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The Role of Wrongdoer's Intent in the Rules of International Jurisdiction in Defamation Claims with a Study of Iranian and United States Law

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Abstract

Causing damage to a person's reputation, honor, and dignity is one of the harmful acts that can be committed intentionally by the wrongdoer. In such cases, the wrongdoer intends to communicate defamatory statements about a specific individual to others. Today, with the significant advancement of media, it is easily conceivable that a person in one country could damage the reputation of another person in a different country through speech or written communication. In such instances, it is entirely possible for the effects of the harmful act—namely, defamation—to occur across multiple countries. However, it must not be overlooked that the effects of such harmful acts, i.e., damage to a person's reputation and credibility, are not the same across all jurisdictions. Each place, depending on the facts of a case, may be differently affected by the harmful conduct. Therefore, a rule of international jurisdiction that gives due consideration to the intention of the wrongdoer as well as the effects of the act may be best suited to determine the most appropriate and relevant court to hear the case, because it is the intention of the wrongdoer that has given rise to the harmful conduct and its consequences. By examining this intention, it can be discerned which country has been most affected by the wrongdoing.

This research aims to examine and analyze the rules of international jurisdiction in Iranian law and United States law in order to reveal the role of the wrongdoer's intention in determining the competent court in defamation lawsuits. It seeks to assess the approaches of these legal systems and to propose an appropriate method for applying a jurisdictional rule based on the wrongdoer's intent. Accordingly, this study seeks to answer the following question: In the legal systems of the United States and Iran, how can the wrongdoer's intent to disseminate defamatory content serve as a basis for establishing jurisdiction in defamation claims? And how can this intent be effectively utilized to determine jurisdiction in such cases?

This research is of a fundamental theoretical type, whose information, sources, and primary materials are collected through

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library research. The research method in this study is descriptive, analytical, and comparative. In the descriptive stage, the information is collected and classified; then, the obtained information is analyzed, and finally, this information is compared with the foreign studied sources, and the result of the research is extracted.

In the legal system of the United States, according to cases like *Calder*, a rule known as the "Effects Test" is applicable for determining jurisdiction in defamation cases. According to this rule, three conditions must be met for jurisdiction to be exercised. First, the defendant must have committed an intentional harmful act; second, the plaintiff must have suffered the focal point of the harm resulting from the wrongful conduct within the forum; and third, analysis of the wrongdoer's intention must reveal that they intended the consequences of their conduct to occur in the forum—it means that the place must be the focal point of the harmful act. This ruling has been applied by many courts in the United States of America, even in recently held cases involving internet defamation.

The findings of this research show that the Effects Test is highly accepted in the legal system of the United States. Undoubtedly, since the intention of the wrongdoer plays a significant role in the Effects Test, it can be considered one of the fundamental bases for establishing jurisdiction. The application of this jurisdictional rule by the courts in the United States for internet defamation demonstrates that this rule is considered appropriate and ideal by United States courts.

However, in contrast to the United States legal system, a study of the rules set forth in Iranian law shows that the intent and purpose of the wrongdoer in disseminating defamatory content within a specific region do not play a role in determining international jurisdiction. While Iran's Criminal Procedure Code recognizes the place of commission of the offense as a basis for exercising jurisdiction, in defamation cases—where the parties and recipients of the defamatory content may be geographically distant—the concept of the place of commission becomes vague and complex. Iranian courts have produced different interpretations, with some courts leaning toward examining the intent and effects of the harmful conduct. However, this approach conflicts with the legislator's emphasis on the principle of territoriality.

An analysis of the study's findings reveals that the jurisdictional rule established in U.S. law is highly flexible, allowing courts to determine the most relevant forum for hearing the case by considering the wrongdoer's intention and the harm suffered by the victim, thus enabling a relatively fair balance of justice between the parties. However, the lack of clarity regarding how to assess the wrongdoer's conduct and the victim's harm raises the risk of different court decisions and simultaneous assertions of jurisdiction by multiple courts, creating the challenge of overlapping jurisdictions. Moreover, judicial systems are often reluctant to allow foreign courts to apply jurisdiction over defamation claims arising from acts committed within their own territory.

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	<p>Given both the strengths and limitations of the intent-based jurisdiction rule, it cannot be used independently as the sole basis for determining international jurisdiction. Therefore, it is recommended that the wrongdoer's intent to disseminate defamatory content to a specific location, along with the substantial harm to the victim's reputation in that location, be considered alongside other criteria when determining the competent court. In this way, this test can serve as a subsidiary rule to the main jurisdictional rule, enabling courts to avoid inappropriate or excessive assertions of jurisdiction by relying on this complementary standard.</p>
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