



## Sexual Violation in Imami Jurisprudence: Conceptual Parameters and Normative Legal Implications

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### Abstract

This study investigates the conceptual parameters, operative typologies, and normative legal rulings associated with sexual violation in Imami jurisprudence. Sexual violation is defined as the unauthorized intrusion into an individual's sexual sanctity outside the framework of Sharī'a, carried out without valid consent and through the use of force, coercion, threat, deception, or inducement. The phenomenon is characterized by four essential components: the negation of consent, the use of coercive or deceptive means, the violation of sexual privacy, and the presence of an aggressor acting as an external agent. These criteria distinguish sexual violation from related categories such as fornication, adultery, and intercourse by mistake (*watī bi'l-shubha*). Whereas fornication and adultery rest on mutual consent, sexual violation is predicated upon the deliberate negation of the victim's volition. Likewise, *watī bi'l-shubha* arises from excusable ignorance or misidentification, while sexual violation involves intentional aggression manifested through force or fraudulent manipulation. These distinctions are crucial for identifying jurisprudential instances and determining the corresponding legal consequences. Within Imami legal doctrine, sexual violation is divided into two primary categories: violations involving full sexual penetration and violations that fall short of penetration. In cases below the threshold of penetration, the governing principle is the necessity of defending sexual sanctity, allowing a spectrum of defensive actions ranging from verbal warning to the permissibility of killing the aggressor, depending on the intensity of the threat. In cases involving full penetration, the killing of the perpetrator is recognized as a legitimate and final punitive measure; the aggressor's blood is classified as legally wasted, and no liability is assigned to the defender. Any resulting damages are attributed exclusively to the aggressor.

**Keywords:** sexual violation; sexual sanctity; defense of honor; Imami jurisprudence; Islamic legal theory.

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## Introduction

The phenomenon of sexual violation constitutes one of the most serious and multidimensional social harms, exerting profound consequences not only on the individual victim but also on the psychological and moral equilibrium of society as a whole. By infringing upon personal inviolability and violating the inherent rights accorded to every human being, this act becomes a subject of inquiry across social, cultural, and legal domains. Nevertheless, its juridical–theological analysis occupies a distinct position, as it can illuminate dimensions that remain insufficiently explored in non-legal disciplines. Given the breadth and diversity of its manifestations across different societies—particularly within Islamic communities—there is an undeniable need for a comprehensive, evidence-based, and jurisprudence-oriented examination of this phenomenon. Such an investigation can provide a robust foundation for developing effective strategies aimed at prevention, intervention, and victim protection. In this context, the systematic study of foundational concepts, empirical examples, relevant juridical rulings, and the extent to which these rulings align with contemporary social conditions constitutes the core of the present inquiry. The significance of such an examination lies in the fact that, within Islamic legal systems, jurisprudence and Sharia serve as central frameworks for shaping normative standards and moral values. Consequently, a precise fiqh-based analysis of sexual violation can simultaneously enhance theoretical understanding and strengthen legal and ethical protections for victims. Moreover, recent social developments and the growing public awareness regarding the rights of women and children highlight the necessity of revisiting certain jurisprudential perspectives. Many existing rulings were formulated in historical contexts markedly different from today’s social environment; thus, a contextual re-examination of these foundations has become increasingly essential. The primary aim of this study is to present a comprehensive analysis of the concept of sexual violation within Islamic jurisprudence, identify its principal forms, and assess the juridical rulings associated with it. Through this examination, the research seeks to open a pathway toward greater coherence between classical fiqh principles and the normative needs of contemporary Muslim societies

## 1. Concepts

### 1-1. Rape

The term *tajāwuz* derives from the Arabic root *jawz*, which originally denotes “crossing a limit, boundary, or designated threshold.” Lexicographical sources employ this meaning to indicate passing from one stage to another or transgressing established limits (Ma’ārif Lewis, 2000: 237). In Persian, the term has acquired a comparable semantic range and is used in the sense of “assault,”

“violation,” or “infringement of individuals’ rights and boundaries.” In the *Dehkhodā Dictionary*, *tajāwuz* is defined as “encroaching upon the rights and sanctity of persons without their consent” (Dehkhodā, 2011: 696). From sociological and cultural perspectives, the concept of rape may assume varying manifestations across different social and cultural contexts, as each society defines its own behavioral limits based on its ethical, legal, and value structures. Nonetheless, all definitions share a common core: the “violation of legitimate and recognized boundaries,” whether physical, psychological, social, or legal. Thus, in its broadest sense, rape denotes conduct that, by transgressing established customary, legal, or moral limits, infringes upon another’s freedom and dignity and disrupts social order. Within Islamic jurisprudence, the term *tajāwuz* is not explicitly defined as an independent technical concept. However, by analyzing the categories and cases discussed in juristic sources, a clear conceptualization emerges. Jurists, when referring to the violation of an individual’s sexual inviolability without consent, employ a range of terms that collectively encompass the notion of rape. These include *zinā-yi ikrāhī* (Ṭūsī, 2008, vol. 8: 10), *zinā bi-l-’unf* (Makārem Shīrāzī, 1998: 292), *ghasb al-farj* (Ṭūsī, 2021: 693; Ibn Barrāj, 1986, vol. 2: 519; Kulaynī, 1984, vol. 7: 189), and *ta’addī bi-l-zawja* (Khu’ī, 2001, vol. 2: 422; Waḥīd Khorāsānī, 2007, vol. 3: 495; Subḥānī Tabrīzī, 1923: 501). Each of these terms reflects a specific juristic formulation that corresponds to the broader concept of rape.

## 2. *Nāmūs* and Its Semantic Transformations

The second key concept in this study is *nāmūs*. This term is a *mu’arrab*—a naturalized borrowing—from non-Arabic languages, particularly Greek. Its Greek root is *nomos*, which originally signified “law” or “custom” (Liddle, H.G., 1940: 320). With its entry into Arabic, *nāmūs* evolved into a significant religious and cultural term, assuming meanings such as divine law, sacred ordinances, rule, command, honor, dignity, value, and sanctity (Fouad Afram Bustānī, 1996: 895; Ma’arīf Lewis, 1992: 839; Dehkhodā, 2011, vol. 2: 2945). In early Islamic centuries, *nāmūs* typically carried a sacred and metaphysical connotation, associated with revelation, divine law, and the celestial realm. In certain religious and mystical texts, it appeared in the sense of “the angel of revelation” or “the guardian of divine secrets,” and Gabriel was referred to as *nāmos al-akbar* (Ibn Bābawayh, 2016, vol. 1: 185–186; Quṭb al-Dīn Rāwandī, 1989, vol. 1: 83). This usage highlights the term’s metaphysical significance, which bore no direct connection to the social or ethical domain of human relations. Over time, however, the meaning of *nāmūs* shifted. In Arabic, it retained some of its sacred character, but in Persian language and culture, it gradually entered the sphere of social and moral life. Literary works of the

eighth Islamic century—such as *Chehel Nāmūs* by Ẓiyā' al-Dīn Nakhshabī—demonstrate this expanded usage beyond its earlier metaphysical meanings (Nakhshabī, 2009: 15). Later Persian texts, including the writings of Mīr Abū al-Faḥḥ Ḥusaynī Jorjānī (Jorjānī, 1983, vol. 2: 86) and Shaykh Bahā'ī (Shaykh Bahā'ī, 2007: 606), increasingly applied *nāmūs* to denote personal and familial honor, particularly that pertaining to women. The term thus underwent a semantic shift away from its earlier sacred associations. This transformation became fully consolidated during the Safavid era and especially in the Qajar period. In historical, literary, and juristic texts of these eras, *nāmūs* predominantly referred to women, family honor, and chastity. For instance, Mīrzā Qummī, in *Jāmi' al-Shatāt*, uses the expression “violation of people’s *nāmūs*” (Mīrzā Qummī, 1992, vol. 1: 23), a usage that clearly reflects the term’s social and gendered meaning, with no remaining emphasis on its earlier sacred dimensions. In contemporary Iranian discourse, especially in literature addressing *hijāb* and its defense, *nāmūs* has become a central marker of female and familial honor, with its metaphysical and philosophical connotations largely set aside. Thus, the historical trajectory of the term *nāmūs* reveals its gradual semantic shift from a sacred and metaphysical concept to a predominantly social and ethical one, ultimately becoming a symbol of honor, dignity, and the protective boundaries surrounding women and family in Iranian cultural thought.

### 2-1. Honor as a Conventional Concept

Considering the historical development of the concept of honor and its latest interpretations, it can be stated that today "honor" refers to dignity, reputation, and social standing; these meanings are fully realized when they are associated with a specific subject or individual. However, what constitutes "honor" and under which conditions it applies depends on prevailing social norms and conditions, which may vary across time and space. In other words, in one society, the protection of a particular subject may be regarded as a sign of dignity and reputation, whereas in another society such an understanding may not exist. Even within a single society, these interpretations may change over time, and what was once considered a symbol of honor may lose its significance in a later period (Afshar Kabiri, 1403: 72–75).

Accordingly, "honor," as a social and conventional concept, is contingent upon the object to which it is attributed and is subject to temporal and spatial variation. This concept is fluid and relative, transferring from one instance to another in accordance with the culture, norms, and historical transformations of different societies.

### 2-2. Honor in Islamic Jurisprudence

Although the concept of "honor" has deep cultural and conventional roots,

within the framework of Islamic jurisprudence it is specifically restricted to the female gender within the family context. This concept is widely employed in jurisprudential literature and pertains to various aspects such as "sexual betrayal, violation of honor, desecration of honor, and defense of honor." In all these discussions, the primary focus is on females within the family, particularly the spouse, as the principal embodiment of honor (Ali Meshkini, 1392: 415). Thus, in fiqh, the main referent of honor is the female (mother, sister, daughter, and spouse), with particular emphasis on the spouse. The application of terms combined with honor in jurisprudence can be traced to contexts such as coerced sexual intercourse, forced sexual acts, and the usurpation of genital sanctity, where the primary focus in the texts is on the spouse and, secondarily, on other females (Sobhani Tabrizi, 1418, Vol. 1: 508).

### **3. Violation of Honor**

The concept of violation of honor emerges from the combination of the elements of assault and honor, referring to a situation in which sexual assault constitutes not only a breach of personal autonomy but also an infringement upon the dignity, reputation, and social standing of the individual and their family. In this type of violation, the act extends beyond the individual, as the perpetrator, by undermining familial respect and honor, imposes a deeper layer of harm. Therefore, violations of honor, by virtue of their connection to the concept of honor, transcend individual crimes and acquire social and reputational dimensions.

#### **3-1. Conceptual Components of Violation of Honor**

As one of the most serious offenses against human dignity, violation of honor is consistently defined in legal and social literature by reference to elements such as lack of consent, use of force, and intrusion into sexual sanctity (Haji Deh Abadi et al., 1392: 39). Due to its profound individual and social consequences, it requires careful examination within the framework of its conceptual components. Understanding these elements provides a clearer perspective on the phenomenon and assists in developing appropriate preventive measures.

##### **3-1-1. Lack of Consent**

The first component is the absence of consent. Consent must be expressed consciously, explicitly, and without any form of coercion, threat, or external pressure. If an individual is unable to freely provide consent for any reason, any sexual act constitutes an assault (Khademi & Jafari, 1392: 252 ff.). Although jurisprudential texts do not explicitly use the term "violation of honor," a careful review of relevant rulings indicates that these rules are primarily applied when

consent is absent. For instance, in discussing the legal ruling on the blood of the offender, Saheb Riaz refers to terms such as compulsion and resistance: “*Kadha law kabara imra’ah aw jariya ‘ala nafsaha, aw ghulaman li yaf’ala bihima muharraman fa dafa’a kulluhum fa adda al-daf’ ila talfihi*” (Tabatabai Haeri, 1418, Vol. 16: 163–164). Since the opposite of compulsion is consent, it can be inferred that lack of consent is a key element in defining assault in jurisprudential sources. This concept is similarly evident in other fiqh texts (Tabatabai Karbalaee, 1368, Vol. 3: 392; Mohaghegh Helli, 1376, Vol. 1: 226).

### **3-1-2. Use of Force, Threat, or Deception**

The second element involves the use of instruments such as physical force, threats, or deception. In these cases, the perpetrator compels the victim, directly or indirectly, to engage in or endure specific acts (Khademi & Jafari, 1392: 252 ff.). Terms such as *‘unf* (violence) (Montazeri, n.d.: 553 / Makarem Shirazi, 1377: 292), *makabara* (resistance) (Tabatabai Haeri, n.d., Vol. 2: 498), and *ikrah* (coercion) (Tabatabai Haeri, 1418, Vol. 16: 165) in fiqh texts similarly denote this element. Lexical sources confirm that these terms signify the application of force or threat (Al-Ain, 1409, Vol. 2: 157; Dekhoda, 1392, Vol. 2: 2023). With the expansion of digital technologies, this element has evolved; for example, threats to disseminate private images or information on social media constitute a contemporary form of coercion, while online deception, such as identity falsification or provision of false information, represents another modern manifestation of this element.

### **3-1-3. Intrusion into Sexual Sanctity**

The third component involves intrusion into the sexual domain of the individual. This intrusion must occur without the victim’s consent and may involve coercion, threat, or deception. It does not necessarily require full sexual intercourse (i.e., penetration) but includes any act targeting the individual’s sexual dignity. Fiqh texts refer to such acts with terms like *madun jama’* (Mohaghegh Helli, 1408, Vol. 4: 177), *madun al-farj* (Tusi, 1387, Vol. 8: 76), and describe behaviors such as kissing (Shaheed Awal, 1417, Vol. 2: 60), voyeurism (Khoui, 1422, Vol. 41: 423), or fondling. Today, sexual intrusion can also occur through digital means, including sending unsolicited sexual images or messages or illegally sharing private images, producing similarly severe psychological and social effects. In summary, the conceptual elements of violation of honor pertain both to respect for personal rights and dignity and to the manner in which the perpetrator employs force, threat, or deception. Together, these elements establish a comprehensive framework for defining the offense.

### 3-1-4. Perpetration by a Non-Spouse

The fourth element is that the act must be committed by a third party other than the husband. In other words, if a husband engages in sexual relations with his wife without her consent using coercion, this is not considered a violation of honor. This principle holds even in cases where the act is deemed religiously reprehensible or prohibited, such as anal intercourse, which, although considered disliked by jurists, is not categorically forbidden (Imam Khomeini, 1383, Vol. 3: 431; Mohammadi Zadeh, 1381, Vol. 2: 303). Similarly, non-permissible sexual relations between spouses, such as intercourse during menstruation (Saheb Jawaher, n.d., Vol. 3: 225) or specific occasions like Ramadan, I'tikaf, or fasting days (Imam Khomeini, 1392, Vol. 1: 250), though prohibited in fiqh, are not classified as violations of honor (Tabatabai Karbalaee, 1404, Vol. 1: 316). Violation of honor occurs when a sexual act is committed by a third party, targeting a female within the family (wife, daughter, mother, or sister), irrespective of whether the individual is married.

### 3-2. Classification of Honor Violations

Honor violations can be broadly classified into two categories: violations equivalent to zina and those below the level of zina.

- **Zina-level violation** involves non-consensual full sexual intercourse between individuals not legally related, which is recognized as one of the most severe offenses in Islamic law, subject to punishments such as execution, lashing, or even lawful killing.

- **Sub-zina violation** includes acts that do not constitute full sexual intercourse but still involve sexual intrusion, such as unlawful touching, kissing (Shaheed Awal, 1417, Vol. 2: 125), or other non-consensual sexual acts (Tusi, 1387, Vol. 7: 76; Mohaghegh Helli, 1408, Vol. 4: 177). Although punishments for these acts may be less severe than for zina, they remain violations of individual rights and dignity in both legal and religious frameworks. Both categories of violations justify the conceptual basis for defending honor.

### 3-3. Concept and Nature of Defending Honor

Non-permissible acts by a third party generate duties and obligations, the foremost of which is the legitimacy of defense; that is, the individual defending her honor is entitled and justified to protect it against the perpetrator. The question arises regarding the nature and essence of such defense. Three primary theories address this issue:

#### 3-3-1. Defense of Honor as an Exception to Criminality

The first theory considers defense of honor inherently criminal, as it may involve acts criminalized under penal law. However, due to its intrinsic

legitimacy and social and rational necessity, it is exempted from legal prosecution. In other words, although general criminal law dictates that criminal acts incur punishment, defense of honor constitutes an exception to this general rule, exempting the actor from legal liability (Rahimi-Moghadam, 1392: 134). Within this perspective, three sub-theories justify the exception: the natural right theory, the social compulsion theory, and the rights-based social consequence theory.

#### **A: Natural Rights Theory**

The first theory explains the exceptionality of this act based on “natural rights.” According to this perspective, the right to self-defense is one of the fundamental and inalienable human rights, granted by nature and independent of statutory laws or the will of social institutions (Karami & Ahmadi, 2020: 19). This right allows an individual to employ necessary means to defend against any threat to life, property, or dignity. Within this framework, defending one’s honor is regarded as a clear exercise of natural human rights and falls outside the scope of criminal behavior. Humans, by virtue of reason and innate nature, are entitled to protect themselves and their close relatives against sexual or dignity-related aggressions. Advocates of this theory argue that natural rights—such as keeping promises, preventing assault, freedom, independence, and legitimate defense—are rooted in human reason and nature, and are always valid and binding without the need for statutory confirmation (Rahimi-Moghaddam, 2013: 134). Consequently, defending honor is considered a universal principle of natural rights, non-transferable and perpetual, applicable beyond temporal, spatial, or cultural limitations.

#### **B: Social Compulsion Theory**

The second perspective, known as the “social compulsion theory,” views the defense of honor as a necessary reaction to preserve social order and stability. Although such defense may superficially involve actions classified as crimes, punishing the defender could disrupt public order, because when the state cannot fully ensure individual and social security, people are compelled to act to protect themselves and their families. Under this view, society permits individuals to undertake actions in emergencies that would otherwise be illegal. Social compulsion, therefore, represents a collective necessity, temporarily and exceptionally allowing legal flexibility. This theory has been acknowledged by jurists in France, Italy, and Egypt, where in certain analyses, the defender in cases of legitimate defense is considered a “special judge” acting on behalf of the state as the “general judge” with the authority to execute legitimate defense (Dawood Al-Attar, 2000: 24).

#### **C: Theory of Social Consequences of Defense**

The third theory justifies the exceptionality of defense based on its social

outcomes. According to this view, legitimate defense, particularly the defense of honor, gains legitimacy not because of innate human nature, but due to its social function. Society grants this right to maintain order and prevent chaos, allowing individuals to respond to aggression. In this context, defending honor is seen as a social act aimed at restoring societal equilibrium. As Guyer notes, the defender's action ensures the return of social order and is a natural response to disorder caused by aggression. Heiner, adopting a more duty-oriented approach, considers defense not only a right but a social obligation, compelling the defender to act to protect societal rights and prevent crime (Shams Natri, 2013: 141). In this framework, defending honor transcends individual action and is defined as a social necessity with deterrent effects, thus making the legal system recognize defense as both legitimate and desirable, promoting order, security, and social justice.

### **3-3-2. Defense of Honor as a Permissible Act**

The second perspective on the nature of defending honor considers it a permissible act. Unlike the first view, which treats defense as an excused crime, this approach holds that defending honor is fundamentally lawful and never constitutes a crime. In other words, this view sees the defense of honor as inherently outside the scope of criminality rather than as an exception. Notable proponents of this approach include Abdelkader Ouda and Dawood Al-Attar. Abdelkader Ouda explains that in contemporary statutory laws, legal defense is recognized as a right for the defender, though it is neither obligatory nor mandatory (Abdelkader Ouda, n.d., Vol. 1: 478). He emphasizes that while defense is lawful, there is no compulsion to exercise it. The difference between obligatory and permissive defense lies in moral accountability; in the former, failing to defend constitutes a sin, whereas in the latter, the individual may choose freely without incurring guilt. Dawood Al-Attar similarly asserts that legitimate defense rests on the principle of "original permissibility." In several European countries, including Germany, Denmark, and Spain, this principle is accepted, meaning that defense is generally considered lawful unless it exceeds its legitimate bounds, in which case it may be deemed a crime (Dawood Al-Attar, 2000: 28). Al-Attar further distinguishes "original permissibility" from "exceptional permissibility," stating that under the former, the individual can determine the legitimacy of defense without legislative approval, whereas in the latter, authorization by law is required (Dawood Al-Attar, 2000: 32). Thus, this perspective treats defense of honor as inherently permissible and outside the ambit of criminality, becoming a crime only if it exceeds lawful limits.

### **3-3-3. Defense of Honor as a Duty**

The third viewpoint considers the defense of honor as a religious and

obligatory duty. From this perspective, defending honor is not a crime but a divine obligation for a Muslim. Failure to defend against an attack on honor constitutes neglect of a religious duty and entails spiritual consequences. Twelver Shi'i jurists generally accept the principle of obligatory defense of honor, emphasizing that if an individual's life or family honor is threatened, defense is mandatory, even if it results in the death of the aggressor (Imam Khomeini, 2000, Vol. 1: 518). Some jurists, including Sahib al-Jawahir, stress that there is consensus on this principle (Sahib al-Jawahir, 2025, Vol. 41: 650). The obligation extends beyond self-defense to include defending the honor of others; if a Muslim encounters an assault on another's honor, they must intervene within their capacity, observing defensive hierarchies. If these steps are followed, resulting harm or even killing of the aggressor does not incur liability; however, neglecting these hierarchies may make the defender responsible (Mousavi Ardabili, 2012: 353). Jurists such as Sheikh Ja'far Kashif al-Ghita consider defending honor or life of a believer mandatory, contingent upon the possibility of saving the victim (Kashif al-Ghita, 2001, Vol. 4: 292). Thus, in Twelver jurisprudence, defense of honor is a religious and obligatory duty rooted in the protection of human dignity and family sanctity, with neglect carrying spiritual consequences.

### **3-4. Jurisprudential Rulings on Honor-Based Assault**

#### **3-4-1. Obligation to Defend**

As previously noted, Twelver jurists deem defense of honor not only permissible but obligatory, even when the assault is not fully consummated (Imam Khomeini, 2013, Vol. 1: 518). Some jurists regard this obligation as a matter of consensus (Sahib al-Jawahir, 2025, Vol. 41: 650). Key in this discourse is the meaning of terms such as "lahu man'ahu" and "lahu daffahu," employed in fiqh texts to denote the lawfulness of countering an aggressor. While these terms may initially suggest mere permissibility, contextual analysis indicates they signify an obligation to defend. Fazel Hindi, in *Kashf al-Litham*, clarifies that the jurists' use of "permissibility" in these contexts encompasses obligation (Fazel Hindi, 1997, Vol. 10: 649). He further emphasizes that when one faces an assault on personal or familial honor, they are obliged to prevent it to the best of their ability, and if the aggressor refuses to retreat, killing may be permitted or even obligatory, as defense in such cases is not merely allowed but mandated (Fazel Hindi, 1997, Vol. 10: 652). This reasoning is echoed across other jurisprudential sources, establishing defense of honor as a religious duty rooted in preserving sanctity, chastity, and human dignity.

#### **3-4-2. Blood of the Aggressor and Defender's Immunity**

Jurists unanimously agree that in cases of sexual assault, the blood of the

aggressor is considered void, and the defender bears no liability, even if the defense results in the aggressor's death. It is explicitly stated that one may defend their life, honor, and family, and if this leads to the aggressor's death, the defender is not held accountable (Tusi, 2008, Vol. 8: 76; Mohaghegh Helli, 1989, Vol. 4: 177; Allameh Helli, 1994, Vol. 5: 517; Imam Khomeini, 2013, Vol. 1: 518).

### **3-4-3. Permissibility of Killing the Aggressor if No Other Means Exist**

A key ruling in honor-based defense allows the killing of the aggressor when no alternative means can prevent the assault. According to jurisprudential principles, if an individual attempts to violate another's honor, the defender may act against them, and if the assault cannot be repelled except by killing, such action is permitted. In cases of full execution of the assault, the aggressor's blood is void and the defender bears no liability. Even during the preparatory phase of the assault, Twelver jurists—including Shahid Thani (1990, Vol. 9: 351) and contemporary jurists such as Khui (2003, Vol. 41: 422), Vahid Khorasani (2007, Vol. 3: 125), and Sobhani (2013: 501)—consistently uphold this ruling. The governing principle is “*al-as‘hal fa-l-as‘hal*,” requiring defenders to start with the least harmful measures and escalate only if necessary. Accordingly, extreme violence or lethal action is permissible only when less severe means fail to prevent the assault, ensuring proportionality between defense and threat. Exceptions exist when adherence to this order endangers the defender's life or honor, in which case stronger measures, even lethal ones, are justified due to imminent danger (Imam Khomeini, 2000, Vol. 1: 517). In sum, defending against honor-based assault is not only permissible but obligatory; if the aggressor is killed during defense, their blood is void, and the defender bears no responsibility.

## **Conclusion**

A conceptual examination of the term “honor-based assault” indicates that it arises from the combination of two concepts: “assault” and “honor,” which respectively refer to the violation of personal boundaries and the infringement of human dignity and reputation. In Twelver Shi‘i jurisprudence, “honor” primarily pertains to the women of a family—spouse, mother, daughter, and sister—and any aggression against them is regarded as an affront to familial dignity and reputation.

Although the specific term “honor-based assault” does not appear in classical fiqh texts, content analysis of these sources demonstrates that concepts such as coerced adultery, forced sexual intercourse, and violation of sexual sanctity, which frequently occur in jurisprudential discussions, encompass the essential elements of assault. Accordingly, whenever these four elements—lack of

consent, use of force or deception, infringement of sexual boundaries, and the presence of the perpetrator as the acting agent—are present, an instance of honor-based assault is realized. Within the framework of Twelver jurisprudence, honor-based assault can be analyzed on two levels: at the level of intercourse, where the killing of the aggressor without liability on the defender is permitted, and at levels below intercourse, where the principles of proportionality and necessity in defense govern the response. The findings of this study indicate that defending honor in Twelver jurisprudence is not merely a customary or emotional act but a religious duty grounded in principles of just defense. From this perspective, rulings related to sexual crimes and legitimate defense can be understood as reflecting this foundational jurisprudential principle.

In summary, this research, through a careful review of relevant fiqh concepts, provides an analytical framework for understanding “honor-based assault” as a jurisprudential and legal category. This framework can contribute to the redefinition of criminal concepts and strengthen the development of Islamic legal policies aimed at protecting human dignity and social reputation.

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