Islamic Political Thought

Vol. 13 | Isuue 2 | Serial 30 | Summer 2026 | Pages 89- 114
Research Article | Recived: 2026/01/01 | Accepted: 2026/03/28
10.30497/ipt.2026.250557.1076

The Responsibilities of the Islamic state in Imposing Sanctions on a Hostile State: A Jurisprudential Analysis

Abbas Emadi: Assistant Professor, Faculty of Humanities, Tarbiat Modares University, Tehran, Iran.

emadi@modares.ac.ir

Abstract: While unilateral and multilateral sanctions remain controversial under international law, political jurisprudence provides a distinct framework for analyzing their legitimacy. This study investigates the status and scope of sanctions in Shi'i political jurisprudence, specifically identifying the principles governing their imposition by an Islamic state. Employing a descriptive-analytical method based on Shi'i jurisprudential sources, the research categorizes sanctions into four types: (a) restrictions on economic relations facilitating foreign domination, (b) arms and military embargoes, © the seizure of hostile state assets as countermeasures, and (d) sanctions on dominance-based political relations. Findings indicate that these measures are not only legitimate but may become a religious obligation under specific conditions. However, their application is strictly conditional upon principles of proportionality, the distinction between combatants and civilians, and the preservation of humanitarian exemptions (e.g., food and medicine). The study concludes that Shi'i political jurisprudence recognizes sanctions as a legitimate foreign policy tool, provided they remain bound by ethical, legal, and humanitarian constraints.

Keywords: Sanctions; Countermeasures; Shi'i Political Jurisprudence; Foreign Policy; International Humanitarian Law.

Introduction

Today, sanctions have become widely employed not only as a mechanism envisaged within the collective security framework but also as an instrument frequently utilized by states, acting either unilaterally or multilaterally, to advance their foreign policy objectives (Zarif & Mirzaei, 1997, pp. 91–108). According to Galtung, sanctions defined as measures adopted by one or more international actors against one or more other actors with the purpose of either punishing the target by depriving it of something it values or compelling it to comply with norms and standards considered important by the sanctioning party (Strack, 1978, p. 11). To achieve these objectives, states commonly resort to economic, financial, commercial, and technical restrictions designed to influence or alter the foreign policy behavior of the target state.

The use of sanctions through mechanisms such as the suspension of financial assistance, restrictions on technology transfers, the interruption of trade and commercial relations, economic blockades, asset freezes, the imposition of higher customs tariffs, and the withdrawal of investment participation is not unique to the contemporary international system. Historical evidence indicates that comparable measures were employed in earlier periods as well(Qavam, 1993, pp. 210–215).

Although the origins of modern sanctions can be traced to the establishment of the League of Nations after the First World War, their systematic and increasingly frequent use is primarily associated with the post–Second World War international order and the creation of the United Nations. Under Chapter VII of the United Nations Charter, sanctions are envisaged as a mechanism for maintaining international peace and security and as an alternative to military action. Article 41 of the Charter authorizes the Security Council to decide upon measures not involving the use of armed force to give effect to its decisions and to call upon Member States to implement such measures. These may include the complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, as well as the severance of diplomatic relations.

Since that time—and particularly in the post–Cold War era, during which sanctions regimes have become increasingly institutionalized and sophisticated (Sajjadpour & Vakili, 2015, pp. 39–64)—the United Nations Security Council has made extensive use of sanctions, imposing restrictive measures on numerous states, including Iran. In addition to Security Council sanctions, the United States has adopted a broad range of unilateral sanctions regimes (Hufbauer et al., 2007, pp. 125–133). Similarly, since the 1990s, the European Union has increasingly relied upon economic sanctions as an instrument for influencing and modifying the political behavior of target states (Eeckhout, 2011, p. 501).

In general, sanctions are employed to express disapproval of a state's conduct and to induce changes in specific policies. In certain cases, they are even intended to facilitate broader transformations in the target state's political structure. From this perspective, sanctions constitute a significant instrument for maintaining international order and stability. Nevertheless, their adverse consequences for target states, particularly in economic and humanitarian terms, are equally well documented(Azari, 2008).

In response to the detrimental effects of sanctions on national economies, domestic politics, and especially the welfare of ordinary citizens, targeted states often adopt a variety of strategies, including diplomatic negotiations aimed at securing sanctions relief, sanctions evasion, economic resilience measures, and policies designed to mitigate the effects of external pressure. Depending on their capabilities and available resources, such states may also resort to sanctions as a form of countermeasure. The term "counter-sanctions" refers to measures imposed by sanctioned states, either individually or collectively, against the sanctioning state.

The legitimacy of sanctions, particularly unilateral sanctions, constitutes one of the central issues in the theoretical literature and has generated extensive scholarly debate (for a discussion, see Zahrani, 1997, pp. 18–19). Within the Islamic legal tradition, several principles and rules authorize the Islamic state to impose commercial, financial, and political restrictions in response to the hostile policies of adversarial states. Nevertheless, both the scope of such restrictions and the principles governing their implementation require careful jurisprudential examination.

This study seeks to examine these restrictions and the legal principles governing them. It argues that, subject to specific jurisprudential conditions and limitations, the Islamic state may employ sanctions, whether unilaterally or multilaterally, as an instrument of foreign policy. Accordingly, the central research question is: What jurisprudential principles and conditions govern the adoption of countermeasures and the use of sanctions in the foreign policy of the Islamic state?

The significance of this research lies in the fact that contemporary Islamic states possess considerable capacities and resources for confronting the hostile policies of aggressive states. Among these capacities, sanctions represent a potentially effective instrument through which Islamic states may respond to policies of domination and external pressure. Consequently, a jurisprudential examination of the legitimacy, scope, and governing conditions of such measures is both timely and necessary.

Over the past two centuries, numerous Islamic movements have emerged, intending to boycott or sanction colonial powers and resisting their political and economic domination of Muslim societies. Notable examples include the boycott of foreign goods during the colonial period, the Tobacco Movement in late nineteenth-century Iran, and the Arab boycott of Israel in the contemporary era (Karimi, 2001, vol. 6, pp. 645–656).

In 1954, a system of collective sanctions against Israel was adopted by the member states of the Arab League, and the measure was subsequently incorporated into the domestic legislation of twenty Muslim-majority countries. Likewise, in 1979, the Organization of Arab Petroleum Exporting Countries (OAPEC) implemented a similar sanctions regime against Egypt in response to its peace negotiations with Israel (Sands & Klein, 2009, p. 333).

Against this background, examining the legitimacy of unilateral and multilateral sanctions from the perspective of Islamic jurisprudence serves two important purposes. First, it clarifies the extent to which Islamic states may legitimately employ sanctions as an instrument of foreign policy in response to hostile states. Second, it identifies the legal principles, conditions, and limitations that should govern the implementation of such measures. The data for this study were collected by reviewing Shi'i jurisprudential sources, and the principles governing the use of sanctions were derived through qualitative analysis of these materials.

1. Literature Review

The growing prevalence of sanctions in contemporary international relations has attracted considerable scholarly attention across a range of disciplines, including political economy, foreign policy analysis, international law, and studies of peace, conflict, and human rights. Among the various dimensions of sanctions, their jurisprudential and ethical foundations constitute an important yet relatively underexplored area of inquiry. A review of the existing literature—including books, peer-reviewed journal articles, master's theses, doctoral dissertations, and conference proceedings published in Iran—reveals a significant gap in scholarship concerning the jurisprudential principles, limitations, and conditions governing the imposition of sanctions by the Islamic state.

The relatively limited studies that have examined sanctions from a jurisprudential perspective have primarily focused on strategies for resisting, circumventing, or mitigating sanctions, or on the jurisprudential foundations of such resistance. By contrast, little attention has been devoted to the legitimacy, scope, and governing principles of sanctions imposed by the Islamic state itself.

One study, adopting a predominantly historical rather than jurisprudential approach, examines the responsibilities of Muslims under conditions of sanctions from the perspective of the Qurʾān and the sīrah of the Ahl al-Bayt. While the study explores the obligations of Muslims facing sanctions, it does not address the counter-sanctions or the responsibilities of the Muslim community regarding imposing sanctions on hostile actors (Azima, 2016).

Another study investigates jurisprudential and legal approaches to confronting economic sanctions and, among several proposed responses, makes only a brief reference to counter-sanctions, identifying the principle of reciprocity as their principal legal basis (Ahmadpour et al., 2023, p. 286). Similarly, another contribution invokes the principle of "Nafy al-Sabīl" (the negation of non-Muslim domination over Muslims) to challenge the legitimacy of unilateral sanctions imposed by the United States. However, the study does not examine whether Islamic law authorizes the Islamic state to impose sanctions on hostile states (Bidar, 2013).

Another relevant contribution, entitled "The Jurisprudential Foundations of the Diplomacy of Resistance to Sanctions", argues that resistance and struggle (jihād) constitute the primary Islamic response to sanctions, and supports this argument through references to Qurʾānic verses, narratives, and historical evidence. Nevertheless, the study does not consider whether sanctions themselves may serve as a legitimate instrument of foreign policy available to Islamic states (Hajihosseini et al., 2020, pp. 139–179).

A further contribution is a doctoral dissertation entitled "Jurisprudential Approaches to Overcoming Economic Sanctions", which examines a range of jurisprudential strategies for confronting sanctions and justifies these approaches through reference to various legal principles and jurisprudential maxims (Saeidi, 2019). Like the studies discussed above, however, the dissertation does not address those rules and principles within Islamic jurisprudence that authorize or obligate the Islamic state to impose sanctions on hostile states.

The foregoing review demonstrates that the existing literature has devoted limited attention to sanctions as an instrument of foreign policy available to the Islamic state. Consequently, a significant gap remains in the jurisprudential literature concerning the legitimacy, scope, objectives, and governing conditions of such measures. This omission may, in part, reflect an implicit assumption that Islamic states possess limited capacity to undertake effective countermeasures against external powers.

Yet, as numerous studies have demonstrated, contemporary Islamic states—particularly those in the Middle East—possess substantial economic, financial, and political resources that may enable them to impose trade, financial, and political sanctions to pursue foreign policy objectives and protect national interests. Accordingly, a systematic examination of the jurisprudential foundations of sanctions can contribute to the development of a coherent theoretical framework governing the use of sanctions by Islamic states in contemporary international relations.

The present study seeks to address this gap by examining the jurisprudential principles that justify or obligate the imposition of sanctions against hostile states, while also identifying the legal and ethical limitations governing their implementation within the framework of Shi'i jurisprudence.

2. Classification of Sanctions

Today, the term "sanctions" encompasses a broad range of economic and non-economic restrictions and prohibitions. Depending on factors such as the subject matter of the sanctions, their scope, the number of participating actors, and the parties targeted, sanctions may be classified into several categories. A clear understanding of these classifications is important not only for identifying the nature of sanctions in contemporary international practice but also for assessing their legal status within Islamic jurisprudence. Accordingly, before examining the legitimacy of sanctions by the Islamic state as instruments of foreign policy, it is necessary to outline the principal categories of sanctions recognized in international relations.

2.1. Economic and Non-Economic Sanctions

The most common classification of international sanctions is based on their subject matter. The principal areas targeted by sanctions are the economic and political spheres. Economic sanctions are primarily implemented through trade restrictions and financial and banking measures. From the perspective of sanctions advocates, trade and financial restrictions deprive the targeted state of the benefits of international commerce and, by reducing overall public welfare, encourage changes in its political behavior. Sanctions scholars generally define this form of coercion as the withdrawal, or threat of withdrawal, of customary trade or financial relations by one state against another. In contemporary practice, trade sanctions are typically imposed through three principal mechanisms: restrictions on exports, restrictions on imports, and limitations on the transfer of capital or technology.

Oil and petroleum embargoes, arms embargoes, restrictions on the sale of dual-use materials and equipment (with both military and civilian applications), sanctions on the transfer of nuclear-related materials and technologies, and the denial of access to advanced technologies such as missile technology are among the most significant forms of trade sanctions. Nevertheless, not every trade restriction is considered a sanction. Since the emergence of the modern nation-state system, states have maintained regulations governing international commerce and have exercised various forms of control over imports and exports without such measures being regarded as sanctions. However, when such restrictions are adopted primarily for political or strategic purposes rather than ordinary economic regulation, they may properly be classified as economic sanctions.

Financial sanctions involve the use of a state's influence within the international financial and banking system to disrupt transactions and monetary transfers involving the targeted state. The seizure, expropriation, or confiscation of the assets of a sanctioned state, institution, or individuals; the freezing of assets; the suspension of financial assistance or loans; restrictions on banking transactions and financial transfers; and prohibitions on services such as transportation, insurance, and development financing constitute major forms of financial, banking, and service-related sanctions. These measures are often employed alongside trade sanctions to enhance effectiveness in achieving their intended objectives.

Political sanctions likewise constitute an important category of international sanctions. They commonly take the form of downgrading diplomatic relations, restricting the activities of diplomatic missions, expelling diplomats and political representatives, imposing travel bans, and denying visas to political officials. Although numerous historical examples of trade, financial, and political sanctions may be identified, a detailed examination of such cases falls beyond the scope of the present study (for the case of Iran, see Bayat, 2012, pp. 935–960).

2.2. Unilateral and Multilateral Sanctions

Sanctions can be classified as unilateral or multilateral based on the number of participating actors. Multilateral sanctions refer to measures collectively imposed by a group of states against one or more target states. Such sanctions may be implemented through multilateral agreements among states or through international organizations and institutions, such as the United Nations and the Council of the European Union. By contrast, unilateral sanctions are restrictions or prohibitions imposed by a single state independently of international agreements or collective institutional frameworks (Navin & Clifton, 2009, pp. 1075–1094).

From the perspective of international law, the legality of unilateral sanctions remains a subject of considerable debate. While many states and legal scholars challenge the legitimacy of unilateral coercive measures imposed outside the framework of the United Nations, others regard certain forms of such measures as permissible under specific circumstances. Nevertheless, the United Nations Charter formally grants the Security Council primary authority to adopt coercive measures in situations involving threats to or breaches of international peace and security (Zarif & Mirzaei, 1997, p. 96).

2.3. Primary and Secondary Sanctions

Sanctions may further be categorized as primary or secondary. Primary sanctions occur when one state directly imposes restrictions or prohibitions on another state. In this scenario, the sanctions are limited to the relationship between the sanctioning state and the targeted state.

In some instances, however, sanctions extend beyond the direct relationship between the sanctioning and targeted states. The sanctioning state may refuse to maintain political or economic relations with third countries, entities, or individuals that disregard the sanctions regime, or it may impose penalties on those who engage with the sanctioned party. Such measures are generally referred to as "secondary sanctions" (Kausch, 1982, p. 74).

2.4. Comprehensive and Targeted Sanctions

A more recent classification distinguishes between comprehensive sanctions and targeted (smart) sanctions. Comprehensive sanctions restrict or prohibit goods and services required by society as a whole, whereas targeted sanctions are directed primarily at specific natural or legal persons involved in the policies and actions of the targeted state. Comprehensive sanctions are based on the assumption that the hardships they generate will pressure ordinary citizens, who will in turn compel their state to alter its political behavior. Because such sanctions often impose their greatest burdens on the most vulnerable segments of society, they have been the subject of substantial criticism on humanitarian and human rights grounds and have long been a source of concern for the international community (Peksen, 2009, pp. 59–77). Although the objective of sanctions is to alter the domestic and foreign policy behavior of the target state (Holsti, 1994, p. 390), many scholars argue that this objective should not be pursued through the infliction of hardship upon the general population. In this view, sanctions should focus on those responsible for objectionable policies rather than on society as a whole.

Consequently, from the late 1990s onward, increasing attention has been devoted to targeted sanctions. Under this approach, sanctions are designed not as a means of punishing ordinary citizens—who generally play little or no role in determining state policy—but rather as an instrument for exerting pressure on specific individuals, institutions, and groups while minimizing adverse humanitarian consequences. Although the humanitarian costs of targeted sanctions are considerably lower than those associated with comprehensive sanctions, they may still contribute to the reduction of overall social welfare and adversely affect broader segments of the population (Habibzadeh, 2018, pp. 816–817).

Accordingly, targeted sanctions are directed against those individuals or groups deemed responsible for violations of international norms and regulations, and their implementation is generally intended to conform, as far as possible, to the principles of international humanitarian law and human rights protection.

3. Sanctions in Islamic Jurisprudence

3.1. Sanctions on Dominance-Based Commercial Relations

Under Islamic law, the default rule governing commercial relations between Muslims and non-belligerent non-Muslims is permissibility. Accordingly, buying, selling, and other forms of commercial exchange are generally regarded as lawful. Nevertheless, there is broad agreement among Shi'i jurists that contracts and commercial arrangements which directly or indirectly strengthen oppressive powers, assist them in committing injustice against Muslims, or facilitate their domination over Muslim societies constitute a clear instance of "iʿānah ʿalā al-ẓulm" (assisting or facilitating oppression) and therefore fall within the category of prohibited transactions(Ansari, 1994, vol. 2, p. 53).

Some jurists, drawing on various narratives, argue that any form of assistance to unjust rulers is unlawful, even in matters that are otherwise permissible (Haeri, 1997, vol. 8, p. 176). The prevailing view among Shi'i jurists, however, is that assistance in otherwise permissible matters becomes unlawful only when it is intended to enhance the power, authority, or influence of oppressive actors, thereby strengthening their domination and effectively aligning the assisting party with their supporters and affiliates (Najafi, 1983, vol. 22, p. 53; Ansari, 1994, vol. 2, p. 54).

Accordingly, there is broad agreement among jurists that the production, purchase, sale, and consumption of goods that contribute to strengthening the domination of the enemies of Islam are impermissible. During the late nineteenth century, when concerns regarding Iran’s increasing economic dependence on European powers intensified, several juridical rulings were issued calling for a boycott of foreign goods. The most significant of these was the famous ruling prohibiting the Tobacco Concession. During the same period, Sayyid Muḥammad Kāẓim Ṭabāṭabāʾī Yazdī and Ākhūnd Khurāsānī, responding to an inquiry published in a newspaper in Calcutta, stated with respect to the use of European goods:” Buying from and selling to non-Muslims in a manner that strengthens them and weakens

Muslims is impermissible, and the same ruling applies to other forms of association with them" (Najafi, 2011, pp. 86–88).

Similarly, several jurists, including Āqā Najafī Iṣfahānī, issued rulings in Isfahan calling upon Muslims to boycott European products (Najafi, 2011).

In the contemporary period, many jurists have likewise regarded commercial transactions that facilitate foreign domination over Muslim societies as impermissible. In this regard, Imam Khomeini states: "If, in commercial relations with foreign powers, there is a fear that economic harm may be inflicted upon Muslim markets and that such relations may lead to economic and commercial dependency, it is obligatory to terminate such relations, and such trade is prohibited" (Imam Khomeini, 2003, vol. 2, p. 762).

In another legal opinion, he writes: "If, as a result of the expansion of the political, economic, or commercial influence of foreign powers, there is a fear that they may come to dominate Muslim lands, it is obligatory upon Muslims to defend themselves by whatever means possible and to eliminate the influence of foreign powers, whether their domestic or foreign agents" (Imam Khomeini, 2003, p. 762).

Imam Khomeini further maintains that if an Islamic state enters into political or commercial relations with foreign powers in a manner contrary to the interests of Islam and Muslims, other Islamic states are obligated to employ all available means to compel that state to terminate such relations (Imam Khomeini, 2003, p. 762).

He has even issued a fatwa stating that if any of the Islamic states engages in a political or commercial relationship with foreign entities that contradicts the interests of Islam and Muslims, it is incumbent upon the other Islamic states to compel that state, by whatever means possible, to terminate the relationship. Indeed, the phrase "by whatever means possible" may be interpreted as providing jurisprudential support for indirect economic and political pressure, including measures analogous to those now described as secondary sanctions, provided that such measures remain subject to the broader principles and limitations governing their use.

On the same basis, Imam Khomeini regarded commercial relations with Israel as impermissible: "Merchants who maintain commercial relations with Israel and its agents are betraying Islam and the Muslim community and are assisting in the destruction of Islamic norms and institutions. Muslims are therefore obliged to sever relations with such actors, whether they are governments or private traders, and to compel them to repent and discontinue their relations with such entities" (Imam Khomeini, 2003, p. 763).

In a message addressed to pilgrims during the 1986 Hajj season, he further declared: "With respect to goods offered to pilgrims in the Hijaz, the purchase of products originating from the United States—which opposes Islamic ideals and, fundamentally, Islam itself—amounts to assisting the enemies of Islam and promoting falsehood; therefore, such purchases should be avoided" (Imam Khomeini, 2010, vol. 20, p. 97).

Similarly, Ayatollah Khamenei, in response to a legal inquiry concerning the purchase and sale of imported goods from Western countries, stated: "If purchasing and using imported goods from non-Islamic countries contributes to strengthening unbelieving and colonial powers that are hostile to Islam and Muslims, or enhances their financial capacity to aggress against Islamic territories or Muslim communities anywhere in the world, Muslims are obligated to refrain from purchasing, using, and benefiting from such goods. This ruling applies irrespective of the type of goods involved or the particular non-Muslim state concerned, and it is not limited to Muslims in Iran" (Khamenei, 2019, p. 399).

He has also ruled that: "No one is permitted to engage in actions that undermine the boycott imposed by Muslims against Israel" (Khamenei, 2019, p. 398).

These rulings suggest that, within contemporary Shi'i jurisprudence, economic relations that strengthen hostile powers or contribute to their political and economic influence over Muslim societies may be subject not merely to restrictions but, under certain circumstances, to mandatory boycott and sanctions measures.

The foregoing rulings indicate that Islamic states are obligated to refrain from entering into commercial arrangements with non-

Muslim actors whenever such relations facilitate their domination over Muslim societies. Likewise, they are required to avoid supplying goods, services, or resources that would strengthen hostile powers in their oppression of Muslim communities. Accordingly, the imposition of trade restrictions and economic boycotts upon such transactions enjoys strong support within Shi'i jurisprudence and appears to reflect a broad juristic consensus among Shi'i scholars. From this perspective, commercial sanctions aimed at preventing foreign domination and safeguarding the interests of Muslim societies constitute a well-established principle within the Shi'i jurisprudential tradition.

3.2. Embargoes on Arms and Military Equipment

Another sanction-related ruling in Islamic jurisprudence concerns the prohibition of supplying arms and military equipment to the enemies of Islam. According to this ruling, military equipment may not be exported to non-Muslim states, or more broadly to any enemies of the faith engaged in hostilities against Muslims, where such equipment could be used to gain military superiority over, or establish domination over, Muslim communities. The principal basis for this ruling is a body of narratives prohibiting Muslims from selling weapons to the enemies of the religion (Ameli, 1998, vol. 17, pp. 101–103). These narratives have given rise to a variety of juristic interpretations, resulting in differing views regarding the scope and application of the prohibition

Some jurists have regarded the prohibition on selling weapons to the enemies of Islam as absolute (Tusi, 1979, p. 365). Others have confined the prohibition to situations involving actual warfare or the imminent threat of armed conflict (Ansari, 1994, vol. 1, pp. 148–149). Still others have extended the ruling beyond non-Muslim purchasers, applying it— Based on the principle of "iʿānah ʿalā al-ẓulm" (assisting oppression)—to Muslims whose conduct or policies undermine Islamic values and interests (Helli, 1994, vol. 12, p. 139).

Among contemporary jurists, Imam Khomeini regarded the transfer of arms to hostile actors as a matter that depends upon the interests and circumstances of the Muslim community. In his view, no fixed and universal ruling can be established in this regard; rather, the determination rests with the supreme leader of the Muslim community. Accordingly, where the interests of Muslims so require, arms may even be supplied to non-Muslims without compensation. Likewise, weapons may be provided to one hostile group for use against another hostile group if doing so serves the interests of the Muslim community. Conversely, circumstances may require the Islamic ruler to prohibit the transfer of arms, whether during wartime, periods of military mobilization, or even in times of peace. In particular, where there is a reasonable likelihood that the transfer of weapons during peacetime would strengthen hostile actors in future conflicts, such a possibility is sufficient to render the transaction impermissible. This consideration applies whether the concern relates to non-Muslims, enemies of the faith, or opponents of the Islamic school of thought. Consequently, the permissibility or prohibition of arms transfers, together with their scope and conditions, ultimately depends upon the judgment of the supreme leader and its assessment of the interests of the Muslim community (Imam Khomeini, 1994, vol. 1, pp. 227–234).

The predominant view among Shi'i jurists is that the transfer of arms and military equipment to non-Muslim powers is impermissible whenever such resources are likely to be used against Muslims or are expected to strengthen hostile actors in future confrontations with Islamic states. The Islamic state is therefore obligated to refrain from entering into such arrangements. By the same reasoning, granting military bases, logistical facilities, or strategic infrastructure to foreign powers for use in military operations against Muslim countries would likewise fall within the scope of this prohibition.

3.3 Freezing and Confiscation of the Assets of Belligerent Non-Muslims

Another category of sanctions recognized in Islamic jurisprudence is financial sanctions. The legitimacy of private property ownership is a fundamental principle of Islamic law. This principle is recognized in several provisions of the Constitution of the Islamic Republic of Iran (Articles 44, 46, and 47) as well as the Civil Code (Articles 30 and 31). Nevertheless, according to Shi'i jurisprudence, this necessity is not absolute; rather, only ownership acquired and exercised in conformity with Islamic legal standards is regarded as lawful and entitled to legal protection. Consequently, Islamic law has established several rules pursuant to which the Islamic state may, under certain circumstances, freeze or confiscate individuals' property and assets, either as a punitive measure or on other legally recognized grounds.

The term "seizure of assets" refers to the temporary blocking or restriction of access to property without the transfer of ownership. Confiscation of assets, by contrast, entails the deprivation of ownership rights, whereby all or part of the property is transferred to the control or ownership of the state (Jaʿfarī Langrūdī, 1997, p. 653).

In the classical juristic sources, the confiscation of property is considered permissible in various cases. These include the seizure of the property of hoarders, individuals refuse to pay "zakat", apostates by birth (murtadd fiṭrī), rebels against the legitimate Islamic authority (boghāt), apostates who leave no Muslim heir, the recovery of public assets for restoration to the public treasury, the appropriation of a debtor’s property as taqāṣṣ, and the seizure of instruments and tools used for unlawful purposes. Collectively, these rulings reflect forms of confiscation analogous to the modern legal understanding of the concept.

Another instance of confiscation recognized in Islamic jurisprudence concerns the seizure and appropriation of the property of a kāfir ḥarbī (belligerent non-Muslim). According to Islamic legal doctrine, only the property of Muslims and dhimmīs (non-Muslims living under the protection of the Islamic state) enjoys inviolability and legal protection. The property of a kāfir ḥarbī, by contrast, is not regarded as legally inviolable, and its owner is not recognized as possessing protected proprietary rights over such assets (Ḥellī, 1968, p. 464).

A kāfir ḥarbī is a non-Muslim who is not subject to the dhimmah covenant and who has not concluded a pact of safe-conduct (amān), a peace agreement, or another treaty arrangement with the Islamic state. Accordingly, states that maintain political relations with an Islamic state and are not in a state of war with it do not fall within the category of belligerent enemies (ahl al-ḥarb). As long as they do not engage in hostilities against Muslims, their property remains protected because, by virtue of the agreements and commitments concluded with the Islamic state, they are classified as muʿāhadūn, that is, treaty-bound parties. Likewise, neutral non-Muslims are not considered kuffār ḥarbiyyūn (Makārim Shīrāzī, 2006, vol. 1, p. 345). However, any state that, through military force, economic power, or other means, actively seeks to combat Islam or strengthen hostile forces against Muslims may be regarded as falling within the category of a muḥārib (one engaged in hostilities) (Muntaẓirī, 2007, vol. 1, pp. 98–99).

Several rulings, such as the permissibility of taking ribā from a kāfir ḥarbī (Najafī, 1983, vol. 23, p. 382), the invalidity of establishing a charitable endowment (waqf) in his favor (Sabzawārī, vol. 22, p. 50), the absence of liability for the destruction of his property, and, according to some jurists, the permissibility of appropriating or seizing his assets (Golpāygānī, 1988, vol. 1, p. 539; vol. 3, p. 166) have generally been understood as indicating that the proprietary rights of a kāfir ḥarbī do not enjoy the same legal protection accorded to Muslims and protected non-Muslims under Islamic law. Nevertheless, jurists have recognized an exception with respect to property entrusted by a kāfir ḥarbī as a deposit or held under a relationship of trust, ruling that such property must be returned to its owner (Najafī, 1983, vol. 27, pp. 124–125).

Historical precedents for the confiscation of the property of belligerent non-Muslims can also be found in the early Islamic period. For example, in the second year after the Hijrah, the Prophet Muhammad (peace be upon him) intercepted a commercial caravan of the Quraysh on its return journey to Mecca as compensation for the property that had previously been seized from Muslims in Mecca (Yūsefī, 1996, vol. 2, p. 569).

Accordingly, financial measures directed against kuffār al-ḥarb (belligerent non-Muslims) possess a basis both in Islamic jurisprudence and in the practice of the Infallibles (peace be upon them), and therefore provide a jurisprudential foundation for certain forms of financial sanctions imposed by Islamic states against hostile states.

3.4. Sanctions on Dominance-Based Political Relations

Another sanction-related principle in Islamic jurisprudence is the prohibition of political relations with hostile states or whose policies and conduct are directed toward establishing domination and hegemony over Muslim societies. In verses 8 and 9 of Sūrat al-Mumtaḥanah, God states: “Allah does not forbid you from showing kindness and acting justly toward those who have not fought you because of your religion and have not expelled you from your homes. Indeed, Allah loves those who act justly. Allah only forbids you from those who have fought you because of your religion, driven you from your homes, and assisted in your expulsion. Whoever takes them as allies—such are the wrongdoers”.

In other verses, believers are warned against taking the enemies of God and the enemies of Islam as their allies or extending affection and friendship toward them, for they reject the truth and, whenever they have the opportunity, strive through word and deed to oppose and harm the Muslim community (al-Mumtaḥanah 60:1–2). The Qurʾān further emphasizes that believers should not seek dignity and honor through allegiance to unbelievers, since all honor belongs to God alone (al-Nisāʾ 4:139). Likewise, whoever takes unbelievers as patrons and protectors in preference to believers shall have no standing before God, except in circumstances requiring prudential dissimulation (taqiyyah) or protection from harm (Āl ʿImrān 3:28).

These verses, together with numerous others, underscore the two foundational principles of "tawallī" and "tabarrī" in the foreign policy of the Islamic state. Under these principles, Muslims are required to maintain loyalty, support, and solidarity toward just Islamic states, while dissociating themselves from oppressive and aggressive states and refraining from supporting or aligning with them (Shakuri, 2015, pp. 345–363).

On the same basis, and as explicitly affirmed in numerous Hadiths (narratives), any conduct that constitutes assistance to oppressors or facilitates their acts of aggression and injustice is regarded as prohibited (Anṣārī, 1994, vol. 2, pp. 53–59). In this regard, Imam Khomeini, while discussing the defense of the Islamic polity and its territorial integrity, states: “If the political relations of Islamic states with foreign powers result in their domination over Islamic lands, Muslim citizens, or the property of Muslims, thereby subjecting them to political subjugation, it is incumbent upon the officials of those states to terminate such relations and arrangements. Likewise, Muslims are obliged to advise and compel them to sever such political ties. Furthermore, if an Islamic state establishes relations with foreign powers in a manner contrary to the interests of Muslims, other Islamic states are obliged to prevent it from pursuing such a course by any available means, including the severance of political and commercial relations. Muslims, too, are obligated to support this objective through forms of non-cooperation and peaceful resistance”(Imam Khomeini, 2013, vol. 1, pp. 515–516).

Accordingly, Islamic law does not advocate the complete severance of political relations with non-Muslim states as a general rule. Rather, it prohibits political engagement with states that pursue hostile policies toward Muslims, violate the rights and security of Muslim communities, or seek to establish political, economic, or military domination over them. This principle constitutes a clear manifestation of the doctrine of tabarrī, which should be regarded as a fundamental principle in the formulation and conduct of the foreign policy of the Islamic state.

3.5. Prohibition of Sanctions Contrary to Humanitarian and Human Rights Norms

Just as, under the rules of international law, states are required during armed conflict to observe humanitarian and human rights norms and to refrain from extending hostile measures to ordinary civilians, so too in times of peace and in situations involving the imposition of sanctions—which may be regarded as a form of economic warfare—states should avoid measures that place the burden of pressure on innocent civilians rather than on state themselves. Admittedly, the adverse effects of sanctions on the social and economic rights of the targeted population, including the rights to development, welfare, and education, are difficult to deny. By restricting a state's access to major sources of wealth, particularly foreign trade, sanctions limit its capacity to satisfy the needs of society and consequently reduce overall public welfare. Nevertheless, from a human rights perspective, the crucial consideration is that states should refrain from imposing sanctions that directly target ordinary civilians, such as restrictions on food, medicine, and other essential humanitarian goods.

According to Islamic jurisprudence, the Islamic state is obligated to consider certain human rights obligations during military conflicts. These principles may be extended by analogy to situations of economic warfare and may therefore serve as a basis for determining the limits of permissible sanctions under Islamic law.

One such limitation is that civilian populations should, as far as possible, continue to enjoy access to the necessities of life, including drinking water, food, shelter, medicine, and medical care. Accordingly, sanctions directed at essential humanitarian goods are impermissible under any circumstances, and hostile states should not use human shields to achieve their goals.

The jurists have maintained that depriving an enemy of access to water is impermissible, regardless of the circumstances. This ruling is supported by the Prophet's sirah, who, after gaining complete control of the water wells during the Battle of Badr, did not deny access to the polytheists of Mecca. Likewise, during the campaign of Khaybar, he prohibited the cutting off of water supplies to the Jewish inhabitants. Similarly, Imam ʿAlī (peace be upon him), during the Battle of Ṣiffīn, permitted his opponents to draw water freely (Minqarī, 1983, p. 162).

Another humanitarian principle is that, even during warfare, methods should be adopted that minimize harm to civilians and other innocent persons. Women, children, the elderly, persons with disabilities, and other vulnerable individuals should not be subjected to harm in situations of armed conflict. Shi'i jurists have explicitly stated that even where women and children assist the enemy or participate in hostilities, their killing is impermissible except in cases of necessity (Ṭūsī, 1967, vol. 2, p. 13; Ḥellī, 1992, vol. 1, p. 486; Najafī, 1983, vol. 21, pp. 73–74). Such necessity arises, for example, when the enemy employs women and children as human shields (Najafī, 1983, p. 74). This ruling is grounded in a narrative attributed to the Prophet Muhammad (peace be upon him), in which he prohibited the killing of non-combatant women and children in enemy territory (Āmelī, 1988, vol. 15, p. 64). In another narrative, he instructed: “Fight the polytheists, but spare their elderly and their children” (Āmelī, 1988, p. 65). Accordingly, Islamic legal sources prohibit harm to elderly persons unless they actively participate in hostilities through planning, direction, or military consultation. Similarly, the bedridden, the blind, and the sick are entitled to protection from the harms of warfare (Najafī, 1983, vol. 21, p. 76).

Taken together, these principles demonstrate that humanitarian considerations constitute an important limitation on the imposition of political and economic sanctions against hostile states. Shi'i jurisprudence therefore supports the adoption of targeted or smart sanctions designed to minimize harm to ordinary civilians, even when those civilians reside within territory under the control of a belligerent non-Muslim (Dār al-Ḥarb). More broadly, these principles indicate that essential humanitarian goods and services should remain outside the scope of sanctions regimes and that the implementation of sanctions must, as far as possible, conform to humanitarian and human rights considerations.

Conclusion

The foregoing analysis demonstrates that Islamic jurisprudence contains a set of legal principles and rulings that require the Islamic state, under certain circumstances, to impose and implement unilateral or multilateral sanctions against hostile states. Such measures, however, must be adopted and enforced within the framework of specific legal and ethical constraints.

Trade sanctions targeting relations that facilitate foreign domination constitute an important economic instrument that Islamic states should utilize, in accordance with their capacities and available resources, to advance their foreign policy objectives. An Islamic state is entitled to prohibit the export of specific goods or categories of goods to states that pose a threat to its national security. Such measures assume particular importance where the export of those goods is likely to enhance the military or economic capabilities of the target state. According to established juristic principles, commercial transactions involving goods that strengthen the enemies of Islam or facilitate their domination over Muslim societies are prohibited. Moreover, if an Islamic state engages in such relations, other Islamic states may be under a legal obligation to pressure that state, including through secondary sanctions, to bring such relations to an end.

Furthermore, the export of military equipment to non-Muslim states, or more generally to enemies of Islam engaged in hostilities against Muslims, is impermissible where such equipment may be used to establish military superiority over or domination of Muslim communities. Similarly, granting military bases or strategic facilities to such actors, thereby enabling them to exercise hegemony over Islamic states, is likewise prohibited.

Any state that, whether through military or non-military means, actively seeks to combat Islam or to strengthen forces hostile to Muslim communities may be regarded as a hostile belligerent within the juristic framework examined in this study. Consequently, Islamic states may resort to the confiscation of its assets and the imposition of other forms of financial sanctions.

In addition, political relations with states that are engaged in hostilities against Muslims or whose policies and actions are directed toward domination and hegemony over Muslim societies are regarded as impermissible. Islamic governments are therefore required to dissociate themselves from such states in accordance with the principle of tabarrī.

Accordingly, Islamic jurisprudence not only recognizes the legitimacy of certain unilateral and multilateral sanctions outside the framework of international organizations but also regards such measures, under specific circumstances, as legitimate instruments of the foreign policy of Islamic states. At the same time, these extraterritorial measures—which, in contemporary international discourse, may be characterized as forms of intervention in the affairs of other states—must remain subject to ethical, humanitarian, and legal constraints. It is precisely this requirement that underscores the importance of targeted or smart sanctions within an Islamic legal framework.

According to Islamic jurisprudence, sanctions should not directly target ordinary civilians, except in exceptional circumstances where hostile actors employ civilians as human shields and no effective alternative to broader restrictive measures exists. Likewise, sanctions should not encompass essential humanitarian goods and services, including access to potable water, food, medicine, and other basic necessities of life. Consequently, sanctions that endanger food security, public health, or the fundamental well-being of innocent individuals cannot be regarded as legitimate under Islamic law.

Each of the political, commercial, and financial sanctions examined in this study, together with their associated ethical constraints, is supported by Qurʾānic teachings, prophetic narratives, and the sīrah of the Infallibles (peace be upon them). Due to the limitations of a journal article, it has not been feasible to provide a comprehensive analysis of all the relevant evidence, supporting arguments, and corroborative indications pertaining to the subject. Future studies may therefore investigate these evidentiary foundations and the underlying jurisprudential principles in greater depth.

.

Refrences

Ahmadpour, M., Azadbakht, F., & Hatami, M. (2023). Investigating the confrontation with economic sanctions from a jurisprudential and legal perspective. Quarterly Journal of Economic Jurisprudence Studies, 5(5), 279–296.

Alikhani, H. (2000). Sanctioning Iran: Anatomy of a failed policy. London: IB Tauris.

Ameli, M. (1988). Wasā'il al-Shī'ah. Qom: Āl al-Bayt Institute. (in Arabic)

Ansari, M. (1994). Al-Makāsib. Qom: Congress in Commemoration of Sheikh Ansari. (in Arabic)

Azari, M. (2008). Economic sanctions: Effects and consequences, policies and strategies. Tehran: Tadbir-e Eqtesad Research Institute.

Azima, I. (2016). The duties of Muslims under sanctions from the perspective of the Qur'an and the conduct of the Ahl al-Bayt [Master's thesis]. Qom: University of Qur'anic Sciences and Hadith.

Bayat, M. (2012). The history of Iran's sanctions: Evolution in vulnerabilities and the nature of sanctions. Foreign Policy Quarterly, 26(4), 935–960.

Bidar, A. (2013). Sanctions and threats from the view of jurisprudence rules and international law. Journal of Resistive Economics, 1(1), 8–20.

Eeckhout, P. (2011). EU external relations law. Oxford: Oxford University Press.

Golpaygani, M. (1988). Majma' al-masā'il. Qom: Dar al-Qur'ān al-Karīm.

Habibzadeh, F. (2018). Economic sanction: A weapon of mass destruction. The Lancet, 392(10150), 816–817.

Ha'iri, A. (1997). Riyāḍ al-masā'il. Qom: Āl al-Bayt Institute. (in Arabic)

Haji Hosseini, H., Mortazi, A., & Hosseinzadeh, M. A. (2017). Jurisprudential foundations of the diplomacy of resistance against sanctions in the Islamic Republic of Iran. Quarterly Journal of Islamic Revolution Research, 6(22), 139–179.

Hellī, H. (1968). Tadhkirat al-fuqahā'. Qom: Āl al-Bayt Institute. (in Arabic)

Hellī, H. (1992). Qawā'id al-aḥkām. Qom: Daftar-e Intishārāt-e Islāmī. (in Arabic)

Hellī, H. (1993). Taḥrīr al-aḥkām al-shar'iyyah. Qom: al-Imām al-Ṣādiq Institute. (in Arabic)

Hellī, H. (1994). Tadhkirat al-fuqahā.' Qom: Āl al-Bayt Institute. (in Arabic)

Hellī, M. (1989). Al-Sarā'ir al-ḥāwī. Qom: Office for Islamic Publications. (in Arabic)

Holsti, K. J. (1994). Foundations of international politics analysis (B. Mostaghim & M. Tarom Seri, Trans.). Tehran: Ministry of Foreign Affairs. (Original work published 1992)

Hufbauer, G. C., Schott, J. J., Elliott, K. A., & Oegg, B. (2014). Economic sanctions reconsidered. Washington, DC: Columbia University Press.

Imam Khomeini, R. (1994). Al-Makāsib al-muḥarramah. Tehran: Institute for Compilation and Publication of Imam Khomeini's Works. (in Arabic)

Imam Khomeini, R. (2003). Tawḍīḥ al-masā'il (8th ed.). Qom: Office for Islamic Publications.

Imam Khomeini, R. (2010). Ṣaḥīfah-ye Imām (4th ed). Tehran: Institute for Compilation and Publication of Imam Khomeini's Works.

Imam Khomeini, R. (2013). Taḥrīr al-wasīlah. Tehran: Institute for Compilation and Publication of Imam Khomeini's Works. (in Arabic)

Jafari Langarudi, J. (1997). Terminology of law. Tehran: Ganj-e Danesh Library.

Karimi, J. (2001). "Sanctions". In G. A. Haddad Adel (Ed.), Encyclopedia of the Islamic world (Vol. 6, pp. 645–656). Tehran: Foundation of the Islamic Encyclopedia.

Kausch, H. G. (1982). Boycott. In Encyclopedia of public international law. Amsterdam: North-Holland Publishing.

Khamenei, A. (2019). Ajwibat al-istiftā'āt (51st ed.). Tehran: Islamic Propaganda Organization.

Makarem Shirazi, N. (2006). Istiftā'āt jadīd (2nd ed.). Qom: Madrasat al-Imām 'Alī b. Abī Ṭālib.

Minqari, N. b. M. (1983). Waq'at Ṣiffīn (2nd ed.). Qom: al-Mar'ashī al-Najafī Library. (in Arabic)

Montazeri, H. A. (2007). Risālah-ye istiftā'āt (4th ed.). Tehran: Sayeh.

Najafi, M. H. (1983). Jawāhir al-kalām (7th ed). Beirut: Dār Iḥyā' al-Turāth al-'Arabī. (in Arabic)

Najafi, N. (2011). The binding ruling of Aqa Najafi: The renowned authority of Islamic awakening in Isfahan (2nd ed.). Tehran: Institute for Contemporary Iranian History Studies.
Navin, A. B., & Morgan, C. (2009). Multilateral versus unilateral sanctions reconsidered: A test using new data. International Studies Quarterly, 53(4), 1075–1094.
Peksen, D. (2009). Better or worse? The effect of economic sanctions on human rights. Journal of Peace Research, 46(1), 59–77.
Qavam, A. A. (1993). Principles of foreign policy and international relations. Tehran: SAMT.
Saeedi, A. (2019). Strategies for overcoming economic sanctions from the perspective of jurisprudence. Qom: Al-Mustafa International University.
Sajjadpour, S. K., & Vakili, F. (2015). The international sanctions regime: Foundations, decision-making processes, enforcing institutions, and efficiency assessment. Foreign Relations Quarterly, 7(1), 39–64.
Sands, P., & Klein, P. (2009). Bowett's law of international institutions (6th ed.). London: Sweet & Maxwell.
Shakuri, A. (2015). Islamic political jurisprudence. (3rd ed.). Tehran: Nura.
Strack, H. R. (1978). Sanctions: The case of Rhodesia (1st ed.). Syracuse, NY: Syracuse University Press.
Tabataba'i Yazdi, S. M. K. (2000). Ḥāshiyah 'alā al-makāsib (2nd ed.). Qom: Ismā'īliyān Institute. (in Arabic)
Tusi, M. (1967). Al-Mabsūṭ. (3rd ed). Tehran: al-Murtaḍawiyyah Library (in Arabic)
Tusi, M. (1979). Al-Nihāyah fī mujarrad al-fiqh wa al-fatāwā (2nd ed.). Beirut: Dār al-Kitāb al-'Arabī. (in Arabic)
Yousefi Gharavi, M. H. (1996). Encyclopedia of Islamic history. Qom: Majma' al-Fikr al-Islāmī. (in Arabic)
Zahrani, M. J., (1997). Theories of economic sanctions. Tehran: Office for Political and Economic Studies Publications.
Zarif, M. J., & Mirzaei, S. (1997). Unilateral US sanctions against Iran. Foreign Policy Quarterly, 11(1), 91–108.