

The Relationship Between Civil and Criminal Liability in Iranian and English Law

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This study examines the intricate relationship between civil and criminal liability within the legal frameworks of Iran and England, highlighting their conceptual, procedural, and philosophical foundations. Employing a descriptive-analytical and comparative approach, the research explores how each system defines, distinguishes, and occasionally overlaps these two forms of responsibility. In Iranian law, shaped by Islamic jurisprudence and the Civil Code, civil and criminal liabilities are integrated within a unified moral-legal system, where a single wrongful act may entail both punishment and compensation. This integration reflects the Islamic conception of justice as the restoration of both divine and human rights through moral accountability and material restitution. In contrast, English law, rooted in common law traditions, establishes a clear institutional and procedural separation between public and private wrongs. Criminal law addresses offenses against public order through punishment, while tort law provides remedies for private injuries through compensation. Despite this distinction, English law allows limited convergence through compensation orders and restitution mechanisms. The comparative analysis reveals that while the Iranian system emphasizes moral and theological coherence, the English system prioritizes procedural fairness and evidentiary clarity. Yet both systems are increasingly converging under modern reforms emphasizing restorative justice, victim compensation, and proportionality. The study concludes that justice in both traditions requires a synthesis of retributive and restorative ideals, ensuring that legal responsibility encompasses both punishment for wrongdoing and the repair of harm. By examining these parallel yet intersecting approaches, the paper contributes to a deeper understanding of how moral, religious, and pragmatic principles shape the evolution of legal accountability across diverse legal cultures.

Keywords: *Civil liability; Criminal liability; Iranian law; English law; Comparative law; Restorative justice; Punishment; Compensation; Legal responsibility; Islamic jurisprudence.*

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1. Introduction

Liability, or legal responsibility, forms one of the most fundamental concepts in any system of law. It embodies the legal consequences that arise when a person violates a rule or causes harm to another, whether intentionally or negligently. In its broadest

sense, liability functions as a mechanism through which the legal order imposes accountability for conduct that disturbs social order or infringes the rights of others. The general concept of liability encompasses both the duty to repair harm and the obligation to submit to punishment or sanction. In moral and legal philosophy alike, liability



presupposes the capacity for choice, rationality, and foreseeability, which together justify holding a person answerable for his or her acts (Hart, 1961). From this theoretical foundation, two distinct yet sometimes overlapping branches have developed—civil liability and criminal liability—each with its own aims, principles, and procedural frameworks.

Civil liability, as articulated in both Iranian and English law, primarily concerns private wrongs where the objective is to restore the balance disturbed by unlawful behavior through compensation or restitution. It is a legal obligation that arises when one's act or omission causes damage to another person's property, body, or reputation. The Iranian Civil Code and related jurisprudence define civil liability as a duty to make good the harm caused by an unlawful act or by failure to perform a contractual duty (Katouzian, 2006). In the English legal tradition, this area is governed by the law of torts, which provides remedies for wrongs not arising out of contractual duties (Prosser, 1984). Foundational works such as *Clerk & Lindsell on Torts* describe civil liability as the legal obligation to compensate another person for injury or loss resulting from one's breach of duty imposed by law (Clerk & Lindsell, 2020). Although its specific doctrines differ, the unifying purpose of civil liability is compensatory and corrective justice, rather than punitive justice.

Criminal liability, in contrast, is directed toward offenses against the public order and moral fabric of society. It is concerned not with compensation but with punishment, deterrence, and reformation. In both systems, it presupposes the existence of an act or omission that constitutes a crime and the presence of criminal intent or recklessness (Simester & Sullivan, 2016). While civil liability rests on the principle of harm to an individual, criminal liability rests on the principle of harm to society. Iranian criminal law, as expressed in the Islamic Penal Code, emphasizes the moral and religious dimensions of human conduct, linking responsibility to intentionality and the presence of legal and mental capacity (Mirsaidi, 2017). English criminal law, shaped by centuries of common law development and later statutory codification, similarly requires proof of both a *mens rea* (guilty mind) and an *actus reus* (guilty act) to establish liability (C. M. V. Clarkson & H. M. Keating, 2010). In both jurisdictions, the notion of criminal responsibility functions as a cornerstone of justice, ensuring that

punishment is imposed only on those who can be deemed morally blameworthy.

Distinguishing between civil and criminal liability is essential for several reasons, both theoretical and practical. Theoretically, it ensures clarity of purpose within the legal system by differentiating between the private and public dimensions of wrongdoing. Civil law seeks to redress harm to individuals and restore equilibrium between parties, whereas criminal law aims to protect collective interests through punishment and deterrence. The failure to distinguish these domains can lead to confusion regarding the aims of justice, the applicable standards of proof, and the procedural safeguards required (Bāqeri, 2016). Practically, the distinction affects how cases are prosecuted and adjudicated. In civil cases, the plaintiff bears the burden of proof on a balance of probabilities, while in criminal cases, the prosecution must prove guilt beyond a reasonable doubt (Shams, 2011). This divergence reflects differing policy considerations: the need to compensate victims efficiently versus the need to prevent wrongful conviction.

In Iranian law, the relationship between the two forms of liability is particularly complex because both are deeply influenced by Islamic jurisprudence. The coexistence of *diyeh* (blood money) and criminal sanctions exemplifies how a single act can generate both civil and criminal consequences (Şadr al-Hosseini, 2016). The same wrongful act—such as an assault—may require the offender to compensate the victim while also facing punishment under public law. This duality reflects a conception of justice that is at once individual and communal, merging restorative and retributive elements. Scholars such as Khodābakhshi argue that while Iranian law formally distinguishes the two domains, in practice the procedural and substantive boundaries remain fluid (Khodābakhshi, 2020). This fluidity has given rise to debates about whether civil liability should be regarded as an independent regime or as a subordinate extension of criminal responsibility.

English law, by contrast, has historically emphasized a clearer institutional separation between tort and crime. Rooted in common law precedents, the English system recognizes that some actions may give rise to both criminal prosecution and civil remedies, but it treats each process as distinct in its purpose and procedure (Turner, 1994). The evolution of this distinction can be

traced back to early common law, where wrongs such as assault or theft could simultaneously involve private compensation and public punishment. Over time, however, English law came to regard civil liability as an instrument of private law, concerned with restoring victims rather than enforcing morality. As *Clarkson and Keating* note, this separation upholds the principle of legality and prevents the overreach of criminal law into private disputes (C. Clarkson & H. Keating, 2010). Nonetheless, modern English law retains certain areas of overlap, such as compensation orders in criminal sentencing, demonstrating that the relationship between civil and criminal liability continues to evolve in response to policy demands.

The significance of comparative legal studies between Iran and England lies precisely in exploring these different historical, philosophical, and procedural trajectories. Comparative inquiry allows scholars to uncover how distinct legal traditions conceptualize responsibility and balance the dual aims of justice—punishment and compensation. For Iran, a system drawing heavily on both Islamic jurisprudence and civil law traditions, the comparison with the English common law model offers valuable insights into how moral and secular principles can coexist within the framework of liability (Moṭāhari, 2010). For England, the study of Iranian law provides a lens through which to examine the normative foundations of responsibility beyond positivist legal frameworks. Such comparative analysis also aids in harmonizing transnational principles, particularly as globalization increases the interdependence of legal systems and the need for coherent doctrines in cases involving cross-border harm or criminal acts (Ṣadr al-Hosseini, 2016).

A central issue in both jurisdictions is the persistent ambiguity over the boundary between tort and crime. In Iran, certain offenses—such as negligence resulting in injury—blur the line between public and private responsibility, raising questions about whether such acts should attract punishment, compensation, or both (Bāqeri, 2016). In England, similar debates have emerged around the scope of criminal negligence and the use of punitive damages in civil actions (Clerk & Lindsell, 2020). The problem becomes particularly acute in cases involving corporate wrongdoing, medical malpractice, or environmental harm, where one act may simultaneously breach public duties and private rights. Scholars like

Amiri Qa'emmaqami argue that the root of this confusion lies in the lack of a coherent theoretical framework defining the nature of harm and fault across both domains (Amiri Qa'emmaqami, 2003). Likewise, Hart's analytical jurisprudence warns against conflating moral blameworthiness with legal liability, noting that the purposes of punishment and compensation must remain conceptually distinct (Hart, 1961).

This conceptual ambiguity has practical consequences. When the same act gives rise to both civil and criminal proceedings, courts must determine whether the outcomes of one process affect the other. In Iran, criminal judgments often influence civil claims through the doctrine of precedence, whereby a criminal conviction establishes fault for civil compensation. In English law, by contrast, findings in criminal cases do not automatically determine civil liability, though they may serve as persuasive evidence (C. M. V. Clarkson & H. M. Keating, 2010). These differences underscore the importance of understanding how each legal system structures the interaction between its private and public branches, both to ensure consistency within the law and to safeguard the rights of individuals.

Despite decades of scholarship, significant gaps remain in the understanding of how Iranian and English systems conceptualize and apply the relationship between civil and criminal liability. Iranian legal literature tends to focus on doctrinal exposition, often lacking comparative contextualization with Western legal thought (Khodābakhshi, 2020). English scholarship, on the other hand, frequently overlooks the rich moral and theological dimensions of responsibility that characterize Islamic law. Furthermore, in both jurisdictions, contemporary developments—such as restorative justice initiatives and hybrid sanctions—challenge traditional boundaries and call for renewed theoretical analysis (Simester & Sullivan, 2016). These gaps justify a systematic comparative study that integrates philosophical, doctrinal, and procedural perspectives.

Accordingly, the present article aims to analyze the relationship between civil and criminal liability in Iranian and English law through a descriptive-analytical and comparative approach. It seeks to answer the following questions: How do these two legal systems define and differentiate civil and criminal liability? What theoretical and procedural connections exist between

them? To what extent do shared principles of justice—such as fault, causation, and redress—operate similarly or differently across the two jurisdictions? By addressing these questions, the study hopes to contribute to a clearer understanding of how dual systems of liability can coexist within a coherent legal framework while serving the broader goals of justice and social order.

2. Theoretical and Conceptual Foundations

Civil liability, as one of the fundamental branches of legal responsibility, pertains to the obligation that arises when a person causes harm to another's person, property, or reputation through an unlawful act or omission. Its essence lies in the restoration of equilibrium between individuals disturbed by wrongful conduct. The foundation of civil liability in both Iranian and English law rests on the principle that one who inflicts damage upon another must repair it. However, each system develops this principle within its distinct historical and theoretical context. In Iranian civil law, this concept is explicitly articulated in the *Civil Code*, which was profoundly influenced by Islamic jurisprudence as well as by French civil law traditions. Iranian scholars such as Katouzian define civil liability as the legal obligation that compels a person to compensate another for harm caused by fault or breach of legal duty (Katouzian, 2006). This responsibility arises not only from intentional acts but also from negligence and omission, provided that three elements—fault, damage, and causal relation—are established (Amiri Qa'emmaqami, 2003). These elements reflect the moral and legal imperative embedded in Islamic law that no harm should be inflicted or reciprocated unjustly, a principle captured in the jurisprudential maxim *La darar wa la dirar fi al-Islam* (there shall be no harm and no reciprocating harm).

In the English legal tradition, civil liability is primarily governed by the law of torts. Tort law, unlike contract or criminal law, addresses wrongs that arise independently of any agreement or statute. As defined by Clerk and Lindsell, a tort is a civil wrong involving the breach of a duty fixed by law, resulting in damage to another (Clerk & Lindsell, 2020). The primary objective of tort law is to provide compensation for harm and to restore the injured party, as nearly as possible, to the position he or she would have been in had the wrong not occurred (Prosser, 1984). English courts historically developed the doctrine of civil liability through case law rather than

codification, drawing on judicial precedents to shape the principles of negligence, nuisance, defamation, and other wrongs. The classic case of *Donoghue v. Stevenson* crystallized the “neighbor principle,” emphasizing the moral and social duty to avoid acts or omissions that one can reasonably foresee would harm others. This emphasis on reasonableness and foreseeability highlights the pragmatic and moral foundations of English tort law, where liability stems not from abstract doctrine but from the need to maintain social harmony and accountability within a liberal society (Turner, 1994).

Criminal liability, by contrast, pertains to responsibility for violating public law and the moral order of society. It arises when an individual commits an act that is prohibited by law and deserving of punishment. The essential purpose of criminal liability is not to compensate for loss but to uphold the collective values of justice, order, and deterrence. In the Iranian legal system, criminal liability finds its roots in both the Islamic Penal Code and the moral philosophy of Sharia. The foundations of criminal liability revolve around the presence of *actus reus* (the external act) and *mens rea* (the internal intention), along with the principle of personal culpability (Mirsaidi, 2017). However, unlike Western legal systems, Iranian criminal law intertwines legal responsibility with moral and spiritual accountability. The offender is not merely punished for violating a statute but is also seen as having transgressed divine commands. Mirsaidi emphasizes that in Islamic criminal law, human beings are regarded as moral agents endowed with free will, and liability arises when they intentionally or negligently commit acts contrary to divine injunctions (Mirsaidi, 2017).

In English law, criminal liability similarly depends on the coexistence of a guilty act (*actus reus*) and a guilty mind (*mens rea*). As Simester and Sullivan explain, these two elements form the cornerstone of modern criminal jurisprudence, ensuring that liability attaches only where there is both a wrongful act and culpable intent (Simester & Sullivan, 2016). This dual requirement protects individual autonomy by distinguishing between moral fault and accidental harm. English criminal law has evolved through centuries of common law development, where judicial interpretation has refined concepts such as recklessness, intention, and negligence. Clarkson and Keating note that the moral justification for punishment

in English law lies in its retributive and utilitarian goals—retribution for wrongdoing, deterrence against future offenses, and rehabilitation of the offender (C. M. V. Clarkson & H. M. Keating, 2010). Thus, while civil liability is corrective in nature, criminal liability is punitive, reflecting the distinction between private redress and public sanction.

The theoretical foundations of civil and criminal liability in Iranian law can be traced to Islamic jurisprudence, which operates on a moral-legal synthesis rather than a purely positivist framework. The principle of fault (*taqsir*) plays a central role, linking liability to the presence of moral blame. The Iranian Civil Code and the Islamic Penal Code both rely on the triadic structure of fault, harm, and causation (*se-e rukn*), which together determine the existence of liability (Bāqeri, 2016). The concept of *fault* denotes deviation from normal or expected behavior, while *harm* (*zarrar*) refers to any physical, financial, or moral injury suffered by another. Causation (*asabiyyat-e sababi*) requires that a direct and foreseeable link exist between the wrongful act and the damage produced (Sadr al-Hosseini, 2016). In this sense, Iranian law harmonizes religious and rational elements: divine law defines moral responsibility, while human reason determines the factual chain of causation. The Qur’anic and juristic maxim that “no burdened soul shall bear the burden of another” further underscores the individualistic foundation of criminal and civil responsibility in Islamic thought.

Within this framework, Iranian jurists such as Khodābakhshi argue that while civil and criminal liabilities are conceptually distinct, their boundaries often overlap because both share a moral foundation (Khodābakhshi, 2020). For instance, in cases of intentional harm, both criminal punishment and civil compensation may be imposed concurrently. The offender’s culpability in the eyes of divine and human law demands both repentance and restitution. This duality exemplifies the integrative nature of Islamic legal reasoning, which resists strict compartmentalization between moral and legal consequences. As Moṭahhari observed, Islamic law conceives of justice not only as the restoration of external order but also as the purification of the soul through responsibility and repentance (Moṭahhari, 2010). Thus, punishment serves a spiritual as well as a social function, while compensation embodies the ethical duty to repair harm done to others.

The theoretical structure of civil and criminal liability in English law, though secular in foundation, similarly reflects moral philosophy. H.L.A. Hart’s analysis of responsibility emphasizes that the concept of legal liability presupposes both choice and understanding; individuals are only held liable when they possess the capacity to choose between lawful and unlawful conduct (Hart, 1961). English jurisprudence thereby rests on the philosophical notion of autonomy: liability must correlate with personal fault. Civil liability operates within the domain of corrective justice, where the goal is to right the imbalance caused by a wrongful act, whereas criminal liability operates within the domain of retributive justice, where the goal is to condemn and punish moral blameworthiness. In both cases, the law reflects a balance between freedom and accountability, ensuring that legal sanctions remain proportionate to the degree of personal fault.

At the level of institutional structure, Iranian and English laws diverge significantly in how they conceptualize and apply these principles. In Iran, the coexistence of religious, civil, and criminal legal sources produces an intertwined system. The Civil Code draws from Sharia in defining the moral conditions of liability, while the Islamic Penal Code codifies divine prohibitions into positive law. Bāqeri notes that Iranian legal reasoning does not treat civil and criminal liabilities as entirely separate but as interrelated manifestations of justice, often adjudicated within the same procedural framework when the same act produces both types of responsibility (Bāqeri, 2016). By contrast, English law strictly separates private and public wrongs in both doctrine and procedure. Tort law operates under civil courts with a compensatory aim, while criminal law functions under state prosecution to impose punishment. However, Turner observes that despite this institutional separation, the underlying moral principles—fault, harm, and causation—remain common to both systems (Turner, 1994).

The philosophical and moral foundations of liability in both systems revolve around the tension between punishment and compensation. In civil liability, the purpose is restorative: to repair the harm done and restore social harmony. In criminal liability, the purpose is retributive: to express societal condemnation and deter future misconduct. Yet both forms are bound by moral ideas of justice, fairness, and proportionality. In

Iranian thought, these purposes are unified within the divine framework of justice (*‘adl*), which integrates retribution and restoration as complementary, not opposing, objectives (Motahari, 2010). In English jurisprudence, Hart and later scholars conceptualized justice as a balance between individual liberty and social order, where civil and criminal laws perform distinct but cooperative roles (Hart, 1961).

A deeper comparison reveals that while both systems employ fault and causation as central criteria, their philosophical justifications differ. Iranian law, rooted in Sharia, views fault not merely as a deviation from human standards but as a moral breach against divine order. Compensation and punishment alike aim at moral restoration. English law, emerging from common law pragmatism and Enlightenment rationalism, views fault as a breach of societal norms rather than divine will. Its emphasis lies in maintaining predictability and fairness through precedent and statutory clarity (Simester & Sullivan, 2016). The distinction between *mens rea* and *actus reus* in English criminal law provides a rational framework for attributing guilt, while the tort principles of duty, breach, and causation serve as analytical tools for determining civil liability (C. Clarkson & H. Keating, 2010).

The contrast also extends to the moral status of intention and negligence. Iranian law, influenced by Islamic ethics, regards intention (*niyyah*) as central to determining the severity of punishment or compensation, distinguishing between deliberate wrongdoing and inadvertent harm (Mirsaidi, 2017). English law similarly distinguishes intentional from negligent acts, but its focus lies more on foreseeability and risk than on moral intention (Clerk & Lindsell, 2020). Both systems, however, recognize degrees of culpability and tailor liability accordingly, demonstrating that moral philosophy underpins even the most procedural aspects of legal reasoning.

Ultimately, the theoretical and conceptual foundations of civil and criminal liability reveal the dual nature of law as both a moral and a social institution. In Iran, the integration of divine and rational elements produces a holistic conception of responsibility that links legal duty with spiritual obligation. In England, the secularization of law results in a more compartmentalized but equally moral system, where responsibility derives from rational choice and social necessity. Despite their differing origins, both systems share a commitment to fairness,

fault-based liability, and the moral legitimacy of holding individuals accountable for harm and wrongdoing. This shared foundation underscores the universality of the idea that justice requires both reparation and retribution—each serving as a pillar of the broader architecture of legal responsibility.

3. Points of Convergence and Divergence Between Civil and Criminal Liability

The relationship between civil and criminal liability represents one of the most intricate intersections in legal theory and practice, where the boundaries between private and public justice often blur. In both Iranian and English legal systems, it is possible for a single wrongful act to generate dual consequences—civil and criminal—depending on its nature, intent, and effects. This intersection gives rise to what is known in Iranian doctrine as *tadākhul-e mas’ūliyyat*, or the overlap of liabilities, where the same conduct simultaneously violates private rights and public order. Although the two systems share the recognition of this overlap, they diverge significantly in their treatment of its implications, particularly regarding the aims of justice, standards of proof, and procedural mechanisms.

In Iranian law, the principle that one act can give rise to both criminal and civil liability has long been accepted, primarily because of the integrative nature of Islamic jurisprudence. Under the Islamic Penal Code, acts such as assault, fraud, or negligent homicide are not only offenses against society but also causes of harm to individuals, entitling victims to compensation alongside the imposition of punishment. For example, in the case of *qatl-e khata’* (involuntary manslaughter), the offender may face criminal sanctions while also being obliged to pay *diyah* (blood money) as civil compensation to the victim’s family (Bāqeri, 2016). This coexistence reflects the Islamic conception of justice as encompassing both retribution (*‘uqūbah*) and restitution (*ta’wīd*), ensuring that both divine and human rights are addressed. As Şadr al-Hosseini observes, the Iranian legal structure deliberately preserves this duality to maintain moral coherence between the divine and social dimensions of wrongdoing (Şadr al-Hosseini, 2016).

In English law, similar overlaps occur, though the conceptual framework is rooted in secular common law traditions. Acts such as assault, fraud, or dangerous driving can constitute both a crime and a tort. An

individual prosecuted for assault may also face a civil action for damages brought by the victim. Turner notes that this dual liability stems from the fact that the same conduct may infringe both public duties and private rights, creating distinct but concurrent causes of action (Turner, 1994). The criminal proceeding serves the public interest in punishment and deterrence, while the civil suit seeks compensation for the private harm suffered. Despite the overlap, English law maintains institutional and procedural separation between the two processes. The prosecution is carried out by the state, whereas the civil claim is pursued by the injured party. The independent operation of these two systems ensures that justice is served in both domains without one unduly influencing the other (Clerk & Lindsell, 2020).

The rationale for permitting this overlap lies in the differing purposes of each type of liability. In both systems, civil liability seeks to restore the injured party to their original position through compensation or restitution, while criminal liability aims to uphold public order by punishing the offender. Katouzian explains that in Iranian jurisprudence, compensation for harm addresses the rights of the individual (*haqq al-nās*), while punishment satisfies the rights of God (*haqq Allāh*) and society (Katouzian, 2006). This dual categorization means that a single act, such as theft, violates both domains: it infringes the victim's property rights and the social order maintained by divine and statutory command. Similarly, in English law, criminal prosecution does not preclude a subsequent civil claim, because each proceeding pursues distinct objectives. Prosser emphasized that tort law is not designed to punish but to compensate, and criminal law is not meant to restore but to condemn (Prosser, 1984). Thus, even when the same facts underpin both actions, their conceptual and moral foundations remain different.

However, divergence arises in several critical areas, particularly regarding burden of proof, intention, and sanction. In Iranian civil law, liability is established based on a preponderance of evidence, where it suffices to show that harm occurred and that the defendant's act was its probable cause. Criminal liability, however, demands certainty of guilt (*yaqīn*), grounded in the principle that punishment cannot be imposed on doubt. Mirsaidi observes that this distinction reflects the higher moral gravity of criminal punishment compared to civil redress, since criminal sanctions implicate the offender's

honor and freedom (Mirsaidi, 2017). Similarly, English law differentiates between the evidentiary thresholds of "balance of probabilities" in civil proceedings and "beyond reasonable doubt" in criminal trials (C. M. V. Clarkson & H. M. Keating, 2010). This distinction safeguards against excessive state coercion while allowing victims to obtain redress through a more flexible civil process.

The element of intention, or *mens rea*, also demarcates the two forms of liability. In Iranian criminal law, liability depends heavily on the presence of intentionality or recklessness, as rooted in Islamic doctrine, which links punishment to the moral culpability of the actor (Moṭāhari, 2010). By contrast, civil liability may arise even in the absence of moral fault if harm results from negligence or breach of duty. The concept of *taqsir* (fault) in civil law extends beyond intentional wrongdoing to encompass careless or imprudent behavior (Bāqeri, 2016). English law similarly distinguishes between intentional and negligent acts, but its focus is less moral and more pragmatic. As Hart explained, criminal law presupposes moral blameworthiness, while civil law is primarily concerned with risk allocation and corrective justice (Hart, 1961). Thus, a negligent driver causing injury may face both civil and criminal proceedings, but the former addresses the harm suffered, whereas the latter addresses the moral culpability for violating public safety norms.

Sanctions represent another major point of divergence. Civil liability results in monetary compensation, restitution, or specific performance, aiming to restore balance between the parties. Criminal liability, conversely, imposes punitive measures such as imprisonment, fines, or corporal punishment. Khodābakhshi notes that the Iranian legal system occasionally blurs this line when civil remedies take on punitive characteristics, as in the case of *diyeh* where the amount may be fixed by religious texts rather than by the actual harm assessed (Khodābakhshi, 2020). In English law, by contrast, punitive damages in civil cases are exceptional and serve only to deter egregious misconduct, whereas punishment remains the exclusive domain of criminal courts (C. Clarkson & H. Keating, 2010). This reflects the English commitment to procedural fairness and proportionality in distinguishing the moral gravity of crime from the compensatory aims of tort.

The Iranian doctrine of *tadākhul-e mas'ūliyyat* (double liability) occupies a significant place in this discussion. It denotes the situation where a single act triggers both civil and criminal obligations. Shams explains that Iranian courts are bound by procedural rules that prioritize criminal proceedings when both forms of liability arise from the same act (Shams, 2011). This rule reflects the principle that determination of criminal guilt must precede civil adjudication, as the criminal judgment may have binding effects on subsequent civil claims. For example, a criminal conviction for fraud establishes the fault element required for the victim's civil action for damages. This practice aligns with the notion of *res judicata*, whereby the factual determinations in criminal court may preclude contradictory findings in civil proceedings. However, as Bāqeri observes, this mechanism also risks conflating the distinct evidentiary and moral standards of each system, potentially undermining fairness for defendants (Bāqeri, 2016).

In English law, while there is no equivalent of *tadākhul-e mas'ūliyyat*, similar concerns arise through doctrines of double jeopardy and issue estoppel. Double jeopardy, grounded in the principle that no person should be tried twice for the same offense, serves to protect individuals from repeated criminal prosecution. However, this protection applies only within criminal proceedings and does not bar civil claims based on the same conduct (Simester & Sullivan, 2016). For instance, a person acquitted of assault in criminal court may still be found liable in tort for battery, as the two processes apply different standards of proof and serve different ends (Turner, 1994). Likewise, criminal findings may serve as persuasive evidence in civil cases but are not conclusive, preserving the autonomy of each domain. This separation, as explained by Clarkson and Keating, prevents the state's punitive apparatus from dominating private law while still enabling victims to seek redress (C. M. V. Clarkson & H. M. Keating, 2010).

The interaction between the two systems also manifests in the treatment of restitution and compensation orders. In Iran, the fusion of civil and criminal responsibility allows courts to order compensation within criminal judgments, particularly in cases of bodily injury or property loss (Sadr al-Hosseini, 2016). This integrated approach reflects Islamic law's holistic vision of justice, where moral repentance is inseparable from material reparation. English law has moved cautiously toward a

similar integration through statutory provisions permitting criminal courts to impose restitution orders alongside punishment. However, as Clerk and Lindsell emphasize, such measures remain ancillary to the main punitive objectives of criminal proceedings and do not replace the victim's right to bring a separate civil action (Clerk & Lindsell, 2020).

Doctrinally, the most contentious issue concerns the extent to which the outcome of one proceeding should influence the other. In Iran, the principle of *res judicata* grants binding authority to criminal judgments in civil claims arising from the same act, particularly with respect to establishing fault and causation (Shams, 2011). This practice is justified by the assumption that criminal courts, applying stricter evidentiary standards, produce more reliable findings. Yet this interdependence also creates difficulties when criminal acquittal prevents legitimate civil compensation, even when harm is evident but intent cannot be proven beyond doubt (Khodābakhshi, 2020). In England, by contrast, the separation of civil and criminal adjudication allows victims to succeed in tort even when the defendant is acquitted in criminal court, as famously illustrated in cases involving wrongful death or personal injury. This flexibility reflects the English preference for maintaining distinct procedural purposes and ensuring access to justice through multiple avenues.

From a philosophical standpoint, these divergences illustrate differing conceptions of justice. Iranian law, inspired by Islamic and moral jurisprudence, envisions justice as a unified whole encompassing both retribution and restoration. Hence, the coexistence of civil and criminal liability is viewed as complementary rather than contradictory (Moṭahari, 2010). English law, by contrast, adheres to a compartmentalized vision of justice rooted in liberal rationalism, where public and private wrongs serve separate social functions. As Hart argued, separating punishment from compensation ensures that neither moral condemnation nor material redress is compromised (Hart, 1961).

Despite these differences, both systems reveal convergence in their shared commitment to the principles of fault, harm, and causation as the core of legal responsibility. Each recognizes that justice demands both accountability to society and restoration to the individual. Iranian law achieves this through the synthesis of religious and civil principles, while English

law achieves it through procedural differentiation and evidentiary flexibility. Both legal traditions, in their own ways, seek to prevent impunity while ensuring fairness, reflecting the universal challenge of reconciling the dual aims of retribution and restitution in the pursuit of justice.

4. The Relationship Between Criminal and Civil Proceedings

In Iranian law, the relationship between criminal and civil proceedings reflects the integrated structure of a legal system shaped by Islamic jurisprudence and civil law traditions. When a single act produces both criminal and civil consequences, the law requires that these interconnected aspects be handled in an orderly and principled manner to safeguard the integrity of justice. The general rule under the Iranian *Code of Criminal Procedure* grants priority to criminal proceedings when both liabilities arise from one act. This priority stems from the principle that the determination of criminal guilt and the factual establishment of wrongdoing must precede the civil adjudication of damages. As Shams notes, the reason for this procedural hierarchy is that criminal liability entails stricter evidentiary standards, and its findings often determine key elements relevant to civil responsibility, such as fault and causation (Shams, 2011). Consequently, if an act constitutes both a crime and a civil wrong, the criminal court first adjudicates the matter, and its ruling—especially regarding the existence of fault—binds or strongly influences subsequent civil proceedings (Bāqeri, 2016).

This procedural arrangement finds its justification not only in legal pragmatism but also in the moral philosophy underlying Iranian law. The unity of moral and legal accountability in Islamic jurisprudence demands that public justice, which concerns the rights of God (*ḥaqq Allāh*), be restored before private justice, which concerns the rights of individuals (*ḥaqq al-nās*) (Ṣadr al-Hosseini, 2016). Thus, the criminal process takes precedence because it embodies the moral condemnation of the act and upholds public order, while the civil process, focusing on compensation, restores equilibrium between individuals. However, both aspects ultimately converge in the pursuit of justice as a unified whole. As Katouzian explains, the Iranian conception of liability does not perceive criminal and civil domains as isolated; rather, they are two facets of the same moral-

legal obligation that arises when harm is inflicted (Katouzian, 2006).

Under the Iranian system, once a criminal act is established, the court may simultaneously issue rulings concerning both punishment and compensation. This dual authority stems from the integrated jurisdiction of Iranian criminal courts, which allows them to determine all related consequences arising from a single wrongful act. For example, in cases of bodily harm or homicide, the criminal judge may impose *qisās* (retribution) or *ta'zīr* (discretionary punishment) alongside ordering *diyeh* (blood money) to the victim or their heirs (Bāqeri, 2016). The *diyeh* serves as a civil remedy grounded in Islamic law and functions as restitution for the private harm caused by the crime. This coexistence of punishment and compensation reflects the principle of comprehensive justice (*ʿadl-e kāmel*), which aims to restore both social order and personal dignity. As Moṭāhari explains, Islamic justice demands not only the correction of moral wrongs through punishment but also the rectification of material and emotional losses suffered by victims (Moṭāhari, 2010).

In practice, the sequence of proceedings in Iran is carefully structured to preserve the hierarchy between public and private claims. If a criminal complaint and a civil lawsuit are filed concurrently, the civil case is typically suspended until the criminal case reaches a verdict. This suspension prevents contradictory judgments and ensures that the findings of the criminal court, particularly regarding the existence or nonexistence of the wrongful act, are authoritative. Khodābakhshi emphasizes that this procedural rule serves both efficiency and coherence: criminal courts, applying higher standards of proof, establish the factual foundation upon which civil liability can later be assessed (Khodābakhshi, 2020). If the defendant is acquitted in the criminal case because the act itself is not proven, the corresponding civil claim for damages based on that act usually collapses as well. However, if the acquittal results from lack of intent while harm is still proven, the injured party may still pursue civil compensation based on negligence or lack of due care (Bāqeri, 2016).

The interrelationship between the two proceedings also reflects the unity of the Iranian judicial structure. Criminal judges are empowered to address civil claims incidental to criminal cases, a practice that consolidates

judicial efficiency and ensures that victims receive both justice and compensation in a single process. As Šadr al-Hosseini points out, this integration derives from Islamic legal principles where the notions of punishment (*‘uqūbah*) and compensation (*ta‘wīḍ*) coexist harmoniously within the same judgment (Šadr al-Hosseini, 2016). For example, in cases of theft or fraud, the court may both impose criminal sanctions such as imprisonment and order restitution of the stolen property or equivalent value to the victim. Similarly, in homicide cases, the court’s decision may simultaneously declare the criminal responsibility of the perpetrator and fix the amount of *diyeh*. This dual judgment ensures that both the moral condemnation of the act and the victim’s material right to compensation are fulfilled.

Nevertheless, this integrated approach raises theoretical and practical challenges. One persistent issue concerns the potential tension between the punitive and compensatory functions of the same judgment. As Mirsaidi observes, the coexistence of criminal punishment and civil compensation can create ambiguity in the proportionality of sanctions (Mirsaidi, 2017). For instance, when the same act is punished by imprisonment and also leads to a heavy compensation order, the total burden on the offender may appear excessive. Iranian scholars have debated whether such cumulative liability aligns with the principle of fairness in punishment or violates the prohibition against double jeopardy. Bāqeri argues that because each form of liability serves a distinct purpose—public retribution and private redress—their coexistence does not constitute duplication but rather a holistic realization of justice (Bāqeri, 2016).

In contrast, English law maintains a clearer separation between criminal and civil proceedings, a distinction rooted in the structure of common law and the principle of procedural independence. Criminal cases are prosecuted by the state, representing the public interest, while civil cases are initiated by private individuals seeking compensation. Yet, despite this institutional division, English law recognizes certain points of overlap where civil remedies can follow criminal convictions or be integrated through specific statutory mechanisms. One of these mechanisms is the *compensation order*, which allows a criminal court, upon conviction, to order the offender to pay monetary compensation to the victim. As Clarkson and Keating explain, such orders

represent a limited convergence of public and private justice, ensuring that victims receive tangible redress without resorting to separate civil proceedings (C. Clarkson & H. Keating, 2010).

However, the compensation order in English law does not replace the civil right of action. Victims may still file a tort claim for damages, even after receiving compensation through a criminal judgment. Clerk and Lindsell emphasize that the two remedies operate under distinct procedural and evidentiary frameworks, preserving the independence of civil justice (Clerk & Lindsell, 2020). This separation ensures that the punitive objectives of criminal law—deterrence and retribution—do not overshadow the compensatory aims of private law. It also prevents conflicts of interest, since the prosecution acts on behalf of the state rather than the victim, whereas civil plaintiffs represent their own interests.

The contrast between the integrated Iranian model and the compartmentalized English model is well illustrated through case law. In English jurisprudence, *R v. Brown* (1994) exemplifies the strict delineation between criminal wrongdoing and private consent. In that case, the defendants were convicted of assault despite the consensual nature of their acts, affirming that certain harms, even when consented to, remain matters of public concern. The case underscores how criminal law in England operates to protect societal morality and welfare beyond the private sphere of individual relationships. In contrast, *Donoghue v. Stevenson* (1932), a landmark tort case, established the modern principle of negligence, where liability arises from breach of a duty of care owed to one’s neighbor. The two cases demonstrate that English law maintains distinct pathways for addressing public and private wrongs: *R v. Brown* focuses on punishment for conduct deemed socially injurious, while *Donoghue v. Stevenson* concentrates on compensating harm caused by carelessness.

Policy rationales underpinning this separation are grounded in both efficiency and fairness. As Hart observed, separating criminal from civil law safeguards individual liberty by limiting the coercive power of the state to cases of genuine moral blameworthiness (Hart, 1961). It also ensures that private disputes are resolved through negotiation and compensation rather than public punishment. English courts and scholars have traditionally resisted full integration of criminal and civil

remedies, fearing that conflating them would dilute the distinct objectives of each system. Simester and Sullivan argue that criminal law's legitimacy rests on its focus on public condemnation and deterrence, while tort law's legitimacy derives from its focus on corrective justice and individual rights (Simester & Sullivan, 2016). The coexistence of both systems, therefore, allows society to address different dimensions of wrongdoing without compromising procedural integrity.

Yet, despite the formal separation, English law acknowledges areas of functional overlap. Following a criminal conviction, the findings of guilt can be used as *prima facie* evidence in a subsequent civil claim, expediting the process for victims seeking compensation. Similarly, in cases of fraud or corruption, civil recovery proceedings may follow criminal prosecution to reclaim unlawfully acquired assets. These mechanisms reveal that while English law preserves the doctrinal distinction between crime and tort, it also seeks practical coordination to enhance the overall effectiveness of justice (Turner, 1994).

By contrast, Iranian law's integrated approach is guided by a different policy rationale—one rooted in moral and theological unity. In the Islamic legal worldview, justice is indivisible; it cannot be partitioned between public and private spheres. Therefore, the same judicial authority that declares guilt must also restore the rights of the injured party. Moṭahari describes this model as a moral continuum where law functions as an instrument of both spiritual purification and social restoration (Moṭahari, 2010). The fusion of punishment and compensation ensures that neither divine rights nor human rights remain unsatisfied. However, critics like Khodābakhshi caution that excessive overlap between the two domains may burden criminal courts with complex civil disputes, potentially undermining procedural efficiency (Khodābakhshi, 2020).

Ultimately, the relationship between criminal and civil proceedings in both Iran and England reflects distinct legal philosophies. Iran's system, rooted in Sharia and civil law, integrates public and private justice under a unified judicial authority, reflecting a holistic conception of morality and law. England's system, shaped by common law pragmatism and liberal philosophy, maintains a clear procedural boundary but allows limited points of convergence for practical justice. Despite these differences, both systems share a common

goal: to ensure that every wrongful act yields full accountability, addressing both the moral dimension of guilt and the material dimension of harm. Whether through integration or separation, both legal traditions demonstrate that the equilibrium between punishment and compensation lies at the heart of any coherent system of justice.

5. Comparative Analysis and Discussion

A comparative analysis of the relationship between civil and criminal liability in Iranian and English law reveals two legal traditions that, while fundamentally different in origin and structure, converge on shared values of justice, accountability, and social harmony. The synthesis of findings from both systems demonstrates that the distinction between civil and criminal liability—although clearly delineated in theory—often becomes intertwined in practice. In Iranian law, influenced by Islamic jurisprudence, civil and criminal responsibilities are seen as complementary dimensions of a single moral and legal obligation. The same act that harms society is simultaneously considered to have violated the private rights of individuals, necessitating both punishment and restitution (Ṣadr al-Hosseini, 2016). English law, by contrast, evolved within a secular, common law framework that draws a firm procedural and conceptual line between public wrongs (crimes) and private wrongs (torts). Yet, despite this formal separation, both systems recognize that complete justice cannot be achieved without addressing both the public and private dimensions of wrongdoing (Turner, 1994).

At the philosophical level, the Iranian and English approaches reflect two contrasting conceptions of justice: restorative and punitive. Iranian law, grounded in Islamic theology, regards justice as the restoration of moral and social equilibrium. When wrongdoing occurs, the aim is not only to punish but also to repair the harm done to victims and restore harmony within the community (Moṭahari, 2010). This restorative orientation manifests in the integrated handling of criminal and civil aspects of cases, where judges may impose both criminal sanctions and civil compensation within the same ruling, as seen in the application of *diyyeh* (blood money) or restitution orders (Bāqeri, 2016). The foundation of this model is the Qur'anic principle of *'adl* (justice) and *ta'wīḍ* (reparation), which insists that harm be corrected and balance restored. English law, on the

other hand, is primarily rooted in the philosophy of retributive and deterrent justice. It conceives of punishment as a means of affirming the moral authority of the state and deterring future violations, while compensation belongs to the sphere of private justice (Simester & Sullivan, 2016). Civil liability thus functions independently from the moral condemnation of crime, focusing instead on the equitable redistribution of losses. Despite their philosophical divergence, both systems reveal an implicit overlap between restorative and punitive principles. In Iranian law, criminal punishment carries an element of moral restoration, as it seeks to rehabilitate the offender and reaffirm social and spiritual values. Conversely, civil liability may serve quasi-punitive purposes when compensation is substantial or fixed by religious standards rather than by the actual extent of harm (Katouzian, 2006). In English law, although punishment is the primary aim of criminal proceedings, the growing use of compensation orders and restorative justice programs reflects an increasing awareness of the need for victim-centered redress (C. Clarkson & H. Keating, 2010). Thus, both systems demonstrate a gradual convergence toward a more holistic conception of justice that combines moral accountability with material restoration.

In evaluating the practical implications of dual liability, it becomes evident that both systems face the challenge of balancing coherence with comprehensiveness. In Iran, the integration of civil and criminal proceedings ensures that victims' rights are directly addressed within the same judicial framework. The offender not only faces punishment for violating public law but also must compensate for private harm, providing a sense of closure for victims. However, this integration sometimes leads to concerns about proportionality and procedural complexity. As Khodābakhshi notes, the simultaneous imposition of punitive and compensatory obligations can overburden defendants and blur the distinction between moral guilt and civil fault (Khodābakhshi, 2020). This issue is particularly evident in cases where negligence produces harm without criminal intent—such as medical malpractice or accidental injury—yet the same act triggers both criminal prosecution and civil compensation. The system's strength lies in its moral coherence, but its weakness lies in the potential for excessive overlap between domains designed to serve different objectives (Bāqeri, 2016).

English law, by contrast, resolves this tension through procedural and institutional separation. Criminal courts adjudicate guilt and impose punishment, while civil courts determine liability and damages. This division prevents duplication of sanctions and ensures that the evidentiary thresholds appropriate to each domain are respected. Yet, as Clerk and Lindsell observe, the separation may also fragment justice by forcing victims to pursue separate legal actions to obtain both recognition of wrongdoing and financial compensation (Clerk & Lindsell, 2020). To mitigate this, English law allows for partial convergence through compensation orders in criminal sentencing, civil recovery following conviction, and the admission of criminal findings as evidence in tort actions (C. M. V. Clarkson & H. M. Keating, 2010). These mechanisms enhance procedural efficiency and provide victims with greater access to remedies without fully eroding the doctrinal distinction between civil and criminal liability.

A central question arising from this comparison is whether dual liability promotes justice or creates inconsistency. In principle, addressing both public and private dimensions of wrongdoing ensures that justice is comprehensive. However, in practice, it risks redundancy or disproportionate punishment. Iranian jurists like Mirsaidi argue that dual liability, when properly structured, enhances moral and legal coherence by aligning the offender's accountability to both divine and human law (Mirsaidi, 2017). The concept of *tadākhul-e mas'ūliyyat* (overlapping liability) thus functions as an embodiment of Islamic jurisprudence's integrative vision, where no aspect of harm—spiritual, moral, or material—is left unaddressed. Yet, this model also requires careful procedural safeguards to prevent injustice, such as clear guidelines distinguishing intentional from negligent acts and ensuring that compensation does not amount to a second punishment. English law, while more compartmentalized, faces its own inconsistencies when civil courts re-litigate issues already decided in criminal trials or when acquittals in criminal cases undermine victims' chances for civil redress. Hart cautioned that justice requires both consistency and flexibility: the law must adapt to the moral gravity of different wrongs without conflating their purposes (Hart, 1961).

Courts in both jurisdictions employ specific mechanisms to manage conflicts between civil compensation and

criminal sanctions. In Iran, the principle of the priority of criminal proceedings ensures that determinations of guilt are established before civil damages are awarded. The findings of the criminal court, particularly regarding fault and causation, are binding in subsequent civil claims, thus avoiding contradictory outcomes (Shams, 2011). However, this principle may sometimes disadvantage victims if a criminal acquittal prevents them from obtaining civil compensation despite the existence of harm. To address this, Iranian courts have developed exceptions allowing civil claims to proceed when harm is established independently of criminal guilt (Şadr al-Hosseini, 2016). In England, the opposite situation applies: civil proceedings can often follow or even precede criminal trials, as the two processes are treated independently. The lower evidentiary standard in civil cases enables victims to secure compensation even when the defendant is acquitted in criminal court, as demonstrated in several high-profile negligence and assault cases (Turner, 1994). This independence reinforces the principle of access to justice, though it occasionally produces moral tension when a person cleared of criminal wrongdoing is held financially liable for the same conduct.

Modern reforms in both legal systems indicate a gradual movement toward convergence, especially in the recognition of victims' rights and restorative justice principles. In Iran, judicial reforms and amendments to the *Islamic Penal Code* have emphasized the importance of reconciliation (*sulh*) and restitution as alternatives or complements to punishment. These reforms reflect a growing awareness that retribution alone cannot fully restore social harmony (Bāqeri, 2016). The inclusion of mediation and forgiveness in criminal proceedings also aligns with the Qur'anic principle of mercy (*rahmah*), reinforcing the moral dimension of justice. Similarly, English law has embraced restorative justice initiatives, such as victim-offender mediation and community sentencing, which aim to repair harm through dialogue and acknowledgment rather than solely through punitive measures. Clarkson and Keating note that these reforms reflect a shift from a purely state-centered model of justice to one that re-engages victims and communities in the process of resolution (C. Clarkson & H. Keating, 2010).

Another area of convergence is the growing emphasis on victim compensation as a central component of justice.

Both systems increasingly recognize that material restitution is not a mere adjunct to punishment but an essential element of fairness. Iranian law has long embodied this through the institution of *diyeh*, where the offender's responsibility to compensate the victim's family is inseparable from the moral obligation to atone for wrongdoing (Katouzian, 2006). English law, though historically focused on deterrence, has gradually adopted similar mechanisms through the *Criminal Injuries Compensation Scheme* and restitution orders imposed at sentencing (Clerk & Lindsell, 2020). These developments indicate a mutual acknowledgment that justice must encompass both public condemnation and private restoration.

From a broader jurisprudential perspective, the contrast between Islamic legal philosophy and common law pragmatism lies in their treatment of morality and social order. In Islamic jurisprudence, law and morality are inseparable; every legal judgment carries ethical significance. The integration of criminal and civil liabilities thus reflects a worldview in which justice is a unified moral order encompassing divine, social, and individual dimensions (Moṭahari, 2010). The Islamic emphasis on repentance, forgiveness, and compensation situates the offender's responsibility within a moral continuum, aiming to reform rather than merely punish. By contrast, the English common law tradition, shaped by centuries of pragmatic adjudication, separates moral and legal accountability to preserve the objectivity of the judicial process. It relies on precedent, evidentiary standards, and institutional specialization to ensure predictability and procedural fairness (Simester & Sullivan, 2016). Yet, as both systems evolve under the pressures of globalization and human rights discourse, their boundaries increasingly blur. Modern English reforms that prioritize victim restoration echo the moral imperatives long embedded in Islamic jurisprudence, while Iranian procedural modernization mirrors the English commitment to clarity and efficiency.

Ultimately, the comparative analysis reveals that both Iranian and English systems, though divergent in origin, are converging toward a more balanced understanding of justice—one that reconciles punishment with reparation, and moral accountability with procedural fairness. Iran's integrative model ensures that both divine and human rights are addressed, maintaining coherence between law and morality. England's dualist

model, while more compartmentalized, guarantees procedural independence and safeguards individual liberties. Both, however, demonstrate that justice in modern societies requires a synthesis of retributive and restorative ideals. Whether grounded in Sharia's moral theology or in common law's pragmatic empiricism, the evolution of civil and criminal liability in both systems reflects a shared human aspiration: to ensure that every wrong finds both moral and material redress within an equitable and humane legal order.

6. Conclusion

The relationship between civil and criminal liability in both Iranian and English law ultimately reveals a profound philosophical and structural dialogue between two conceptions of justice—one integrative and moral, the other differentiated and procedural. While their historical paths and cultural foundations diverge, both legal systems are animated by the same fundamental concern: how to ensure that wrongdoing receives a complete and fair response that addresses both the public order and the private harm it creates. The comparative exploration of these systems demonstrates that the pursuit of justice cannot be confined to punishment alone or limited to compensation; rather, it requires a synthesis that balances moral accountability with material restoration.

In the Iranian legal system, civil and criminal liabilities are perceived as two inseparable dimensions of a single act of wrongdoing. This unity stems from a deep moral vision rooted in Islamic jurisprudence, which conceives of justice as harmony between divine law, social order, and individual rights. When a wrongful act occurs, it is understood to have violated both the rights of God and the rights of human beings. Hence, the law must respond through both punishment and compensation, each serving a complementary function in restoring balance. This is vividly illustrated in cases where the same judicial authority issues a ruling encompassing both criminal sanctions and civil remedies, such as imprisonment combined with the payment of *diyah* or restitution. In this integrated model, the judge functions as both a guardian of public morality and a mediator of private redress. The Iranian approach reflects a holistic understanding of justice that seeks not only to penalize the offender but also to restore social peace and moral equilibrium.

However, this integration, while morally coherent, presents certain practical challenges. When punishment and compensation operate side by side within the same proceeding, questions arise about proportionality, procedural fairness, and the risk of overlapping sanctions. There is a delicate balance between ensuring that offenders are held fully accountable and preventing excessive legal burdens that may undermine the rehabilitative purpose of punishment. The Iranian judiciary, aware of this tension, has attempted to reconcile these objectives through procedural rules that prioritize criminal adjudication while preserving the victim's right to compensation. This sequence of proceedings—where criminal guilt is established before civil damages are awarded—reflects an attempt to maintain both legal coherence and moral integrity. The outcome is a system that seeks to unify ethics and law, viewing justice not as a mechanical process of punishment and payment, but as a moral journey toward reconciliation and balance.

English law, in contrast, builds its conception of justice on a clear separation between the domains of civil and criminal liability. This distinction is rooted in the evolution of the common law, which values procedural clarity, predictability, and the safeguarding of individual liberty against state overreach. Under this model, crime is defined as an offense against the public order and is therefore prosecuted by the state, while torts are viewed as private wrongs that give rise to individual claims for compensation. This division ensures that each form of liability operates under its own standards of proof, procedural safeguards, and institutional structures. Yet despite this separation, English law acknowledges that some acts—such as assault, fraud, or negligence—can simultaneously give rise to both criminal prosecution and civil action. The system manages these overlaps through procedural independence, allowing civil and criminal proceedings to coexist without undermining one another.

The strength of the English model lies in its procedural fairness and its capacity to protect the accused through distinct evidentiary standards. By maintaining a higher burden of proof in criminal cases and a more flexible one in civil claims, it ensures that justice serves both collective morality and private fairness. This compartmentalization prevents the overreach of punishment into domains meant for reparation and

guards against the moral conflation of fault with crime. However, this same separation can sometimes fragment justice by forcing victims to pursue parallel legal actions to achieve both recognition of guilt and compensation for harm. In response, English law has gradually adopted mechanisms of partial convergence, such as compensation orders and restorative justice initiatives, that integrate victim redress within criminal proceedings. These reforms signal an evolving recognition that punishment alone cannot fulfill the demands of justice unless it is accompanied by tangible reparation for those directly affected.

When examined together, the Iranian and English systems illustrate two complementary visions of justice: the moral unity of law and ethics on one hand, and the procedural autonomy of public and private wrongs on the other. The Iranian approach embodies an ideal of moral coherence—where every legal decision reflects divine and human balance—while the English system exemplifies a pragmatic architecture designed to preserve the rule of law through procedural compartmentalization. Each model offers strengths that the other lacks. The Iranian system's integration ensures that victims are not marginalized and that moral accountability remains central to the law, yet it risks inefficiency and overextension of criminal proceedings. The English system's separation ensures fairness and precision but can appear detached from the moral and emotional dimensions of wrongdoing. Together, they present two sides of a universal dilemma: how to reconcile the law's rational demands with humanity's moral aspirations.

The practical implications of these divergent approaches are equally significant. The Iranian model promotes a vision of justice that is communal, moral, and redemptive. It situates both offender and victim within a shared moral framework that emphasizes repentance, forgiveness, and compensation. This vision fosters social healing and moral reform, ensuring that punishment does not become an end in itself but a means toward reconciliation. In contrast, English law's pragmatism focuses on maintaining systemic integrity, ensuring that each branch of the law performs its distinct function efficiently. Its emphasis on due process, evidentiary rigor, and separation of powers reflects a secular vision of justice that prioritizes individual rights and legal certainty over moral synthesis. Yet even within this

framework, modern reforms have introduced a more restorative dimension, reflecting a global shift toward integrating moral and compensatory elements in criminal justice.

Both systems are increasingly influenced by contemporary legal and social developments that call for greater convergence between public and private justice. In Iran, modern interpretations of Islamic jurisprudence emphasize mercy, reconciliation, and social restoration over retribution alone. Concepts such as victim forgiveness, mediation, and restorative justice have gained prominence, signaling a gradual evolution from a purely punitive framework to one that values reconciliation. Similarly, English law has begun to recognize that justice cannot be achieved through punishment alone. The rise of restorative justice programs, victim support schemes, and restitution-based sentencing reflects an acknowledgment that victims play a crucial role in the moral economy of justice. Both systems are thus moving toward a shared understanding that true justice requires not only the punishment of wrongdoing but also the restoration of relationships and the healing of social wounds.

At a deeper philosophical level, the comparison between the two systems reflects differing but complementary attitudes toward the nature of law itself. Iranian law, drawing from Sharia, views law as inseparable from morality and divine command. Every legal judgment carries ethical weight, and every moral obligation implies a legal responsibility. This integration imbues the law with spiritual depth and moral significance, anchoring it in a transcendent conception of justice. English law, by contrast, sees law as a human institution designed to organize society rationally and predictably. Its legitimacy lies in procedure, precedent, and the consistent application of principles rather than in moral absolutes. Yet both systems, in their distinct ways, recognize that the legitimacy of law depends on its ability to resonate with the moral expectations of society.

In the modern era, the convergence between these traditions suggests an emerging universal ideal of justice that transcends cultural and doctrinal boundaries. The Iranian commitment to moral and social restoration complements the English dedication to fairness and procedural integrity. Both systems are gradually embracing principles of victim-centered justice, proportionality, and rehabilitation, moving toward a

more humane and comprehensive model. This convergence does not erase their differences but enriches the global understanding of how law can harmonize retribution with restoration.

In conclusion, the study of civil and criminal liability in Iran and England reveals that the tension between punishment and compensation, morality and procedure, is not a flaw but a defining feature of legal evolution. Justice in any system must navigate this tension, seeking equilibrium between moral responsibility and legal precision. The Iranian model demonstrates the enduring power of moral and theological integration in law, while the English model showcases the strength of institutional separation and procedural fairness. Each offers insights that can inform the other: Iran's emphasis on moral unity can inspire greater compassion in Western justice, while England's procedural rigor can enhance the efficiency and fairness of integrated legal systems. Together, they affirm that the ultimate purpose of law is not merely to punish or compensate but to restore the moral and social order in which human dignity and justice can coexist.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

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