

( )

---

Email: mbaghery39@yahoo.com

( / : )

( : )

.( / : )

.( / : )

•

.(                /                :      ) ...

( / : )

.( / : )

» :

.(                  ,                  :      )

.( ) «...

»

1

( )

)

(

3

$$\begin{pmatrix} & & \\ \vdots & & \end{pmatrix} : \quad \begin{pmatrix} & & \end{pmatrix}$$

)

... ( / ) ...

( )

( / ) ...

... ( / )

(

)

...

... ( / )

... ( / ) ...

...

... ( / ) ...

...

... ( ) ...

...

... ( ( ) ) ( )

... ( / ) ...

...

...

( / ) ...

...

.

(

...;

( )

...;

( )

/

: )

( )

(

/

/

( )

( )

(

: )

" " " "

" "

»

(

/

) «

:

( )  
» :  
: ( ) «

.( / , : )  
»  
( ) «  
« ( )  
/ / / /  
( / / / / /

---

) .( : ( ) » .  
( / ) «

l : )  
.(

" "

.( / : )  
( : )

.(                    :    )  
» :

«.  
» :  
. (                    ) «

/                    ) «...                    » :(    )  
(                    /

.(                    :    )

(                    )                    (                    )  
(    )

: )  
(

» :

.«

» :

.«

( )

( : )  
: )  
( : ) (

( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : )

( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : )

.( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : )

.( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : )

.( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : )

.( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : )

.( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : )

.( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : )

.( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : )

.( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : ) .( / : )

.( : )

10

.( / / : )

( ) .

: ) " "

(...

) ( )

( / : ) (

:

:

:

( )

( / : )

: ) " "

( /

»

«

.( / : )

( / )

( / ) «...

/ : )

.(

«

» :

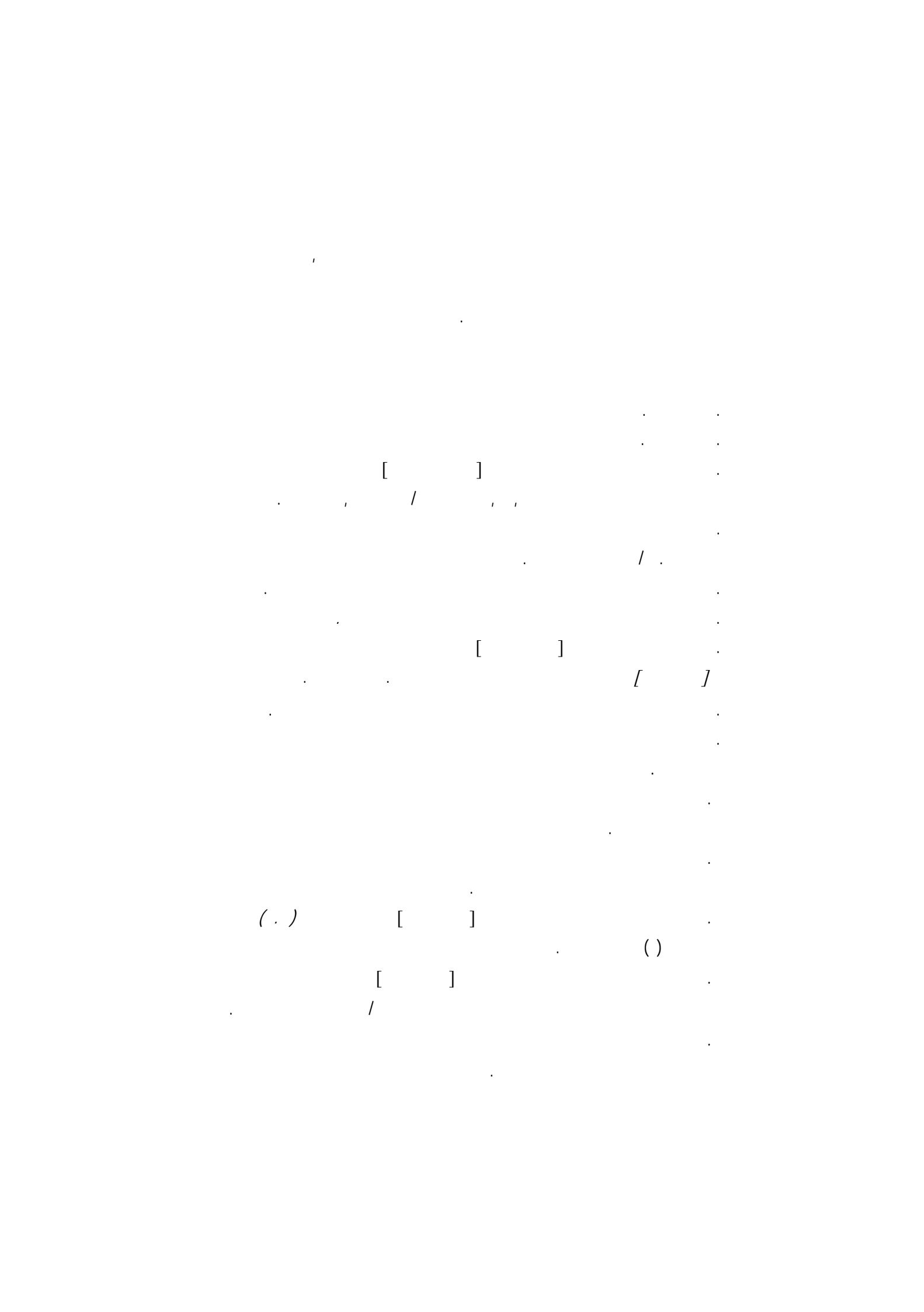
:

(                    :      )

(                )

;

;



[ ]

/

δ

/

) ( / )  
(

[ ]

[ ]

[ ]

( )  
( )

41. Satinger, Oscar, *Bastards*, Atkins v Rust, 151 Okla 294, 3 p2d 682, 84 ALR 491; Luther v Luther, 119 W Va 619, 195 SE 594, Annotation: 84 ALR 501.

## Examination of the meaning of uncertainty and its Application in Jurisprudential-Legal commandments

Mansoureh Baqeri Pour\*

*M. A. of Tehran University*

(Received: 10 June 2006, Accepted: 14 March 2007)

### Abstract

In spite of the primary authentic application and Qura'nic implications and narrative documents concerning "uncertainty", that means having a false conception of a matter, gradually it has been used to denote suspicion and presumption. Meanwhile, such misconception has resulted to inauthentic legal perception and it has mistakenly used in dictionaries by the literates as well. Having introduced authentic and reliable documents, this article has considered the real meaning of uncertainty in order to represent the true jurisprudential, legal, and judicial application of the term and to adjust it with the method of intellectuals and the foundations of Islam that complies with the rationality.

**Keywords:** Double Ignorance, uncertainty, Doubt, Schematic Science, Synonym, Common

### Bibliography

1. *Holy Qura'n.*
2. *Nahj al-balagha.*
3. 'Ameli, Mohammad Ibn Hasan [Hor e 'Ameli], *Vasayel Alshiea Ela Tahsil Masa'el Al-Shareia*, Vol 6, Ketabforoshi Islamia, Tehran, 1367 A.H.
4. Beyhaqi, Ahmad Ibn Hosein, *Al-Sonan Al-Kobra*, Dar Al-fekr, Beirut, Undated.
5. Dehkhoda, AliAkbar, *Loghat Name*, University Of Tehran, Tehran, 1341 A.H.
6. Farahidi, Khalil Ibn Ahmad, *Ketab Al-Ein*, Edited by Mehdi Makhzoumi and Ibrahim Sameraei, Dar Al-Hejrat, Unwhere, 1409 A.Q.
7. Feiz, Alireza, *Mabadi Feqh va Osoul*, Vol 14, University of Tehran,

- Tehran, 1382 A.H.
8. Ibid, *Moqarena va Tatbiq dar Hoqouq Jazaye Omoumi Islam*, Vol 5, University of Tehran, Tehran, 1367 A.H.
  9. Goldouzian, Iraj, *Hoqouq e Jazaye Omoumi Iran*, Vol 5, University of Tehran, Tehran, 1367 A.H.
  10. Heidari, Ali Naqi, *Osul AL-Estenbat*, Translated by Abbas Zeraat and Hamid Masjedsaraei, Vol 2, Feiz, Tehran, 1376 A.H.
  11. Helli, Abou Al-Qasem Najm Al-Din, [Mohaqqeq Helli], *Sharaye Al-Islam Fi Masaal Al-Halal va Al-Haram*, Vol 3, Dar Al-Hoda, Qom, 1983 M, 1403 A.Q.
  12. Helli, Ahmad Ibn Mohammad Ibn Fahad, *Al-Mohazzab Al-Bare Fi Sharh e Mokhtasar Al-Nafe*, Edited ba Mojtaba Araqi, Jamea Modarresin, Qom, 1413 A.Q.
  13. Helli, Hasan Ibn Yusof [Allame Helli], *Tahrir Al-Ahkam*, Moassese Aal Al-Beit (A), Mashhad, Undated.
  14. Ibn Babaveih Qomi, Mohammad Ibn Ali [Sheikh e Saduq], *Man La Yahzorho Alfaqih*, Vol 2, Jamea Modarresin e Hoze Elmie Qom, Qom, 1363 A.H, 1404 A.Q.
  15. Ibn Manzour, Mohammad Ibn Mokarram, *Lesan o Al-arab*, Vol 1, Dar Ehia Al-Torath Al-Arabi, Beirut, 1408 A.Q, 1988.
  16. Ibn Al-Navavi, Mohye Al-Din, *Almajmoo Fi Sharh e Al-Mohazzab*, Dar Al-Fekr, Unwhere, Undated.
  17. Jabaei Aameli, Zain Al-Din [Shahid Sani], *Masalek Al-Afham*, Vol 1, Moassese Al-Maaref Al-Islamia, Qom, 1416 A.Q.
  18. Ibid, *Al-Rozat Al-Bahia Fi Sharh Al-Lomat Al-Dameshqia [Sharh e Lomat]*, Vol 1, Nashr e Jamea Dini Najaf, Najaf, 1390 A.Q.
  19. Jafari Langrudi, Mohammad Jafar, *Mabsut Dar Terminoloji Hoquq*, Vol 1, Ganje Danesh, Tehran, 1378 A.H.
  20. Jaziri, Abd Al-Rahman, *Al-feqh Ala Al-Mazaheb Al-Arbaat*, Vol 1, Dar Al-Fekr, Beirut, 1392 A.Q.
  21. Katouzian, Naser, *Moqaddame Elm e Hoqouq Dar Nezam e Hoqouqi e Iran*, Vol 2, Sherkat Sahami Enteshar, Tehran, 1367 A.H.
  22. Khorasani, Mohammad Kazem [Aakhund], *Kefaiat Al-Osul*, Vol 3, Moassese Nashr Islami, Qom, 1415 A.Q.
  23. Khuri Shartuni leobnani, Saeid, *Aqrab Al-Mavared Fi Fash Al-Arabia va Al-Shavared*, Vol 1, Dar Al-Osva, Iran, 1374 A.H, 1416 A.Q.
  24. Madani Tabrizi, Seyyid Uosof, *Menhaj Al-Ahkam Fi Al-Nekah va Al-Talaq*, Maktabe Dehaqani, Unwhere, Undated.
  25. Moein, Mohammad, *Farhang e Farsi*, Vol 4, Amir Kabir, Tehran, 1360 A.H.
  26. Mohaqeq Damad, Seyyid Mostafa, *Qavaed Feqh 4 – Bakhsh e Jazaei*,

- 
- Vol 4, Markaz Nashr e Oloum e Islami, Tehran, 1380 A.H.
27. Mousavi Khoei, Seyyid Abolqasem, *Mabani Takmelat Al-Menhaj*, LOTfi, Qom, 1407 A.Q.
28. Najafi, Mohammad Hasan, *Javaher Al-Kalam Fi Sharh e Sharaye Al-Islam*, Vol 7, Dar Ehia Al-Torath Al-Arabi, Undated.
29. Nour Baha, Reza, *Zamine Hoqouq e Jazaye Omoumi*, Kanoun Vokalaye Dadgostary, Tehran, 1375 A.H.
30. Okbory Baghdadi, Abi Abdellah Mohammad Ibn Mohammad [Sheikh Mofid, Fakhr Al-Shia], *Al-Moqneat*, Vol 2, Nashr Islamia, Unwhere, 1410 A.Q.
31. Qazvini, Ibn e Fares, *Mojam Maqaeis Al-Loghat*, Maktab Al-Alam Al-Islami, unwhere, 1404 A.Q.
32. Qebleei Khoei, Khalil, *Qavaed Feqh (bakhsh e Jaza)*, Vol 1, Samt, Tehran, 1380 A.H.
33. Safaei, Hosein and Imami, Asadollah, *Mokhtasar Hoquq Khanevade*, Vol 9, Mizan, Tehran, 1384 A.H.
34. Safi Pour, *Montaha Al-Arab*, lithography.
35. Sajjadi, Seyyid Jafar, *Farhang Olum Aqli*, Vol 1, Anjoman Islami Hekmat va Falsafe Iran, Tehran, 1361 A.H, 1402 A.Q.
36. Samiei (Gilani), Ahmad, *Negareh va Virayesh*, Vol 6, Samt, Tehran, 1383 A.H.
37. Satinger, Oscar, *Bastards*, Atkins v Rust, 151 Okla 294, 3 p2d 682, 84 ALR 491; Luther v Luther, 119 W Va 619, 195 SE 594, Annotation: 84 ALR 501.
38. Toreyhi, Fakhr Al-Din, *Majma Al-Bahrein*, Edited by Seyyid Ahmad Hoseyni, Vol 2, Al-seqafia Al-Islamia, Unwhere, 1408 A.Q.
39. Tousi, Abi Jafar Mohammad Ibn Hasan, [Sheikh Tousi], *Al-Khelaif*, Edited by Seyyid Ali Khorasani, Seyyid Javad Shahrestani and Mohammad Mehdi Najaf, Vol 1, Nashr Islamia, Qom, 1417 A.Q.
40. Ziat, Ahmad hasan and ..., *Mojam Al-vasit*, Dar Al-davat, Moassese Seqafia, Istanbul, 1410 A.Q, 1989.
41. Zoheyli, Vahbat, *Al-Feqh Al-Islami va Adellatoh*, Dar Al-fekr, Dameshq, 1409 A.Q, 1989.