رسولی محلاتی، تهران: دارالکتب الإسلامیه.
٩. مجلسی، محمد باقر بن محمد تقی، (١٤٠٣ق)، بحار الأنوار، المجلد ١٠٠، بيروت: دارإحياء التراث العربي.
١٠. مغنية، محمدجود، (١٩٩٩م)، فی ظلال نهج البلاغه: محاولة لفهم جدید، المجلد الأول، بيروت: دارالعلم الملايين.
١١. مغنية، محمدجود، (١٤٢٤ھـ)، التفسیر الكاشف، المجلد الثاني، قم: دار الكتاب الاسلامی.

(3)

**References**

1. Aghahosseini, Mohsen. (2007). *Claims of Dual Nationals and the Development of Customary International Law: Issues Before the Iran-United States Claims Tribunal*, Martinus Nijhoff Publishers .
2. Arfania, Behshid. (2006), "Multiple Nationality in Iran-U.S Claims," *Journal of Bar Association*, Vol. 148,149, pp. 90-103. (in Persian)
3. Bazzar, Vahid. (2018), *The Impact of Injured Party's Fault on State Responsibility in International Law*, Thesis of Ph.D. in International Law in Allameh Tabatabai University. (in Persian)
4. Bauer, Jon. (2014), *Multiple Nationality and Refugees*, *Vanderbilt Journal of Transnational Law*, Vol. 47, pp. 905-1005.
5. Deen-Racsmany, Zsuzsanna. (2002), *Diplomatic Protection and the LaGrand Case*, *Leiden Journal of International Law*, Vol. 15, pp. 87-103.
6. Denza, Eileen. (2018), *Nationality and Diplomatic Protection*, *Netherlands International Law Review*, Vol. 65, pp. 463-480.
7. Donner, Ruth. (2006), *Dual Nationality in International Law*, *Acta Juridica Hungarica*, Vol. 47, No. 1, pp. 15-25.
8. Eftekhar Jahromi, Godarz and Eftekhar Jahromi, Sara. (2013), "The jurisdiction of international Courts in the Proceeding of Claims concerning Multiple Nationalities against One of their State of Nationality," *Legal Research Quarterly*, Vol. 64, pp. 1-35. (in Persian)
9. Kannof, Abraham U. (2011), *Dueling Nationalities: Dual Citizenship, Dominant and Effective Nationality, and the Case of Anwar Al-Aulaqi*, *Emory International Law Review*, Vol. 25, pp. 1373-1430.
10. Milanovic, Marko. (2019). UK's Position on the Diplomatic Protection of Dual Nationals, [www.ejiltalk.org](http://www.ejiltalk.org).
11. Mohebi, Mohsen and Bazzar, Vahid. (2018), "Provisional Measures (Interim Order) of the International Court of Justice: Binding or Recommendation? Look again at the International Court of Justice's Ruling on the Case of the LaGrand Brothers," *Judgment*, Vol. 18, Issue. 95, pp. 91-115. (in Persian)
12. Niavarani, Saber and Zabihi Shahri, Seyyedeh Sanaz. (2015), "Diplomatic Protection as a Human Right: Study of International Practice and Critique of the Draft of International Law Commission (2006)," *Police International Researches Quarterly*, Vol. 22, pp. 27-62. (in Persian)
13. Peake, Jessica. (2007), *Diplomatic Protection for Dual Nationals: Effective Nationality or Non-Responsibility?*, *Trinity College Law Review*, Vol. 10, pp. 98-119.
14. Rashidi, Rashed and Moradi, Maryam. (2013), "Exploring the standards and challenges of Multiple Nationality," *Journal of Humanities Research*, Year. 5, Vol. 31, pp. 17-42. (in Persian)

15. Sadat Meidani, Seyyed Hosein. (2008), "State Protection of Individuals in International Law: A Note on the Protection of Multiple Nationality against One of their State of Nationality," *Journal of Humanities Research*, Vol. 23, pp. 1-25. (in Persian)
16. Seyyed Morteza Hoseini, Raheleh. (2015), *Diplomatic Protection; Confrontation of States and Individual Rights*, Tehran: Shahre Danesh Publication. (in Persian)
17. Shearer, Ivan and Opeskin, Brian. (2012). Nationality and Statelessness, in *Foundations of International Migration Law*, edited by Brian Opeskin and Richard Perruchoud and Jillyanne Redpath-Cross, Cambridge University Press, pp. 93-122.
18. Sloane, Robert D. (2009), *Breaking the Genuine Link: The Contemporary International Legal Regulation of Nationality*, *Harvard International Law Journal*, Vol. 50, No. 1, pp. 1-60.
19. Spiro, Peter J. (2011), *A New International Law of Citizenship*, *American Journal of International Law*, Vol. 105, No. 4, pp. 694-746.
20. Spiro, Peter J. (2010), *Dual Citizenship as Human Right*, *International Journal of Constitutional Law (I•CON)*, Vol. 8, No. 1, pp. 111-130.
21. Trevisanut, Seline. (2011), *Nationality Cases before International Courts and Tribunals*, Max Planck Institute for Comparative Public Law and International Law, pp. 1-9.
22. Worster, William Thomas. (2009), *International Law and the Expulsion of Individuals with More than One Nationality*, *Journal of International Law & Foreign Affairs*, Vol. 14, pp. 423-502.
23. Zamani, Seyyed Ghasem and Bazzar, Vahid. (2019), "The Role of the Injured to the Injury in Responsibility International Law," *Comparative Law Review*, Vol. 10, Issue. 1, pp. 177-194. (in Persian)
24. Zamani, Seyyed Ghasem and Kiani, Habibollah. (2019), "The Relation between Functional Protection for Staff in International Organization and Diplomatic Protection of Nationals," *Public Law Studies Quarterly*, Vol. 49, Issue. 1, pp. 57-75. (in Persian)

(4)

**References**

1. Andarz, D; Montazer, M; Masoodi, F (2012), "Liability of Shipping Operator towards the Passenger in Iranian Law (with comparative study), Journal of Civil Law Knowledge", Vol. 1, No. 1, pp. 77-83. (in Persian)
2. Bazdar Ardebili, P; Pezhmanzad, P (2009), "Analysis of Maritime Transport in the Economic Growth of the Country", 11<sup>th</sup> Marine Industry Conference, Article Code: NSMI11\_012. (in Persian)
3. Beigzade, E (2010), Handouts of Public International Law 2, Shahid Beheshti University. (in Persian)
4. Carlton, James T (2010), "The impact of Maritime Commerce on Marine Biodiversity", The Brown Journal of World Affairs, Vol. 16, Issue 2, pp. 102-125.
5. C. Hanson, Andrew (2001), "Moving beyond "Jeopardy:" Water Quality Standards and the Conservation and Recovery of Endangered Aquatic species", Virginia Environmental Law Journal, Vol.20, pp. 480-530.
6. Effanee, Nadia (2011), "International Law on Marine Pollution from Ballast Water", Journal Hukum Internasional, Vol 8, No. 2, pp. 249-274.
7. Ehler, Charles (2007), "Protecting marine biodiversity and ecosystem: processes through marine protected areas beyond national jurisdiction", journal of international wildlife law and policy, no 6, pp. 3-25.
8. Falkanger, Thor; Bull, Hans Jacob; Brautaset, Lasse (2011), Scandinavian Maritime Law: The Norwegian Perspective, 3d edition, Rusaanes Bokproduksjon AS.
9. Firestone, Jeremy; Jarvis, Christina (2007), "Response and Responsibility: Regulating Noise Pollution in the Marine Environment", Journal of International Wildlife Law and Policy, Vol. 10, pp. 105-130.
10. Hassan S. Khalilieh (2006), Admiralty and Maritime Laws in the Mediterranean Sea, Boston: Brill Leiden.
11. Hebert, Cory (2010), "Ballast Water Management: Federal, States, and International Regulations", Southern University Law Review, Vol. 37, No. 2, pp. 315-351.
12. Ijaiya, Hakeem (2014). "The Legal Regime of Noise Pollution in Nigeria, Beijing Law Review", Vol. 5, pp. 1-6.
13. Imam, R; Naderi, E; and Jahanbazi, A (2014), "Noise Pollution of the Marine Environment: A New Problem Caused by the Sound of Ships", Journal of Opinion, pp 131-150. (in Persian)
14. "Making LPG fuel an option for the shipping industry", 2019/10/30, the address: <https://www.dnvg.com/expert-story/maritime-impact/Making-LPG-fuel>.
15. Md Saiful, Karim (2015), Prevention of Pollution of the Marine Environment from Vessels, Germany: Springer.

16. M. Haren, Angela (2007), "Reducing Noise Pollution from Commercial Shipping in the Channel Islands National Marine Sanctuary: A Case study in Marine Protected Area Management of Underwater Noise", *Journal of International Wildlife Law and Policy*, Vol. 10, pp. 109-152.
17. Mohammadi, A (2010), "Legal Entity of Charter-party", *Private Law Studies Quarterly*, Vol. 39, Issue 4, pp. 337-359. (in Persian)
18. Moien, M (2009), "Persian Dictionary", 4<sup>th</sup> edition, Tehran: Amirkabir Publishing Institute. (in Persian)
19. Nengye, Liu (A) (2013), "Current legal developments China", *The International Journal of Marine and Coastal Law*, No. 28, pp. 171-187.
20. Nengye Liu (B) (2013), "Criminal Liability for Vessel-Source Pollution in China: Law and Practice", *the international Journal of Marine and Coastal Law*, No.28, pp. 517-531.
21. Nordtvedt Reeve, Lora L (2012), "Of Whales and Ships: Impacts on the Great Whales of Underwater Noise Pollution from Commercial Shipping and Proposals for Regulation under International Law", *Ocean and Coastal Law Journal*, Vol. 18, No. 1, pp. 130-158.
22. Omid, H (1974), "Maritime Law", Vol.1, Tehran: Insurance High School of Tehran. (in Persian)
23. "Paris Climate Agreement", 01/12/2015, available at:  
<https://cdn.americanprogress.org/wpcontent/uploads5030725>.
24. Rusu, Ion; Coman, Varvara Licuta; Rusu-Balan, Ioana-Minodora, (2011), "The Aquatic Environment Protection through Criminal Law", *Journal of Danubian Studies and research*, Vol. 1, No.1, pp. 80-98.
25. Sadeghi, H (2011), "The Concept of Operating of Transport and its Commerciality ", *Judicial Law Views Quarterly*, No. 55, pp. 97-128. (in Persian)
26. Safar Gholi, A; Mohammadi, A; Najar Tabar Bishe, M (2015), "Iranian Maritime Statistics", 2<sup>nd</sup> edition, Tehran: Headquarters of Development of Technology and Knowledge-based Marine Industries. (in Persian)
27. Schultz, Jenny (1999), "Balancing the Relationship between Trade and the Environment within the World Trade Organization: Is this the End of Sea Turtle?", *Asia Pacific Journal of Environmental Law*, Vol.4, Issue 1, pp. 35-56.
28. Sloggett, David (2013), *The Anarchic Sea: Maritime security in the twenty- first century*, Hurst publisher.
29. "Summary of Criminal Prosecutions, 2012, available at: [https://cfpub.epa.gov/compliance/criminal\\_prosecution/index.cfm?action=3&prosecution\\_summary\\_id=2285&searchParams](https://cfpub.epa.gov/compliance/criminal_prosecution/index.cfm?action=3&prosecution_summary_id=2285&searchParams).
30. Talayee, V (2009), "Transformation of International Environmental Law in the Field of Marine Protection with Emphasis on Government Responsibility for Oil Pollution", *Journal of Research Letter of International Relations*, No. 43, pp. 43-80. (in Persian)

- 
- 31. Wayne K. Talley (2008), Ph.D. Maritime Safety, Security and Piracy, first published, London: British library cataloguing in publication data.
  - 32. "World seaborne trade", 2019, available at: [http://unctad.org/en/PublicationChapters/tdstat44\\_FS13\\_en.pdf](http://unctad.org/en/PublicationChapters/tdstat44_FS13_en.pdf).

(5)

**References**

1. Ackerman, B. (1997), "The Rise of World Constitutionalism", *Virginia Law Review*, V. 83, N. 4, pp. 771-797.
2. Bernardini, A. M. (2009), *Diritti diversi*, Milano, Bompiani.
3. Borjian, A., Al Dabagh, H. (2019), "Reform of Legal Systems Through The Evolution of Comparative Law", *Journal of Public Law Research*, Volume 20, Issue 60, pp. 183-206. (in Persian)
4. Buonuomo, G. (2006), "Il diritto straniero e la Corte Suprema Statunitense", *Quaderni costituzionali*, A. 26, N. 2, pp. 281-295.
5. Cavino, M., Tripodina, C. (2012), *La tutela dei diritti fondamentali tra diritto politico e diritto giurisprudenziale*, Milano, Giuffrè.
6. Chenwi, L. (2007). Towards the Abolition of the Death Penalty in Africa: A Human Rights Perspective, Pretoria, Pretoria University Press.
7. Ciccarelli, A., Gargiulo, P. (2012), *La dimensione sociale dell'Unione Europea alla prova della crisi globale*, Roma, Franco Angeli.
8. D'Alessandro, C., Marchese, C. (2018), *Ius Dicere in a Globalized World*, Roma, Roma Tre Press.
9. Dau, F. R. (2011), *Costituzionalismo e rappresentanza. Il caso del Sudafrica*, Milano, Giuffré.
10. De Schutter, O. (2019), *International Human Rights Law*, Cambridge, Cambridge University Press.
11. De Vergottini, G. (2010), *Oltre il dialogo tra le corti*, Bologna, Il Mulino.
12. Diurni, A. (2008), *Percorsi mondiali di diritto privato e comparato*, Torino, Giappichelli.
13. Ezadi, A. (2015), "A Comparative Perspective On The Role Of National Courts In Enforcing International Law", *Public Law Studies Quarterly*, Volume 45, Issue 3, pp. 497-529. (in Persian)
14. Ferrari, G., Gambaro, A. (2006), *Corti nazionali e comparazione giuridica*, Napoli, Edizioni Scientifiche Italiane.
15. Gilardi, M. G. (2016), *Cultura e comparazione giuridica. Profili generali*, Varazze, PM Edizioni.
16. Groppi, T. (2011), "La citazione delle sentenze straniere da parte delle Corti costituzionali: effettività, novità, rischi e potenzialità", in D'Amico, M., Randazzo, B. (Eds.), *Alle frontiere del diritto costituzionale*, Milano, Giuffrè, pp. 969-983.
17. Harding, S. (2003), "Comparative Reasoning and Judicial Review", *Yale Journal of International Law*, V. 28, I. 2, pp. 409-464.
18. Lehmann, W. (2010), "Democrazia europea, identità costituzionale e sovranità", Bruxelles, Policy Department C - Citizens' Rights and Constitutional Affairs, pp. 1-29.

19. Levi Catellani, E. (1988), *Il diritto internazionale privato e i suoi recenti progressi*, Milano, Giuffrè.
20. Martino, P. (2014), *I giudici di Common Law e la cross-fertilization: I casi di Stati Uniti d'America, Canada, Unione Indiana e Regno Unito*, Rimini, Maggioli.
21. Mohseni, E. (2019), "Methodology of Comparative Law", *Comparative Law Review*, Volume 10, Issue 2, pp. 695-717. (in Persian)
22. Parrish, A. L., (2007), "Storm in a Teacup: the U. S. Supreme Court's Use of Foreign Law", *University of Illinois Law Review*, V. 37, N. 2, pp. 637-680.
23. Passaglia, P. (2013), "Il diritto comparato nella giurisprudenza della Corte costituzionale", *Consulta On Line*, N. 2, pp. 589-611.
24. Pepe, V. (2018), "La prospettiva vichiana nella comparazione giuridica: natura comune e identitaria nell'età della globalizzazione", *Rivista AIC*, N. 4, pp. 651-660.
25. Rolla, G. (2010), *Il sistema costituzionale italiano*, Milano, Giuffrè.
26. Shiravi, A. (2012), *Comparative Law*, Tehran, Samt. (in Persian)
27. Slaughter, A. M. (1994), "A Tipology of Transjudicial Communication", *University of Richmond Law Review*, V. 29, I. 1, pp. 99-137.
28. Sperti, A. (2006), "Il dialogo tra le corti costituzionali ed il ricorso alla comparazione giuridica nella esperienza più recente", *Rivista di diritto costituzionale*, N. 1, pp. 125-165.
29. Bundesverfassungsgericht, n. 392-07, 2008.
30. Bundesverfassungsgericht, n. 2-08, 2009.
31. Constitutional Court of South Africa, *The State v. Makwanyane*, n. 3-94, 1995.
32. Constitutional Court of South Africa, *Minister of Home Affairs v. National Institute for Crime Prevention and Re-Integration of Offenders*, n. 445-04, 2004.
33. Constitutional Court of South Africa, *Phillips and Others v. National Director of Public Prosecutions*, n. 505-04, 2005.
34. Corte costituzionale, n. 334, 2010.
35. Corte costituzionale, n. 180, 2011.
36. Corte costituzionale, n. 172, 2014.
37. High Court of Australia, *Kable v. Director of Public Prosecutions*, n. 24-96, 1996.
38. Supreme Court of Canada, *Law society of Upper Canada v. Skapinker*, n. 357-84, 1984.
39. Supreme Court of Canada, *Regina v. Keegstra*, n. 697-90, 1990.
40. Supreme Court of Canada, *Suresh v. Minister of Citizenship and Immigration*, n. 3-02, 2002.
41. Supreme Court of New Zealand, *Zaoui v. Attorney General*, n. 289, 2006.
42. Supreme Court of United States, *Lawrence v. Texas*, n. 558, 2003.
43. Supreme Court of United States, *Sosa v. Alvarez-Machain*, n. 692, 2004.
44. Supreme Court of United States, *Roper v. Simmons*, n. 551, 2005.
45. Tribunal Constitucional, n. 359, 2009.
46. Tribunal Constitucional, n. 121, 2010.

(6)

**References**

1. Shams, A. (2013), Civil Procedure (Advanced Course), Volume II, 29<sup>th</sup> Editions, *Derak*
2. Malmiri Markaz, A. (2018), Judicial system indicators to improve the business environment, *Judiciary Press and Publications Center*
3. Pornuri, M. (2004), Intellectual property rights in the court of trademarks and patents, 1st ed., *Mahd Hoghogh*
4. Jafari Tabar, H. (2016), The Demon in the Glass in the Philosophy of Judicial Procedure, *HaghGozaran*
5. Azami Chaharborj, H. (2013), An Introduction To Methodology And Types Of Vote Critique, *Journal of Review of Jurisprudence*, No. 1, pp. 15-43. (in Persian)
6. Asadi, H. (2016), The Aspects Of Judicial Opinions Critique, *Journal of Private Law Precedent*, No. 1, pp. 91-102. (in Persian)
7. Ghamami, M. Eshraghi Arani, M (2002), The Benefits For Distinction Between Question Of Fact And Question Of Law In Civil Procedure, *Journal of Private Law Studies Quarterly*, Volume 40, Issue 4 Winter 2012, pp. 267-286. (in Persian)
8. Karimi, M. Karimi, A. (2016), The Comparative Study Of Trademark Registration Conditions, *Journal of Comparative Iranian and International Legal Research*, No. 32, pp. 185-201. (in Persian)
9. Mohseni, H. (2019), Interest in Litigation (Iranian & French Legal Doctrine and Case Law), *Journal of Legal Studies*, Volume 11, Issue 1 - Serial Number 31, pp. 237-266. (in Persian)
10. Mohammadi, M. (2014), A Critique Of The Way Courts Reason In Legal Judgments, *Journal of Raay*, No. 3, pp. 17-40. (in Persian)
11. Madani, M. Farrokhi, Z (2018), Comparative Study Of Elements Of Trademark Infringement In Us And Iranian Law, *Journal of Private Law Research*, Volume 7, Issue 24, Autumn 2018, pp. 95-120. (in Persian)
12. Ghamami, M. Shahbazi Nia, M. Javan, S. (2017), Access to court and information and communication technology, *Journal of Judicial Law Views Quarterly*, No. 79, pp. 121-148. (in Persian)
13. Meshkin Azarian, A. (2019), Iran's Courts Adjudications in Trademarks Cases Based On Statistical Analysis, MSc thesis, Faculty of Law and Political Sciences, *University of Tehran*.(in Persian)

(7)

**References**

1. ABA Section of Antitrust Law (2010), Antitrust and Associations Handbook, American Bar Association; 12 editions
2. Casullo, Lorenzo, Durand, Alexis and Cavassini, Filippo. (2019). The 2018 indicators on the governance of sector regulators-Part of the Product Market Regulation (PMR) Survey.
3. Asgharnia, M. and Rostami, V. (2018), "An Introduction to Features of Good and Efficient Economic Regulations in Competition Law", Administrative Law, Vol. 5, Issue 15, 55-73 (in Persian)
4. Azimzadeh Arani, M., Momeni, F. (2017), "Regulatory Institutions and Instruments and Their Position in Rail Transportation Industry; Lessons for Iran". *Economics Research*, 17(66), 97-123. (in Persian)
5. Barros, P. P., & Hoernig, S. H. (2018), "Sectoral Regulators and the Competition Authority: Which Relationship is Best? "Review of Industrial Organization, 52(3): 451-472.
6. Bergqvist, Christian (July 27, 2004), Sector Specific Regulation vs. General Competition Law Available at: <http://dx.doi.org/10.2139/ssrn.2257468> (last visited: 2020-02-18).
7. Caron, A. (2008), The Legal Profession between regulation and competition , Doctoral dissertation, Erasmus University.
8. Chalmers, Damian, Gareth Davies, and Giorgio Monti. (2019), European union law. Cambridge University Press, Fourth edition.
9. Davies, W. (2016), The limits of neoliberalism: Authority, sovereignty and the logic of competition. Sage.
10. De Strel A. (2008), "The relationship between competition law and sector specific regulation: The case of electronic communications". *Reflets et perspectives de la vie économique*.47(1):55-72.
11. Diathesopoulos MD (2012), "Competition Law and Sector Regulation in the European Energy Market after the Third Energy Package": Hierarchy and Efficiency. University of Cambridge Faculty of Law Research Paper.
12. Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market
13. Dowding, K., & Taylor, B. R. (2020), "Markets, Market Failure and the Role of Government". In *Economic Perspectives on Government* (pp. 17-45). Palgrave Pivot, Cham.
14. Enterprise and Regulatory Reform Act (2013) (UK)
15. Ghaffari Farsani, Behnam (2019), Competition Law and its civil Remedies, Second Edition, Tehran: Mizan Publications. (in Persian)

16. Ghaffari Farsani, Behnam (2013), Competition Council and Regulatory Institutions, Challenges and Strategies, Research Project, Institute of Trade Studies and Research, (in Persian)
17. Goldman, Calvin S (2013) and J. D. Bodrug, eds. Competition law of Canada. Vol. 2. Juris Publishing, Inc.
18. Graham, Cosmo (2016), "UK: The Concurrent Enforcement by Regulators of Competition Law and Sector-Specific Regulation", *Journal of European Competition Law and Practice*, Vol.7, Issue 6: 407-413.
19. Guidi, M. (2015), "The impact of independence on regulatory outcomes: the case of EU competition policy". *JCMS: Journal of Common Market Studies*, 53(6): 1195-1213.
20. Hadifar, Davood (2008), Regulatory Bodies in Iran, first edition, Tehran: IPO Publishing.
21. Hadifar, Davood (2010), Legal Institutions of Regulation, Structure and Executive Mechanism, First Edition, Tehran: Atrat-e-Naw Printing.
22. Hamdollahi, Asif (1396), Unfair Competition Law, Tehran: Imam Sadegh University, (in Persian).
23. Hosseini, Mina (2017), "Competition Law in the Mirror of the Competition Councils Structure and Decisions", first edition, Tehran: Majd Publication.
24. <https://www.autoritedelaconcurrence.fr> (last visited:2020-3-2)
25. <https://www.competitionbureau.gc.ca> (last visited:2020-3-2)
26. <https://www.en.cade.gov.ir> (last visited:2020-3-2)
27. <https://www.ftc.gov/about-ftc/bureaus-offices/bureau-consumer-protection> (last visited:2020-3-2)
28. <https://www.osborneclarke.com/insights/french-minister-of-economy-triggers-phase-iii-and-decides-to-examine-a-merger-operation-already-cleared-by-the-french-competition-authority/> (last visited: 2020-06-13)
29. Hull, D. W., & Clancy, M. J. (2018), "The Application of EU Competition Law in the Pharmaceutical Sector". *Journal of European Competition Law & Practice*, 9(6): 389-402.
30. Jae Gul, Park (2004), "The relationship between regulators and competition authorities in Korea", Fair Trade Commission, Republic of Korea (KFTC).
31. Kahn, A. E. (1988), The economics of regulation: principles and institutions (Vol. 1). MIT press.
32. Khoshnudi, Reza and Mina Hosseini (2016), "Legal Nature of Competition Council and the Review of its Decisions", *Law Research Magazine*, Nov. .(in Persian).
33. Lawsuit No. 241-242 related to the case file of class 90 / 1194-91 / 143 of the Court of Administrative Justice dated 21 August 2012.(in Persian)
34. Lianos, Ioannis. (2013), Competition law remedies in Europe. Hart Publishing.

35. Ma, Tay-Cheng (2010); "Competition authority independence, antitrust effectiveness, and institutions". International Review of Law and Economics vol.30, no. 3 :226-235.
36. Mateus, Abel M. (2007), "Why should National Competition Authorities be Independent and how should they be Accountable"? European Competition Journal, vol.3, no. 1:17-30.
37. Morgan, T. D. (1998), "The Impact of Antitrust Law on the Legal Profession". Fordham L. Rev., 67: 415.
38. OECD (1999), "Relationship between Regulators and Competition Authorities", Paris: OECD available at <http://www.oecd.org/dataoecd/35/37/1920556.pdf> (last visited on:2020-2-3)
39. Office of Economic Studies (2005), Competition Law Bill; Theoretical Foundations and Experience of Countries, Tehran: Deputy Minister of Planning and Economic Affairs of the Ministry of Commerce (in Persian)
40. R. v. Independent Order of Foresters (1998), 26. C. P.R. (3d) 229 (Ont. C.A.)
41. Rahbari, Ebrahim (2017), "A Critique of the Intervention of the Court of Administrative Justice in the Final Decisions of the Competition Council", Scientific Journal of Judicial Procedure, No. 19: 58-45. (in Persian)
42. Renani, Mohsen (2005), Bazaar, or Non-Bazaar? Investigating the Institutional Barriers to the Efficiency of the Market Economic System in Iran's Economy, Tehran: Publications of the Management and Planning Organization of the country. (in Persian)
43. Rostami, V., Moghimi, L. (2017), "The Evaluation of Energy Regulators' Structure in Iran Applying Benchmarking". *Journal Of Researches Energy Law Studies*, 3(2), 219-254. (in Persian)
44. Rostami, Vali, and Morteza Asgharnia (2013),"Dispute between the Competition Council and the Communications Regulatory Commission," Verdict Analysis Review, 84: 99-125. (in Persian)
45. Sadeghi Moghadam, Mohammad Hassan, Behnam Ghaffari Farsani, (1390),"The Spirit of Competition Law (comparative study on competition law purposes)," The Judiciary Law Journal, Vol. 75, No. 73: 113-146. (in Persian)
46. Sadeghi, Mohammad (2017), The scope of competition law in competitive and non-competitive markets, first edition, Tehran: Majd Publications. (in Persian)
47. Sadeghi, Mohammad and Mahmood Bagheri (2015), "The Legal Aspects and Effects of the Contestable and None-Contestable Markets", Majlis and Rahbord, Article 8, Volume 22, Issue 81, Spring 2015, Page 213-244. (in Persian)
48. Sokol, D., and Ioannis Lianos, eds. (2012), The Global Limits of Competition Law, Stanford University Press.
49. Tehran Chamber of Commerce, Industries, Mines and Agriculture (1397), Review and Evaluation of Market Regulation Strategies in Exclusive Markets for Raw Materials and Upstream Industries and Regulation to Protect Builders' Rights Against Exclusive Manufacturers, Research Project Iran (in Persian).

50. Trebilcock, Michael J (2003), The law and economics of Canadian competition policy. University of Toronto Press.
51. Ullrich, H. (2006). The evolution of European competition law: whose regulation, which competition? Edward Elgar Publishing.
52. UNCTAD (2005), Voluntary Peer Review on Competition Policy Kenia, Geneva, available at: [http://unctad.org/en/Docs/ditcclp20056\\_en.pdf](http://unctad.org/en/Docs/ditcclp20056_en.pdf) (last visited: 2020-06-13)
53. UNCTAD (2006),"Best Practices for Defining Respective Competences and Settling Cases Which Involve Joint Action of Competition Authorities and Regulatory Bodies". Geneva: available at [http://www.unctad.org/en/docs/c2clpd44\\_en.pdf](http://www.unctad.org/en/docs/c2clpd44_en.pdf). (last visited: 2020-3-2)
54. UNCTAD (2014), UNCTAD Survey of Infrastructure Regulators and Competition Authorities, New York and Geneva, United Nations.
55. UNCTAD (2017), UNCTAD Survey of Infrastructure Regulators, New York and Geneva, United Nations.
56. UNCTAD (2018), Report of the Intergovernmental Group of Experts on Competition Law and Policy on its Seventeenth Session, Geneva.
57. UNCTAD Model Law on Competition (2019).
58. Währungsfond, I. (2012), Portugal: Fifth Review Under the Extended Arrangement and Request for Waivers of Applicability and Nonobservance of End-September Performance Criteria-Staff Report. Press Release on the Executive Board Discussion.

(8)

**References**

1. Amiri Qaemmaqami, Abdol-Majid (1999) Law of obligations, Vol. 2, Edition 1, Tehran: Mizan Dadgostar
2. Kashif al-Ghita', Muhammad Husayn, (1940) Tahrir al-Majala, Vol. 3, Edition 1, Tehran, Maktaba Al Najah
3. Badini, Hassan (2015), Philosophy of Civil Liability, Edition 3, Tehran: Entesharco Publication
4. Tafreshi, Mohammad-Eisa, Mortazavi, Abdolhamid (2009), A Comparative Study of Obligations of Means and Result in Jurisprudence, French Law, and Iranian Law, Issue 5, No. 15, Spring, 11-31: Islamic Law & Jurisprudence Research
5. al-Juba'i al'Amili, Ali bin Ahmad (1992) Masalik-Al-Faham, Vol. 5, edition 1, Qom: Islamic Sciences Institute
6. Ja'fari Langerudi, Mohammad-Ja'far (2007), Al-Fariq, Vol. 2, Edition 1, Tehran: Ganje Danesh
7. Ja'fari Langerudi, Mohammad-Ja'far (2009), Encyclopedia of Civil and Commercial Law: Contract Obligations and Iqâ', Edition 1, Tehran: Ganje Danesh
8. Ja'fari Langerudi, Mohammad-Ja'far (2009), Expanded Legal Terminology, Vol. 2, Edition 4, Tehran: Ganje Danesh
9. Ja'fari Langerudi, Mohammad-Ja'far (2017), Civil Law Course: Obligations, Edition 4, Tehran: Ganje Danesh
10. Habibnejad, Ahmad, Saeid, Zahra (2017), Necessity of Transition from Obligations of Means to Obligations of Result for Interpretation of Government Obligations in Interpretation of Article 3 of the Constitution, Islamic Law, Year 14, No. 53, Summer, 59-84
11. Khomeini, Ruhollah (2007) Al-bai'a (Writings of Imam al-Khomeini lil-Khorram Abadi), Hasan Taheri Khorram Abadi, Edition 1, Tehran: Institute for Compilation and Publication of Imam Khomeini's Works
12. Rahimi, Habib Allah, Karimi, Zohreh (2012) Basics of Contract Analysis in Iranian Law, Private Law Research, Year 1, No. 2, 63-87
13. Jourdain, Patrice (2003) Civil Liability Principles, Trans. Majid Adib, Edition 1, Tehran: Mizan
14. El-Sanhuri, Abd El-Razzak (1997) Power of Attorney Contract, Hossein-Qoli Hosseini-Nejad, Edition 1, Tehran: Hoquqdan
15. Alsharif, Mohammad Mahdi (2018), Contract-making and Trust-making Permission (Exploration of Different Functions of Izn), Comparative Study of Islam and Western Law, Issue 5, No. 2, Summer, 27-54

16. Shahabi, Mahdi (2015), Contract as Natural (Rational) Law, A Contemplation of the Basis of credibility of Contract Provisions in Iranian-French Contractual Legal Systems, Comparative Legal Studies, Issue 6, No. 2, 601-625
17. Shahidi, Mahdi (2014), Effects of Contracts and Obligations, Edition 6, Tehran: Majd
18. Safaei, Hossein (2004), Civil Law Introductory Course, General Contract Norms, Vol. 2, Edition 1, Tehran: Mizan
19. Taheri, Habibollah (1997), Civil Law, Vol. 5, Edition 2, Qom: Islamic Publishing Office
20. Tabatabaei, Yazdi, Mohammad-Kazem (1993), Takmelah al-Orvah al-Vosqa, Vol. 1, Edition 1, Qom: Maktaba al-Davari
21. Adl, Mostafa (1963) Civil Law, Edition 1, Tehran: Amir Kabir
22. Amid Zanjani, Abbasali (2011), Norms of Jurisprudence, Vol. 1, Edition. 3, Tehran: Samt
23. Amid, Musa (1963), Gift and bequest in Iran's Civil Code, Edition 1, Tehran: Ganje Danesh
24. Fasihzadeh, Alireza, Niazi, Abbas (2018), Civil Liability of Trustee and Conditions for Any Change in Iranian and French Law, Judicial Law Perspectives, Issue 23, No. 82, Summer, 197-214
25. Qahremani, Nasrullah, (2005), Civil Liability of Attorney-at-law, Edition 2, Tehran: Nasle Nikan
26. Katouzian, Amir Nasser (2005), Proof and Reason of Proof, Vol. 1, Edition 3, Tehran: Dadgostar
27. Katouzian, Amir Nasser (2006), Civil Code: Non-Contractual Obligations (extra-contractual obligations), Vol. 1, Edition 4, Tehran: University of Tehran
28. Katouzian, Amir Nasser (2007), Introductory Course in Civil Law: Property and Ownership, Edition 15, Tehran: Mizan
29. Katouzian, Amir Nasser (2008), General Contract Norms, Vol. 1, 3 and 5, Edition 5, Tehran: Entesharco Publication
30. Katouzian, Amir Nasser (2011), Special (Moayan) Contracts, Vol. 3, Edition 7, Tehran: Ganje Danesh
31. Katouzian, Amir Nasser (2012), General Theory of Obligations, Edition 6, Tehran: Mizan
32. Kiaeи, Abdallah (2009), Civil Law and Imam Khomeini's Fatwas, Vol. 2, Edition 2, Tehran: Institute for Compilation and Publication of Imam Khomeini's Works and Samt
33. Mohaghegh Damad, Mostafa (2009), General Theory of Conditions and Obligations in Islamic Law, Vol. 1, Edition 1, Tehran: Islamic Sciences Publishing Center
34. Mortazavi, Abdolhamid (2012), Law of Obligations: Obligations of means and result, Edition 2, Tehran: Jangal

- 
35. Makarem Shirazi, Naser (2011), Principle of No Harm, Trans. Mohammad-Javad Bani Saeid Langarudi, Edition 1, Qom: Ali ibn Abi Talib
36. Mousavi Bojnurdi, Mohammad (2000), Necessity of Fulfilling Commitments, No. 9, Summer, 45-69: Matin
37. Naini, Muhammad Hossein (1953), Maniat al-Talib Fi Hashiat al-Makasib, Transcription by Musa Khansari Najafi, Vol. 1 & 2, Edition 1, Tehran: Maktab al-Mohammadiya
38. Naini, Muhammad Hossein (1992), al-Makasib Va al-Bai'a, Transcription by Mohammad Taghi Amoli, Vol. 1, Edition 1, Qom: Mu'assasat al-Nashr al-Islāmī al-Tābi'a li-Jamā'at al-Mudarrisayn
39. al-Najafi, Muhammad Hasan (1983), Jawahir al-kalam fi sharh shara'i' al-islam, Vol. 27, Edition 7, Beirut: Dar Ihya' al-Turath al-Arabi
40. Nematollahi, Esmail (2016) An Introduction and Criticism of Customary Trust Theory, Issue 7, No. 2, Fall and Winter, 785-803: Comparative Legal studies
41. Yazdanian, Alireza (2011) Foundation of Civil Responsibility of Carrier in Contract of Transport of Goods in the Iranian and French Law, Year 57, No. 53, Spring 9-35: Judiciary Law Journal

#### **English Reference**

42. Anson, William Reynell, S. Burrows, J. Beatson, Andrew, Cartwright, John (2010), Anson's Law of Contract, 29th Ed, New York: Oxford University Press.
43. Atiyah, Patrick Selim (1971), Consideration in contracts: a fundamental restatement, 1st Ed, Canberra: Australian National University Press.
44. Atiyah, Patrick Selim (1986), Essays on Contract, 1st Ed, London: Clarendon paperbacks (OUP).
45. Bedjaoui, Mohammed (1991), International Law: Achievements and Prospects, 1st Ed, Paris: Martinus Nijhoff.
46. Black's Law Dictionary (2011), Bryan A. Garner, 11th Ed, Toronto: Thomson Reuters.
47. Burrows, Andrew (1998), Understanding the Law of Obligations: Essays on Contract, Tort and Restitution, 1st Ed, London: Hart Publishing.
48. Chapman, Audrey R (2002), Core Obligations: Building a Framework for Economic, Social and Cultural Rights, 1st Ed, Oxford: Hart Publishing.
49. Chen-Wishart, Mindy (2009), "Consideration and Serious Intention", Singapore Journal of Legal Studies, No 29, 434- 456.
50. Crawford, James, Pellet, Alain, Olleson, Simon, Parlett, Kate (2010), The Law of International Responsibility, 1st Ed, , New York: Oxford University Press.
51. Crawford, James, Lee, Karen, Lauterpacht, Elihu (2005), ICSID Reports, Vol. 8, 1st Ed, New York: Cambridge University Press.
52. Dupuy, Pierre Marrie (1999), "Reviewing the difficulties of codification: on Ago's classification of obligations of means and obligations of result in relation

- to state responsibility”, European Journal of International Law, Vol. 10, No 2, 371- 385.
53. Furmston, Michael (2017), Cheshire, Fifoot, and Furmston's Law of Contract, 17th Ed, New York: Oxford University Press.
  54. Hillman, Robert A (2014), “The Future of Fault in Contract Law”, Cornell University Law School, Vol. 52, Summer, 275- 302.
  55. Ibbeston, David. J (2001), A Historical Introduction to the Law of Obligations, 1st Ed, New York: Oxford University Press.
  56. Jackson, Craig Leonard (1999), “Traditional Contract Theory: Old and New Attacks and Old and New Defenses”, New England Law Review, Vol. 33, No 1, 97- 112.
  57. Lawrence Clark, William (1894), Hand-book of the Law of Contracts, Vol. 2, 2nd Ed, Minnesota: West Publishing Company.
  58. Robertson, Andrew (2000), “Reasonable Reliance in Estoppel by Conduct”, University of New South Wales Law Journal, Vol. 23, 360- 368.
  59. Scott, Robert E (2009), “In (Partial) Defense of Strict Liability in Contract”, Michigan Law Review, Vol. 107, Iss 8, 1381- 1396.
  60. Siebeck, Paul (1973), International Encyclopedia of Comparative Law: Contracts in general, 1st Ed, University of California: International Association of Legal Science.
  61. Stone, Richard, Devenney, James (2017), The Modern Law of Contract, 12th ed, Florida: Taylor & Francis.
  62. Stone, Richard, Devenney, James, Cunningham, Ralph (2011), Text, Cases and Materials on Contract Law, 2nd Ed, London: Routledge.
  63. Valente, Dena (2010), Enforcing promises consideration and Intention in the Law of Contract, A dissertation submitted in partial fulfilment of the degree of Bachelor of Laws, Otago: University of Otago.

(9)

**References**

1. Azizi, S. (2008), Kosovo Independence: The Independence of Kosovo: The Legality of Unilateral Secession in International Law, *International Law Review*, No. 38, p. 11-45. (In Persian)
2. Buchheit, LC. (1978). *Secession: the legitimacy of self-determination*. Yale University Press, Yale.
3. Cassese, A. (1995). *Self-determination of peoples. A legal reappraisal*. Cambridge University Press, Cambridge.
4. Christakis, T. (2015). "Self-determination, territorial integrity and fait accompli in the case of Crimea". *Leiden J Int Law* 24, p. 75-100.
5. Crawford, JR. (2000). Report by James Crawford: response to experts reports of the amicus curiae. *Kluwer Law International Law*, The Hague.
6. Crawford, JR. (2006). *The creation of states in international law*, 2nd edn. Oxford University Press, OxfordHannum, H. (2011). The Advisory Opinion on Kosovo: an opportunity lost, or a poisoned chalice refused?. *Leiden J Int Law* 24.
7. Ebrahimgol, A. and Karimi, S. (2015), Contrast between territorial integrity and human rights: legal evaluation of remedial secession's theory, *Iranian research Letter of International Politics of International Politics*, No. 2, p. 1-27. (In Persian)
8. Navari, A. and Habibi, H. (2014), Evaluating the Existence of the Remedial Right to Secession as a Rule of Customary International Law, *International Law Review*, No. 51, p. 97-124. (In Persian)
9. Niakooee, A. and Abdali, Z. (2019), The contradiction between the two motifs of self-fate determination and sovereignty at international law Case study of Ukraine crisis and crimea separation from the country, *Politic Quarterly*, No. 3, p. 701-724. (In Persian)
10. Oeter, S. (2015). "The Kosovo case—an unfortunate precedent". *Zeitschrift für auslaendisches öffentliches Recht und Völkerrecht* 75, p. 51-72.
11. Quane, H. (2011). Self-determination and minority protection after Kosovo. In: Summers J (ed) *Kosovo: a precedent? The declaration of independence, the Advisory Opinion and implications for statehood, self-determination and minority rights*. Martinus Nijhoff Publishers, Leiden.
12. Ranjbarian, A. and Kamalinejad, H. (2013), Teachings of the Prominent International Lawyers, *comparative Law Review*, No. 2, p. 37-56. (In Persian)
13. Van den Driest, SF. (2013). "From Kosovo to Crimea and beyond: on territorial integrity, unilateral secession and legal neutrality in international law". *Int J Minor Group Rights* 22, pp. 467-485.
14. Veisi chameh, M. and Azizi, s. (2019), Legitimacy and Remedial Secession Threshold in International Law
15. International Law Review, No. 61, p. 133-163. (In Persian)
16. Vidmar, J. (2012). "Territorial integrity and the law of statehood". *George Wash Int Law Rev* 44, p. 101-149.

17. Vidmar, J. (2015). "The annexation of Crimea and the boundaries of the will of the people". *German Law J* 16, pp. 365-383.
18. Xanthaki, A. (2007). Indigenous rights and United Nations standards. Self-determination, culture and land. Cambridge University Press, New York.

(10)

**References**

1. Ahmad al-Sanhouri, Abdul Razzaq (1958), *Commentary on the New Civil Code, (al-Wasit fi Sharh al-Qanun al-Madani al-Jadid)*, Volume 2, Beirut-Lebanon: Al-Arabi Pub. (In Arabic)
2. Ansari, Morteza (1415 AH), *Al-Hashiyah Ali Istehhab Al-Qawan*, Qom. Al-Hakim, Abdul Majid (dateless), *Al-Mujaz in the Explanation of the Civil Law (rules of obligation)*, Volume 2, Al-Atak Publishing House. (In Arabic)
3. Aubert de Vincelles, Carole, *bail*, Rép. Civ. Dalloz, paris, septembre 2007 (dernière remise à jour: 03/2012).
4. Barret, Oliver, *Vente (30 effets)*, Rép. Civ. Dalloz, Paris, janvier 2007, (dernière mise à jour: 03/2012).
5. Brunet, Nicolas, *L'Exécution Forceé*, (Université Paris 1 Panthéon-Sorbonne, 2013).
6. Cartwright, John & Whittaker, Simon (eds), (2017), *The Code Napolén Rewritten*, hart publishing.
7. Cartwright, John, et al. (2009), *Reforming the French Law of Obligations: Comparative Reflections on the Avant-projet de réforme du droit des obligations et de la prescription ('The Avant-projet Catala')*, Bloomsbury Publishing.
8. Cartwright, John, et al. (eds), (2009), *Reforming the French Law of Obligations*, hart publishing.
9. Crepu, Raoul, (2012), *L'exécution du contrat par les tiers*, Université Montpellier 1, Master 2 Droit privé économique.
10. Damas, Nicolas, *baux d'habitation et mixtes (rapports locatifs individuels: loi du 6 juillet 1989)*, Rép. Civ. Dalloz, paris, février 2008 (dernière mise à jour: 03/2012)
11. Emami, Seyed Hassan (1334), *Civil Law*, Volume 2, 18<sup>th</sup> ed, Tehran: Tehran University Press. (In Persian)
12. Emami, Seyed Hassan (2012), *Civil Law*, Volume 1, 33<sup>rd</sup> ed, Tehran: Islamic pub. (In Persian)
13. Essie de kelle, Maître, (2017), L'exécution forcée en nature: Que dit la réforme du droit des contrats?, 2019/9/15, available at: [www.legavox.fr](http://www.legavox.fr)
14. François. Clément, *Présentation des articles 1221 à 1222 de la nouvelle sous-section 2 L'exécution forcée en nature* (panthéonsorbonne, 2016) <https://iej.univ-paris1.fr/openaccess/reforme-contrats/titre3/stitre1/chap4/sect5/ssect2-execution-forcee>
15. Gharavi Naini, Mohammad Hossein (1365), *Favaed al-Osul*, Qom, Islamic Publishing Institute. (In Arabic)
16. Ghasemi, Mohsen (2007), "Effects of Performance in Contractual Obligations", Private Law Research, Volume 8, pp. 187-214. (In Persian)

17. Haeri Shahbagh, Ali (2003), *Commentary on Civil Law*, Volumes 1 & 2, 3<sup>rd</sup> ed, Tehran: Ganj-e-Danesh pub. (In Persian)
18. Hayati, Ali Abbas (2015), *Execution of Civil Judgments in the Current Legal Order*, 4<sup>th</sup> ed, Tehran: Mizan pub. (In Persian)
19. Ibrahim Sa'd, Nabil (1998), *The General Theory of Performance (Provisions for Performance in Egyptian and Lebanese law)*, Volume 2, 2<sup>nd</sup> ed, Beirut: Dar Al-Nahda Al-Arabiya Publishing House. (In Arabic)
20. Jafari Langroudi, Mohammad Jafar (2010), *Civil Law, Law of Obligations*, 4<sup>th</sup> ed, Tehran: Ganj-e-Danesh pub. (In Persian)
21. Katuoziyan, Nasser (2007), *Non-Contractual Obligation*, 7<sup>th</sup> ed, Tehran: Tehran University Press pub. (In Persian)
22. Katuoziyan, Nasser (2014), *Civil Law - Lessons from Specific Contracts*, 21<sup>st</sup> ed, Tehran: Ganj-e-Danesh pub. (In Persian)
23. Katuoziyan, Nasser (2014), *General Principles of Contracts - Performance of Contract*, Volume 4, 8<sup>th</sup> ed Tehran: Enteshar Pub. (In Persian)
24. Katuoziyan, Nasser (2015), *Legal Actions, Contracts- Unilateral Acts*, 13<sup>th</sup> ed, Tehran: Enteshar Pub. (In Persian)
25. Khoei, Seyyed Abolghasem (1417 AH), *Mesbah al-Osul*, Volume 2, Qom: Davari Publications.  
Iraqi, Sheikh Agha Zia (1405 AH), *Nahayeh Al-Afkar*, Volume 3, 1<sup>st</sup> ed, Qom: Islamic Publishing Institute. (In Arabic)
26. Légier, Gérard, *Responsabilité contractuelle*, Rép. civ. Dalloz, Paris, août 1989, (dernière mise à jour: 03/2012).
27. Luber. M, (2008), *The Law of Contracts in Key Aspect of German Business Law*, springer.
28. Mohajeri, Ali (2014), *Commentary of the Code of Civil Procedure*, Volume 1, 8<sup>th</sup> ed, Tehran: Fekrsazan Pub. (In Persian)
29. Naraghi, Ahmad Ibn Mohammad Mahdi (1375), *Avaed Al-Ayam*, Qom. (In Arabic)
30. Picod, Yves, *Obligations*, Rép. civ. Dalloz, Paris, janvier 2009, (dernière mise à jour: 06/2011)
31. Rowan, Solène, (2017), *The New French Law of Contract*, British Institute of International and Comparative Law.
32. Rudijani, Mohammad Mojtaba (2013), *Comprehensive Interpretation of the Code of Civil Procedure*, 1<sup>st</sup> ed, Tehran: Ava Book pub. (In Persian)
33. Safaei, Hossein (2014), *Civil Law - General Principles of Contracts*, Volume 2, 19<sup>th</sup> ed, Tehran: Mizan Pub. (In Persian)
34. Shahidi, Mehdi (2004), *Effects of Contracts and Obligations*, Volume 3, 2<sup>nd</sup> ed, Tehran: Majd Pub. (In Persian)
35. Shahidi, Mehdi (2007), *Civil Law - Terms of Contract*, 1<sup>st</sup> ed, Tehran: Majd Pub. (In Persian)

36. Shahidi, Mehdi (2016), *Extinguish of Obligations*, Volume 5, 10<sup>th</sup> ed, Tehran: Majd Pub. (In Persian)
37. Shams, Abdullah (1397), *Execution of Civil Judgments*, Volume 2, 1<sup>st</sup> ed, Tehran: Drake Pub. (In Persian)
38. Shoarian, Ebrahim & Torabi, Ebrahim (2014), *The Law of Obligations - A Comparative Study of Catala Project (Reforming the French Law of Obligations) with Iranian Law and International Instruments*, 1<sup>st</sup> ed, Tehran: Shahre-Danesh pub. (In Persian)
39. Shoarian, Ebrahim (2015), *Assignment of Contracts: General Theory - Specific Contracts*, 1<sup>st</sup> ed, Tehran: Danesh City pub. (In Persian)
40. Treitel, Guenter, (2003), *The Law of Contract*, 11th ed, Sweet & Maxwell, 2003.
41. Whittaker, Simon, (2000), *Performance of Another's Obligation: French and English Law Contrasted*, 2019/7/2, available at: <<https://ouclf.iuscomp.org/>>

**CASES**

42. Case No. 04-20142, January 11, 2006, French Court of Appeal.
43. Case No. 89-19866, March 20, 1991, French Court of Appeal.
44. Case No. 95-16017, March 5, 1997, French Court of Appeal.
45. Case No. 99-21127, June 12, 2001, French Court of Appeal.

(11)

**References****Books and Articles**

1. Iranpour, Farhad 2019, Economic Analysis of Private Law, Tehran, Donya-e-Eqtesad.
2. Badini, Hasan (2004), Philosophy of Tort Law, Tehran, Sahami-e-Enteshar.
3. Katouzian, Naser (2014), Extra-Contractual Obligations: Law of Torts, Tehran, University of Tehran Press, vol. 1.
4. Badini, Hasan, (2002), *Philosophical Foundations of Economic Approach to Law*, 62 Journal of Faculty of Law and Political Sciences, 91-135.

**English Sources****Books**

5. American Law Institute (2010), Restatement (Third ) of Torts: Liability For Physical and Emotional Harm
6. Armour, Jody David (2000), Negrophobia and Reasonable Racism: The Hidden Costs of Being Black in America, NYU Press.
7. Englard, Izhak (1993), The Philosphy of Tort Law, Dartmouth Pub. Co.
8. Hume, David (2011), A Treatise of Human Nature, CreatSpace Independent Publishing Platform
9. Hans-Berndt Schafer, Claus Ott, The Economic Analysis of Civil Law, Translated by Matthew Braham, Edward Elgar Pub., (2005)
10. Holmes, Oliver Wendel (1991), The Common Law, Dover Publication
11. Landes, William M., Posner, Richard A. (1987), The Economic Structure of Tort Law, Harvard University Press
12. Le Guin, Ursula K. (1975), The Ones Who Walk Away from Omelas, in The wind's Twelve Quarters
13. Shavell, Steven M. (1987) , Economic Analysis of Accident Law, Harvard University Press
14. Wacks, Raymond(2012), Undertstanding Jurisprudence: An Introduction to Legal Theory, Oxford University Press

**Articles**

15. Abraham, Kenneth S. (2001), The Trouble with Negligence, 54 Vanderbilt Law Review
16. Bohlen, Francis A. (1924), Mixed Questions of Law and Fact, 72 University of Pennsylvania Law Review
17. Coleman, Jules L. (2003), The Grounds of Welfare, 112 Yale Law Journal
18. Cooter, Robert D. (2000), Three Effects of Social Norms on Law: Expression, Deterrence, and Internalization, 79 Oregon Law Review

19. Cooter, Robert D. & Porat, Ariel (2001), Should Courts Deduct Nonlegal Sanctions from Damages?, 30 *Journal of Legal Studies*
20. Cooter, Robert D. (1989), Punitive Damages for Deterrence: When and How Much?, 40 *Alabama Law Review*
21. Dolinko, David (2002), The Perils of Welfare Economics, 97 *Northwestern University Law Review*
22. Dorff, Michael B. (2002), Why Welfare Depends on Fairness: A Reply to Kaplow and Shavell, 75 *Southern California Law Review*
23. Dressler, Joshua (1995), When "Heterosexual" Men Kill "Homosexual" Men: Reflections on Provocation Law, Sexual Advances, and the "Reasonable Man" Standard, 85 *Journal of Criminal Law and Criminology*
24. Dworkin, Ronald M. (1980), Is Wealth a Value?, 9 *Journal of Legal Studies*
25. Englund, Izhak (1980), The System Builders: A Critical Appraisal of Modern American Tort Theory, 9 *Journal of Legal Studies*
26. Goldberg, John C.P. (2003), Twentieth-Century Tort Theory, 91 *The Georgetown Law Journal*
27. Fischhoff, Baruch (1982), For Those Condemned To Study the Past: Heuristics and Biases in Judgment Under Uncertainty: Heuristics and Biases (Daniel Kahneman et al. eds.)
28. Fleming, John G. (1984), Is There a Future for Tort?, 44 *Louisiana law Review*
29. Geistfeld, Mark A. (2001), Reconciling Cost-Benefit Analysis with the Principle that Safety Matters More than Money, 76 *New York University Law Review*
30. Gilles, Stephen G. (2001), On Determining Negligence: Hand Formula Balancing, the Reasonable Person Standard, and the Jury, 54 *Vanderbilt law Review*
31. Grady, Mark F. (1988), Why Are People Negligent? Technology, Nondurable Precautions, and the Medical Malpractice Explosion, 82 *Northwestern University Law Review*
32. Hindsight, in Judgment Under Uncertainty: Heuristics and Biases (Daniel Kahneman et al. eds.)
33. Hurd, Heidi M. (2001), Is It Wrong To Do Right When Others Do Wrong?: A Critique of American Tort Law, 7 *Legal Theory*
34. Hylton, Keith N. (1998), Punitive Damages and the Economic Theory of Penalties, 87 *The Georgetown Law Journal*
35. Jolls, Christine(1998), Behavioral Economic Analysis of Redistributive Legal Rules, 51 *Vanderbilt Law Review*
36. Jolls, Christine et al. (1998), A Behavioral Approach to Law and Economics, 50 *Stanford Law Review*
37. Latin, Howard A. (1985), Problem-Solving Behavior and Theories of Tort Liability, 73 *California Law Review*
38. Miller, Allan D., Perry, Stephen (2012), The Reasonable Person, 87 *NYU Law Review*

39. Morris, Clarence (1942), Custom and Negligence, 42 Columbia Law Review
40. Kaplow, Louis & Shavell, Steven (2001), Fairness Versus Welfare, 114 Harvard Law Review
41. Logue, Kyle D. (1994), Solving the Judgment-Proof Problem, 72 Texas Law Review
42. Polinsky, Mitchell & Shavell, Steven (1998), Punitive Damages: An Economic Analysis, 111 Harvard Law Review
43. Perry, Stephen R. (2001), Cost-Benefit Analysis and the Negligence Standard, 54 Vanderbilt Law Review
44. Posner, Richard A. (1972), A Theory of Negligence, 1 Journal of Legal Studies
45. Posner, Richard A. (1995), Wealth Maximization and Tort Law: A Philosophical Inquiry, in *Philosophical Foundations of Tort Law* (David G. Owen ed.)
46. Rabin, Robert L. (1981), The Historical Development of the Fault Principle: A Reinterpretation, 15 Georgia Law Review
47. Rachlinski, Jeffrey J. (2000), The "New" Law and Psychology: A Reply to Critics, Skeptics, and Cautious Supporters, 85 Cornell Law Review
48. Rachlinski, Jeffrey J. (1998), A Positive Psychological Theory of Judging in Hindsight, 65 University of Chicago Law Review
49. Ramsey, Carolyn B. (2003), Homicide on Holiday: Prosecutorial Discretion, Popular Culture, and the Boundaries of the Criminal Law, 54 Hastings Law Journal
50. Schwartz, Gary T. (1994), Reality and the Economic Analysis of Tort Law: Does Tort Law Really Deter?, 42 UCLA Law Review
51. Schwartz, Gary T. (1990), The Ethics and the Economics of Tort Liability Insurance, 75 Cornell Law Review
52. Schwartz, Gary T. (2002), Empiricism and Tort Law, University of Illinois Law Review
53. Shavell, Steven M. (1986), The Judgment Proof Problem, 6 International Review of Law and Economics
54. Shavell, Steven M. (2007), On the Proper Magnitude of Punitive Damages: *Mathias v. Accor Economy Lodging, Inc.*, 120 Harvard Law Review
55. Simons, Kenneth W. (2001), The Hand Formula in the Draft Restatement (Third) of Torts: Encompassing Fairness as Well as Efficiency Values, Vanderbilt Law Review
56. Sloan, Frank A. & Hsieh, Chee R. (1995), Injury, Liability, and the Decision To File a Medical Malpractice Claim, 29 Law and Society Review
57. Slovic, Paul, et al. (1982), Facts Versus Fears: Understanding Perceived Risk, in *Judgment Under Uncertainty: Heuristics and Biases* (Daniel Kahneman et al. eds.)
58. Sugarman, Stephen D. (1985), Doing Away with Tort Law, 73 California Law Review
59. Summers, The Case of the Disappearing Defendant: An Economic Analysis, 132 University of Pennsylvania Law Review (1983)

60. Sunstein, Cass R. (1997), Behavioral Analysis of Law, 64 *The University of Chicago Law Review*
61. Sunstein, Cass R. et al. (1998), Assessing Punitive Damages (with Notes on Cognition and Valuation in Law), 107 *Yale Law Journal*
62. Tay, Alice Erh-Soon (1969), The Foundation of Tort Liability in a Socialist Legal System: Fault Versus Social Insurance in Soviet Law, 19 *University of Toronto Law Journal*
63. Taylor, Shelley E. (1982), The Availability Bias in Social Perception and Interaction, in *Judgment Under Uncertainty: Heuristics and Biases* (Daniel Kahneman et al. eds.)
64. Tobia, Kevin P. (2018), How People Judge What is Reasonable, *Alabama Law review*
65. Tversky, Amos & Kahneman, Daniel (1982), Judgment Under Uncertainty: Heuristics and Biases, in *Judgment Under Uncertainty: Heuristics and Biases* (Daniel Kahneman et al. eds.)
66. Tversky, Amos & Kahneman, Daniel (1982), Availability: A Heuristic for Judging Frequency and Probability, in *Judgment Under Uncertainty: Heuristics and Biases* (Daniel Kahneman et al. eds.)
67. Westen, Peter (2008), Individualizing the Reasonable Person in Criminal Law, 2 *Criminal Law and Philosophy*
68. Zalesne, Deborah (1997), The Intersection of Socioeconomic Class and Gender in Hostile Housing Environment Claims Under Title VIII: Who is the Reasonable Person?, 38 *Boston College Law Review*
69. Zipursky, Benjamin C. (2007), Sleight of Hand, 48 *William and Mary Law Review*
70. Zipursky, Benjamin C. (1998), Rights, Wrongs, and Recourse in the Law of Torts, 51 *Vanderbilt Law Review*

(12)

**References**

1. Andrews, Paul; Meyer, Robert G; Berla, Edward P, (1996), "Development of the Lost Pleasure of Life Scale", *Law and Human Behavior*, Volume 20, Issue. 01, p. 99–111.
2. Asghari Aghamshahdi, F. (2006), "Compensation for moral damages in Iranian law, *Journal of Humanities and Social Sciences*", No. 9-10, Pp. 31- 48. (In Persian)
3. Afshar, H. (2015), "Tort Liability for Compensation for Moral Damage in Iranian Law", Majd, First Edition. (In Persian)
4. Badini, H. (2013), "Philosophy of Civil Liability", Tehran: Enteshar Publication Co., Second Edition. (In Persian)
5. Campbell, John; Chao, Bernard; Robertson, Christopher, (2017), "Time is Money: An Empirical Assessment of Non-Economic Damages Arguments", Wash. U. L. Rev. Volume 95, Issue 01, p. 1-52.
6. Diamond, Shari, (2016), " What Jurors Think: Expectations and Reactions of Citizens Who Serve as Jurors". Verdict: Assessing the Civil Jury. Washington, D.C.: Brookings Institution.
7. Habiba, Saeed and Salehifar, Alireza (Spring and Summer 2013), " Approaches to Redressing Fatal Torts; A comparative study of Iranian and American tort laws", *Journal of Comparative Law review*, University of Tehran, No. 1, pp. 98 63. (In Persian)
8. Katozian, N. (2007), " Non-Contractual Requirements: Liability for the value (of damaged property)", University of Tehran Press, sixth edition, Tehran: Ganj-e-Danesh,. (In Persian)
9. Katozian, N. (2016), " Elementary Courses in Civil Law: Juridical Facts (Tort Liability)", 19th edition Tehran: Enteshar Publication Co. (In Persian)
10. M. Studdert, David; Kachalia, Allen; A. Salomon, Joshua; M. Mello, Michelle, (2011), " Rationalizing Noneconomic Damages: A Health-Utilities Approach", Volume 74, p. 57-101.
11. McCormick, Charles T. (1985), "Handbook on the law of damages" St. Paul, Minn, West Publishing Co. Volume 85.
12. Price, Douglas L. (1993), " Hedonic Damages: To Value a Life or Not to Value a Life?", West Virginia Law Review, Volume 95, No. 4, p. 1054-1090.
13. Randall Bovbjerg, R; Sloann, Frank A; Blumstein, James F, (1988- 1989), " Valuing Life and Limb in Tort: Scheduling "Pain and Suffering", United States: Northwestern University Law Review, Volume 83, No. 4, p. 908- 976.
14. Soltaninejad, H. (2015), "Comparative Study of Moral Damage", First Edition, Tehran: Mizan Danesh Publications. (In Persian)

15. Studdert David M; Yang, Y. Tony; Mello, Michelle M, "2004", "Are Damages Caps Regressive? A Study of Malpractice Jury Verdicts in California", *HEALTH AFFAIRS*, Volume 23, No. 4, p. 54-67.
16. Vidmar, Neil, (1993), " Empirical Evidence on the Deep Pockets Hypothesis: Jury Awards for Pain and Suffering in Medical Malpractice Cases", Volume 43, Issue 2, p. 217-266.
17. Vidmar, Neil, (1998), " The Performance of the American Civil Jury: An Empirical Perspective", *Arizona Law Review*, Volume 40, No. 3, p. 849-899.
18. Viscusi, W. Kip, (1988), " Pain and Suffering in Product Liability Cases: Systematic Compensation or Capricious Awards?" Volume 8, Issue 2, p. 203-220.
19. W. Leebron, David (1989), " Final Moments: Damages for Pain and Suffering Prior to Death", *N.Y.U. L. REv.* Volume 64, p. 256- 363.

(13)

**References****Books**

1. Botthof, Andreas (2014). Perspektiven der Minderjährigenadoption (Vol. 316). Tübingen: Mohr Siebeck.
2. Douglas, Gillian (2016). "The Changing Concept of 'Family' and Challenges for Family Law in England and Wales", in: European Family Law, by Jens M. Scherpe (ed), Vol: II, UK: Edward Elgar Publishing.
3. Ihlefeldt, Alexander (2014). *Adoptio imitatur naturam? Die Adoption im Wandel der Zeit* (Vol. 966). München: GRIN Verlag.
4. Jafari Langroudi Mohammad J. (1967). Law Terminology , Tehran: I|bn Sina Pub. [in Persian].
5. Katouzian, Naser (2006). Civil Law: Family. Vol: 2. Tehran: Sahami Enteshar Pub. [in Persian].
6. Katouzian, Naser (2009). [Civil Law: Family, Elementary Level]. Tehran: Mizan Pub. [in Persian].
7. Lowe, Nigel and Douglas, Gillian (2014). Bromley's Family Law; Eleventh Edition, Oxford University Press.
8. Makarem Shirazi Naser(1995). Tafseer-e-Namoona, vol.3, Tehran: Dar Al kutub Al Islamiyah. [in Persian].
9. Meincke, Jens Peter (2016). Römisches Privatrecht (Vol. 4716). Stuttgart: UTB.
10. Moosavi Bojnoordi, S. Mohammad (2010) The Status of Adoption After the [Iran's] Islamic Revolution. The Collection of Articles on Law, Jurisprudence and the Social [science], vol. 9, pp.101-67. Tehran: The Institute for Compilation and Publication of Imam Khomeini's Works. [in Persian].
11. Neukirchen, Christoph (2005). Die rechtshistorische Entwicklung der Adoption. Bern: Peter Lang.
12. Nowak, Manfred (2007). UN Covenant on Civil and Political Rights CCPR Commentary, 2nd Revised Edition, Oxford University Press.
13. Paulitz, Harald (1997). Offene Adoption: ein Plädoyer, Freiburg: Lambertus.
14. Reinhardt, Jörg (2016). Reformbedarfe im Recht der Minderjährigenadoption und der Adoptionsvermittlung: eine Übersicht unter Einbeziehung der Regelungen ausgewählter europäischer Staaten. Düren: Shaker Verlag.
15. Säcker, Franz Jürgen, & Rebmann, Kurt, (Eds), (2015). Münchener Kommentar zum Bürgerlichen Gesetzbuch. München: CH Beck.
16. Schubert, Werner (1997). Motive zu dem Entwurfe eines Bürgerlichen Gesetzbuches für das Deutsche Reich: 4: Familienrecht (Nachdr. d. Ausg. Berlin und Leipzig, Guttentag 1888. ed., 100 Jahre Bürgerliches Gesetzbuch : Bürgerliches Recht 4) Goldbach: Keip.
17. Schwab, Dieter, Zenz, Gisela, & Deutsche Juristentag (1982). Soll die Rechtsstellung der Pflegekinder unter besonderer Berücksichtigung des

- Familien-, Sozial-und Jugendrechts neu geregelt werden? Gutachten [A] für den 54. Deutschen Juristentag. München: CH Beck.
18. Shariati Nasab, Sadegh (2012). [Adoption]. Tehran: Shahre Danesh. [in Persian].
19. Stewart, James, Floyd, Edward, Dziobon, Rebecca (2017). Family law in UK (England and Wales): overview, Pennington Manches LLP, available at: thomsonreuters.com 4/1/2018

#### Articles

20. Ghadiri, Mahrou (2016) Age and Consent to Marriage in the Light of International Human Rights Law, Journal of Family Research, Vol.12(1), pp. 115-139. [in Persian].
21. Ghadiri, Mahrou, and Esmaeili, Mehran (2017), Marriage with an Adopted Child from the Iranian Constitutional Law Perspective, Journal of Family Research, Vol.13(2), pp 293-298. [in Persian].
22. Roshan, Mohammad, & Ghadiri, Mahrou (2013). [Child Adoption and the Right to a Family in the Light of the Best Interest of the Child]. Revue de Recherche Juridique, Numéro Spécial, 14, pp. 73- 102. [in Persian].
23. Vinnerljung, Bo, and Martin Ribe (2001). "Mortality after care among young adult foster children in Sweden". International Journal of Social Welfare 10(3), 164-173.
24. Wadlington, Walter J (1963). "The Adopted Child and Intra-Family Marriage Prohibition", Virginia Law Review, Vol. 49, No. 3, pp. 478-491. Available in: <https://www.jstor.org/stable/1071116>

#### Laws & Documents

25. Allgemeine Landrecht für die Preußischen Staaten (PrALR), 1794
26. Bürgerliches Gesetzbuch (BGB), 1896-2020.
27. Codex Iuris Canonici, 1582-1917.
28. Codex Iuris Canonici, 1983.
29. "Declaration of the Rights of the Child", Adopted by General Assembly resolution 1386 (XIV) of 20 November 1959
30. "Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with special reference to Foster Placement and Adoption Nationally and Internationally", Adopted by General Assembly resolution 41/85 of 3 December 1986.
31. General Comment No. 7: Implementing Child Rights in Early Childhood, 2006.
32. Iran's Civil Code.
33. Iran's law on the Protection of Children Without Guardian, 1975.
34. Iran's law on the Protection of Children and Juveniles Without Guardian or with an Abusive Guardian, 2013
35. ISS/IRC, fact sheet no.51, Dec 2007. Available in: [www.iss.ssi.org](http://www.iss.ssi.org).
36. Strafgesetzbuch (StGB), 1871-2020.

37. UK Adoption of Children Act, 2002 (ACA)
38. UK Children Act 1926.
39. UK Children Act 1949.
40. UK Children Act 1989.
41. UK Children and Family Act, 2014 (CFA)
42. UN Covenant on Civil and Political Rights, 1966.
43. UN Convention on the Elimination of all Forms of discrimination Against Women, 1979.
44. UN Convention on the Rights of the Child, 1989.
45. UN Doc A/Res 45/112 1990, Para 14&17.
46. The European Convention for the Protection of Human Rights and Fundamental Freedoms.

**Electronic Recourses**

47. Codex Iuris Canonici, [http://www.vatican.va/archive/cod-iuris-canonici/latin/documents/cic\\_liberI\\_la.html](http://www.vatican.va/archive/cod-iuris-canonici/latin/documents/cic_liberI_la.html) (Accessed 01.07.2019)
48. Ghaffar, Atika (2012). Adoption in Islam, Available in: [www.everymuslim.com](http://www.everymuslim.com), 13/4/2012
49. The case of B and L v United Kingdom (Application No.36536/02) the European Court of Human Rights. Available in: <http://www.bailii.org/eu/cases/ECHR/2005/584.html>, 2/2/2019
50. UN: Department of Economic and Social Affairs of Secretariate (2009) Child Adoption: Trends and Policies, Available in: <https://www.un.org/en/development/desa/population/.../pdf/policy/child-adoption.pdf>

(14)

**References****(Persian)****Books**

1. AmirArjmand. Ardesir. (2007). Droits de l'Homme Recueil d'instruments internationaux. Volume I (Première Partie). Instruments universels.
2. Arendt, H. (1973). The origins of totalitarianism (Vol. 244). Houghton Mifflin Harcourt.
3. Bashiriyeh, Hoddein. (2015). Obstacles to political developments in Iran. "Game No" Publication.
4. Lévi-Strauss, C., & Pouillon, J. (1987). Race et histoire. Paris: Denoël.
5. Tuchman, B. W. (1994). The guns of August. Random House Trade Paperbacks.
6. Žižek, S. (2008). Violence: Six sideways reflections.

**Articles**

7. Delmas-Marty, M. (2007). Le paradigme de la guerre contre le crime: légitimer l'inhumain?. Translated by KordAlivand, R in In Essays on criminal sciences. Mizan Publication. 1009-1030
8. Sadr TohidKhaneh, M. (2009). From the American policy of the "war on terror" to the German theory of the enemy criminal law, In Essays on criminal sciences. Mizan Publication. 465-518
9. Gholami, H & Najafi AbrandAbadi, A. (1999) the theory of just desert and recidivism. Comparative law researches. 13 (97-111).
10. Najadi AbrandAbadi, A. (2009). The Criminological perspective of the code of citizenship rights.

**Reports and**

11. The report of the commission of principle 90 about the case of Zahra Kazemi, published in Gazette, 2003.12.11
12. 2. the report of national security and foreign policy commission about the death of Sattar Beheshti, published in Gazette, 19793.

**(English)****Books**

13. Cole, D. (2003). Enemy aliens: Double standards and constitutional freedoms in the war on terror. Current Affairs.
14. Rejali, D. (2009). Torture and democracy. Princeton University Press.
15. Simon, J. (2011). Mass incarceration on trial.

**Articles**

16. Aguirre, C. (2013). Punishment and Extermination: The Massacre of Political Prisoners in Lima, Peru, June 1986. *Murder and Violence in Modern Latin America*, 193-216.
17. Bar-Tal, D. (1990). Causes and consequences of delegitimization: Models of conflict and ethnocentrism. *Journal of Social issues*, 46(1), 65-81.
18. Bar-Tal, D. (2000). Shared beliefs in a society: Social psychological analysis. Sage Publications.
19. Bar-Tal, D., & Hammack, P. L. (2012). Conflict, delegitimization, and violence.
20. Biles, D., McDonald, D., & Fleming, J. (1990). Aboriginal and non-aboriginal deaths in custody. *Australian & New Zealand Journal of Criminology*, 23(1), 15-23.
21. Chen, Y. S. (2007). A perspective of China's criminal misjudgment. *China Legal Science*, 137, 45-61.
22. Diez, C. G. J. (2008). Enemy combatants versus enemy criminal law: An introduction to the European debate regarding enemy criminal law and its relevance to the Anglo-American discussion on the legal status of unlawful enemy combatants. *New Criminal Law Review: In International and Interdisciplinary Journal*, 11(4). 529-562.
23. Haney, C. (2008). Counting casualties in the war on prisoners. *USFL Rev.*, 43, 87.
24. Haney, C. (2009). Demonizing the enemy: The role of science in declaring the war on prisoners. *Conn. Pub. Int. LJ*, 9, 185-22, p. 188
25. Haney, C. (2011). Politicizing Crime and Punishment: Redefining Justice to Fight the War on Prisoners. *W. Va. L. Rev.*, 114, 373. P. 375.
26. Harding, R. W. (1999). Prisons are the problem: A re-examination of aboriginal and non-aboriginal deaths in custody. *Australian & New Zealand Journal of Criminology*, 32(2), 108-123.
27. Haslam, N., & Loughnan, S. (2014). Dehumanization and infrahumanization. *Annual review of psychology*, 65, 399-423.
28. Hazlehurst, K. M., & Kazlehurst, C. (1989). Race and the Australian conscience: investigating aboriginal deaths in custody. *Journal of Ethnic and Migration Studies*, 16(1), 35-48.
29. Jessberger, F. (2005). Bad Torture—Good Torture? What International Criminal Lawyers May Learn from the Recent Trial of Police Officers in Germany. *Journal of International Criminal Justice*, 3(5), 1059-1073.
30. Kelman, H. C. (2001). Reflections on social and psychological processes of legitimization and delegitimization. The psychology of legitimacy: Emerging perspectives on ideology, justice, and intergroup relations, 54-73.
31. Kelman, H. G. (1973). Violence without moral restraint: Reflections on the dehumanization of victims and victimizers. *Journal of social issues*, 29(4), 25-61.
32. Lu, Q. (2006). Lawyer's presence right in criminal investigative interrogation. *Legal System and Society*, 4, 85–86.

33. Martinson, R. (1974). What works?-questions and answers about prison reform. *The public interest*, 35, 22.
34. Opotow, S. (1990). Moral exclusion and injustice: An introduction. *Journal of social issues*, 46(1), 1-20
35. Rosado, C. (1996). Toward a definition of multiculturalism. Retrieved from.
36. Staubm E. (1990). Moral exclusion, personal goal theory, and extreme destructiveness. *Journal of Social Issues*, 46(1), 47-64.

**Reports**

37. Amnesty International. (2000). Take a step to stamp out torture. Amnesty International Publications.
38. Amnesty International. (2014). Torture in 2014: 30 years of broken promises. Amnesty International.

**Sites**

39. <https://isna.ir/>
40. [wwwiran-newspaper.com](http://wwwiran-newspaper.com)
41. [www.dadsetani.ir](http://www.dadsetani.ir)
42. [www.icana.ir](http://www.icana.ir)
43. [www.tadbirkhabar.com](http://www.tadbirkhabar.com)

(15)

**References**

1. *Allison v. Bristol Marine Insurance Co.* (1875) 1 App. Cas. 209.
2. Arbabi, M. and Arbabi, N. (2019) Reference in a Bill of Lading to a Charterparty: Seeking Intention of the Parties, Comparative Law Review, Volume 10, Issue 1. (in Persian)
3. *Aries Tanker Corp. v. Total Transport (The Aries)* [1977] 1 Lloyd's Rep. 334 (H.L.).
4. Alsharif, M.M. (2012) The Quality and the Effects of Delivery of Benefits, A Comparative Study on Iranian Civil Code and Islamic Jurisprudence, Comparative Law Review, Volume 2, Issue 2. (in Persian)
5. BALTIME 1939 (revised 2001). Available at:  
<http://shipsforsale.su/upload/materials/1612291321565991.pdf>
6. Civil Law (1928). (in Persian)
7. *Cleobulos Shipping v. Intertanker (The Cleon)* [1983] 1 Lloyd's Rep. 586.
8. Coghlain, Terence, Kimball, John D., Baker, Andrew W., Belknap, Thomas H. Jr., Kenny, Julian (2014) Time Charters, Informa Law from Routledge, Seventh edition, Lloyd's Shipping Law Library Series.
9. Commercial Code of Iran (1932). (in Persian)
10. "Convention on Limitation of Liability for Maritime Claims (LLMC)", Concluded at London on 19 November 1976.
11. Cooke, Julian, Kimball, John D., Young, Timothy, Martowski, David, Ashcroft, Michael, Lambert, LeRoy, Taylor, Andrew, Sturley, Michael (2014) Voyage Charters, Informa Law from Routledge, Forth edition, Lloyd's Shipping Law Library Series.
12. Dockray, Martin, Reece Thomas, Katherine (2004) Cases Materials on the Carriage of Goods by Sea, Third edition, Cavendish Publishing.
13. FayziChakab, G.N. and Hashemizadeh, S.A. (2012) Liability to Pay Demurrage under a Voyage Charterparty, Comparative Law Review, Volume 3, Issue 1. (in Persian)
14. *Federal Commerce & Navigation Co Ltd v Molena Alpha Inc (The Nanfi)* [1978] [1978] 1 LLOYD'S REP 581; [1979] 2 LLOYD'S REP 132; [1978] 1 LLOYD'S REP 201.
15. "Hague/Visby Rules 1968" refers to The Hague Rules 1924, as amended by the "Protocol to Amend the International Convention for the Unification of Certain Rules of Law Relating to Bills of Lading", adopted at Brussels, February 23, 1968.
16. *International Convention for the Unification of Certain Rules of Law relating to Bills of Lading ("Hague Rules")*, Brussels, 25 August 1924. Available at:  
<http://www.admiraltylawguide.com/conven/haguerules1924.html>
17. Iranian Maritime Law (1964). (in Persian)

18. Jafari Langroudi, M.J. (2009) Encyclopedia of Civil and Commercial Law, Ganjedanesh. (in Persian)
19. Jafari Langroudi, M.J. (2014) Philosophy of Civil Law, Ganjedanesh, Volume 1, Third Edition. (in Persian)
20. *James v. Chinecrest* [1979] 1 Lloyd's Rep. 126.
21. Kissin, Mathieu (2013) "Challenging the Legal and Commercial Justification for Reclassifying Payment of Hire as a Condition", Australian and New Zealand Maritime Law Journal (ANZ Mar LJ), Volume 27, Number 2.
22. *Lakeport Navigation Co. v. Anonima Petroli Italiana (The Olympic Brilliance)* [1981] 2 Lloyd's Rep. 176, [1982] 2 Lloyd's Rep. 205.
23. Law Amendment to the Iranian Maritime Law (2012). (in Persian)
24. Martin-Clark, David (2016) The IMLI Manual on International Maritime Law, Volume II: Shipping Law, Published in the United States of America by Oxford University Press.
25. New York Produce Exchange Form (NYPE); Time Charter, approved by the New York Produce Exchange, November 6th, 1913, Amended October 20th, 1921; August 6th, 1931; October 3rd, 1946. Available at: [http://www.fleetle.com/a/d/pdf/nype\\_46\\_portrait.pdf](http://www.fleetle.com/a/d/pdf/nype_46_portrait.pdf)
26. NabiFayziChakab, G. and Hashemizadeh, S.A. (2012) Liability to Pay Demurrage under a Voyage Charterparty, Comparative Law Review, Volume 3, Issue 1. (in Persian)
27. Omid, H. (1974) Maritime Law, Tehran College of Insurance, No. 7. (in Persian)
28. Procedural Code of Public and Revolutionary Courts (on Civil Affairs) (2000). (in Persian)
29. Ryder, Nicholas, Griffiths, Margaret, Singh, Lachmi (2012) Commercial Law: Principles and Policy, Cambridge University Press, first published, Published in the United States of America by Cambridge University Press, New York.
30. *The Berge Sund*, [1993] 2 Lloyd's Rep. 453.
31. *The Jalagouri* [2000] 1 Lloyd's Rep 515.
32. Todd, Paul (2016) Principles of the Carriage of Goods by Sea, Routledge, First Published.
33. *Tradax Export SA v Dorado Compania Naviera SA ('The Lutetian')* [1982] 2 Lloyd's Rep 140.
34. "United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea", (New York, 2008) (the "Rotterdam Rules").
35. "United Nations Convention on the Carriage of Goods by Sea", (Hamburg, 1978) (the "Hamburg Rules").
36. *Western Bulk Carriers K/S v Li Hai Maritime Inc* [2005] 2 Lloyd's Rep. 389.

**(16)****References**

1. Aklaghi, B and Imam,F,(2017),UNIDRIIT Principled of International Commercial Contracts, 6<sup>th</sup> edition, Tehran, Shahr-e-Danesh Publication.(in Persian).
2. Babaei, E,(2017), Insurance Law, 14<sup>th</sup> edition, Tehran, Samt Publication.(in Persian).
3. Bahrami, B, (2013), Functional Commercial Law, 4<sup>th</sup> edition, Tehran, Bayenneh Publication.(in Persian).
4. Barikloo,A and Khazaei,A, (2011),"The Principle of Good Faith and Its Consequences in Pre Contractual Period", Judicial Law Journal, Vol.76,pp.53-87.(in Persian).
5. Bayat,F and Bayat,SH, (2015), Comprehensive Explanation on the Civil Law, 7<sup>th</sup> edition, Tehran, Arshad Publication(in Persian).
6. Bonnel, Michael (2007), "Toward a Legislative Codification of The UNIDROIT Principles", From Congress To Celebrate The Fortieth Annual Session of UNIDROIT.
7. Bradgate, Robert (2010), Commercial Law, 3th Edition, London, Butterworth.
8. Buxbaum, Hannah (2010), "Rethinking International Insolvency: The Neglected Roleof- Choice- of Law Rules and Theory",36 Stanford Journal of International Law,pp.23-64.
9. De Cruz, Peter (2005), Comparative Law in a Changing World,3th Edition, London, Cavendish Publishing.
10. Demerchili,M and Hatami, A,(2011), The Commercial Act in the Current Law, 13<sup>th</sup> edition, Tehran, Dadsetan Publication.(in Persian).
11. Eftekhar, G and Khorasani,A,(2017), "Study in Commercial Trial Rules and Evaluation of Its Efficiency Regarding to Economic Analysis of Law", Research of Comparative Law Journal, Vol.8,pp.45-65.(in Persian).
12. Elsan,M, (2012), Electronic Commerce Law, 1th edition, Tehran, Samt Publication.(in Persian).
13. Eskini,R, (2019), "The Commercial Law in the Time Stream", The School of Law Journal, Vol.125,pp.4-6.(in Persian).
14. Eskini,R, (2013),Commercial Law: Generalities, Commercial Acts, Merchants and Organization of Commercial Activities, 17<sup>th</sup> edition, Tehran, Samt Publication.(in Persian).
15. Eskini,R, (2006), Commercial Law: Bankruptcy and Liquidation, 9<sup>th</sup> edition, Tehran, Samt Publication.(in Persian).
16. Esmaeeli,M and Ghasemi,A.R, (2017), "Continue of Confidential Rules in Iranian Commercial Law and Egyptian Law", Sixth Monthly of Gavah Law Journal, vol.5, pp.27-62.(in Persian).
17. Garner, Bryan (2011), Black Law Dictionary, 10<sup>th</sup> Edition, West Publication.

18. Gonzalo,Villalta (2016), "Electronic Bills of Exchange and Promissory Notes in Australia", Murdoch University Electronic Journal of Law, Vol.5, pp.125-174.
19. Good, Roy (2005), Principles of Corporate Insolvency Law, 3th Edition, London, Sweet and Maxwell.
20. Graziadei, Michel (2009), "Comparative Law, Legal History and Historic Approach to Legal Cultures", The European Private Law Review, pp.531-543.
21. Gringras, C (2008), The Law of the Internet, 3th Edition, Tottel Publishing.
22. Jalali, M and Shakoori,M, (2013),"The Unification of Contracts in International Law", Private Law Research Journal, vol.3,pp.151-177.(In Persian).
23. kaplow,Louis (2009), "Economic Analysis of Law", American Law and Economic Review, pp.123-165.
24. Kaviani,K,(2014), Commercial Law(3):The Law of Commercial Instruments, 9<sup>th</sup> edition, Tehran, Mizan ,Publication.(in Persian).
25. Kelly,Claire (2008), "Institutional Alliances and Derivative Legitimacy", Michigan journal of International Law, Vol.29, pp.605-632.
26. Pasban,M.R, (2018), The Company Law, 14<sup>th</sup> edition, Tehran, Samt Publication.(in Persian).
27. Posner, R.A (2007), Economic Analysis of Law,7<sup>th</sup> edition, Netherlands, Aspen Publishers.
28. Rahmani,A, (2014), The Law of Bankruptcy, First edition, Tehran, Jungel Publication.(in Persian)..
29. Shahabi, M,(2018), "The Economic Analysis of Law in the Law Modernization and Post Modernization", Comparative Law Research Journal, Vol.9,pp.257-283.(In Persian).
30. Shavell, Steven (2009), 'Alternative Dispute Resolution: An Economic Analysis", Journal of Legal Studies, Vol.24,pp.231-267.
31. Shiravi,A,(2016), International Trade Law, 9<sup>th</sup> edition, Tehran, Samt Publication.(in Persian).
32. Shiravi,A, (2017),International Commercial Arbitration, 7<sup>th</sup> edition, Tehran, Samt Publication.(in Persian).
33. Shiravi,A,(2017), Comparative Law, 15<sup>th</sup> edition, Tehran, Samt Publication.(in Persian).
34. Siegfried, Wien (2009), "The Consumer Right of Withdrawal and Distance Selling in Europe", Ankara Law Review, Vol.4, pp.34-76.
35. Snyder, Francis (2003), Economic Globalization and the Law in 21th Century", First Edition, New York, Blackwell publishers
36. Sotoodeh Tehrani, H,(2015), Commercial Law, 35<sup>th</sup> edition, Tehran, Dadgostar Publication.(in Persian).
37. Stephan, Paul (2009),"The Futility of Unification and Harmonization in International Commercial Law", University of Virginia School of Law, NO.99, pp.10-85.

38. Uma, Wilson (2009), "Electronic Payments and Remote Deposits: Will Banks Move Past Products to Solutions?", *Journal of Payment Strategy and System*, Vol.3, pp.17-56.
39. United Nations Convention on International Bills of Exchange and International Promissory Notes, New York, 1988
40. United Nation Commission on International Trade Law, Year Book, New York, 2014.
41. UNCITRAL Model Law on Cross Border Insolvency with Guide to Enactment and Interpretation, New York, 1999
42. UNIDROIT Principles of International Commercial Contracts, Rome, 2016 42.
43. Wood, Philip (2005), *Principles of International Insolvency*, 2th Edition, London, Sweet and Maxwell.
44. Zweigert, Konrad (2008), *Introduction to Comparative Law*, 6<sup>th</sup> Edition, Oxford, Clarendon Press.

(17)

**References****Bibliography**

1. Alaeddini, Abbas. (2018), Dumping in Iran Legal System and the WTO, *Journal of Comparative Law Review*, No.2, pp. 733-753. ( in Persian).
2. Asmelash, Henok. (2015), "Energy Subsidies and WTO Dispute Settlement: Why Only Renewable Energy Subsidies Are Challenged", *Journal of International Economic Law*, Vol. 18(2), p. 261–285.
3. Backlund, Tove. (2016), the legal framework for energy provisions in the European Union, Master thesis. Faculty of Law. University of Turku, p.1-75.
4. Charnovitz, Steve and Fischer, Carolyn. (2015), "RenewableEnergy: Implications for WTO Law on Green and Not-So-Green Subsidies". *World Trade Review*, vol. 14(2), 2.p.177-210.
5. Cosbey, Aaron and Marvoridis. C, Petros. (2014), "A Turquoise Mess: Green Subsidies, Blue Industrial Policy and Renewable Energy: The Case for Redrafting the Subsidies Agreement of the WTO". *Journal of international economic law*, vol.17.p.1-58.
6. Cottier, Thomas. (2014), "Renewable Energy and WTO Law: More Policy Space or Enhanced Disciplines, Renewable Energy". *Law & Policy Review*, vol. 5(1), p.40-51.
7. Emanuelsson, Sara. (2015), Feed in Tariffs for Renewable Energy and The WTO Agreement on Subsides and Countervailing Measures Are Feed-in Tariffs Specific Subsidies ?, Master Thesis. Department of law Goteborgs University, p. 1-72.
8. Häggqvist, Ake. (2017), The EU State Aid Prohibition and Taxation– The Expanding Scope of Art. 107 TFEU JAEM03, Master Thesis. European Business Law. Lund University.p.1-64.
9. Howse, Robert. (2010), "Climate Change Mitigation Subsidies and the WTO Legal Framework: A Policy Analysis", *Winnipeg, Manitoba: International Institute for Sustainable Development*. Vol.27, p. 1-33.
10. Jahanipour, Mohammad reza. and Mirmohammadi, Mostafa, (2017), Principles of Sustainable Development in the Jurisprudence of the International Court of Justice and the International Tribunal for the Law of the Sea, *Journal of Comparative Law Review*, No. 2,p. 799-819.(in Persian).
11. Johnston, Angus. (2014), "The impact of the new EU Commission guidelines on State aid for environmental protection and energy on the promotion of renewable energies", *EU renewable energy law, legal challenges and new perspective*, Norway. University of Oslo, p. 14-55.
12. Kahl, Harmut. (2014), "Trade law constraints to regional renewable energy support schemes", *Renewable Energy Law in the EU Legal Perspectives on Bottom-up Approaches*, UK. Northampton, EdwardbElgar, p. 35-52.

13. Lakatos, Andr. (2004), "Overview of the Regulatory Environment for Trade in Electricity". In: *Electricity Trade in Europe*. Edited by Janusz Bielecki and Melaku Geboye Desta. Kluwer law, p. 119-154.
14. Lee, Kenina. (2011), "Inherent Conflict between WTO Law and Sustainable Future - Evaluating the Consistency of Canadian and Chinese Renewable Energy Policies with WTO Trade Law". *Int'l Envtl. Law* .vol.24.p. 57-91.
15. Leena Penttinen, Sirja. (2014), "The Essent Case, the one about free movement, economic justifications and the increasing role of the State". In: EU renewable energy law, legal challenges and new perspective. Norway. University of Oslo, p.109-134.
16. Paolo, D. Farah and Elena, CIMA. (2015), the World Trade Organization, Renewable Energy Subsidies, and the Case of Feed-in Tariffs: Time for Reform toward Sustainable Development? *Geo. Int'l Envtl. L. Rev*, vol. 27, p. 515-540.
17. Parker, Leslie. (2016), "International Law and the Renewable Energy Sector". Oxford Handbooks Online, p. 357-392.
18. Rubini, Luca. (2012), "Ain'T Wastin' Time no More: Subsides for Renewable Energy, the SCM Agreement, Policy Space, and Law Reform". *Journal of International Economic Law*. Vol. 15, p. 525-579.
19. Scholz, Lydia and Bremen, Hochschule. (2014), "The dialogue between free movement of goods and the national law of renewable energies". ". In: EU renewable energy law, legal challenges and new perspective. Edited by Juris trond solvang. Norway. University of Oslo, p. 89-108.
20. Vivasvan, Bansal and Chaitanya, deshpande. (2017), "The India-Solar Cells Dispute: Renewable Energy Subsidies under World Trade Law and the Need for Environmental Exceptions". *Nujs law review*.vol.2, p. 209-244.
21. Waltman Esq, Rick A. (2016), "Renewable Energy Development for WTO Member". *Nations, Santa Clara Journal of International Law*.Vol.14, p. 543-566.
22. Ziae Bigdeli, Sadeq. (2014), "Clash of Rationalities: Revisiting the Trade and Environment Debate in Light of WTO Dispute over Green Industrial Policy". *Trade, Law and Development*. Vol. 6, p. 177-209.
23. Ziae Bigdeli, Sadeq. (2009), "Incentive Schemes to Promote Renewable Energy and the WTO Law of Subsidies".In: International Trade Regulation and the Mitigation of Climate Change, 9780521766197. New york , Cambridge University Press, p. 155-192.
24. Ziae Bigdeli, Sadeq. (2011), "Resurrecting the Dead? The Expired Non-Actionable Subsidies and the Lingering Question of 'Green Space'". *Manchester Journal of International Economic Law*.Vol.8, p .2-37.

#### Websites

25. «General Block Exemption Regulation», March 2016, In Address: [https://ec.europa.eu/competition/state\\_aid/legislation/practical\\_guide\\_gber\\_en.pdf](https://ec.europa.eu/competition/state_aid/legislation/practical_guide_gber_en.pdf).

- 
- 26. «The Treaty on the Functioning of the European Union», 2012, In Address: <https://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:EN:PDF>.
  - 27. «Court of Justice of the European Union in case c-305/17», 2018. In Address: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-12/cp180189en.pdf>.
  - 28. «Agreement on Subsidies and Countervailing Measures», 1995. In Address: [https://www.wto.org/english/docs\\_e/legal\\_e/24-scm.pdf](https://www.wto.org/english/docs_e/legal_e/24-scm.pdf).

## (18)

**Reference**

1. Anuranjan Sethi, *Basic Structure Doctrine: Some Reflections*, <http://ssrn.com/abstract=835165>, p. 11-13 (last visited Mar. 4, 2007).
2. Auer A., *L'adoption et la révision des constitutions : de quelques vérités malmenées par les faits*, in R. Bieber et P. Widmer (éd.), *L'espace constitutionnel européen*, Zürich, Schulthess Polygraphischer Verlag AG, 1995.
3. Barthelemy J. et Duez P., *Traité de droit constitutionnel*, Dalloz, 1933, rééd. 2004, p. 231.
4. Beaud O., *La puissance de l'Etat*, PUF, 1994.
5. Cayla O., *L'obscur théorie du pouvoir constituant originaire ou l'illusion d'une identité souveraine inaltérable*, in *L'architecture du droit* (Mélanges en l'honneur de M. Troper), Paris, Économica, 2006.
6. Dubout E., *Les règles ou principes inhérents à l'identité constitutionnelle de la France : une supra constitutionnalité ?* RFDC, n° 83, 2010/3.
7. Duguit L., *Traité de droit constitutionnel*, vol. V, 3e éd., 1929, Paris, rééd. CNRS, 1972.
8. Eisenmann Ch., *La justice constitutionnelle et la haute Cour constitutionnelle autrichienne*, Economica, PUAM, 1986.
9. Fatin-Rouge M., *Le contrôle du référendum par la justice constitutionnelle*, Thèse de doctorat, Université Aix-En-Provence, 1999.
10. Esmein A., *Éléments de droit constitutionnel français et comparé*, vol. II, Paris, Sirey, 1928, 8e éd, rééd Panthéon-Assas, « Les introuvables », 2001.
11. Favoreu L., *Souveraineté et supraconstitutionnalité*, Pouvoir, n° 67, 1993.
12. Favoreu L., *Les libertés protégées par la Conseil constitutionnel*, in D. Rousseau et F. Sudre (dir.), *Conseil constitutionnel et Cour européenne des droits de l'homme*, Ed. des Sciences Techniques et Humaines, 1990, p. 35.
13. Grewe C. et Ruiz Fabri H., *Droit constitutionnel européens*, PUF, 1995.
14. Grewe C. *Les droits intangibles*. (In: *Annuaire international de justice constitutionnelle*, 2011. Constitutions et droit pénal - Hiérarchie(s) et droits fondamentaux). pp. 437-452
15. Gözler k., *Judicial review of constitutional amendments, a comparative study*, EKIN PRESS Bursa, 2008.
16. KABOGLOU I. Ô., *Le contrôle juridictionnel des amendements constitutionnels en Turquie*, Cahiers du Conseil constitutionnel n° 27 (<http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/documentationpublications/cahiers-du-conseil/cahier-n-27/le-controle-juridictionnel-des-amendements-constitutionnels-en-turquie.51431.html>.)
17. Kelsen H., *Théorie pure de droit* (traduit en français par Charles Eisenmann), LGDJ-Bruylant, 2ème éd. 1962 ; La Pensée juridique, 1999.
18. Kelsen H., *La justice constitutionnelle*, RDP, 1928.

- 
19. Le Divellec A. Levadé A. et Pimentel C-M., *Le contrôle de constitutionnalité des lois constitutionnelles*, Cahiers du Conseil constitutionnel, n° 27, Jan. 2010.
  20. Levade A., *Le Palais Royal aux prises avec la constitutionnalité des actes de transposition des directives communautaires*, RFDA, mai-juin 2007.
  21. Longneaux J-M., *Le droit naturel à l'épreuve de la phénoménologie* », in *Droit naturel : relancer l'histoire ?* Bruylant, 2008, p. 683 et s.
  22. LUCIANI M., *Le contrôle de constitutionnalité des lois constitutionnelles en Italie*, Cahiers du Conseil constitutionnel n° 27, janvier 2010 (<https://www.conseil-constitutionnel.fr>).
  23. Hauriou M., *Précis de droit constitutionnel*, Paris, Sirey, 1929, 2e éd., Paris, rééd. CNRS 1965.
  24. Magnon X., *Quelques maux encore à propos des lois de révision constitutionnelle : limites, contrôle, efficacité, caractère opératoire et existence*, Revue française de droit constitutionnel, n° 59, 2004/3.
  25. Martin van Vliet, Winluck Wahiu, Augustine Magolowondo., *Processus de réforme constitutionnelle et partis politiques, Principes pour la pratique* ; NIMD (Netherlands Institute for Multiparty Democracy), Avril 2012.
  26. Mazeaud P., *L'évolution de la jurisprudence du Conseil constitutionnel sur les lois de transposition des directives*, Colloque de Venise du 16 décembre 2006, spéc. p. 2 ([www.conseil-constitutionnel.fr](http://www.conseil-constitutionnel.fr)).
  27. Organisation internationale de francophonie ; *Dynamiques constitutionnelles dans l'espace francophone, Rapport sur l'état des pratiques de la démocratie, des droits et des libertés*, 2016 (<https://www.francophonie.org/sites/default/files/2019-10/Rapport-democratie-droits-libertes-2016.pdf>).
  28. Perelman Chaïm, *l'avant-propos du numéro spécial de la Revue internationale de philosophie*, 1981, n° 138 sur « Kelsen et le positivisme juridique » (cité par C. Leben, « Chaïm Perelman ou les valeurs fragiles », Droits, vol. 2, 1985, spéc. p. 112).
  29. Pfersmann O., in L. Favoreu (dir.), *Droit constitutionnel*, Dalloz, 2007.
  30. Philipe X., *Le contrôle des lois constitutionnelles en Afrique du Sud* , Cahiers du Conseil (<http://www.conseilconstitutionnel.fr/conseilconstitutionnel/francais/documentationspudbl.5icla4t2io7n.hs/tmcahliers-duconseil/cahier-n-27/le-controle-des-lois-constitutionnelles-en-afrique-du-sud :51427 :html>)
  31. Rory O'Connell., *Guardians of the Constitution: Unconstitutional Constitutional Norms*, v 4 , n° 48, CIVIL LIBERTIES, 1999.
  32. Roux A., *La révision de la Constitution*, in *Le contenu de la constitution* ; PNUD, 2016 ([https://www.tn.undp.org/content/tunisia/fr/home/library/democratic\\_governance/la-constitution-de-la-tunisie-/le-contenu-de-la-constitution-.html](https://www.tn.undp.org/content/tunisia/fr/home/library/democratic_governance/la-constitution-de-la-tunisie-/le-contenu-de-la-constitution-.html)).
  33. SATHE S. P., *Judicial activism in India*, 1987, Oxford University Press, 2002.

34. Schmitt C., *Théorie de la Constitution* (Traduit de l'allemand par Lilyane Deroche), PUF, 1993.
35. Trope M., *La notion de principes supraconstitutionnels*, RIDC, vol. 15, 1993.
36. Vedel G., *Manuel élémentaire de droit constitutionnel*, Sirey, 1949, rééd. Dalloz, 2002.
37. Vedel (G.), *Cours de droit constitutionnel et d'institutions politiques*, Les Cours du droit, 1960-1961 (<https://data.bnf.fr/temp-work/70224e2f4bdc95edf43e12cc27ecf833/>).
38. Vedel G., *Schengen et Maastricht*, RFDA, 1992.
39. Vedel G., «Souveraineté et supraconstitutionnalité », Pouvoirs, n° 67, 1993.