

Ethics and Judicial Manners in the Intellectual System of Grand Ayatollah Mohammad Yazdi (R.A)

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Abstract

This study analyzes and explains the system of judicial ethics in the thought of Grand Ayatollah Mohammad Yazdi (R.I.P.), a system founded upon Qur'anic principles, prophetic traditions, and the conduct of Imam Ali (AS). In his view, adjudication (*qadā*) is not merely a legal institution but a divine office and trust on earth, grounded in justice, integrity, and compassion. Ayatollah Yazdi classifies judicial ethics into three dimensions: the individual dimension (self-purification, inner tranquility, and control of anger and greed); the professional dimension (independence of judgment, accuracy in investigation, equality, and decorum in courtroom conduct); and the social dimension (defending the oppressed, resisting the oppressor, and preserving human dignity). The just judge, in his perspective, is one who balances the enforcement of justice with the protection of human honor and regards God as ever-present in issuing judgments. Employing a descriptive-analytical method and referring to Yazdi's primary writings, this article seeks to clarify the theoretical foundations of judicial ethics and to propose a practical model for training a just judge based on Islamic teachings. The findings show that judicial ethics in Yazdi's thought constitute the essential condition for realizing divine justice and ensuring the moral integrity of the judicial system in an Islamic polity.

Keywords: Judicial ethics, justice, observance of rights, independence of judgment, Islamic compassion.

Extended Abstract

This extended abstract presents an analytical reconstruction of the concept of judicial ethics in the intellectual framework of Grand Ayatollah Mohammad Yazdi, a leading contemporary Shia jurist, judge, institutional architect of the post-revolutionary Iranian judicial system, and an influential theorist of Islamic legal ethics. Drawing on Qur'anic foundations, the Prophetic and Imamic traditions, classical jurisprudential (*fiqhī*) literature, and Yazdi's own works—especially *Akhlaq-e Qazā* (Judicial Ethics)—this study argues that Yazdi proposes a coherent, multidimensional, and spiritually grounded model for judicial ethics aimed at actualizing divine justice in society. Judicial ethics in this framework is not an auxiliary moral supplement to legal procedure, but rather the inner essence, spiritual

depth, and normative backbone without which justice collapses into legalistic formalism and potential oppression.

Ayatollah Yazdi conceptualizes the judicial office (*qaḍā'*) as a divine trust and earthly manifestation of God's justice. Thus, ethics is inseparable from adjudication: no legal system can be just unless the character and spiritual condition of judges embody justice itself. The present study aims to (1) explicate Yazdi's theoretical foundations, (2) systematize his normative categories of judicial virtue, and (3) illuminate the implications of his model for the training and qualification of judges in Islamic legal systems. Existing research on Islamic judicial ethics often focuses on procedural rules (*ādāb al-qāḍī*); however, Yazdi explicitly distinguishes between external etiquette and internal virtue, highlighting an unaddressed gap in contemporary scholarship. His writings fill this gap by offering a substantive moral psychology of the judge.

Yazdi defines judicial ethics as the “inner guarantee for realizing justice” and the “spiritual essence of adjudication,” emphasizing that law without ethics can lead to “*legalized injustice*” when a judge lacks piety, patience, fairness, or self-restraint (Yazdi 1381:12). He distinguishes between:

- *Ādāb al-Qāḍī* (procedural judicial etiquette): external, formal, and institutional norms regulating hearings, order, documentation, and courtroom manners.
- *Akhlaq al-Qadā* (judicial ethics): internal virtues, dispositions, and moral traits that ensure fairness, independence, and avoidance of bias.

This distinction is fundamental because the first governs *how* the judge behaves outwardly, while the second governs *who* the judge is inwardly. Yazdi argues that without inner virtue, outer compliance becomes hollow and potentially harmful.

Synthesizing Yazdi's writings, the study identifies three interrelated dimensions of judicial ethics, each rooted in Qur'anic anthropology and the Prophetic-Alid model of governance:

Judges must cultivate *taqwā*, spiritual discipline, self-purification, emotional stability, and control of anger and greed. Yazdi repeatedly cites Imam Ali's order to Malik al-Ashtar—“Choose the best of your subjects for judgment... those who are patient in difficulty and firm in hostility”—to argue that the judge must have a “large and enduring soul” (Yazdi 1381:32). A central virtue in this dimension is *sabr* (patience and endurance), which Yazdi treats not as an optional moral recommendation but as a structural precondition for justice. He explains that many

judicial errors arise “not from ignorance but from spiritual fragility” (Yazdi 1381:38–39). A judge who collapses under external threats or internal emotions inevitably deviates from fairness. Thus, the individual dimension establishes the *moral psychology* necessary for judicial independence.

This dimension consists of virtues directly related to judicial performance and interaction with litigants:

- Independence of judgment: resisting external influences, political pressure, and personal biases.
- Accuracy in investigation: ensuring evidence-based reasoning and meticulous fact-finding.
- Equality among litigants: treating all parties with equal respect and refraining from preferential treatment.
- Courtroom decorum: dignified, respectful, and disciplined conduct.

Unlike Western models that treat independence largely as an institutional safeguard, Yazdi roots independence primarily in *virtue*—a function of the judge’s spiritual strength and moral formation, not merely procedural insulation.

This is the most distinct and innovative aspect of Yazdi’s model. He asserts that the judge has a positive moral duty to defend the oppressed and resist the oppressor. Neutrality in the face of injustice equals complicity with injustice. Thus, Islamic judicial ethics is *active*, not passive: the judge must champion justice even against powerful actors.

Additionally, Yazdi highlights Islamic compassion (ra’fa) and prioritizes human dignity over punitive zeal. Interpreting the famous legal maxim “*al-hudūd tudra’ bi-sh-shubuhāt*”, he insists that the judge must always seek the possibility of acquittal if any doubt persists, because the social dignity of the accused outweighs strict punishment (Yazdi 1381:61). This view makes compassion a constitutive element of Islamic justice, not an exception to it.

The study situates Yazdi’s framework within broader Islamic moral philosophy. As extracted from the text, Islamic ethics is fundamentally teleological (*ghāyah-angār*) rather than purely deontological. Moral obligations are connected with human flourishing (*falāh*), divine pleasure, and eschatological success. This explains why Yazdi anchors judicial ethics in spiritual virtues whose ultimate purpose is salvation and divine justice, not merely procedural correctness.

The study adopts a descriptive-analytical method, examining Yazdi's primary works, classical jurisprudential sources, the Alid corpus (especially *Nahj al-Balāgha*), and contemporary ethical literature. Through textual analysis and thematic synthesis, it identifies the underlying moral architecture of Yazdi's theory and reconstructs his normative typology of judicial virtues.

The findings demonstrate that:

1. Judicial ethics is the inner core of justice. Without inner virtues, legal procedures fail to guarantee fairness; with virtue, procedures attain meaning.
2. Yazdi articulates a three-layered ethical typology—individual, professional, and social—that together define the “just judge” in Islamic jurisprudence.
3. His model elevates compassion, dignity, and active defense of the oppressed as essential to judicial function, challenging minimalist proceduralist conceptions of justice.
4. Judicial independence in Islamic thought is fundamentally a moral capacity, not merely an institutional arrangement.
5. Yazdi's theory bridges classical fiqh with modern ethical concerns, offering a comprehensive framework applicable to contemporary legal systems seeking to integrate ethics with jurisprudence.

Based on Yazdi's writings, the paper proposes an ethical training model for judges that includes:

- Spiritual and psychological formation
- Practical cultivation of virtues like patience and self-restraint
- Professional refinement through continuous ethical education
- Institutional safeguards aligned with internal virtue ethics
- Social orientation toward defending the oppressed and upholding dignity

This model moves beyond technical legal education toward holistic moral formation.

Ayatollah Yazdi's system of judicial ethics offers a profound and integrated approach to adjudication in Islamic law. It frames the judge as a moral agent whose spiritual virtues are indispensable for realizing justice. The three-dimensional model he proposes—individual purification, professional virtue, and social

responsibility—creates a robust Islamic vision of judicial ethics capable of addressing both classical jurisprudential demands and contemporary legal challenges. Ultimately, Yazdi's framework positions judicial ethics not as a peripheral recommendation but as the very heart of divine justice and the foundation of a morally sound judiciary in an Islamic society.

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