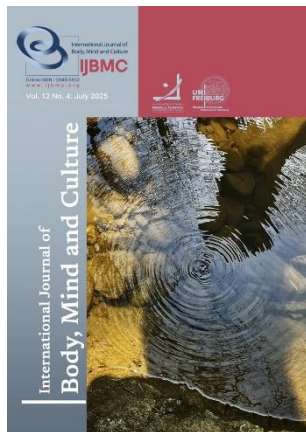


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Introduction

The Iranian criminal law, like other justice systems, criminalizes the helping behavior of citizens. This is associated with both positive and negative requirements. In terms of positive obligations, the 1975 Penal Act for Refusing to Help the Injured criminalizes refusing to help the injured and those in danger of death. It provides: "Anyone who observes a person or persons in danger of death and can prevent the occurrence of the threat or its aggravation by taking immediate action, seeking help from others, or immediately notifying the

Lawyers' Lack of Moral Commitment to Comply with Criminal Requirements Regarding Helping Others

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ABSTRACT

Objective: In Iran, the law mandates punishment for failing to assist injured individuals, reflecting a commitment to health ethics. However, both the public and legal professionals often fail to comply fully with these legal obligations. The core issue lies in the tension between moral autonomy and the coercive nature of law, which complicates lawyers' responses to such situations. This study addresses a gap in current research by examining how ethical-legal tensions influence lawyers' decisions in practice.

Methods and Materials: Employing a qualitative grounded theory method, this research explores lawyers' real-life motivations and beliefs without starting from a pre-set hypothesis. Twenty-one lawyers were randomly selected and interviewed in-depth. The analysis led to the identification of key categories and the separation of causal conditions, strategies, and consequences.

Findings: Findings reveal that lawyers often avoid helping injured persons due to fear of legal repercussions. Some shift responsibility to the state, while others opt for lower-risk, selective forms of assistance. This behavior reflects a prioritization of personal ethics over the legal and moral imperative to help. The trend highlights a broader decline in lawyers' willingness to intervene in emergencies.

Conclusion: In conclusion, legal penalties associated with assisting injured individuals—particularly fugitives—discourage lawyers from acting, even when motivated by compassion. The conflation of help for the injured and for fugitives under punitive laws causes a chilling effect. As compassion is fundamentally the same in both cases, lawmakers should reconsider current statutes and adopt a more nuanced and ethically flexible approach to encouraging assistance.

Keywords: Criminal law requirements, Duty of assistance, Lawyers, Prohibition of assistance.

competent authorities... if he refuses to do so, will be sentenced to a misdemeanor imprisonment of up to one year or a fine of up to 80,000,000 rials (Yazdian Jafari, 2014). In terms of the criminal prohibition on assistance, Articles 553 and 554 of the Islamic Penal Code, approved in 1996, consider any help to prevent the accused from attending trial, or to escape or hide, as a crime, punishable by imprisonment for one to three years (Edwards, 2012). Considering that helping others is a moral behavior, the corresponding criminal interventions are, in fact, criminal law interventions in the moral matters related to health ethics.

The challenges of the law's intervention in ethics are worth examining. Kant believes that it is not possible to impose a moral duty through law. This is because an external element of coercion makes the elements defining a moral act, namely free will and good intention, disappear. The basis for implementing moral rules is moral autonomy, which means self-legislation. Autonomous agents determine for themselves which norm is valid for them (Sieckmann, 2012). Moral rules have an internal origin, but legal rules are of an external origin (Keyvanfar, 2009). Furthermore, helping is an example of altruism, which involves using a portion of one's resources to benefit others (Greaves & Pummer, 2019), a virtue. To be a virtue, helping should be spontaneous and out of a sense of duty (Fanaei et al., 2020). The challenge between an ethical duty and a legal duty to assist can be best examined in the case of lawyers. Lawyers have several characteristics compared to ordinary people. They are more aware of legal requirements. Their job is to help, but they can provide prohibited assistance to defendants and criminals. Most importantly, they are the concrete representation of lawfulness, or it is assumed that they should be. Based on experience, however, they have learned that if they help an injured person, they will be held accountable for any possible injuries. In addition, if they help defendants escape the law, they will be caught. Therefore, they constantly find themselves faced with the problem of whether to help or not.

The literature on the professional duties of lawyers has grown in recent years (Hazard & Dondi, 2004); however, the challenges associated with their ethical and legal duties have received less attention. The research gap is why and how lawyers adhere or fail to adhere to criminal laws governing the assistance of others. Addressing this gap enables us to evaluate the practical effectiveness of criminal laws in fostering a culture of helping others among lawyers. The theoretical gap prompts the following research questions:

RQ1: What factors influence lawyers' moral commitment (or lack thereof) to comply with criminal obligations related to assisting others in need?

RQ2: How do lawyers navigate and justify their responses to criminal requirements for assisting, particularly when they choose not to comply?

RQ3: What are the ethical and legal consequences of lawyers' non-compliance with criminal requirements for helping others?

Methods and Materials

The findings of this research are based on 21 interviews carried out in Yazd, Iran, in 2024. The interviewees were lawyers, 11 of whom were solicitors and 10 were barristers, who were randomly selected. After the twenty-first interview, the concepts reached theoretical saturation, and the interviews were terminated to avoid repetitive concepts. The interviews were conducted in a semi-structured format because this format allows participants' viewpoints to be expressed openly and freely (Flick, 2014). This also allows interviewees to provide information in response to similar questions while remaining flexible, thereby preventing irregularities in data collection (Kvale, 1996). Interviewing was terminated as soon as theoretical saturation was reached. This was the time when interviewees used repetitive concepts, such as particularistic aid, in similar sentences and did not introduce new concepts. The duration of the interviews ranged from 45 minutes to 1 hour and 20 minutes. Interviewees were asked a variety of questions, including exploratory, descriptive, and analytical questions. For example, was your motivation for helping the injured person a moral duty? Or was it fear of the law? For the content validation of the questions, in addition to conducting an initial scientific review on the subject, the procedure of expert judgment has been used. The study is restricted to Yazd, which may not fully represent Iranian lawyers' perspectives, which is beyond the purview of this article.

The participants' names were removed from the text to protect the confidentiality of the data. The study protocol adhered to the principles outlined in the Declaration of Helsinki, which provides guidelines for ethical research involving human participants.

The data analysis was conducted using a grounded theory approach. In this method, there is no pre-existing hypothesis, but it is formed during the analysis. The elements of the theory include categories, their properties, and hypotheses. Additionally, the operations involved are joint collection, coding, and data analysis (Glaser & Strauss, 2006). Currently, there is no single,

unified, and tightly defined methodology known as Grounded Theory (Dey et al., 2004). This is because the three main versions of grounded theory, including Glaser's version, Strauss and Corbin's version, and Charmaz's version, differ significantly in their structure and analysis flexibility (Stiernstedt, 2019). The approach used in this research is the one proposed by Strauss and Corbin (1996). It is selected because, unlike Glaser's case, it preserves creativity by allowing the review of the research literature while collecting data (Strauss & Corbin, 1996). However, it does not fully accept the author's extreme creativity, such as the constructivism of Charmaz (2006), instead taking a middle course (Charmaz, 2006).

First, the phrases and sentences expressed by each participant were coded to identify the concepts, a process known as open coding. For example, several interviewees stated that: "The law requiring assistance is not enforced". From these statements, the concept of law abandonment was derived. A total of 89 concepts were derived from 614 coded phrases and sentences reviewed again. Then, through comparing the dimensions and properties of the concepts, the connections between them were discovered. Additionally, by abstracting the larger concepts, 28 subcategories were identified. As the sub-categories were related, 12 categories could be identified, and the required background was created to distinguish the central phenomenon from the causal, contextual, and intervening conditions, as well as the strategies and consequences. This was done in the form of axial coding, based on which the corresponding paradigm (third-order categories) was drawn (Table 1). For example, the categories of the law-altruism paradox and the paradox of coercion and aid voluntariness shaped the causal conditions titled the dialectics of being a lawyer and altruism. Ultimately, the refinement and integration of the categories resulted in the identification of the core category through selective coding. This category represents the main theme of the research.

Findings and Results

As mentioned above, Table 1 includes the research findings in the three stages of coding subcategories, categories, and paradigmatic categories (which are independently plotted in Figure 1).

Based on the findings, lawyers, under the influence of lawyering–altruism dialectics, face the challenge of prioritizing ethics and law. Tripartite dialectic consists of thesis (lawyering), antithesis (altruism), and synthesis (the prioritizing of ethics and law). The latter is the result of the dialectic phenomenon identified in this research. Phenomenon is a term that answers the question "What is going on here?" (Strauss & Corbin, 1996). The answer in this study is "the prioritization of ethics and law", which lawyers are involved in.

Then the duality of conservatism and risk-taking is discovered as a result of contextual conditions. "Contextual conditions are the specific sets or patterns of conditions that intersect dimensionally here and now to create a set of circumstances or problems to which individuals respond through actions/interactions" (Strauss & Corbin, 1996). Opposing first-order categories, such as absolute law-abidingness versus disregarding the law, among different lawyers reveal the duality between conservatism and risk-taking as a circumstance for their actions and reactions. Other conditions, referred to as intervening conditions, are those that mitigate or otherwise alter the impacts of causal conditions on phenomena (Strauss & Corbin, 1996). Emotionalism and blaming the guilty client prompt lawyers to employ different strategies in dealing with the central phenomenon. Blaming the guilty client is reflected in several statements made by interviewees. For example, interviewee No. 5 stated: "Illegal immigrants are a threat to security, and not everyone is willing to help them". When lawyers are faced with a need that they consider to be deserving of blame, this acts as an intervening factor that influences their decision.

Subcategories, such as avoidance of detection by the state, grouped under the heading of strategies (actions or interactions), indicate how lawyers handle problems arising from the central phenomenon in the context of specific conditions and intervening factors. The strategies are diverse, ranging from aid avoidance and de-risking to unconditional aid. However, these measures are designed to address the risk of assistance or non-assistance within a prioritization framework. One of the subcategories of aid avoidance is the avoidance of getting caught by the state. Some interviewees stated that helping the injured causes trouble. That is, the injured person may claim responsibility for the injuries

or at least have to go to court as a witness and spend their time on these matters. Interviewee number 18 stated, "If we help the injured person, we will be delayed in court and waste our time." Whichever strategy is prioritized over the other, they have one thing in common: both are based on extralegal motives. The consequences of these strategies, including the abandonment of the law, the consolation of conscience, and the priority of personal morality, can be understood as the separation of morality from the law of assistance. The impact of strategies on consequences and the overall structure of the paradigm is illustrated in Figure 1 below.

Then, in the selective coding stage, the core category was extracted. This must represent the main theme of the research. Through constant comparison of data, codes, and categories, ensuring the centrality, integrity, recurrence, and explanatory power of the core category,

"the lack of moral commitment of lawyers to comply with criminal requirements regarding helping" is identified as the core category. For it connects and explains the relationships between other categories and subcategories, such as avoidance of help and family emotionalism. All these subcategories demonstrate the noncompliance of lawyers with criminal requirements regarding their assistance to others. While criminal laws mandate assistance to all injured persons, lawyers either avoid providing general assistance or, if they do, do so regardless of a moral obligation to comply with the law, but for their own norms. The same applies to the prohibition on helping defendants escape arrest or trial. Here, lawyers either help particularly or avoid helping, both based on personal judgment, which determines who deserves help.

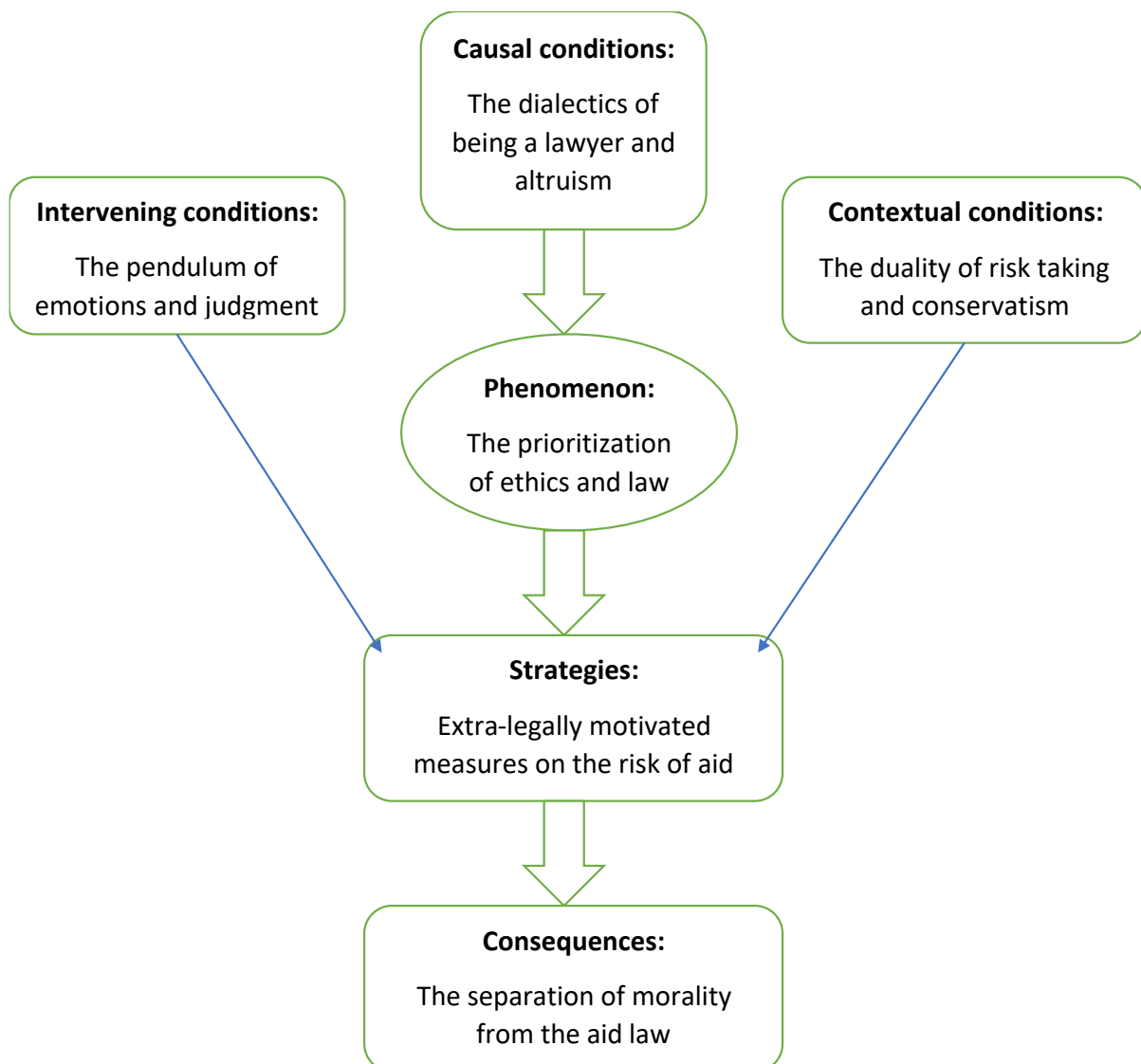
Table 1

Coding results of the study

First-order categories	Second-order categories	Third-order categories
Altruistic compassion	The law-altruism paradox	Causal conditions:
The extra-legality of altruism		The dialectics of being a lawyer and altruism
The contradiction between legal obligation and real help	The paradox of coercion and aid voluntariness	
The priority of passion over the fear of the law		
Absolute law-abiding	Conservatism	Contextual conditions:
The priority of self-rescue		The duality of conservatism and risk-taking
Disregarding the law	Risk taking	
Religious duty-orientation		
Avoiding the label of indifference		
Being unaffected by one's job	Family emotionalism	Intervening conditions:
The dominance of brotherly feelings		The pendulum of emotions and judgment
The informal decriminalization of family help	Blaming the guilty client	
Blaming caught persons		
Enforcing the law on strangers	Avoidance of helping	Strategies:
Avoidance of getting caught by the state		Extra-legally motivated measures on the risk of aid
Leaving the duty to the state	De-risking of aid	
Avoidance of adverse helping		
Personal assessment of a fugitive's eligibility		
Particularistic aid		
Benefitting the plaintiff	Unconditional aid	
Sympathy for the needy people		
Contributing to the humanity of help-seekers		
Considering the law incorrect	The abandonment of the aid law	Consequences:
C of aid, considering the law harmful		The separation of morality from the law
Pragmatist conscience consolation	Conscience consolation	
Passive conscience consolation		
The priority of ethics over the law	The priority of personal ethics	
The principle of personal judgment		

Figure 1

The paradigm model:



Discussion and Conclusion

RQ1: What factors influence lawyers' moral commitment (or lack thereof) to comply with criminal obligations related to assisting others in need?

From a moral perspective, the avoidance of helping one's fellow human being, due to indifference to the suffering of others, is a vice (Mahmoudiyan et al., 2022). In theories of ethics and law, the most significant debates concern legal moralism. According to legal moralism, immoral behavior deserves punishment (Borhani, 2015). Some interviewed lawyers, however, believe that altruism is extralegal. According to them, the law prevents people from being altruistic and discourages motivations to help. It may be argued that citizens should not be legally obligated to prevent harm to one another. For example, in the United States, there is no legal duty to help (Mehrpur et al., 2001). This argument posits that

morality should take precedence over the law (Gholipour, 2021). Proper help is a manifestation of compassion. Compassion cannot be based on obedience to the law. Indeed, obedience to an external factor corrupts compassion (Aslani & Eskandari, 2019). According to the categorized findings, due to the paradoxes of law and altruism, as well as the coercion of assistance and its voluntariness, a dialectic state is formed between being a lawyer and altruism. Such causal conditions expose the lawyer to a dilemma of choosing between ethics and law. In the present study, this phenomenon is referred to as the 'prioritization of ethics and law'.

Past studies on legal moralism, such as Duff (2014), have argued theoretically that there is a modest form of legal moralism that avoids the law-ethics paradox, requiring the criminalization of immoral behaviors based on public wrong criteria (Duff, 2014). However, in

addition to theoretical arguments, which require an internal moral intention in the subject rather than legal compulsion, what is more important in the present research is that subjects are practically engaged in prioritizing morality and law. As some other researches like Karimi Rad, et.al., (2022), has argued theoretically, although there are two approaches to legal moralism, one is duty-oriented, based on free will and the other is consequentialist, focused on the outcomes, neither of them is sufficient to justify legal moralism: free will is opposed to legal compulsion and in terms of results, this perspective has not led to greater adherence to ethics among subjects (Karimi Rad et al., 2022).

The effectiveness of causal conditions is not possible without contexts. Among lawyers, contextual conditions are characterized by two distinct contexts: conservatism and risk-taking. The main components of conservatism are rigidity and legalism. Conservatives are orderly, cautious, and thrifty people who have a high respect for law, authority, and tradition. They are self-interested and particularistic (Rahbargazi et al., 2020). The lawyers who exhibit conservative traits, while tending to legality, prioritize avoiding trouble. On the other hand, risk-taking refers to the tendency of individuals to attribute a higher probability of success to risky situations. Risk-taking individuals are more likely to engage in benevolent rule-breaking acts due to their internal locus of control and high self-confidence (Sabet et al., 2020). Risk-taking lawyers disregard the law, have a religious duty orientation, and avoid being labeled socially indifferent. Indifference is a characteristic of the citizens who are passive and lack commitment (Javadi et al., 2022). These lawyers want to avoid being known as passive.

In addition to contextual conditions, intervening conditions that reduce or otherwise modify the effects of causal conditions on phenomena (Strauss & Corbin, 1996) are discovered, in this research, as emotionality and blameworthy judgment. Both sets of intervening conditions lead to particularism and intensify the dialectic of causal conditions. Emotionalism, which is mainly family-oriented, leads to positive particularism. That is, it leads to a greater willingness to help, even in cases that are forbidden. Adversely, blameworthy judgment against caught persons focuses on enforcing the law on strangers and creates negative particularism. Particularism naturally leads to discrimination and

departure from law or morality. It is a normative model that, regardless of general criteria and standards, makes the actor in a given situation committed to biased subjects based on the type of relationship with the subject. Hence, priority is determined based on the relationships with subjects (Rabbani et al., 2009).

The above-mentioned emotions are shaped by cultural norms in any society, including Iran. Cultural norms regarding emotions significantly influence behavior by shaping how individuals perceive, express, and manage their emotions. These norms are learned through socialization. As explained in "The Culture of Control" (Garland, 2001), Particularism and blaming are products of two cultural perspectives that can be distinguished as the criminology of self and the criminology of others, respectively.

RQ2: How do lawyers navigate and justify their responses to criminal requirements for assisting, particularly when they choose not to comply?

When faced with the dilemma of prioritizing ethics and law, lawyers employ various strategies influenced by contextual and intervening conditions. These strategies involve a lack of moral commitment to comply with the criminal requirements regarding assistance. The primary strategy of conservative lawyers is to avoid helping others so as not to get caught up in the injured party's complaint about the injuries or to be pursued by government authorities. This is while the lawyer, as an active citizen, not only is legally obligated to help but also has a moral and social duty in this regard (Zeraat & Nematollahi, 2018). Conservative lawyers avoid helping fugitives and defendants, while they are legally obligated to help. This avoidance has no moral value because it reflects their social indifference rather than their moral stance.

Conservatives choose neither law nor morality entirely. They enforce the law in a utilitarian manner. That is to say, if the case is harmless, they give precedence to morality within the boundaries of particularism (Rabbani et al., 2009). For example, they may help relatives extralegally. The main benefit of this behavior is the de-risking of assistance, because the conservative trusts his relatives and, even if he gets stuck, can receive compensation for his troubles from the person he has helped. So, social distrust leads to selfish individualism in lawyers (Javadi et al., 2022). Individualism often hides itself behind adherence to

strict laws that prohibit helping others, such as those who are fugitives from justice.

In contrast, risk-taking lawyers have a stronger emotional connection to altruism rather than individualism. In addition to their empathetic powers, they are motivated enough to feel responsible for the plight of others (Ahmadi, 2009), but not motivated by a moral obligation to enforce the law; they have extra-legal motives of altruism. They share most of the characteristics of altruistic humans, such as strong empathy, belief in karma, a sense of social responsibility, an internal locus of control, and low self-centeredness (Hewstone & Stroebe, 2021). To assist, they do not consider themselves bound by legal frameworks, especially the prohibition on helping fugitives. The only risk that they see as having to reduce is the risk of immoral assistance, which is eliminated by the personal assessment of people's moral entitlement to receive assistance. They determine whether a fugitive is guilty and wicked enough to be beyond help. Therefore, they act extralegally in de-risking assistance. Even in cases where they avoid providing destructive assistance to the injured, they do so with extralegal humanitarian motives. This is because they consider helping others a humanitarian duty beyond the law (Mosaffa & Ranjbar, 2024).

However, not all lawyers can be categorically divided into conservative and risk-taking groups. There may be lawyers who fall somewhere in between. As a result, it is perhaps best to consider the above strategies as behavioral spectrums that are sometimes extreme and sometimes mild.

RQ3: What are the ethical and legal consequences of lawyers' non-compliance with criminal requirements for helping others?

The consequences of adopting these strategies can be seen in the separation of ethics from criminal laws that govern aid issues. In this regard, the abandonment of the law is more important than other consequences. An abandoned law is a law that, despite being in force, is not enforced in courts and other official and quasi-official institutions, such as those involving lawyers (Mirzaei, 2011). Lawyers state that they do not recall a case where anyone has been tried or punished for failing to help the injured. Even with a law prohibiting assistance to fugitives, lawyers either do not give much of a chance of

covering up the crime or, if they refuse to help, do so out of a moral obligation to the law.

Another result is that compliance with the law is not a priority; rather, the lawyer's goal is to appease his conscience. The act of a person who breaks a law and whose conscience tells him it is unjust is commendable as civil disobedience (Kunecka, 2020). There may be an emergence of lawyers who advocate for civil disobedience against laws prohibiting aid. Because of the inherent connection between the issue of help and matters of conscience, conservative lawyers also passively comfort their conscience about abandoning their duty to help the injured by assuring themselves that someone will surely come to aid the injured. Thus, personal morality takes precedence over the commitment to law enforcement.

Within the scope of the data supported by this research, empathy and compassion, whether for the injured or fugitives, are of the same essence. Insisting on prohibiting assistance to fugitives makes individuals and lawyers conservative in particular and reduces the spirit of helping in general, even in the case of injured people. Given the challenges mentioned in this research, legislators should approach the ethical issue of assistance elaborately and flexibly, recognizing the reality and norm of empathy between individuals, especially family members. Helping one's family members should be decriminalized. For example, according to Article 434-6 of the French Penal Code, assisting parents, spouses, brothers, sisters, and their spouses in escaping the accused is not punishable (Cartuyvelse, 2018).

Lawyers' assistance to fugitives, even to non-family members, should be decriminalized by the positive aspects of empathy and compassion. This should be the case if the lawyer is not a member of the relevant criminal gang, or is not assisting in a prior conspiracy, or is not doing so for financial gain. Here are actionable steps: 1. Differentiate between types of assistance that require amending laws to distinguish between malicious assistance (e.g., helping a fugitive evade justice for violent crimes) and non-malicious assistance. 2- introduce a "reasonable belief" defense, for allowing defendants to argue that they had a reasonable belief that the fugitive was not a danger to society or that their assistance was necessary to prevent greater harm. 3. Encourage pilot programs that test new policies in a

limited timeframe before full implementation to assess their impact.

Based on the issues discussed regarding helping the injured, rather than focusing on criminal laws, incentive tools such as media recognition and awarding badges can be utilized to promote this effort. To eliminate rescuers' fear of being caught by police and judicial authorities, although there is a law prohibiting the arrest of rescuers in Iran, the organizational culture of these authorities must be reformed. Of course, acts of indifference that demonstrate the cruelty of citizens, as well as the prevention of assistance, can be criminalized.

In addition to the legislature's role, bar associations and judicial authorities have a vital role in promoting lawyers to help injured persons by setting ethical standards, providing resources, facilitating access to justice, and advocating for systemic change. By supporting lawyers and raising awareness about the rights of injured persons, these institutions can ensure that legal representation is accessible to all, regardless of financial means. This not only upholds the rule of law but also reinforces public trust in the legal system.

A final point worth mentioning: Given the specific cultural context of the discussions and the relative nature of the results of arguments about cultural matters, the implications of the findings are not for non-Iranian contexts. These results may not apply to other legal systems or cultural contexts.

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Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

The study protocol adhered to the principles outlined in the Declaration of Helsinki, which provides guidelines for ethical research involving human participants. Ethical considerations in this study were that participation was entirely optional.

Transparency of Data

Following the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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Authors' Contributions

All authors equally contribute to this study.

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