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Age and Criminal Responsibility: Rethinking Shiite's Well-known Opinion

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Traditional Shiite jurists consider females of 9 and males of 15 Lunar years to be legally mature, and, thus, criminally responsible.

Having a limited scope of the discussion to the criminal responsibility, the main focus of this survey is on two different, yet related, perspectives: the relation of age and criminal responsibility, and then, possibility of making distinction between criminal responsibility and other legal and ritual capacities.

As for the first point, the article argues that narrations considering girls of 9 and boys of 15 years old as criminally mature do not seem to correspond to the real facts in all societies, so they cannot be referred to as the basis of the law for all societies and forever. Shiite jurists seem to be in need of reinterpreting such narrations by contextualizing their contents. The role of age in criminal responsibility must be seemed more in the light of the basic elements of criminal responsibility.

As for the second point, i.e. possibility of distinguishing criminal liability from other kinds of legal capacities, this survey suggests that criminal responsibility must be separated from other kinds of legal capacity, such as capacity for exercising rights and discharging of the obligations. Indeed a system of grading and allotment responsibility for different stages of age is recommended. In this line of thought, the age of full criminal responsibility, can be determined by considering fundamental Islamic teachings, as well as scientific achievements proposed by experts in various related fields, such as criminologists, physiologists and sociologists.

Key words: *Maturity, Age of Criminal Capacity, Criminal Responsibility, Penal Maturity, Shiite Jurisprudence.*

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