

The Criminalization of Voluntary and Involuntary Statuses: A Comparative Study of Iranian and American Law

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DOI: <https://doi.org/10.22096/law.2026.2078079.2340>

Received Date: 18/11/2025 - Accepted Date: 21/04/2026

Abstract

The criminalization of status is a significant issue in contemporary criminal law, particularly where penal intervention is grounded not in the commission of a specific act, but merely in an individual's being in a particular condition. This article adopts a descriptive-analytical method and a comparative approach between Iranian and American law to examine the theoretical foundations of the distinction between "status" and "conduct," and to assess the recognition of voluntary and involuntary statuses within criminal liability. It first analyzes the place of status within the structure of the material element (*actus reus*) and then reviews the legislative and judicial approaches in both systems. The findings indicate that in the United States, this debate developed largely through Supreme Court jurisprudence, especially in *Robinson v. California* and *Powell v. Texas*, where punishment based solely on status was subject to constitutional limitations. In Iranian law, no uniform approach exists. While some scholars justify intervention on preventive and public security grounds, others emphasize the necessity of a material act and propose distinguishing between voluntary and involuntary statuses, limiting liability to cases where the status is attributable to prior voluntary conduct. The latter view offers a more coherent theoretical framework.

Keyword: Status; Condition; voluntary and involuntary status; Criminalization; law of Iran and the United States.

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