Validation of Collective Responsibility in the Iranian Legal System

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Abstract

In the Iranian legal system, the fundamental principle is that of individual responsibility. Although the legislature has recognized collective responsibility in certain cases, this type of liability has not yet been considered as a fully developed legal institution with defined assumptions and requirements. At first glance, accepting the notion that the Iranian legal system recognizes collective responsibility may seem difficult and unlikely; however, a closer examination of statutory laws reveals that the Iranian legislature has indeed referred to the collective nature of liability within civil, commercial, criminal, and other areas of law, thereby acknowledging its validity. In some cases, despite the act being committed by an individual, other persons have also been held liable. The significance of collective responsibility lies in the expansion of the scope of liability. There are instances of liability that can only be explained through the lens of collective responsibility, to the extent that liability for the act of another is justified solely based on the theory of collective responsibility.

Keywords: collective responsibility, collective action, joint and several liability, vicarious liability

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1. Introduction

There is no doubt that one of the most important issues related to liability in its general sense is the existence or non-existence of collective responsibility. Collective responsibility and its consequences can be of interest to theorists in many fields, including ethics and politics. Undeniably, collective responsibility serves a significant function and can play an essential role in promoting greater justice and encouraging members of any group or society to fulfill their legal and civic duties.

The principle of personal culpability means that "each individual must be held accountable for their own criminal act or the criminal consequence they have caused, and not others" (Goldouzian & Hosseinjani, 2005). In order to understand collective responsibility, one must first grasp the concept of collective action. Collective responsibility is the result and outcome of collective action. Human external behavior falls into two categories: verbal and physical. Each of these can occur either individually or collectively. Collective action is irreducible to another form of action (i.e., individual action).

Accordingly, collective actions can be realized in two forms: first, collective verbal actions, such as when two or more individuals declare in writing or verbally, "We swear that…", "We testify that…", or "We confess that…". Second, collective physical actions, such as when three people dig a hole together, go on a recreational trip, or climb a mountain together.

Every action, regardless of its type (individual or collective), is based on the will and objectives of the actors. Thus, individual action is grounded in individual will, and collective action is rooted in collective will. Will itself is based on at least one belief and one desire. "If a movement is preceded by a combination of the agent's belief and desire and is caused by them, it is an act; otherwise, it is not" (Zakeri, 2016). Hence, from the formation of at least one collective belief and one collective desire, collective will arises, and as a result of collective will, collective action occurs. The claim of collective responsibility is that if a group or its representative commits a related act, the members of the group bear responsibility. In other words, if group "A" consists of members "1, 2, and 4", and one of them or their representative commits an act (in the general sense) related to the group's area of activity, the responsibility is attributable to all three members, even if some did not participate in the material execution of the act.

So far, the theory of collective action has not been addressed as an independent institution within the Iranian legal system. The reason legal theorists have refrained from accepting the theory of collective action stems from two primary issues. The first, ontological in nature, concerns the difficulty of conceiving a group of individuals as an independent "soul, body, center of consciousness, etc." separate from its individual members. The second is that, in their view, a collective conception of action may conflict with justice and infringe upon individual rights.

This article clearly distinguishes between multiple actions and collective action. In multiple actions, several individual actions occur independently, each contributing to harm caused to someone. Each action is, in itself, unrelated to the others. However, in collective action, the multiple components are considered a single act due to the presence of shared belief, shared objective, and shared commitment. The action is viewed as indivisible and treated as one whole. Occasionally, jurists suggest that treating an action as a single, indivisible act relates to the harm caused. "Even when the inflicted harm is indivisible, one cannot claim that each cause brought about a specific part of the damage" (Katouzian, 2007).

To establish collective responsibility, the claimant must first prove that the elements of liability exist in the action in question. Secondly, it must be shown that the action in question, by virtue of its collective nature (and not individual), leads to the responsibility of the members. In any case, the fulfillment of these two steps is necessary to establish collective responsibility.

In the first part of this article, the elements of liability will be presented to clarify, first, what elements are required to establish legal collective responsibility, and second, whether these elements are also present in liabilities arising from collective action. In the second part, instances of collective responsibility in the Iranian legal system (civil and criminal liabilities) will be examined. Finally, in the third part, vicarious liability based on the theory of collective responsibility will be analyzed.

2. Elements of Responsibility and Collective Action

In the Iranian legal system, the elements of the institution of responsibility include: (1) the harmful act, (2) the perpetrator of the harmful act (the injurer), (3) the injured party, (4) the damage payer, (5) the damage payee, (6) the occurrence of damage, and (7) the attribution and causation of the harmful act to the injurer. Although these are considered the elements of liability, legal theorists typically summarize them into three components: a harmful act, the occurrence of damage, and the attribution of the damage to the harmful act.

The Iranian legislature has outlined certain conditions for establishing personal liability, and unless these conditions are met in the elements of responsibility, legal liability cannot be conceived. In fact, by setting such criteria, the Iranian legal system distinguishes legal liability from other forms of responsibility (moral, political, religious) and provides a framework through which the injured party can claim compensation.

2.1. Occurrence of Damage

One of the essential elements of civil liability is the issue of damage. Although the Iranian legislature has not explicitly or directly listed the occurrence of damage as an element of civil liability, it is one of the fundamental assumptions of the legislature, without which liability cannot be established (in other words, the proposition becomes void of subject). Therefore,

the occurrence of damage is considered a necessary component for establishing liability. Moreover, Article 1 of the Civil Liability Act contains implicit references to this concept.

To establish collective responsibility, although proving the occurrence of damage is a prerequisite for liability, it is not uniquely relevant to collective responsibility; it is a shared requirement for both individual and collective liability. It makes no difference whether the damage results from the act of a single individual (or several individuals separately) or a collective act.

Thus, it can be concluded that, similar to individual responsibility, in collective responsibility the damage must meet certain conditions, such as being customary, unlawful, definite and direct, foreseeable, previously uncompensated, and unavoidable (Katouzian, 2007). Damage itself is classified into three types: moral damage, financial damage, and physical damage.

Nevertheless, the issue of harmful acts and collective responsibility can be examined from another perspective, and at least at the theoretical level, a distinction can be made between collective and individual responsibility. In the Iranian legal system, the objective of civil liability is to extract compensatory damages from the wrongdoer. However, the question arises: in the case of collective responsibility, can punitive damages also be imposed?

2.2. Commission of a Harmful Act

Another unanimously agreed-upon element for establishing legal responsibility is the commission of a harmful act. This means that an individual, through a positive act (commission) or a negative one (omission), engages in conduct that results in damage, thereby giving rise to liability. Legal responsibility in general, and civil liability in particular, cannot be established without an act (Safaei & Rahimi, 2024).

If the act is unlawful and does not fall under the category of permissible harm—such as acts not justified by self-defense, not performed under duress, not carried out in the exercise of a right, not ordered by a legal authority, or similar exclusions—then the harmful act satisfies the necessary conditions for establishing civil liability. It must be noted that it makes no difference here whether the act in question is individual or collective.

Nevertheless, a key distinction between individual and collective acts arises in situations involving multiple distinct actions performed by several individuals, leading to disagreements about the nature of the act itself. One of the main points of contention among scholars concerns the understanding of the act's nature—whether it should be considered a unified act. The difficulty arises when there are multiple components to an action, and it is unclear how they should be collectively interpreted. For example, if a person releases an arrow from a bow and it fatally injures an animal after striking it, how should this action be described? Did the individual merely release their fingers? Did they merely release an arrow? Or did they perform a single act resulting in the animal's death?

In collective acts, "two or more individuals perform a shared act in such a manner that each one knowingly performs the act individually, provided that this action directs them toward a common purpose or goal" (Jankovic & Ludwig, 2018).

Consider a case where the delayed arrival of an ambulance to a patient is caused by the carelessness of another driver, compounded by a doctor's negligence in treatment and a nurse's failure to exercise due caution, ultimately resulting in the patient’s bodily injury. Should these four incidents be regarded as four independent acts? Should they be viewed as a unified whole? Should only the latter two actions be considered as a single act? These are relevant questions.

Such issues also pertain to collective action. The primary issue here is how multiple actions may be considered a collective act. Take, for instance, four individuals with familial ties who collectively decide to provide a drinking water source near their fathers' residences. One finances the well-digging, another buys the necessary tools, a third selects the well's location, and the fourth carries out the digging. However, they avoid placing warning signs, resulting in physical harm to a guest visiting the premises. In this scenario, four actions—1) financing, 2) purchasing tools, 3) site selection, and 4) digging—are involved. One could consider each action separately or collectively define the entire process of digging the well as a unified act.

Here, a judge or a legally astute individual might focus solely on the fourth person's individual act of digging and assign liability only to them due to the lack of warning signage. Alternatively, they might view the collective act—tool purchasing, site selection, and digging—as one cohesive act and hold the entire group responsible. As Katouzian notes, “The judge hesitates as to which agent or cause to hold responsible” (Katouzian, 2007).

This does not mean that every act by a group member should necessarily be deemed a group act and attribute responsibility to the entire group. The act must be relevant. Iranian law provides criteria for this in Article 143 of the Islamic Penal Code,

identifying two conditions: first, the act must be carried out in the name of the legal entity; and second, it must be in furtherance of its interests. "This interest may be material or immaterial, definite or potential, direct or indirect. 'In furtherance of interests' does not imply that the legal entity must have necessarily benefited from the crime" (Mousavi Mojab & Rafieizadeh, 2016).

2.3. Attribution of Damage to the Harmful Act

The third element of liability is causation, or more precisely, the attribution of harm/damage to the harmful act. In understanding attribution, two types can be conceived. The first is the attribution between the harm/damage and the harmful act. "The intended meaning is the cause or factor to which the harm is attributed, and to whom, based on common perception, the damage is ascribed" (Safaei & Rahimi, 2024). The second is the attribution of the harmful act to the actor(s), and these two types of attribution are distinct. This distinction arises from the separation between the harmful act and the actor(s) responsible.

In the Iranian legal system, the notion that multiple individuals or multiple actions may contribute to the damage has been recognized. This is referred to as "concurrence of direct actors," "partnership," "concurrence of causes," and "concurrence of direct cause and contributing cause." Therefore, the idea of multiple actors is accepted. An act may have one actor, several separate and distinct actors (i.e., multiple individual acts), or multiple collective actors (i.e., a group).

Nonetheless, collective action poses complexities. In the earlier example, four actions—financing, purchasing tools, site selection, and digging—were carried out by four individuals. Yet, one could consider the four actions as a single act (collective group action). If any one of these acts had not occurred, the well would not have been dug, and the resulting harm would not have transpired. From a societal perspective, all acts may be viewed as one act (digging the well). The complexity lies in whether the harm should be attributed to a collective act (digging by all four) or an individual act (digging by the fourth person only).

According to the theory of collective action, when its conditions and requirements are fulfilled, these acts are considered a single action, and this unified act is deemed the cause of the damage.

- Attribution of the Act to the Damaging Actor

Who is the perpetrator of the harmful act? Once it is established that an act resulted in liability, the core issue becomes identifying the actor. If one action causes damage and the actor is a single individual, it is evident that the act is attributable to that person. However, when there are multiple actors, the attribution of the act(s) becomes more complex.

An act is considered collective when, first, it is based on a shared intentional perspective (e.g., "we..."). "Collective action, from a biological standpoint, is a primary and biological phenomenon that cannot be reduced to anything else or dismissed in favor of another explanation" (Searle, 1996). Second, the act must be directed toward a shared goal. Third, it must be performed in connection with the group.

3. Certain Instances of Collective Responsibility in the Iranian Legal System

The theory of collective action is a descriptive theory. In the Iranian legal system, following many other legal systems, collective action has been accepted, and this principle manifests in several instances that will be elaborated upon below.

3.1. Collective Responsibility in Commercial Law

In the Commercial Code, collective responsibility is most explicitly addressed in Article 220. From the perspective of formation, companies are divided into two categories: statutory companies (as defined in Article 20 of the Commercial Code) and de facto companies. A de facto company is one that is formed outside the framework of the companies specified in Article 20 of the Commercial Code (and some other laws). According to the wording of Article 220, a de facto company has the following characteristics:

1. It is formed through a partnership.
2. It engages in commercial activity.
3. It has an organized and structured management.

Regarding the legal nature of such companies, two differing views exist. The first view considers a de facto company as a type of legal person under private law and that "it is fully subject to the provisions governing general partnerships" (Eskini, 2008), and "since it is treated as a general partnership, it is regarded as having a separate legal personality" (Kazemi Jaliseh, p. 12). The second view holds that such companies do not possess legal personality but merely impose joint and several liability. "Therefore, civil partnerships engaged in commercial activities, and commercial companies in general, fall under the purview of Article 220 of the Commercial Code" (Shahsavar, 2011). Since a company cannot be validly formed without determining its structure and executing a written contract, and because a de facto company lacks the core attributes of legal personality such as name, domicile, nationality, etc., the second opinion is preferable.

Thus, civil partnerships engaging in commercial transactions, economic groups, consortia, *mozarebah* (profit-sharing contracts), and the like are all considered instances covered by Article 220 of the Commercial Code. Nonetheless, it must be emphasized that the very foundation of corporate legal personality is based on collective action. This is because when a company causes damage, compensation is drawn from the shareholders or partners, not necessarily the person who committed the harmful act. In certain companies (e.g., general partnerships and limited partnerships), due to the importance of the partners' identities, recourse to partners is permitted under specific arrangements. In other types of companies (e.g., joint-stock companies and limited liability companies), members are liable only up to the amount of their capital contribution.

3.2. Collective Responsibility in Criminal Law

Participation in an act may take various forms. This participation can be as the principal actor or as an accomplice. If as a principal, it may be either as a material actor or a moral actor. Material or executive involvement in an act occurs through direct perpetration, joint participation, or causation.

There is no doubt regarding the criminal responsibility of the direct perpetrator, partner, or cause. However, regarding the accomplice and the moral actor, there are differences of opinion due to the principle of personal culpability. Given the principle that punishment must be personally attributed, and the lack of material or executive involvement by accomplices and moral actors, their punishment poses theoretical challenges. The moral actor may be considered the cause of the act; however, this view is subject to critique, since sometimes the responsibility of the moral actor equals that of the material actor, and at other times it is lesser. Nonetheless, among jurists, there is no doubt regarding the fundamental responsibility of the moral actor and the accomplice. But how can someone (such as a moral actor or accomplice) who has not participated in the material commission of a crime be held responsible?

In the Iranian legal system, "the criminal nature of the principal act alone is not sufficient to establish complicity; the act must actually be carried out" (Ardabili, 2024). This perspective, known as the metaphorical theory, means that the accomplice's act does not independently constitute a crime, but becomes criminal due to the commission of the material act by the principal. "The criminal agent derives the material element of the crime from the act of the worker, employee, or subordinate under their authority" (Ardabili, 2024).

The Islamic Penal Code contains several other provisions in this regard. For instance, Article 130 holds the leader of a group liable for the acts committed by group members in pursuit of the group's objectives. The leader is subject to the maximum penalty for the most serious crime committed by any group member unless the act entails *hadd*, *qisas*, or *diyyah*. This liability may stem from: 1) collaboration by the leader and the provision of their influence or power to the principal offender; 2) increased danger and the aggravated effects caused by the group; or 3) omission (failure to supervise group members) (Jafari, 2017).

Additionally, under Article 499 of the Islamic Penal Code, group membership is criminalized, and in another provision (Article 498), the formation of a group, organization, or its branch is considered a criminal act. These two provisions clearly reflect the concept of collective responsibility.

From an individualist perspective, "whenever a specific form of behavior is criminalized, assisting in the commission of that crime is also criminalized" (Jankovic & Ludwig, 2018). However, from a collectivist standpoint, individuals who participate in an act are united in performing it, and thus the act is attributable to them all. Accordingly, the accomplice is also deemed to have participated in the criminal conduct and bears responsibility because of that participation. In fact, "by assisting

another in committing a crime, one joins a group that collectively bears criminal responsibility for the offense" (Jankovic & Ludwig, 2018). It appears that if the theory of collective action is not accepted, the justification for punishing accomplices becomes questionable in light of the principle of individual responsibility.

3.3. Collective Action in Other Legal Provisions

In civil law, there are examples in which a person acts on behalf of another for their benefit as an attorney or agent, yet the responsibility for that act also extends to the agent/attorney themselves. According to Article 18 of the Law on the Issuance of Checks, both the issuer of the check and the account holder are jointly liable for the payment of the amount, even though the act was materially executed by the agent and carried out for the benefit of the principal.

Furthermore, under Article 198 of the Direct Taxation Act, for the collection of tax claims from companies, the directors of private legal entities are individually or collectively liable, as are the liquidators of other companies, with respect to the payment of corporate income tax. (Here, both the legal entity is liable for the payment of tax, and the directors are also held responsible.)

4. Vicarious Liability and Collective Action

One of the most significant functions of adopting the theory of collective action is its ability to address the complex and ambiguous issue of vicarious liability. This legal institution has posed numerous challenges to scholars in both civil and criminal law, and no comprehensive solution has yet been established. Alternative approaches have consistently failed to withstand critical scrutiny.

In legal contexts, vicarious liability refers to situations such as an employer's liability for the act of an employee, the state's liability for the act of a civil servant, the liability of an indirect carrier for the actions of a delegated carrier, the guardian's liability for the acts of a minor or legally incompetent person, and in some cases, leniently, the liability of a car owner for the acts of the driver.

According to Article 12 of the Civil Liability Act, "employers subject to the Labor Law are liable to compensate damages caused by their administrative staff or workers during or due to the performance of their duties." This provision explicitly acknowledges the employer's liability for the employee's act, even though the material act was committed by someone else. Furthermore, Article 11 of the same law provides that if damage is caused to third parties due to the defect of equipment in government offices or institutions, the state and municipalities are liable for compensation.

The liability of a carrier for the actions of an appointed sub-carrier is addressed in Article 388 of the Commercial Code, holding the principal liable for the act of the delegated operator. Scholars have attempted to justify such liability through the concept of result-based obligation, but this cannot reasonably explain such a heavy burden of responsibility. Moreover, this justification confuses the legislative role with that of legal analysis. Who has determined that the carrier's obligation is result-based? If the legislature has indeed imposed such a duty, what legal rule or principle justifies it? The mere assignment of a duty by the legislature does not automatically imply its legal justification. The same applies to the owner's liability for a contractor's act that causes damage to a neighboring property. Some have attempted to justify this using implied customary conditions or by invoking the concept of *ḥukm walāyī* (governance-based ruling) (Al-Sharif & Sadeqi, 2024).

Legal or contractual guardianship over the acts of minors also falls within the domain of vicarious liability. This guardianship may be established by law, court order, or contract, and in the latter case, the scope of the guardian's responsibility is expanded. Article 7 of the Civil Liability Act formally acknowledges this type of liability.

In criminal law, the scope of vicarious criminal liability is significantly narrower than in civil law, with strict adherence to the principle of personal culpability. As indicated in Article 142 of the Islamic Penal Code, criminal liability for the acts of others is highly limited. In contrast, French and English legal systems explicitly recognize the criminal liability of employers for the acts of employees toward third parties (Ardabili, 2024).

According to Note 4 of Article 9 of the Press Law (enacted 2000), the license holder is responsible for the overall editorial policy of the publication, while the managing director is individually liable for the content of each article and other related matters. Furthermore, Note 7 (added on April 18, 2000) of the same law stipulates that the managing director is responsible for all published content, though this does not eliminate the liability of the author or any other party involved in the offense.

Another example involves the liability of a business license holder for the criminal acts of a direct actor. The law does not require the business owner to be the direct perpetrator, meaning they may still be held liable for the actions of others (Article 2 of the Guilds Regulation Law). The same applies to the liability of directors or owners of businesses in cases involving the production or distribution of food, beverages, cosmetics, and hygiene products where harmful acts such as adulteration or the sale of expired goods occur (Law on Edible, Potable, Cosmetic, and Hygienic Products). These and similar cases arise where the law imposes a duty of supervision over others.

4.1. Previous Analyses of Vicarious Liability

Legal theorists have approached liability with an individualist lens, which has led to flawed reasoning when analyzing cases that contradict the principle of personal responsibility. As a result, they have constantly sought justifications for vicarious liability. These analyses have been presented in both legal and jurisprudential domains, but they have not been successful in practice. The primary obstacle stems from the absolutist view taken by proponents of individual responsibility, rooted in the maxim that "no one shall be held liable…" unless they have personally acted.

Some have grounded the basis of vicarious liability in its protective function (Katouzian, 2007; Safaei & Rahimi, 2018), suggesting that "the rationale behind such liability is to protect the weak from the powerful" (Yazdaniyan, 2013). However, accepting this reasoning without reference to collective responsibility implies that the law holds one person liable merely to protect another—an ethically and legally tenuous position.

With respect to a carrier's liability for the act of a sub-carrier, the solution offered by jurists—relying on the notion of a result-based obligation—cannot justify such heavy liability. This confusion again conflates legislative authority with legal analysis. Who has determined that the carrier's duty is result-based? If the legislature has done so, what underlying rule supports this? Mere legislative assignment of a duty is insufficient to establish its legal legitimacy. The same critique applies to an owner's liability for a contractor's action resulting in damage to an adjacent property.

The commonly cited justifications for employer liability for an employee's act include:

– The employer's negligence in hiring an unqualified worker.
– Legislative protection of the injured party.
– The employer's guarantee of the employee's conduct.
– The employee acting as a representative of the employer.
– The employer's benefit from the employee's act, and thus liability (risk-benefit theory).

In criminal law, several theories have been proposed to justify vicarious liability, including the risk theory and the fault theory. The risk theory argues that those who seek greater benefits and privileges should correspondingly bear greater responsibilities: "The benefits they gain often come at the expense of those who are more exposed to committing crimes" (Ardabili, 2024). In contrast, the fault theory focuses on the personal criminal fault of the liable individual, not that of others. This liability may be conceptualized as "substituted liability based on deficiency or on presumed fault" (Deylami et al., 2020).

None of the aforementioned justifications provided in section 3-1 can sufficiently account for vicarious liability in civil law for the following reasons:

1. The employer's liability does not negate the employee's liability toward third parties.
2. The employer's liability does not eliminate the employee's responsibility toward the employer.
3. The legislature cannot disregard individual rights under the pretext of protecting others.
4. The employee's fault is a personal matter, contingent on their discretion, and can occur at any moment.
5. *Ḍamān* (guarantee) is a contractual institution that must be explicitly or implicitly stipulated.

In criminal law, vicarious liability follows the same problematic logic. First, the liability of higher-ranking individuals with supervisory duties does not negate the liability of direct perpetrators. Second, the legislature has not independently defined the liability of indirect actors. No employer, institutional head, or managing director is punishable solely due to a lack of supervision.

Moreover, several jurisprudential justifications for vicarious liability have also faced substantial criticism and cannot form a valid basis. Consequently, principles such as the precedence of the indirect cause over the direct actor (*taqdīm al-sabab*), the rule *man lahu al-ghunm fa-'alayhi al-ghurm* (he who benefits bears the burden), and the authority or control of one person over

the direct actor (Emami et al., 2023), all fail to provide adequate grounds for vicarious liability because they imply simultaneous liability with the direct actor, which does not suffice for establishing responsibility for another's act.

4.2. Collective Action Analysis of Vicarious Liability

At the beginning of Section 3 and Subsection 3-1, instances of vicarious liability (civil and criminal) were listed, and it was stated that none of the arguments offered by jurists can adequately justify vicarious liability. Rather, these arguments tend more toward rationalizations than true justifications. However, it appears that all instances categorized as vicarious liability in both civil and criminal law can be logically justified through the theory of collective action and collective responsibility. To explain vicarious liability through collective action, we must return to the core premise of the theory of collective action and collective responsibility; according to this theory, "in certain circumstances, person A, who has not materially or executively participated in act B, may still be held liable," and "a collective act is treated as a single act." This directly contradicts the absolutist claim of the individualistic theory, which holds that "no one may be held legally or criminally responsible for the act (commission or omission) of another."

In all examples of vicarious liability, there exists a relationship between the direct actor and the party held liable. Whether between employer and employee, primary and secondary carriers (Article 388 of the Commercial Code), state and civil servant, guardian and ward, managing director and journalist, business owner and the direct actor, or workshop supervisor and subordinate, these are all legal, judicial, or contractual relationships. Because of this foundational relationship, the act committed by the individual is considered a bilateral or collective act.

In the employer-employee relationship and similar cases (e.g., supervisor-subordinate), the underlying relationship is contractual. The employee performs actions previously assigned by the employer through a mutual agreement. As noted: "Article 12 of the Civil Liability Act does not preclude the injured party from seeking redress directly from the employee... both the employer and the employee bear joint and several liability" (Katouzian, p. 554). This is one of the features of the theory of collective responsibility, in which the harmful act is attributable to all involved members. The liability of a hospital for the acts of its staff toward a patient falls into this category as well. Some also argue that "this type of liability for the hospital is strict or absolute" (Yazdaniyan & Arai, 2014). However, in the case of the state's liability for the acts of civil servants under Article 11 of the Civil Liability Act—unlike Article 12—there is a distinction based on the type of employee activity, limiting state liability to administrative acts and only where the damage is not directly attributable to the employee's act but to defective equipment. This distinction is subject to criticism and is contrary to the collective nature of responsibility in collective actions.

Similarly, with respect to the liability between primary and secondary carriers (Article 388 of the Commercial Code), since the actions of both parties are grounded in collective purpose, and the shared goal is the safe delivery of goods—a matter agreed upon by both parties—their conduct is classified as collective. Liability falls on both parties, and the injured party may seek compensation from either or both under civil liability rules. The Supreme Court has held that "a claim for damages based on the negligence of the garage owner is not precluded, since vicarious liability does not conflict with liability arising from one's own fault; the two are based on distinct legal foundations" (Katouzian, 2007).

The same applies in criminal responsibility. In cases where a superior is held accountable—such as an employer for an employee, an editor-in-chief for a journalist, or a business owner for the direct actor—since a contractual relationship exists between them and a form of collective action is involved, failure by the superior to fulfill their supervisory duties over the acts committed within the scope of their shared professional activities (i.e., omission) results in liability. The act is attributed to the group as a whole.

Liability of a guardian for a minor or insane person is somewhat more complex. On one hand, another person has committed the harmful act, yet the guardian (contractual or legal) is responsible for compensation. On the other hand, Article 7 of the Civil Liability Act explicitly allows recourse to the minor or insane person only if the guardian is unable to fully or partially compensate for the damage. It would have been preferable had the law mirrored the treatment of employers and employees and permitted simultaneous recourse by the injured party to both.

5. Conclusion

Although collective responsibility has not yet been formally established as an institution in Iranian law, traces of collective responsibility are evident across various statutes and regulations. Collective responsibility arises from collective action, and those who participate in collective action are attributed with the act. General rules of civil liability apply to collective acts as well.

To prove collective action, two elements of responsibility are crucial. The first is the identification of the actor(s) responsible for the harmful act. The harm-causing party may be a single individual or multiple individuals. When multiple persons contribute to a harmful act, there are only two possibilities: either each person committed a separate individual act (multiple actions), or they acted jointly as a group or organization (collective action). In the latter case, multiple individuals are considered as a single entity. The Iranian legislature has granted legal personality to corporate entities. Whether the act arises from a company or from a group (partnership, employment, statutory obligations, or other relational forms), it is considered the source of the harmful act.

The second key element in understanding collective responsibility is the attribution of the act. Just as individual harmful acts must meet specific criteria to be attributed to the actor, collective actions must also meet certain conditions. However, in collective acts, the actors are treated as a single group and their act is viewed as a single unified action—not multiple distinct actions. In collective action, it is not necessary for every group member to participate materially or executively in the act. It suffices that the committed act was performed in alignment with the group's foundational agreements or that the group members collectively failed to act in accordance with shared obligations. In such cases, the act is attributable to all members of the group.

The Iranian legal system has, in various provisions of commercial, civil, and criminal law, accepted collective responsibility. Vicarious liability—whether civil or criminal—is a subset of collective responsibility. Collective responsibility is the only coherent and effective framework through which vicarious liability can be properly justified.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

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