

The Status of Citizens' Rights in the Judicial System of the Islamic Republic of Iran from the Perspective of Ayatollah Hashemi Shahroudi's Legal and Political Thoughts

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Abstract:

This study examines the political and legal thoughts of Ayatollah Hashemi Shahroudi regarding citizens' rights and the position of the judiciary in safeguarding these rights within the judicial system of the Islamic Republic of Iran. Considering that the foundations of Islamic human rights and their formulation were among the primary concerns of Ayatollah Hashemi Shahroudi during his tenure as a judge and religious scholar, the main issue of this research is to elucidate the role of the judiciary in the realization and protection of citizens' rights from the perspective of his legal and political thoughts. The main objectives of this research are: To clarify the position of citizens' rights in Ayatollah Hashemi Shahroudi's political and legal thought; To analyze the role of the judiciary in protecting citizens' rights according to his views; To provide a specific model for the implementation of human rights within the Islamic Republic, based on the views of Ayatollah Hashemi Shahroudi. The methodology of this research is descriptive-analytical, and the necessary data were collected through library studies and content analysis of the works and speeches of Ayatollah Hashemi Shahroudi. Primary sources, including his books, articles, and speeches, were utilized for this purpose. The findings of the research indicate that during his presidency of the Judiciary, Ayatollah Hashemi Shahroudi paid serious attention to a people-centered approach and consistently defended citizens' rights. It is noteworthy that Ayatollah Hashemi Shahroudi, by offering Islamic models in the field of human rights and citizenship, sought to guide the governance system of the Islamic Republic of Iran, particularly the judiciary, towards a path that would be a true guardian and protector of citizens' rights. It is important to mention that Ayatollah Hashemi Shahroudi's views can serve as a solid foundation for both the theoretical and practical development of citizens' rights in the legal system of the Islamic Republic of Iran.

Keywords: Citizens' Rights, Judiciary, Ayatollah Hashemi Shahroudi, Islamic Human Rights, Judicial Justice.

Extended Abstract

This article examines the status and conceptual foundations of citizens' rights in the judicial system of the Islamic Republic of Iran through the legal-political thought and practical legacy of Ayatollah Seyyed Mahmoud Hashemi Shahroudi. It argues that Shahroudi developed a coherent "citizen-centred" judicial philosophy that seeks to embed the protection of citizens' rights at the heart of Islamic governance and, in particular, within the mandate and everyday functioning of the judiciary .

The central research problem is to clarify how, in Shahroudi's view, the judiciary should realise and safeguard citizens' rights in an Islamic system whose legitimacy rests simultaneously on divine law and popular will. In contemporary Iranian political practice, "citizens' rights" has often been treated as a partisan or slogan-like notion, instrumentalised in factional rivalries. Against this backdrop, the article investigates how Shahroudi, who combined high religious authority with long judicial experience, re-anchored citizens' rights in Islamic jurisprudence, ethical governance and the constitutional order, and how he sought to operationalise these principles through policy, institutional reform and judicial culture.

Methodologically, the study adopts a descriptive–analytical approach based on library research and content analysis. It draws primarily on Shahroudi's own works: books, collections of speeches, policy statements, circulars, interviews and lectures on citizens' rights, human rights, judicial reform and Islamic governance. These primary sources are supplemented by doctrinal legal texts and secondary literature on Islamic human rights and the Iranian constitutional framework. The unit of analysis is the explicit and implicit references to citizens' rights and the judiciary in Shahroudi's discourse over several decades of public activity .

Conceptually, the article shows that Shahroudi uses "citizens' rights" in both a broad and a narrow sense. In the broad sense, citizens' rights encompass the totality of public ,social, personal, family, cultural and economic rights recognised for members of society—essentially the full spectrum of human rights within an Islamic polity. In the narrower, more technical sense, citizens' rights refer specifically to those rights that arise in the relationship between the individual and public authority, especially where administrative procedures, security justifications or bureaucratic routines risk undermining individual and collective entitlements. It is primarily in this second sense that the judiciary's protective role becomes central, as the arbiter of conflicts between state power and individual or public rights .

Building on this distinction, Shahroudi proposes a tripartite classification of citizens' rights: (1) civil and political rights (such as freedom of expression, association, defence rights and political participation); (2) economic, social and cultural rights (including education, housing, social security and health); and (3) judicial rights (such as the right to a fair trial, the right to defence and counsel, the prohibition of torture, respect for dignity and privacy, and safeguards against arbitrary detention). This mapping is grounded simultaneously in the Iranian Constitution—especially principles 23, 32, 34, 35, 3 156 ,39 ,8and 165—and in Shi'i jurisprudential principles like human dignity, justice ,*lā ḍarar* (no-harm), and the protection of *ḥuqūq al-nās*(people's rights).

A key theoretical finding of the article is Shahroudi's insistence on the "self-sufficiency "of Islamic human-rights doctrine vis-à-vis Western human-rights models. He does not deny the universality of the aspiration to dignity and justice, but contends that Islamic sources—Qur'an, Prophetic and Imāmī traditions and fiqh—contain richer and more coherent protections than those articulated in modern Western instruments, provided they are interpreted dynamically and institutionalised effectively. On this basis, he rejects passive imitation of Western rights discourse and calls instead for the systematic articulation and international presentation of an authentically Islamic model of human and citizens' rights.

The empirical–normative core of the article is devoted to identifying concrete indicators and policy orientations that, in Shahroudi’s view, define the judiciary’s role in safeguarding citizens’ rights. Several interrelated pillars emerge:

1. Service to the people and protection of public rights :Shahroudi describes the judiciary as a service institution whose primary mission is *iḥqāq al-ḥaq*) realising rights) and *i’ādat al-ḥuqūq ilā ahlihā* (restoring rights to their holders). He frames the protection of public rights and vulnerable individuals as a religious duty and emphasises that prompt, accurate and impartial adjudication is itself a form of worship and social justice.
2. Judicial ethics and people-centred adjudication :Beyond formal rules, Shahroudi places exceptional weight on judicial ethics—humility, impartiality, avoidance of bias, equal treatment of parties, respect for litigants’ dignity and avoidance of moral corruption. He argues that many public grievances about the judiciary stem less from legal gaps than from the neglect of these ethical and behavioural standards by judges and staff. A truly Islamic judiciary, in his view, cannot exist without an internalised “ethics of judging” systematically taught, codified and monitored.
3. “Judicial hygiene” and preventive governance :Introducing the notion of “judicial hygiene,” Shahroudi diagnoses a structural illness in state institutions that generates unnecessary disputes and litigation. He highlights front-end institutions such as municipalities, customs, banks, insurance organisations and land-registration offices as “entry points” of citizens’ rights: if these actors behave unjustly or inefficiently, the courts are flooded with cases and insecurity spreads. Accordingly, he advocates comprehensive legal and managerial reform in these sectors, with a preventive, rights-sensitive orientation to reduce case generation and enhance legal security.
4. Anti-corruption and oversight :The article underlines Shahroudi’s view that combating corruption—especially economic corruption—is indispensable for the protection of citizens’ rights. He distinguishes between identifying what counts as corruption and choosing methods of combat that do not create greater harms than the corruption itself. He calls for robust but legally constrained oversight mechanisms, particularly through an empowered Inspection Organization and more effective supervisory powers for the head of the judiciary over judges and administrative staff, while preserving judicial independence in adjudication.
5. Capacity-building and professionalisation of judges and legal staff :Shahroudi conceives “judicial development” as both a precondition and a consequence of protecting citizens’ rights. This includes upgrading legislation, organisational structures, facilities and technology, but above all the scientific, ethical and professional quality of judges. He insists that judges must see their role as a heavy divine trust, not a path to personal gain, and argues that a corps of competent, pious and people-oriented judges can realise citizens’ rights even under imperfect legal frameworks.
6. Crime prevention and social security :Drawing on constitutional mandates, Shahroudi assigns high priority to crime prevention as an essential dimension of citizens’ rights,

because security is itself a basic right. He distinguishes between *prevention* (removing social conditions that foster crime) and *punishment* (responding after the fact), and criticises legal and institutional neglect of the former. He calls for comprehensive criminal-policy design, multi-agency cooperation and strategic planning to reduce crime, with the judiciary playing a leading but not solitary role.

7. Safeguarding human dignity throughout legal processes :The article details Shahroudi's insistence that the prohibition of torture, respect for the dignity of suspects and prisoners , non-humiliating treatment, protection of family rights of inmates, and humane prison conditions are not optional benevolence but obligations rooted in Islamic and constitutional principles. He stresses that the right to a public and fair hearing, access to counsel, timely information about charges and limits on pre-trial detention are core manifestations of citizens' judicial rights.
8. Institutional and personal independence of the judiciary :Finally, Shahroudi defends a dual concept of independence: the structural independence of the judiciary as a branch of government and the decisional independence of each judge in adjudicating individual cases. No authority—not even the head of the judiciary—may impose a specific judgment on a judge or arbitrarily reassign a case. Yet he balances this insistence on independence with an equally strong emphasis on internal oversight and accountability to prevent abuse.

In its synthetic and evaluative sections, the article argues that Shahroudi's thought offers a distinctive model of "citizens' rights in an Islamic judicial state" that differs from both Western individualistic human-rights paradigms and purely abstract fiqh discussions. It is simultaneously norm-based and governance-oriented: rights are grounded in Islamic sources but concretised through institutions, procedures, oversight mechanisms and ethical training. The study also shows how Shahroudi, influenced by his teacher Shahid Muhammad Baqir al-Sadr, extends the notion of social justice beyond economic redistribution to include judicial fairness, protection of public rights and the moral health of state institutions .

The extended analysis concludes that Shahroudi's jurisprudential and managerial approach can serve as a robust theoretical and practical foundation for further development of citizens' rights in Iran's legal system. His framework calls for: a comprehensive codification of citizens' rights based on Islamic principles and constitutional guarantees; systematic integration of citizens' rights into judicial education and performance evaluation; expansion of preventive, people-centred policies in administrative bodies that interact most with citizens; strengthening anti-corruption mechanisms compatible with due process; and deepening regional and international dialogue to present an Islamic model of human rights that is both principled and institutionally credible. In sum, the article portrays Shahroudi's legacy as a serious attempt to build a judiciary that is simultaneously Islamic, citizen-centred, ethically grounded and structurally capable of being the real guardian of citizens' rights in the Islamic Republic of Iran.

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