

The Applicability of Islamic Legal Rulings and the Scope of Legal Address with Respect to the Knowledgeable and the Ignorant

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Abstract

The study dealt with the involvement of sharia rulings, to the fact that the divine provisions comprising all potential taxpayers when the situations of tasks are fulfilled, without any variation between the world and the ignorant, if the completion and punishment on him stalled on statement and science, and it can be inferred through general sharia, consensus, narratives, and psychological evidence. While there may be a separation between the total and partial provisions. The study also displayed that the participation is in relation to the stage of legislation and rendering. However, it is connected to the arrival of the possible judgment to the taxpayer and submitted that the involvement in the provisions is one of the important stakes that explain the general Islamic regulation and its immortality and strength for almost all taxpayers at various times and great conditions. The essence of the participation of rulings in controlling the procedure of rulings to control the procedure of jurisprudential elicitation and merging the belief of legislative equality between taxpayers.

Keywords: Islamic Rulings, Legal Address ,Legislative Equality and Jurisprudential Reasoning

Introduction

The Sharia ruling is the sermon of God related to the acts of taxpayers, and a cautious research has been Carried out on the degree of the participation of taxpayers in this discourse, and is the tenet in the rulings that it is general that comprises all those who explore the assignment, or does each ruling have its own specificity according to who is mentioned in the text?

This query is not incomplete to the theoretic aspect, but ranges to a practical influence on the fatwa, the judiciary and ijthihad, as it involves knowing the degree to which judgments are generalizable, and the option of deriving analogues.

Fundamentalists addressed this topic under the title "Participation of judgments among taxpayers", in which they deliberated the essence of the treatise, the formulas of the public, the effect of the cause, the location of the private, the degree of the authority of the act of the infallible 7, whether it is detailed to him or general to his nation, and other important issues that expose the depth of this topic and its effect on the creation of Islamic jurisprudence.

Henceforth, addressing this issue is not only a scientific luxury, but an introduction to the perception of legitimate discourse, the controls of its move, and the limits of its simplification, which aids to rationalize perception, control deduction, and edit task areas in light of the rules of originals.

This topic will be addressed within two topics:

The first topic: What is participation in judgments?

The second topic: Sayings in the annexation of the world and the ignorant, or not to contain them

An introduction to the construct of engagement and governance

First: Participation is in language and terminology

1- Participation in the language: Taken from Involvement If associated, it is said: The two men contributed, and one of them shared the other, that is, they mingled, and the mingling (1) 0

2- Subscription terminology:

Through this, it means the act of participation of all those accountable for the Sharia rulings, the worlds and the ignorant, and men or women, present or absent, present or non-existent, reliable or not, free or slaves. If a ruling is demonstrated for one of them, it is verified for all, except the subject of the ruling has a specificity that does not apply to others, then the ruling is not part of all (2) 0

In other words: that the meaning of contribution is the basic inclusion of all Muslims in the provisions, and their non-competence in one group irrespective of another (3) 0

Second: Judgment is a language and terminology

1- Judgment on Language

A - In the modification of the language: "Al-Laith said: And the judgment: Science and jurisprudence (and We gave him the judgment as a child) (4) 0, any science and jurisprudence" (5), and the clarification of the judgment by science jurisprudence and science is in line with the verse; To show the grace of God Almighty to (Yahya), peace be upon him, characterized by perception in religion, and differentiating between truth and falsehood, and the capability to issue Sharia rulings, despite his young age.

B - Al-Jawhari said: "The verdict: The source of your saying is a judgment between them that judges any possible decision, and it judged him and it adjudicated him. The ruling is also: wisdom is from science. And the wise: the world, and the owner of wisdom. And the wise: the master of things (6) 0

2 - The ruling of the fundamentalists: The reigning is one of the basic matters in the science of the tenets of jurisprudence, as it represents

The association between street treatise and the actions of taxpayers 0

They have stated to him definitions, possibly the most suitable in its meaning is: "The legal consideration of the acts of servants is a direct or indirect attachment" (7) 0

(1) Ibn Manzur, Jamal al-Din Muhammad bin Makram (d. 711 AH), Lisan al-Arab, published: Literature of the Hawza , 1405 AH, 2 / Article
(((Shirk)) 0

(2) **Al-Maraghi**, Mir 'Abd-al-Fattah (d. 1250 AH), Jurisprudential Titles, Publishing: Islamic Publishing Organization of the Teachers Group of Qom Al-Musharrafah, 1417 AH , 1/20/0, **Al-Bajnwardi**, Muhammad Hassan (d. 1395 AH) , **Jurisprudence Rules**, Investigation: Mahdi Al-Mahrizi, and Muhammad Hussein Al-Dariti, Publishing: Al-Hadi Office, Qom, 1377 AH , 2/53 0, Al-Shabr, **Abdullah bin Muhammad (d. 1424 AH)**, Original Origins and Sharia Rules, Publishing: Al-Muwayyed Library, Qom Al-Musharrafah, I 1, 1404 AH, 1/309 - 310 0, Zah, Al-Lankarani, Muhammad Lafadel (d. 1428 AH) , **Jurisprudence Rules**, Investigation and Publishing: Jurisprudence Center of the Imams of the Imams of the Imams, peace be upon them, Qom 1, 1383 AH , 1/235 0, Shahrودي, Mahmoud (d. 1440 AH), Origin Research , Publishing: Al-Ghairir Center for Islamic Studies, Qom, 1417, 407 AH

(3) Al-Mustafawi, Muhammad Kazim , One Hundred Jurisprudential Rules, published by the Islamic Publishing Foundation of the Teachers Group in Qom, 43 0

(4) Maryam: From the verse 12 0

(2) Al-Azhari, Muhammad bin Ahmed bin, Abu Mansour Al-Harawi (d. 370AH), Tahdheeb Al-Lughah, Investigation: Muhammad Awad Mureeb, Published: Dar Ihya al-Turath Al-Arabi – Beirut, 1 , 2001, 4/69 0

(6) Al-Jawhari, Ismail bin Hammad (d. 393AH), Taj Al-Lughah and Sahah Al-Arabiya, Investigation: Ahmed Abdel Ghafour Attar, Published: Dar Al-Alam for Millions – Beirut, D 0 AD, 4th Edition, 1407 AH , 5/1901 0

(4) Al-Hakim, Muhammad Taqi (d . 1423AH), General Principles of Comparative Jurisprudence, Printing Press: Suleimanzadeh, Published: Relatives, 1 , 1428 AH , 51 0

Mr. Muhammad Taqi al-Hakim preferred the word (consideration) to the word (speech), which came in some of the views of the ruling, explaining that the word (speech) does not comprise the ruling in the stage of making (8); the Sharia ruling is not just a verbal speech, but rather it rouses movement via obedience, while the word of the speech is enlightening of the Sharia ruling, and the Scout has nothing to do with the actions of worshippers (9) 0

This clarification helps us to differentiate between "governance" as a judicial role, and as a systematic and intellectual quality, as it indicate to us that when God Almighty made them prophets, He gave them the tools by which to manage people's affairs, such as science, governance, and division of people in the judiciary.

The first topic: what is participation in judgments?

The aim of the subscription is to: Confirm the presence of the legal judgment of all the members of the taxpayers, without any variation between the male and the female, as well as the scientist and the ignorant, or the free and the slave, or the dependable and others, whether they are present or absent, pending the Day of Resurrection (10) 0

If a legitimate judgment is founded for a taxpayer whether it is established by verbal proof or by core evidence, the prerequisite of the rule of contribution is to circulate the judgment to other taxpayers at all times and circumstances, except the subject of the decision is specific that needs specialization, such as the decision is concerned with the time of the presence of the Imam, or with a specific group such as jurists or women, or in a specific capacity such as science or freedom (11) 0

One of the clearest endorsements of this is: The commitment to pray, it is static for every taxpayer who finds the contracting tapes, without any variation between the present time of regulation and those who are late for it, and the proscription of drinking alcohol, it includes all taxpayers in every age, as well as the positive necessities, such as the cogency of the sale when its conditions are met, it does not belong to one person without another.

First: Examining the concept of subscription

Participation in judgments can be grouped into three interconnected items:

1-The unity of legalization: in the form that the street makes one judgment on a complete address, not numerous judgments by the number of individuals (12) 0

Among his endorsements: He made the obligation of fasting on the title of "the one charged with fasting in the month of Ramadan", not on each making it independent.

(5) Z, Al-Hakim, Muhammad Taqi, General Principles of Comparative Jurisprudence, 51 – 52 0

(1) Al- 'Amidi, Saif al-Dīn Abū al-Ḥasan 'Alī ibn Muḥammad (d. 631 AH), Al-Ihkām fī Uṣūl al-Ahkām, published: Al-Nūr Foundation in Riyadh , 1387 AH, 2nd Edition , 1402 AH, 1 / 95 0

(1) Al-Jizani, Muhammad bin Hussein, Milestones of the Principles of Jurisprudence among the Sunnis and the Community, published: Dar Ibn Al-Jawzi, 5 , 1427 AH , 379 0

(2) Z, 5. Al-Banjurdi, Muhammad Hasan (d. 1395 AH), Jurisprudence Rules, Investigation: Mahdi Al-Muharrizi, and Muhammad Hussein Al-Darayati, Publishing: Al-Hadi Office, Qom, 1377 AH, 2/53 0Z, Maraghi, Mir Abd Al-Fattah (d. 1250 AH), Jurisprudence Titles, Publishing: Islamic Publishing Foundation of the Teachers Group in Qom Al-Mushrifah, 1417 AH, 1/20 0Z, Al-Shabar, Abdullah bin Muhammad Reda (d. 1424 AH), Original Principles and Sharia Rules, Publishing: Al-Mufid Library, Qom Al-Mushrifah, 1, 1404 AH, 1/309-310

(12) Al-Khorasani, Muhammad Kazim, Sufficiency of Assets, Investigation and Commentary: Abbas Ali Al-Zarei, Published: Islamic Publishing Corporation, 1 , 1431AH , 1/74 0

2- Generality of the subject: That is, the decision is the result of a broad title appropriate to many individuals (13), and one of its examples: the title of "possible" in the obligation to Hajj, it comprises everyone who has attained the ability at any time.

3-The applicability of the judgment to individuals: It is a natural result of the fact that the case is the real problem, so the ruling applies to every individual in which the subject matter is examined (14)0

Among his endorsements: The sanctity of usury is applicable to every usurious transaction that takes place in any age, not particularly dealings that take place at the time of legislation.

Second: The Essential Basis for Subscription

Participation in judgments is grounded on an essential fundamentalist tenet, which is that Sharia rulings according to the real cases, not foreign ones (15), that is, the Sharia sermon is not intended for individuals present at the time of its issuance, but rather for everyone to whom the title taken in the subject of the judgment applies.

Among the most important endorsements of this are: the overall Qur 'anic speeches, like the order to present prayer, do not concern the speakers at the time of the succession, and the provisions connected to total titles, such as the title "the believer" or "the human being", as they contain everyone who is qualified by the title, and the presence of the assignment to the insolvent in the event of the speech who will be found later, which is one of the clearest fruits of saying the real issue (16)0

Third: Limits of the subscription rule: The contribution rule, even if it is a public asset, is restricted by the absence of allocator, and its restrictions are revealed by the restrictions taken in the subject matter of the ruling:

1- Objective restrictions: As in the requirement of being able to perform Hajj, or reaching the requirement, the provision that is not considered by these restrictions does not include (17)0

2- Class restrictions: such as the authority of some provisions of a special class, such as provisions in relation to women such as menstruation provisions, or some provisions related to men (18)0

3- Temporal or situational restrictions: such as provisions that are connected to special circumstances, such as some state provisions or provisions in relation to the presence of the Imam (peace be upon him) on some buildings (19)0

4- Restrictions related to the actual situation: As a condition of capability in the actual assignment, the weakened, though the ruling is fixed in his right in some way, but it is not definite in terms of compliance (20)0

Fourth: Dismantling between participation and attainment: One of the slight points in this research is to distinguish between:

(13) , Al-Sadr, Muhammad Baqir (d. 1400 AH), Lessons in Fundamental Science, Prepared and Investigated by: Investigation Committee of the World Conference of Martyr Al-Sadr, Center for Specialized Research and Studies of Martyr Al-Sadr, Qom, 1 , 1421 AH , 1/92 0

(14) Al-Khoei, Mr. Abu Al-Qasim Al-Mousawi (d. 1413AH), Lectures on the Principles of Jurisprudence, Report: Morteza Al-Burjerdi, 1st Edition, Imam Al-Khoei Foundation, Qom, 1417AH, 2/31 0

(15) Al-Khorasani, Muhammad Kazim, Sufficiency of Assets , 1/75 0

(16) Al-Amidi, Saif Al-Din Abu Al-Hassan Ali bin Muhammad (d. 631 AH), Al-Ihkam fi Usul Al-Hakam, Published: Al-Nour Foundation in Riyadh , 1387 AH, 2nd Edition , 1402 AH

(17) Al-Muzaffar, Muhammad Reda, Principles of Jurisprudence, Investigation: Sheikh Rahmatullah Rahmati Al-Araki, Islamic Publishing Corporation of the Teachers Group, Qom, 1 , 1422 AH, 1/54 0

(18) Z, ibid 0

(19) Al-Khoei, Mr. Abu Al-Qasim Al-Mousawi (d. 1413AH), Lectures on the Principles of Jurisprudence, Report: Morteza Al-Burjerdi, 1st Edition, Imam Al-Khoei Foundation, Qom, 1417AH 2/31 0

(20) Z, 68. Al-Ansari, Mortada bin Muhammad (d. 1281 AH), Faraid Al-Usul, published by: Islamic Thought Complex, Press: Kulha – Qom, 30 , 1442 AH, 1 / 98 0

Participation in the judgment (the stage of making), and the attainment of the judgment (the stage of compliance and punishment). Participation needs the formation of the judgment against all taxpayers, but the accomplishment depends on the obtainability of special conditions, which include knowledge and ability, **and the ratifications of this:**

1-The ignorant minor: The judgment is fixed against him, but he will not be punished for violating it.

2-The negligent ignorant: The judgment is stable and achieved, so he deserves to be punished.

3- Inability to comply: The judgment is firm, but not actual in terms of real-world obligation (21)0

Fifth: Origin of the statement of the rule of participation in the provisions

The rule of involvement in judgments did not arise from mere jurisprudential initiation, but rather is grounded on a set of psychological and genuine foundations that need overall judgments for all taxpayers. One of the most significant of these pillars is that the Islamic Sharia is a final Sharia that was intended to remain and endure until the Day of Resurrection, and therefore its provisions cannot be capable for those present at the time of legislation, else the emergent facts must be lacking of Sharia provisions, which is conflicting to the obligation of religion (22).

Also, the undertaking of the Prophet was universal for all people, the Almighty said: "And We have not sent you except as a bearer of glad tidings and a Warner 23 to all people."

The generalization of the message needs the generalization of the provisions it contains because the verdict is the branch of the possible message. If the message is over-all, the legislation it covers is also general.

This is reinforced by the steadiness of the building of the wise that the laws issued by the legislator are perceived as directed to all members of society who meet their situations, except there is special proof of allocation, and the street has spent this construction and has not been discouraged from it (24)0

Sixth: The connection between the rule of involvement and the rule of ugliness of punishment without statement

It can be assumed that there is an illogicality between saying that rulings are mutual and the rule of ugliness of punishment without a statement, claiming that the participation of the uninformed in the judgment needs taking it with his ignorance, which is contrary to the mental rule, but the investigation requires differentiating between two stages:

First: The stage of founding and delivering judgment, in which ruling is shared between the world and the ignorant.

Second: The phase of achievement and the title to punishment, in which the prerogative to prosecution is dependent on the receipt of the statement to the taxpayer.

Therefore, there is no illogicality between showing the judgment to the ignorant and not enabling him to punishment when he fails; because the supplier of the rule of participation is not the supplier of the rule of ugliness of punishment without a statement (25)0

Seventh: The location of the rule of involvement between the fundamentalist rules

The rule of involvement is one of the general rules on which the jurist relies in circulating Sharia rulings to all members of the taxpayers, and it represents an essential ground to perceive the nature of Islamic legislation and its generality.

(21) Al-Sadr, Muhammad Baqir, Lessons in Fundamentals, 1/85 0

(22) **Ta**, Al-Shahrudi, Mahmoud (d. 1440 AH), Research in Fundamentals, published by: Al-Ghadeer Center for Islamic Studies, Qom, 1417 AH 4/7 and beyond.

(23) Sheba: from verse 28 0

(24) Al-Wa 'iz, Muhammad Suroor (d. 1399 AH), Misbah Al-Usul (Report of the research of Sayyid Abi Al-Qasim bin Ali Akbar Al-Musawi Al-Khoei (d. 1413 AH), Al-Darawi Library, Qom, 2 , 1412 AH , 2/177.

(25) Dh, Al-Ansari, Mortada bin Mohammed, Faraid Al-Usool, 2/13, Dh , Al-Shahrudi, Mahmoud , Research in the Science of Origins, Volume 4, p. 90.

This rule is also connected to a number of fundamentalist examinations, such as researching real and exterior issues, researching the general discourses of Sharia, the issue of the generality of the command for the destitute, and the issue of the sharing of judgments between the world and the ignorant, which makes them one of the central rules in fundamentalist construction (26)0

Hence, we establish that numerous fundamentalists not only singled out for autonomous research, but also dealt with it in more than one place for its direct connection with the foundations of elicitation and perception of legitimate discourse.

The rule of relationship is categorized by the fact that it is not a limited jurisprudential rule that is specific to a specific section of jurisprudence, but rather it is a universal fundamentalist rule that takes place in numerous jurisprudential sections; because it scrutinizes the generality and breadth of the Sharia ruling, which is a research connected to the nature of legislative interpretation itself, and therefore it had a presence in the analysis of words, the investigations of debates, and some mental investigations, which designates the depth of its influence in the fundamentalist system (27)0

On the other hand, this rule is thoroughly connected to the discussion of genuine and external issues. The statement that judgments are divided among all taxpayers is based on the fact that Sharia rulings are based on real issues, not foreign ones. If the Sharia rulings studied the time of the legislation, it would not be promising to oversimplify them to those who come after them from the taxpayers, and the universality of Sharia and its persistence through generations would be negated, but if the cases are real, the ruling demonstrates to everyone that the title of the topic is attained at any time and place (28)0

The rule of involvement is also connected to the discussion of the generality of Sharia treatises, because the search for the attachment of the ruling for all taxpayers depends in many resources on revising the degree to which the general terms means comprehension. The terms stated in the generality and release form one of the basic origins of perception the participation of taxpayers in judgments, although the rule of participation is wider than just the verbal generalization, because it may be established by psychological indication or a legislative basis as well (29)0

Another essential connection to the study of the opposability of miracles. The jurist judges the participation of taxpayers in the Sharia ruling after understanding the emergence of the discourse in general or launch. If the phenomena were not a debate, it would not be possible to rely on many Sharia letters to prove the participation of judgments between taxpayers. Hence, the opposability of the presence represents one of the intellectual implements on which the fundamentalist relies in applying the rule of participation (30)0

The rule is also connected to the study of genuine staff and interests, because the overall rule often discloses the being of a common public staff among the members of the subject. When the street legislates on a total address, it designates that the interest or corruption that are necessary the legislation is not incomplete to a specific individual, but is fixed in every resource in which that address is achieved. Therefore, the participation of the provisions was consistent with the wisdom of the legislation and the unity of its staff (31)0

On the other hand, the rule of participation establishes a connection between the examinations of the principles of jurisprudence and the commitments of Sharia; because the overall provisions of all taxpayers reflect the value of legislative equality, and authorizes that Sharia does not distinguish between individuals

(26) Z, The same source, Z , Khorasani, Muhammad Kazim, Adequacy of Origins, 226.

(27) , Muzaffar, Muhammad Ridha, Fundamentals of Jurisprudence, 1/67-69 0

(28) Z, Al-Khorasani, Muhammad Kazim, Kifaya al-Ausul, 225-227; Z, Al-Wa 'iz, Muhammad Suroor, Misbah al-Ausul, 2/176 0

(29) Al-Na 'ini, Muhammad Hussein (d. 1355AH), Interests of Assets, Report: Muhammad Ali Al-Kadhimi Al-Khorasani, 1st Edition, Qom, Islamic Publishing Corporation, 1404AH , 1/374-376 0

(30) Z, Al-Muzaffar, Muhammad Reda, Fundamentals of Jurisprudence, 141 and Beyond 0

(31) Z, Al-Sadr, Muhammad Baqir, Lessons in Fundamentals (Episodes), Third Episode, 120-123.

except on the basis of the modifications taken by the street on the subject of the ruling itself. Henceforth, the origin is the unit of governance and the unit of task, whereas jurisdiction and specialty are matters that need special evidence (32)0

This rule also plays an important function to maintain the continuity of Sharia and its cogency for every time and place. Without it, it would have been incredible to apply Sharia texts to the facts succeeding to the era of legislation. Hence, it was measured a collection of fundamentalists from the pillars that explain the universality of Islam and the immortality of its provisions, because it is the involvement of the taxpayers in the rulings that ensures that legislation remains in force in all ages and periods (33)0

From the preceding, it is clear that the rule of involvement is not a sub-issue of restricted influence, but rather a pivotal rule that overlays with a large number of fundamentalist investigations, and contributes to the explanation of Islamic legislation and representing the degree of its coverage and extension, which made it one of the main pillars on which the jurist relies in understanding texts and devising Sharia rulings (34)0

The second research: Sayings in the insertion of the world and the ignorant, or their non-inclusion

The dialogue took place among various scholars of the origins in the rulings of God Almighty. Is it common to embrace the world and the ignorant in it, or is it capable to the worlds in it, without the ignorant, in this matter sayings, we mention from it two sayings:

The **first statement**: The Imamiyyah approved that the recognized Sharia rulings by the Almighty, whether they are from the total rulings or from the rulings in relation to the topics, are judgments that are common among the world and ignorant of them, in terms of truthful proof. There is no entry for knowledge or ignorance in the origin of Ja 'l and legislation, but the ruling is stable against the taxpayer as soon as his subject is assumed, whether he turned to it or not.

Yes, but the attainment of the judgment depends on information of it, as it is not right to blame the taxpayer for violating a judgment that he did not reach, to ugly the punishment without a statement according to the mind, but this does not need the negation of the truthful rendering, but the judgment exists against him legally, the end of the matter is that unawareness prevents attainment, not proof (35) 0

The statement established the involvement of the owner of the exclusive and revealed the frequency of news on that (36)0

It may be unreal that there is an inconsistency between considering science as a condition for achieving the assignment, which needs that it not be proven against the ignorant, and saying that the task is connected to the ignorant and that he is not allowable except in limited resources. This delusion has been pushed that the assignment falls in the event of ignorance. What is attained when science is lost head on with the inability to obtain it, as then the task is like the assignment of the unbearable, which is ugly in mind.

As for the task of the ignorant, it is that the ignorant is not categorically excused, but is tasked with scrutinizing the legal provisions imposed on him, due to his total knowledge of the existence of actual costs by the street, and this total knowledge requires him to get out of his custody, by attaining comprehensive

(32), Preacher, Muhammad Sorour, Mesbah Al-Usul, 2/178-180 0

(33) Al-Shahroudi, Mohamad and Dr. Baqer, Research in Fundamentals, 4/8-10

(34) Al-Na 'ini, Muhammad Hussein, Benefits of Assets, 1/377, Al-Khorasani, Muhammad Kazim, Sufficiency of Assets, 227.

(1) Al-Na 'ini, Muhammad Hussein, Usool Interests, 3/12, Z, Al-Mudhaffar, Muhammad Reda, Usool Al-Fiqh, 3/34 – 35 0

(2), Al-Ansari, Mortada bin Mohammed, Farid Al-Aswal, 30th Edition, 1/113 0

knowledge of it, or doing what discharges him mentally and legally. The assignment is fixed in his right in reality, even if his attainment is depending on examination and statement (37) 0

This statement is the selected one among most of the Sunnis, as decided by the scholar Ibn al-Hamam in "Fatah al-Qadir" and the Emir of Badshah in "Tayseer al-Tahrir", where they said: "The selected one among the investigators of the people of the truth is that the ruling of the hard-working incident before ijtiḥād is a certain ruling, God Almighty obliged his request to those who have the size to ijtiḥād, and whoever is aggrieved by that specific is the one who is the one who is distressed by being afflicted with it, and whoever is not distressed is the one who is the one who is wrong for not distressing him, and he was quoted from the four imams of this mukhtar." (38) 0

This statement was also selected by the Mu'tazilite Corrector, which is called the "Mu'tazilite Corrector" (39) 0

In a sense that they say that the heavenly judgments are stable in the same matter and common to the world and the ignorant, but if the taxpayer stumbles in the truthful ruling, and he is based on proof, then God Almighty makes in the matter of that evidence an interest equal to the interest of the truthful judgment, so the actual ruling in his right is what his evidence indicates, not what is in God's knowledge of the factual judgment (40) 0

Al-Ghazali said: "Some people from the correction went to the point that in fact a certain judgment is directed to the request, as the request must be from a wanted person but did not cost the diligent person his injury, so he was right and if that particular judgment was wrong, which was not ordered to injure him, in the sense that he did what he was asked to do, he did what he had to do" (41) 0

Evidence of participation: Several evidences of participation in judgments were mentioned:

Evidence 1: News Frequency 0

A group of fundamentalists appealed that one of the proof of involvement is the news, the occurrence of which was claimed that its rulings pervade the worlds and the ignorant, comprising the Grand Sheikh, where he said in his verses: "There has been a frequency of mutual rule between the world and the ignorant news and monuments" (42), as stated in this sense Khorasani (43), and others (44) 0

We mention here two novels that designate involvement for the sake of blessing them:

1- On the authority of Sulayman ibn Harun, he said: I heard Abu Abdullah⁷ say: "Allah did not create a legalized or prohibited thing but it has a boundary. What was from the road is from the road, and what was from the house is from the house until I spray the scratch and other things, and the lash and half the lash" (45) 0

(1) Al-Naraki, Ahmed bin Mohammed (d. 1245AH), Anis Al-Mujtahidin, Investigation: Aal al-Bayt Foundation for the Revival of Heritage, 1st Edition, Aal al-Bayt Foundation for the Revival of Heritage

1417AH |||UNTRANSLATED_CONTENT_START|||1 / 179 0 |||UNTRANSLATED_CONTENT_END|||

(2) Al-Bukhari, Muhammad Amin bin Mahmoud (d. 972AH), Tayseer Al-Tahrir Ali Kitab Al-Tahrir, 1st Edition, Dar Al-Kutub Al-Ilmiyyah, Beirut, 1403AH / 1983AD , 4/ 202 0

(1) Al-Naini, Muhammad Hussein, Interest ^{on} Assets, 1-2 /253 AD, Preacher, Muhammad Sorour, Mesbah Al-Usul, 1 / 362 0

(1) Al-Ghazali, Muhammad bin Muhammad (d. 505AH), Al-Mustafa, Investigation: Muhammad 'Abd-al-Salam' Abd-al-Shafi, Published: Scientific Books House, 1 , 1413AH, 2 / 213 0

(2) Al-Ansari, Mortada bin Muhammad, Faraid Al-Usul , 1/113 0

(3) Al-Khorasani, Muhammad Kazim, Sufficiency of Assets , 466 0

(4) Al-Haeri, Muhammad Hussein (d. 1250 AH), Colloidal Chapters in Jurisprudential Principles, Dar Ihya' Al-Uloom Al-Islamiya, without edition number, 1404 AH, 427 – 433 0

(5) Al-Kulayni, Muhammad ibn Ya 'qub (d. 328 or 329 AH), Al-Kafi, commented on: Ali Akbar Ghafari, Dar Al-Kutub Al-Islamiya, Tehran, 3rd Edition, 1/107 0

Inference: The novel demonstrates that rulings rotate around specific topics, not people, and therefore everyone who investigates the subject contributes in the ruling, and this is the meaning of involvement in judgments.

The **inference can be discussed**: Though the novel shows the discipline of rulings and the purpose of their topics, which needs that the privacy of persons should not be comprised in the proof of the judgment, its suggestion of the involvement of all taxpayers is by release and essential, not by text, and with the possibility that it is contained in the place of the statement of amounts or in the section of pledges, so it is not a complete independent evidence, but a corroboration that is supplemented to other evidence.

2- About Mas 'ada bin Ziyad, he said: I heard Ja 'far bin Muhammad al-Sadiq⁷. He was asked about the saying of Allah : (Say, "May Allah have mercy on the exalted argument) (46), and 7 said: "Allah Almighty says to the servant on the Day of Resurrection: My servant, were you a scientist? If he says: Yes, he says: Did you not do what you knew? And if he said: I was ignorant, he said to him: Did you not learn to work? He will oppose him, and that is the great debate of God Almighty over his creation. "(47) 0

He **directed inference** in his saying: "And if he said: I was uninformed, he said to him: Did you not learn?" It obviously shows that ignorance of the Sharia rulings is not an excuse, but it was the duty of the taxpayer to ask and learn the essential requirements of his religion to work with them. The blame for illiteracy here is only if the Sharia rulings are detailed in their treatise to the world and the ignorant alike, which shows that ignorance does not raise the charge, but needs learning and questioning.

The **inference can be discussed by saying**: The novel shows that the ignorant is guilty of deserting learning, and it shows the costs of his right to the sentence, but its suggestion of his involvement with the world in the same truthful ruling is not textual, because the possibility that the blame arises from abandoning learning, not from violating the genuine ruling, as it is sympathetic, not a complete independent evidence.

The second evidence: unanimity: This indicates the act of sharing of legitimate rulings between the world and the ignorant by the formation of harmony, as no one of the scholars has been repeated saying that the rulings are capable to obtain the knowledge, which indicates that the speech of the street is all-encompassing of all taxpayers, and that ignorance does not raise the mandate in itself, but requires learning and questioning.

Sheikh Al-Na 'ini said: " ... However, it is seeming that there is agreement and even requirement for that, and hence the negligent ignorant was punished unanimously"(48) 0

The third evidence: The impossibility of ruling in the world: and the statement of impossibility in numerous ways:

First: It is essential to say the capability of the referee in the world has a role, which is to say a number of flags (49) 0

Meaning of the role in this context:

The function is for the thing to depend on what it depends on, or for the thing to comment on what can only be attained by it.

In our case: If it is observed that the ruling is not established until after knowledge of it, the judgment must not be known until after it is established, and it is not proven until after knowledge of it, and this is the role.

(1) The cattle: from the verse 149 0

(3) Al-Majlisi, Muhammad Baqir (d. 1111), Bahr Al-Anwar, published by: Al-Wafa Foundation - Beirut – Lebanon, 2 , 1403 AH , 1 / 178 0

* Sheikh Muhammad Hussein al-Gharawi al-Na 'ini (1869-1936 AD), a prominent Imam jurist and renewed fundamentalist, one of the great references of the fourteenth century AH, known for his book Alerting the Nation and Promoting Religion, in which he established a reformist political theory in the face of tyranny. (Al-Na 'ini, Muhammad Hussein al-Gharawi (d. 1355AH), Alerting the Nation and Promoting Religion, Investigation: Mr. Mahmoud al-Talqani, 2nd Edition, Saham Publishing and Distribution Company, Tehran, 1378AH. , 25-30)

(1) Al-Naini, Muhammad Hussein, Interest on Assets, 3/12 0

(2) Al-Khorasani, Muhammad Kazim, Adequacy of Assets , 217 , Al-Naini, Muhammad Hussein, Interests of Assets , 1/146,

Discussion of this evidence by the martyr Mr. Muhammad Baqir Al-Sadr:

Sayyid Muhammad Baqir al-Sadr is of the opinion that the impossibility of taking knowledge of the ruling on its subject is attained if knowledge of the judgment is taken as a prerequisite for it, because of the role. However, if knowledge is taken of legislative rendering as a subject of judgment, the role is not needed; because knowledge depends on rendering, not on the judgment itself (50) 0

Second: The necessity of the successor: Sheikh Muzaffar has provided evidence, as he believes that the deferral of the judgment on knowledge of it needs the successor; because knowledge of the judgment can only be attained if the ruling is fixed for the nature of the subject matter in the beginning, and if the judgment is constrained by knowledge of it, its presence becomes conditional on what cannot be attained, and it is a successor to impossible (51)0

The face of the back:

Observing the judgement on knowledge, such as the saying of the street: "If you cut off the obligation to pray, you must pray," leads to the rejection of the ruling before knowledge, so it is necessary that the ignorant is not allotted and must not learn, which is a distraction of the assignment and making unawareness a projection of rulings, and this is a successor. The pieces do not create the ruling, but disclose it, so they hang it on the heart of reality, and it is also behind (52)0

Third: The impossibility of obtaining the same ruling: This guide was also denoted to by Sheikh Al-Muzaffar (53) 0

The meaning of the referral of the same judgment: that is, the ruling itself cannot exist or be realized 0 If we say that the judgment is established only after knowledge of it, this means that it does not exist before knowledge 0

The fourth evidence: According to the distant investigator, showing the sharing of rulings between the worlds and the unaware cannot be promoted from the release of the evidence of the judgments themselves, because the launch in this place is not possible, because the restriction is unbearable, and the communication between the release and the constraint here such as oblivion and the queen, not the negation and the offer, and therefore, it is not reasonable to launch where the constraint is not reasonable, and therefore, the inclusion of judgments for the ignorant is not benefited from the same evidence, but it is necessary to refer to external evidence that completes the rendering, such as agreement, necessity, or narratives indicating the participation of the ignorant and the world in the judgment (54)

This theory is called the "complementary idea" because the Sovereign can only reach the restriction through this mechanism, which is that the first discourse is neglected in terms of the restriction, and it has been called the "complementary" because the purpose of the task is one, but this single purpose cannot be attained with one autonomous treatise, but it needs another discourse in which the restriction is accomplished, which is the first sermon that is put forward in the form of neglect, to be completed later with the restriction (55) 0

The fourth evidence: Releases of the evidence of factual judgments themselves (56): Among the proofs that is obtained from the participation of the taxpayers in the Sharia rulings (that is, that the judgment

(1) Al-Sadr, Muhammad Baqir, Lessons in Fundamentals, 1/333 – 334

(2) Z, Al-Mudhaffar, Muhammad Reda, Principles of Jurisprudence, 2/31 0

(3) Al-Kulbaykani, Lutfallah Al-Safi (d. 1414 AH), Hidayat Al-Abbad , published : Dar Al-Quran Al-Karim - Qom Al-Sharifah – Iran , 1 , 1413 AH, 4/ 155 0

(1) Z, Al-Mudhaffar, Muhammad Reda, Principles of Jurisprudence , 2/31 0

(1) Al-Naini , Muhammad Hussein , Interest on Assets, 3/12 0

(2) Z, ibid 0

(3) Al-Eidani, Mahmoud, Third episode in its educational style , published: Dar Al-Kafeel, No. 1 / 470- 471 0

comprises everyone, and does not concern each other without some), is the release of the indication of truthful judgments, (such as verses and hadiths) that show the judgments 0

Mandatory (obligatory, sanctity, permissibility...) Sometimes it comes complete, that is, not constraint to an individual, sect, time, or condition, for example: the Almighty's saying: "Establish prayer", was not incomplete to the masculine without the feminine, nor to the Arabic without the prodigal, nor to the world without the ignorant.

The second statement: The Akhbārīs * went into detail between the two types of rulings, and decided that the total rulings are established in a common way between the world and the ignorant, because they are like a general formation that does not depend on science. As for the partial provisions related to external topics, they were singled out for the worlds, as they recoded that their attainment in reality is conditional on knowledge, the ruling does not verify in the event of unawareness of the subject, because ignorance prevents the achievement of the rule abroad (57)

The Bahrani investigator said: "The street did not make the verdict of purity and impurity dependent on reality and the same thing, but arranged it on the outside in the eyes of the taxpayer, so he was obligated to pray in the pure garment, that is, what he did not know about the impurity and that it met with reality, not what he did not meet with impurity, and we do not say: It is pure, impure, apparent, reality, the impurity is what the taxpayer knew about the impurity, not what he met with impurity at all." (58)

The Bahrani investigator decides that the legitimate ruling of transparency and impurity is not reliant on the external reality, but rather on what appears to the taxpayer, that is, what he knows or is ignorant of the state of things. The garment that the impurity has established is a reality, but he did not know the person in charge of this, is considered pure and legitimate, and it is allowable for him to pray in it. This means that impurity is not an absolute factual judgment, but a judgment subordinate to the science of its assignee.

This position rejects the dualism that says: "The garment is pure in attendance, impure in fact" (59), and founds instead a knowledge base: the contaminated is what the taxpayer knew of his impurity, not what was impure in fact without his knowledge. This expresses the acceptance of the tenet of the seeming function in the place of work, not the objective reality in the place of proof.

The Algerian modernist * said: "What appears from the news of the quiet imams is tolerance in the matter of purity, and that the pure and impure is what ruled the street with its purity and impurity, not what was preached by impurity and purity, as the pure is not the reality in the same matter, but it is what ruled the

* Akhbārī: An intellectual trend within the Imamiyya school that emerged clearly in the eleventh century AH, which sees the restriction of the development of Sharia rulings to the news and novels received from the people of the house, peace be upon them, and refuses to rely on many fundamentalist tools such as the independent mind, practical principles and ijtihad in its fundamentalist sense. This trend was highlighted by Muhammad Amin al-Astrabadi, and his influence declined in the face of the fundamentalist school in subsequent centuries.

(1) **Al-Fayyad**, Lectures on the Principles of Jurisprudence, Mr. Al-Khoei's Research Report, published by the Islamic Publishing Foundation of the Teachers Group in Qom, 1st Edition, 2 / 286 0

** The investigator Sheikh Yusuf bin Ahmed Al-Bahrani (1107-1186 AH) is one of the leading jurists of the Imamiyyah and the most prominent flags of the news school. He is known for his encyclopedic book *The Fresh Gardens in the Provisions of Al-Itrah Al-Tahirah*, which is one of the most important sources of Imamiyyah jurisprudence. He is famous for his criticism of the fundamentalist Mujahidin and his defense of the news curriculum. (Al-Bahrani, Sheikh Yusuf bin Ahmed bin Ibrahim Al-Derazi (d. 1186AH), *The Pearl of Bahrain on leave for the villages of Al-Ain*, investigation: Mr. Mohammed Sadiq Bahr Al-Uloom, 2nd Edition, Aal Al-Bayt Foundation for Heritage Revival, Qom, 1406AH. |||UNTRANSLATED_CONTENT_START|||94 –

96) |||UNTRANSLATED_CONTENT_END|||

(2) Al-Bahrani, Yūsuf ibn Aḥmad ibn Ibrāhīm (d. 186 AH), *Al-Durar Al-Najafiyah min Al-Mutaqat Al-Yusufiyyah*, Investigation and Publishing: Dar Al-Mustafa 6 for Reviving Heritage, 1st Edition, 1423 AH, 1/151 0

(1) Al-Mansouri, Ayad, **Al-Bayan** Al-Mufid, No 0 I, 1/ 103 0

street with its purity and impurity"⁽⁶⁰⁾ 0 About Imam Sadiq 7: "Everything is for you pure until you know that it is dirty"⁽⁶¹⁾ 0 About Imam Sadiq 7: "All water is pure until you know that it is dirty"⁽⁶²⁾ 0

The Algerian modernist decides that the principle of cleanliness and impurity is not the physical reality that pollution or purity has begun, but rather the legitimate ruling issued by the street. Impurity is not what has been contaminated abroad, but what has ruled the street with its impurity, and the pure as well, and this means that pollution and purity are not formative judgments, but legal rulings that depend on legal rendering, not on physical reality.

Results

1. It was observed that the rule of pledging to the provisions is one of the basic important rules that decide to include the Sharia provisions for all taxpayers when the conditions of task are met, without any difference between the scientist and the ignorant.
2. Sharia rulings was established to be efficient in the form of real cases, which needs their application to all individuals to whom the subject matter of the judgment applies at all times and places.
3. It is clear that involvement in judgments is not complete, but rather constrained by objective, class, temporal, ability, etc., limitations taken by the street on the subject of governance.
4. Study has indicated the need to contrast between the resilient of the Sharia verdict and its completion; the verdict may be fixed for the ignorant, but the eligibility of punishment depends on knowledge and the arrival of the statement.
5. The enquiry resolved that the audience of fundamentalists from the Imamate and most Sunnis say that judgments are shared between the world and the ignorant in terms of factual proof, and that ignorance does not prevent the origin of the judgment.
6. It was recorded that the statement of participation is based on numerous evidences, included frequent narratives, consensus, general Sharia discourses, and mental evidence indicating thereferral of the ruling to the world.
7. It seemed that the newsmen distressed with the famous, separating the total provisions from the partial provisions related to external topics, so they singled out some of the latter if they were aware of them.
8. The study established that the rule of participation represents an important basis in the generalization of Sharia provisions and the continued effectiveness and validity of Islamic Sharia for all ages.
9. The study indicated demonstrated that participation in rulings is tightly connected to the investigation of publicity, launch and genuineness of real phenomena and issues, making it one of the central pillars in the science of jurisprudence.
10. The study resolved that the introduction of participation founds the principle of legislative equality between taxpayers, and plays an important role in controlling the process of jurisprudential elicitation and understanding legitimate discourse.

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* The modern Sheikh Abdullah bin Nur al-Din al-Jazairi (1058-1133 AH), one of the leading scholars of the Imamate in the eleventh century AH, emerged in Hadith and jurisprudence, and has writings such as *Anwar al-Nu'maniyah* and the masterpiece of the Brotherhood. Orf, Beirut, 1424AH/2003AD. defending the news approach and his critique of fundamentalists. (Al-Jazairi, Sayyid Nimatullah bin Abdullah Al-Mousawi Al-Tustari (d. 1112AH), *Al-Anwar Al-Numaniya*, 4th Edition, Al-Alami Publications Foundation, 1/5 – 7)0

(2) Al-Mansouri, *Ayad: Useful* Statement, 1 / 152 0

(3) Al-Hurr al-Ameli, Muhammad ibn al-Hasan (d. 1104 AH), *Shia Ways*, investigation: Aal al-Bayt Foundation, peace be upon them, to revive the heritage, 2 , 1414 AH, 2/105, Chapter 37 of the sections on impurities, 4th edition.

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