Artículo de investigación

Civil liability due to indeterminate causation of Iranian and British law

Responsabilidad civil por causa indeterminada de la ley iraní y británica

Responsabilidade civil devido a causa indeterminada da lei iraniana e britânica

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Abstract

One of the most important and most significant issues in civil responsibility is the issue of "indeterminate " and" causation" . The term has created a combination of the two words " indeterminate" and " causation ". And in the definition of the "indeterminate causation" we can say that the uncertain factor in the causation of loss among likely persons. When knowledge of the occurrence of a loss by an agent is due to several factors of the loss, but it cannot be determined definitively and definitely, the discussion of indeterminate causation is raised. The lawyers, having emphasized the necessity of proving the relation between the causal link between a harmful act by a certain person and the entry of a loss to the loser, and the absence of such a relationship in the assumption of the indeterminate causation , considered the liability completely excluded. But after a while, the collective responsibility view of probable actors was posed, which is of solidarity type in French law and proportional to the type of liability in Common law in, and the aspect of the proof is of great importance.

Key words: indeterminate causation; Appropriate responsibility; Lottery Rule; Equal Responsibility.

Resumen

Uno de los temas más importantes y más significativos en la responsabilidad civil es el tema de "indeterminación" y "causalidad". El término ha creado una combinación de las dos palabras "indeterminado" y "causalidad". Y en la definición de "causalidad indeterminada" podemos decir que es el factor incierto en la causalidad de la pérdida entre las personas probables. Cuando el conocimiento de la ocurrencia de una pérdida por un agente se debe a varios factores de la pérdida, pero no puede determinarse de manera absoluta y definitiva, se plantea la discusión de la causalidad indeterminada. Los abogados, habiendo enfatizado la necesidad de probar la relación entre el nexo causal entre un acto dañino de cierta persona y el ingreso de una pérdida al perdedor, y la ausencia de tal relación en el supuesto de la causalidad indeterminada, considerado el pasivo completamente excluido. Pero después de un tiempo, se planteó la visión de responsabilidad colectiva de los actores probables, que es de tipo solidario en la ley francesa y proporcional al tipo de responsabilidad en ley comun en, y el aspecto de la prueba es de gran importancia.

Palabras clave: causalidad indeterminada; Responsabilidad apropiada; Regla de la lotería; Igualdad de responsabilidad.

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Resumo

Um dos temas mais importantes e mais importantes da responsabilidade civil é o tema da "indeterminação" e "causalidade". El término ha creado una combinação das palabras "indeterminado" y "causalidad". Y en la definición de "causali-dad indeterminada" podemos decir que el factor incierto en la causalidad de la pérdida entre las personas probables. Cuando o conocimiento da ocorrência de uma perda por agente pode ser uma variável fatores da perda, não é um processo de decisão absoluta e definitiva, é um processo de discussão da causalidade indeterminada. Los abogados, habatendo enfatized the necesidad of probar la relación between the nexo causal between un acto dañino of cierta persona and the ingreso de una perdida al perdedor, y la au-sencia de tal relación en el supuesto de la causalidad indeterminada, considerado el pa -sivo completamente excluido. Perú despiu de un tiempo, se plerou la visión de responsabilidad colectiva de los actores probables, que es de solidario la la ley francesa y proporcional o tipo de responsabilidade na ley comun, y el aspecto de la prueba es de gran importancia.

Palavras-chave: causalidad indeterminada; Responsabilidade Apropiada; Regla de la lote-ría; Igualdad de responsabilidad.

Introduction

Before looking briefly at the overall structure of the law on the rights of the two countries and the consideration of the general categories of responsibility, it is necessary to consider the concept of fault as a key word in the civil responsibility of two systems, because the contradiction between the concept of fault in the two systems causations differences In the division of the civil liability rules of the two countries.

The word fault comes from the French word "Faut", which is also rooted in the Latin word "Fallere". Historians of the West have expressed different opinions about the beginnings of the concept of the fault, but it can be said that the need to prove the fault became significant in the 19th century when the pioneers, like Chadwick, took the first steps of social changes; when the industry's need for support and development caused poor workers and poor strata of society to suffer from the developments of the century and rarely be able to prove the fault of the owners of the factories and manufacturers. Social laws gradually expanded to protect workers, tenants, and citizens ,science to evolve, making it easier for to prove legitimacy, and assign responsibility so that individuality and irresponsibility take steps towards social and civil responsibilities.

In Britain's 1945 Law on Legal Reforms, the fault was used in the precarious sense. Until today, in this country, the concept of "precarious " is generally considered to be applied to the fault sense and generally apply it in civil liability law. In the United Kingdom, whenever there is a talk of fault based responsibilities, the purpose is the same as due to the lack of prudence and does not include the intentional liability. However, in French law, fault is not merely implausible, but rather antisocial and error-prone behavior. (Peter De cruze, 2016) In short, in France, the concept of fault involves both deliberate errors and unintentional mistakes, while in the UK, where it speaks of fault, only unintentional errors are taken into account. In Iran's civil liability law, like France, there is a general conceptual sense for fault , and there are no fundamental differences between the unwittingly or deliberately committed perpetrator. So what matters is the existence of the element of being "inaccurate". (Both intentional and unintentional (Katouzian, 2006). The difference in the insertion element of fault between the system based on the common law and the legal system of Iran has caused the general rules governing their civil rights to be different.

Section one - legal opinions about agent causing damage to property

There is no consensus on the acceptance of civil liability in the assumption of a thorough knowledge of the law to the causation among the lawyers following the customary legal system and the modern legal system. Therefore, it is worth considering the views of each of these two systems separately.

Preface-English Law

In general, in England, various types of civil responsibility can be divided into three categories: (John, Cooke, 2011), "Responsibility due to carelessness", "deliberate liability" and "liability without fault." Nevertheless, some areas of Civic Responsibility cannot be placed at any of the three above categories. For example, "civil liability of goods" can be considered as a combination of unannounced responsibilities and discretionary liability. Or, for example, in British law, the damage caused by accidents falls under the category of responsibilities arising from the carelessness, while the compatibility of the rules governing it is greater with blaming responsibilities.

Perhaps, of course, it may seem to be possible to deduct the responsibilities arising from the deliberate and carelessness (in English law) in a group of fault-finding responsibilities, but for greater ease and accuracy in the review and analysis of topics , such divisions of the law of England and the United States has been taken into account. Of course, in American law, contrary to British law, these divisions are more explicitly raised (Alan Calnan, Opcit, 2012). Nevertheless, there are opposing opinions, and some of the prominent lawyers of Common Law , including Oliver Vendel Holmes ,responsibilities have been assessed in the context of fault-based responsibilities (whether deliberate and indiscriminate) or without fault (Alan Calnan, Opcit, 2012).

The common feature of the three general categories of responsibility is that they all work to protect the harmed interests. However, there is a general difference between these categories: for example, indiscriminate liability is considered to be the most inconsistent area of civil and civil liability in the United States and the United Kingdom, while deliberate responsibilities are the most coherent field and responsibility without blame placed in the middle ground of the two (not so much as incoherent indiscriminate, not as deliberate, organized and coherent fault). Or issues of reasonable performance of persons (or a reasonable person, as a model for the precautionary and necessary care and avoidance of damage to others) are more questioned in the responsibility of the carelessness, not liability arising from the intentional or faultless. Nevertheless, in the case of faultless and deliberate liability, one can also see the trace of a reasonable standard. Also, there is no discussion of the "responsibility for care and attention" in the unannounced responsibilities, while inadvertently "responsibility " is an unwarranted task and implicitly implied in intentional responsibilities. One of the other differences is that the responsibility to recklessness, is not inherently as erroneous as the intentional responsibilities are, and not so as faultless ones, due to being risky, the risk caused , but to a legitimate act that is solely due to inaccuracy and neglect of the perpetrator, the responsibility has brought in. (G Edward White, 2014). Therefore, in the deliberate responsibilities and faultless responsibilities, the assignment is either black or white; while in carelessness the assignment is in gray, and, as in the words of Cardoso, it requires an examination of the multiple factors such as logic, customs, traditions and sociology (G Edward White, 2014)

- In England, to take responsibility for the unwary person it is necessary for him to :First, the person who makes the damage has a duty to take caution and care to the loser. Secondly, with an unconventional function, it violates this assignment. Thirdly: by the violation of the said assignment , damage caused to the damaged .

Second Speech - Iranian Law

Iran's civil rights are either fault-based or faultless; a division that is not unlike the general divisions governing the rights of England. Article 1 of the Civil Liability Act and the Code of Conduct express the nature of the fault-based responsibilities and accounts for the loss symbol of non-fault liability.

The adoption of the Civil Liability Act of 1339, under the influence of European rights (Bahrami Ahmadi, 2009), meant the consolidation of the place of faulting responsibility in Iran. The relation of Article 1 of the Civil Liability Act to Article 328 of the Civil Code should be understood as a general and exclusive right, not to the public and to the individual. Because in Article 328, three conditions are necessary to compensate for loss: the existence of a loss, a harmful act, a causal relationship.

So, if there are three conditions without proof of fault, the damage must be compensated. But Article 1 of the Criminal Code adds another to the three above. In this law, the fault proof (intentionally or unpardonably) has been placed on the damaged or plaintiff . (Emami, 2008; Hosseini, 2010)

Some professors believe that Article 1 of the Criminal Code is an abusive rule of law, since the relationship between causality and the condition of responsibility of the fault is not sufficient. Thus, the material is in conflict with the rules of loss, in particular, unintentional loss, and transforms the law of the former laws (Amiri Ghaemmagh, 2006; vikili, 1344, p.). But it seems to be necessary to adopt a view that Article 1 does not prohibit faultless responsibility (Katouzian, 2006; Emami, 2008). Firstly: Logically, Article 1 is not in conflict with loss maxim , and only the opposite concept implies non-acceptance of civil liability. Secondly, the rules of loss are specific to the law of civil liability because of the subject matter and, therefore, between the old specific to the and the new general, general does not abrogating the particular. Thirdly: Article 4 of the Constitution accepts an interpretation that is more consistent with Islamic law and does not abrogate waste. Fourth: if there is a perception that the law of direct loss accepts the other is to blame, there will be no conflict and the implied manifestations will disappear. Fifth : The fault in the social concept is the violation of conventional human behavior, and the focus on this will reduce the possibility of conflict in many cases. Sixth : Social expediency requires that responsibility be not removed without blame and that the existing legal system does not collapse.

In the case of causality, it seems that in the Islamic jurisprudence it cannot be the view this principle cannot be perceived as independent, although there is opposition in this regard (Hekmat Nia, 2007). Because the separation between loss and causality in jurisprudence It is not logical, and the sign "Whoever destroys the money of others is a guarantor", which at the first glance only involves loss in stewardship, must also be considered as a subset to conduct, and conduct is also considered as loss. Nevertheless, in Iranian law, the loss and conduct should be considered independent of each other and authenticity should be assigned to conduct. The law of civil liability appears to be a confirmation of the importance and independence of conduct.

Conduct means to provide for the loss of goods and in order to achieve this the compulsory guarantee is the fault of the condition. The necessity of blaming is not explicitly mentioned in any material, but in some cases liability is subject to the existence of a mistake that can be mentioned from the above sentence from Articles 331 to 334 of the Criminal Code.

Some have considered the relationship between the two in general and in particular in terms and to prove it they argued. : on the one hand, Article 1 of the Criminal Code is general because it raises both moral damages and material damages, On the other hand, Article 328 is general because whether it is the faulty person or the faultless person , he is surety. But in response to this argument, it should be stated that the failure to raise the moral harm in Article 328 did not mean that it was not accepted, and this silence can easily be compensated for by la zarar(no damage) . Therefore, the silence of Article 328 is not due to the fact that it is a substance of the 1st Criminal code.

Tasbib(conduct) means to provide non-material loss and to enforce this, compulsory surety faulty condition is necessary . Of course, the necessity of fault is not explicitly mentioned in any material, but in some cases the responsibility is related to the existence of a Causation error, such as Article 331 to 334 of the Criminal Code (Katouzian, 2006). Therefore, elements can be considered for the definition of conduct . (Jafari Langroudi, 2011). These elements include the presence of a action or Leaving the action, the probability of a kind of occurrence of a loss, the customary assignment of the harm to the subject or Work done, and the ability to condemn the perpetrator (or a customary aggression).

In the case of unannounced fault responsibilities in Iranian law ,we must note to the loss in Article 328 of the Civil Code, which is not unlike the 1382 French Civil Code (Hosseini Nejad, 2011). In this article, the theory of risk or liability can be easily realized.

The loss of Arabic is from the verb in Ef'aal , and since the verbs in Ef'aal are used to make the intransitive verb into transitive then Etlaf means to waste. Wasting is used the sense of removing the whole or the part of the property. Goods may be materially destroyed, or it does change physically in nature , in any case the loses occurs (Abbaslu, 2011).
It may be said that the mere loss of others in stewardship is itself a fault, just as Betrayal is fault . But this statement cannot be confirmed, because in the course of time, Betrayal is the legal status of the assignment of the failure to execute the contract owes to the party, the party exempts the contract from proof of attribution and citation, which makes the principle subject to liability. While it is not in the possession of the

owner for the loss of such a tribute, and it is for him to prove the attribution of the waste to the suspects. Of course, usually the occurrence of the causal relationship between the verb committed and the loss is possible if an unconventional work is inadvertent, or a deliberate aggression has taken place, and the guarantor is aware of the aggression (Jafari Langroudi, 2008).

Generally, in faultless cases, if the subject has committed the fault damage, the suffering has two ways to Claim for damages: either without proving the fault, attributing the damage to the subject, or by proving the fault, demanding compensation Claim for damages. Of course this is where both types of responsibilities are related to one person. But in the case where two types of responsibility (one without fault and the other one based on fault) are attributed to two individuals, it seems to be the forerunner of blaming responsibility. For example, in Article 1216 of the Civil Code, the responsibility based on fault guardian for lack of adequate care takes precedence over the responsibility without minor fault.

It is also in Article 7 of the Civil Liability Act (Ghasemzadeh, 2008). Loss as a rule, a model for no-fault liability is also considered in many Supreme Court rulings, including the opinions of the Supreme Councils of 10, 18, and 21 in 1372.

Third speech - jurisprudential review
A glimpse of the enclosed doubts as it is derived from the discussion of the foregoing and examples mentioned above, what is considered to be definite in the intended issue is the introduction of damage to a person and its assignment and citation to the action of one or several definite persons and it turns out that doing certain acts by these people is also not in doubt. The legal reason for the compensation, in some respects, may be the rule of wasting, according to which, if someone wastes someone else, it is the guarantor, or the rule of reason is that any unlawful loss must be compensated. (Of course, this is a deduction from this rule); while, on the other hand, given the uncertainty of the causation of damage or the causation of the loss introducer, it seems that the rules do not essentially include such a case. But a glimpse of the necessity of a definitive, indiscriminately compensated damage, leads us to find the responsible and guarantor and the way of compensation.

footnote
- In justifying this point, it has been stated that, if the rules of wasting are to be carried out, none of the suspects can be claimed of compensation (since no one is considered to be a definite and definitive case), and in the case of the rule of law In order to compensate for the damage suffered, some irresponsible persons also suffer damage.

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In order to clarify the recent case, it is necessary to refer to the glossary and the steps involved in the rulings and assignments.
In general, in two stages, a glimpse of science is emerging. The first step is to provide a brief overview of the assignment confirmation (such as the required and the necessity of compensation), and the second stage, the possibility of the collapse of the assignment and the study of the inferiority of the subject by acting in accordance with the general science.
At the very first stage, that is, the proof of assignment, there are two concepts and application for glimpse: Sometimes the purpose of glimpse is to stop the conscientiousness of the assignment, while we do not accept the probability of a contrary judgment against that assignment, and we believe that the lawyer and the legislator seek for the execution to fulfill the same task, and sometimes the purpose of glimpse science is to have a valid legal and legitimate reason, but with an overview of the concept or the subject of the matter, such as that we have a valid reason to prove the provisions of the rule of loss, but the person is not known to be certain, and we only know that that person is one of several people. In other words, there is an overview of the legal reason, although the reason itself is fixed and valid. This discussion is one of the basic principles of the jurisprudence science, the principle of employment.

It seems that the problem under consideration is the second concept of the glimpse of the concept and therefore we must enter the next stage of the investigation, that is, how to determine the responsible one. However, if this point is not accepted, this is a matter of the first concept of a glimpse science of the idea that there is a lack of conscientiousness for the necessity of compensation, and that science and dissolution are the most important reason for observing it.
Footnote:
- For further reading, see Imam Khomeini, Refinement, p. 2. 123-124; Seyyed Abolqasem Khoi, Mesbah Al-Assal, p. 2, p. 67, p. 67.

- The discussion of the necessity of observance of the principle of conscientious science in relation to the assignment is one of the rational issues which are referred to in the fundamental books and are the origin of the necessity that, in the absence of necessity, the community there is a contradiction in the opposite, which is impossible in terms of reason. For this reason, the definitive opposition to that glimpse (in the first sense) is prohibited and definitive (and not merely probable) observance is imperative. For further reading, we can refer to previous sources, because of this research more than that, there is no basis for discussion. In addition to the above mentioned books, please refer to: Sheikh Mohammad Taghi bin Abdul Rahim Iran Khawi, Hadaydi Al-Mastrhshin Fei Maream al-Din, lithography (without page number), section of doubt.

- Seyyed Abolqasem about the glimpse of science, and what about primitive doubts, whether it is a verdict or a subject, is the same sentence in the current text. It is clear that in this brief article, this issue cannot be fully examined, and respected suspects can refer to the sources mentioned in this study, and so on, if necessary.

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Civil liability is a cofferdamie of topics that has a very wide area, and various issues arise. The extensive subset of this topic is an appropriate field for legal research, especially since some of the issues in this title, which have external and affective implications, have not been raised at all in legal sources, and even in jurisprudence. Or at a very limited level.

For this reason, in the given problem, it cannot be said that there is no general overview, that is, all those who are likely to attribute damage to them ,cannot be considered free from obligation because it means a definite opposition to that science of conscience, and on the other hand, responsible knowing all of them is not just about one of them, assuming responsibility.

However, given the acceptance of the credit of conscientious science in relation to the subject matter or the detailed knowledge of its relation and the scientific knowledge of the problem, in the event that it is not possible to adequately inform and discontinue, in a detailed and clearly defined manner, An overview of this is enough, although it is necessary to make a repetition in the examples.

Based on previous discussions, the determination of the guarantor in the problem in question is in doubt, and although it is possible to consider the general rule (ie, the necessity of compensation) to be a definite conscience or valid supposing sentence (for reasons of loss), the sentence or t he problem is ambiguous in determining the responsible attribute determination and responsible case. For this reason, and in order to enforce the general rule, it is necessary to use the operational principles that apply in cases of doubts. There are four practical principles that are inclusive and include various subjects in terms of the principles of the Guranic Studies and the rational monopoly of their channels. Thus, if the subject is from cases in which its previous status is known and valid, the rule of the Istishab is running about it, whether it is a matter of doubt on obligation, or on the obligated to it, and that the precaution may be, or no. But if the subject does not have a well-known record, if there is doubt about the obligation, while the principle of the assignment is known, there may be two situations:

A: A caution is possible around the glimpse of the principle of employment (precaution) in this regard, because the tense conditions of the sentence are due to glimpse of knowledge, and therefore the definitive opposition to that is unlawful and forbidden.

B - Caution is not possible, such as the doubt between two things that cannot be observed both (referred to as the period between the constituents); in this case, the principle of the Alteration is applied.

In the case under consideration, there is no record of suspects' liability, or if they are, it is assumed that they have no effect on their current guarantee. Also, given the disconnection of the entry and the lack of knowledge about its entry and the existence of a relationship between the actions of one of the suspects with the entry of the loss, there is no doubt about the need for compensation - in general - there is no doubt, and on the other hand, not from all suspects damage can be received. This sentence, at least in the initial stage of decision-making, is clear, since it is assumed that only one of them is liable and the importer is losing out and receiving damages from other persons may be considered as an instance of the inefficiency of the estate and the property of the estate as invalid. Therefore, the problem is considered by the examples of the period between the constituents, which is described below, and the surrounding science is also a constraint.

Another point to note is that the discussion is not about suspect's responsibility, but the question of the existence of an owe lies with several people, but there is simply an owe and a true responsibility, but the responsibility is unclear.

Also, based on the ideas contained in the principles of jurisprudence, the division is distinguished from the point of view of the terms of reference (five sentences of necessity, reason, law, disgust, or conditionality) (such as the necessity of transactions, warranties, conditionality, etc.) does not differ. (Katozian, 2006). Based on this, the division into financial guarantees can also be studied.

Part II: Comparative Study on Determining the Causations of Liability for Loss
First speech-complementary material partnership; the rule of all or nothing

This theory has been raised in English law, and there is no specific legal text on the issue in the country's law, and courts will, in accordance with the rule, only issue a damages judgment that has a clear causal relationship between the causation of the loss and damage would have existed. Accordingly, the tribunals considered personal injury cases based on the traditional "win-win" principle; if the positive reasons for doing the wrongdoing were the main and overriding reasons of damage were damaged, he should compensate for all the losses suffered, and if the available reasons were not able to do so, the lost person would remain indemnified. In case-file cases, the courts also apply the subsidiary theory of material participation, which allows the perpetrator to compensate for all their losses, even if they are not substantiated. According to this theory, if a harmful act of material participation has been damaged, the lost person will be entitled to damages. with this Now, there was no criterion for identifying the quality of material participation. The courts were always involved in whether or not the person was to be compensated for all the damages. The Firechild case is the last decision of the House of Lords, which plays a key role in the concept of material partnership. A worker who works incorrectly in the vicinity of carcinogens and works with some employers gets cancer. Only one employer is actually responsible for the disease. However, the identity of this sole employer was also anonymous.

The causation of the incident, although generally known, was, in general, unknown. One of the former employers who wanted to use her in the vicinity of asphalt appeared to have participated in Mesothelioma disease in her illness; thus, since she also wanted to work for other employers who had committed such a mistake, the inability of the employer was determined. The Lord's House decided that every employer was fully responsible to the worker because of the fault of the petitioner against the risk of developing Mesothelioma disease, and since the case was under the umbrella of all or no, at the House of Lords, too, the investigation ,the compensation was relatively non-existent.

Second speech - the danger of causing damage
This theory has also been raised in the UK law. In the Haltby votes against Brigham and Kwan with limited responsibility in 2000, and Allen against British Railways Engineering Limited in 2001, the research court resolved the issue in a new way. In the Hallebi case, he called for work as a submarine repairer for several employers who had worked for 12 years-almost half of their total working life with refractory cotton-to-suit sides. In consequence, they caused uncertainty because other employers, whom the worker had worked for, exposed them to asbestos, and there was no reason why one of the suspects could be identified as the main causation of the illness. In this case, the judges of the judiciary condemned the percentage of the injured. The trial court confirmed this vote. In the case of Allen, he also wanted to be diagnosed with white-throated vibration, due to the use of vibrating tools during his work. This included the occasional whiteness of the fingers due to the absence of blood when the blood vessels contracted. He wanted to remind that the Droid should warn the workers about the risk of the disease, thereby reducing the work of the workers with this device. He called for these claims to be based on the guardian's mystery employer's code. The judges in this case only claimed the claims from the time that medical science accepted the disease as an industrial disease. As a result, the claimant's claim was rejected earlier than this time. In fact, the worker asked for another employer with a vibrational tool, and the causation was summed up. The contestants held the vote in favor of distributive justice. Thus, in both the Haltby and Allen cases, the risk of harm was considered and used by the court. According to some lawyers, these two

practices led to pragmatism and rule (Allen, 2011).

Third speech- Simultaneous causality (by which caused a certain loss)
About this theory, it must be said that in the traditional way, when the harmful acts of two or more of each one causation a definite loss to the claimant, then the suspects are jointly solely responsible. Because the actions of each suspects have actually caused the injured, this is clearly an example of compensation without proof of the causal relationship. However, in recent decades, they have often used the theory of concurrent causality in anonymous gadgets that are not enclosed in certain individuals. In Rutherford's case against Owen Illinois, for example, the California High Court in the context of a claim for damages caused by the proximity of cotton The refractory judged that it was not necessary for the medical examination to prove that the fibers were from the product containing asbestos suspect's or persons who are members of the donor, which actually caused the damage to the activity of cancer cells. The court argued that the petitioner could not scientifically prove the details of the cancer, or that the effect of the unknown duct of asbestos fibers could be determined, according to the openness of the discussion. The court further ruled that the petitioner could prove that he was exposed to an asbestos-induced cancers by indicating that he was exposed to a product containing asbestos so that reasonable medical constraints would be a major contributor to the addition of asbestos-treated cotton And it has been inhaled or eaten by the requestor or the deceased, and therefore, given the risk of cancer-induced exposure to asbestos, there is no need to prove that the fibers originate from a particular read or specific substance that actually causations malignancy According to the court's ruling, these creators have a shared responsibility.

Fourth Speech - The vast responsibility of the factory or agency
Until this part of the article on the common law about the damage caused by the indeterminate causation that two theories remain, collective responsibility means the vast responsibility of the factory or firm and the coordination of civil action or collusion are theories in which the suspects of the constructor jointly or with Judge Jack Wayne Stein condemned six manufacturers of blown capsules and their affiliates jointly and solely on the basis of the corporate responsibility theory, which later gave the company a widespread responsibility in the Hall case against the Al in Ponto Di Nomurs and partners. they said. to compensate for the damage to children caused by eighteen separate incidents. The decision was based on the lack of "proper warning." However, since Judge Win Stein's decision, the court virtually rejected the responsibility of the firm or the company's vast responsibilities.

The fifth-Drawing rule in Iranian law
It can easily be said that it is easy to identify the person responsible for so many accident by taking out a drawing. Famous people also said that lottery is difficult for any problem, and it is reliable wherever there is a problem, including the identification of the incident. The Iranian courts have also used it to identify the causation of the incident (Shakary, 2004). Article 315 of the Islamic Penal Code is also remarkable in this regard. About the drawers, they also said that the lottery is applied in any case: one right that has been definitively imposed upon us because of a disadvantage, and the second is between two or more objects, and in fact it has been certain. This form is used to determine the lot. The latter case may be due to the enclosed content of a particular group, which is also in line with Article 315. Some scholars have also cited cases of lottery use in the works of earlier jurisprudents, of which thirty-two cases have been counted (Lankarani, Bayat), on the other hand, have said that the implementation of a lottery is possible only in thematic quarrels, not the rulings. In any case, if there is doubt between two or more enclosed issues, used. But the question that arises is whether the issuance of a warrant based on a distribution is in accordance with distributive justice. Whether it is possible for a person who has been hit by a lot to be surely responsible for the incident. Can the lottery be carried out on an assumption? These are questions that concern the mind of any researcher. It seems that since there is always the possibility that the lottery will causation injustice, and given the fact that it is in dispute between the jurisprudents in the virtue of the application of this rule. The basis for applying this rule is equal to the lack of attention to risk and the manner in which the company participated in the entry of damages, as well as the lack of investigation by the courts in the discovery of the truth, henceforth, has been less appealing to our lawyers and courts and, to the extent possible, They have avoided it. It should be noted that the lottery rule was adopted in the Islamic Penal Code of 1375; however, the Islamic Penal Code

of 1392, adopted by the jurisprudence of the contemporary jurisprudence, has been accepted and "equal liability of probable perpetrators" has been accepted.
- "The draw is not drawn between the known and the unknown." Theory No. 9/12 / 1378-61994 / 7 Legal Department of the Judiciary.

Sixth Speech-Determination by Judge and Judge
This theory is also presented in Iranian law. Based on this, the judge will be able to order the distribution of damage on the basis of the Provincial Council, if he is unable to invite the parties to the compromise. In this case, it has been suggested that, in order to avoid chaos and in order to conquer the hostility, assuming the joint responsibility of the accused, each person shall be liable for the equal compensation of the damage (Safari, 2000). This view, which is largely similar to the theory of Noel Douzhan Dawabati in the creation of an affirmation, is solely attributable to the responsibility of the compound, and can hardly be conveyed by an anonymous one. Moreover, in this regard, it is easy to use theories that do not even agree on justice. In other words, the channel of this theory is very wide and remains largely a form that still has not left the judge's final solution and has not excluded him from the uncertainty. It can be said that this theory has a tremendous impact on how to solve the problem of indeterminate causing

Seventh Speech - Paying Damage from Public Funds
Another predictable way is to pay damages from Beit Elmal and public funds. In order to justify this vote, it may be said that by dwelling on areas of other issues, such as when a person is killed due to overcrowding and his diya is paid from the Beit Elmal, it can be argued that the damage suffered as a result of One of the possible reasons is to compensate for this, or that in general, a general rule is extracted for such cases.
This view has also been criticized. It cannot be assumed that a general rule can be deduced from a few disparate examples of compensation for bait al-mal that is included in narrative resources. In other words, these examples are considered to be Bob (the case in fact) and (specific sentences in particular subjects), and the generalization of the verdict contained in them is not correct to other matters. Also, these sentences are of particular importance because of the fact that they relate to the protection of human life or the judge's mistake in deciding the judgment, or is due to the authority of the judiciary and is not expeditious.

Speech eighth - Acting with two denial sentences
One of the issues discussed in this paper is that, in the absence of the reason for the ijtihadi to determine the sentence, each of the possible causations - that is, anyone who is likely to attribute the loss and protection to him - may be subject to. There are two decent sentences. On the one hand, a sanction and a prohibition on the receipt of damages from each of the suspects - individually - are ongoing and, on the other hand, it is necessary to compensate for the damage suffered. The question is, can there be some sort of agreement between the two judgments and the two to the extent that they may be executed? Before answering this question, it is better to study Shahid Aval ‘s view of the practice of two good judgments. On this subject, he states in his rule one hundred and twelfth rule states his reasons as follows:

There are many issues that deal with two laws that are lagging behind each other. The reason for the validity of both sentences is that:

1 - Applying two good things, often cautious.
2 - The narrative narrated in the case of Abdbn-e-Zammah from the Prophet Muhammad (PBUH), which he said: (Son is yours, O Abdin Bin Zammah, because the child belongs to him, and you cover yourself from him).
Footnote:
On the authority of Aisha, she said: It was Ibn 'Abba and Qasim, the brother of his brother Saad ibn Abi Waqqas. She said: When it was the year of conquest, Saad bin Abi Waqas took him and said: My brother has entrusted to him. So Abd al-Zaymah rose up and said, "I am a son, and my son is my son, born on his bed." Vnsoqa to the Prophet (r). Saad said: Yall Messenger of Allah! My nephew had been entrusted to him. Abd al-Zuma'a said: My brother and son and his son Abi was born on his bed. And the Messenger of Allah said: "It is for you, O 'Abd ibn Zumah!" Then the Prophet (pbuh) said: "The father of the bed and of the idol is the stone." Then he said to Sawdah, the daughter of Zumah, the Prophet (PBUH): He was not pleased with him ... (Sahih Bukhari, 4/8); Hamjnin: Sunan Ibn Majah, 1/646

It has been said that since the Prophet (pbuh) saw the some similarity in the boy to Atabah, he expressed this statement; so, in order to sibling, he joined the son to Abd ibn Zumba, brother of

Umm al-Momenin (Sudeh), and (with The fact that in this case, the Sudeh, is regarded as the child's aunt, the Prophet (pbuh) ordered her to cover herself from that boy.
3. The narrated narration of the Imams (AS) is about a person who has committed adultery with a maiden and an alien has also committed adultery to that maiden (and the maiden became pregnant), while there is no sign that the child belongs to the owner of the gang. Be However, it has been said that (a maiden can be sold while he cannot sell the child, but he does not inherit his children as well).

He goes on to state that, if a person confesses to a child that the child is a child of his own wife, but to deny the proximity to his wife, the child joins the man and, nevertheless. Man is not proven married because the pregnancy of a wife from a couple's hams is, without being near, imaginable.

From the study of the reasons given for the possibility of applying two judgments that reject one another, it is concluded that:

First of all, although the aforementioned items may be cautious, in the present case, this precaution is not possible becausation, on the one hand, the requirement to compensate the injured party requires that, such as the payment of damages by probable contributors this loss is provided and, on the other hand, imposing compensation on probable mis -conductors, a kind of oppression on their right - due to the lack of reasonably valid reason - and contrary to the principle of indecency and lack of guaranty, and therefore on both sides, discreetly is .

- Sudeh Umm Al-Momenin is the daughter of Zanda ibn Qais and the sister of Abd-i-i-Namah (quoted by: Mohammed al-Husseini's alphabet on al-Qawad and al-Fawayīd, p. 140

Secondly, in the second reason, by Shahid, there are two people whose sentence is different (the father of the child and his aunt). Although the judgment of each one alone removes the grounds for the other judgment, because of the aggregation of the two aspects of the matter and the observance of precaution, only one part of the works of each ruling applies to each of them, which is not related to the other.
However, there are two possible judgments in the safeguard problem for a brief glimpse as well as any potential misconduct, and, moreover, the probable probability of any potential misconduct is no different from that of the other, and the subject of the verdict is exactly one, namely, the guarantor of damages Incoming.

Thirdly, although in the third reason, the martyr first considered only one party to be the subject of a judgment that two different types of verdicts (and in fact, the verdict of appearance and the consequential acts) have been assumed about him that he has avoided the effects of the first sentence. It is clear from the preceding explanation that, in the subject we are considering, there are essentially two different judgments, but each person has two conflicting rules - that is, the guaranty and non-guarantee - and it is not so that both judgments can be made about a person performed and applied.

In this way, it seems that the matter under consideration is outside the circle and scope of this discussion and cannot be raised from this point of view.

Conclusion

In this article, we aimed to resolve the Iranian-British law's approach to determining the causation of damages. Legislators, judges of jurists and jurists all have tried to find a way to reconcile the attachment relationship with the need to protect the lost. The socioeconomic transformations of recent decades, especially the formation of a so-called consumer society, have made this issue more important. An overview of the theories posed in some countries suggests that most of them, either by dealing with a theory of fault, or with a theory of risk or a guarantee of the right, have tried to make possible the possibility of compensation for Losses provide anonymous information. Of course, there are numerous barriers to their way, which in a simple division can be described as "intrinsic barriers" and "outsiders". After reviewing the above theories and strategies, it can be said that there are two main obstacles facing the injured party: first, internal barriers and secondarily legal barriers. The external appearance of legal barriers, in fact, is in the proof of the causal relationship. But other types of barriers to losers are legal barriers that rooted in the role of the economy in this matter. The legislator and the foreign courts, either explicitly or implicitly, seek solutions that best fit the economic requirements and, in practice, maximize the benefits to the economy of the country at a macro level. This tendency will make the courts avoid refusing to offset firms at the expense of multiple claims. On the other hand,

this will lead businesses to take on liability insurance, which will increase the cost of production. In spite of all this, the art of jurists is to reach a middle ground in order to stand by the nine wheels of the economy, and not the lost ones. Therefore, in Iran's law, we should not be delighted with the non-scientific theories, such as the lot, and stand against the dynamics of the science of law. There is no doubt that our rights require legislative intervention in this regard, but prosecutors can, as an example, take risks in such matters, asking for liability in general and even anonymous, and asking them for non-interference in the entry of losses. In other words, according to the circumstances of each case, they accept the participation of anonymous and incitemental devices in the risk of injury, and to rule out the responsibility of the group in proportion to the degree of danger posed by each. These strategies will result in a balance between loss rights and potential importers.

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