

## Citizenship Rights in the Context of the Islamic Revolution Discourse

Valliollah Safari<sup>1</sup>, Sayyid Muhammad Reza Ayati<sup>2\*</sup>, Asghar Arabiyan<sup>3</sup>

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1. PhD student of Islamic Jurisprudence and Principles of Islamic Law, Faculty of Law, Theology and Political Science, Science and Research Branch, Islamic Azad University, Tehran, IRAN.
2. Professor, Department of Jurisprudence and Fundamentals of Islamic Law, Faculty of Law, Theology and Political Science, Science and Research Branch, Islamic Azad University, Tehran, IRAN.
3. Associate professor, Department of Private Law, Faculty of Law, Theology and Political Science, Science and Research Branch, Islamic Azad University, Tehran, IRAN.

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### Abstract

Neglecting and ignorance of citizenship rights by the socio-political system is one of the soft war manifestations against the Islamic Revolution of Iran in recent decades. Accordingly, to defend and introduce the original Islamic thought in the field of citizenship rights, the present study aimed to explain the position of this concept and its derived components by examining the principles and perspectives related to citizenship rights in the Islamic Revolution foundations. To this aim, used library and descriptive method and discourse analysis of Laclau and Mouffe using Quranic verses and critical legal documents of the Islamic Republic of Iran. Then, the symbols of Islamic discourse on citizenship rights were extracted, and objective examples were studied in important legal documents of the republic. Citizenship rights in Islamic discourse are based on the semantic system from the central symbol of purified life and the signs of the principles of dignity, security, freedom and the executive guarantee of citizenship rights. Evaluating the status of citizenship rights in the social and political context of post-revolutionary Iran indicates that the Islamic Revolution discourse has a strong potential for fulfilling citizenship rights. The constitution addresses citizenship rights in various dimensions, including public-private security, judicial law, liberty rights in multiple sizes, participant rights in the administration of national affairs, economic, social and cultural rights, and the rights of vulnerable groups. The implementing citizenship rights specified in this law are guaranteed in parts of the Islamic Penal Code and the Criminal Procedure Code.

**Keywords:** Citizenship Rights, Islamic Revolution, Discourse, Humanistic Schools.

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\* Corresponding Author:mr.ayati@srbiau.ac.ir

### Introduction

The study of citizenship rights in the Islamic Revolution discourse has not been given much attention. The present study aimed to examine the citizenship rights in the Islamic Revolution discourse, challenge and distinguish it from competing discourses in humanistic schools, as well as evaluate the differentiation of the signs raised by the Islamic Revolution discourse and the extent to which these signs respond to the existing gaps in the citizenship discourses of Western humanistic schools. Citizenship as a new concept in legal literature and social discourse has found a unique position based on attention to equality and justice in social, political and legal theories (Shahriyari, 2017 AD/1396 SH: 110). This concept in today's world is crucial because of its follow-up and implementation as voluntary participation of all citizens in all parts of the society is a criterion for fulfilling civil society; in which all citizens, regardless of race, colour, religion, and gender, despite enjoying order, security, and peace, can use the capacities, facilities, and society resources with the same and equal rights. Notably, the emphasis and insistence of the modern discourse on mere equality without regard to differences have become the basis for discrimination and injustice and, consequently, many personal and social harms. A vital point discussed centuries ago in the school of Islam. In today's changing world, the role of citizens in the administration of a country's affairs has formed the core of modern governance. This role-playing requires a definition of citizenship and specifying its dimensions and examples. However, despite the expansion of attention to citizenship rights, there is still ambiguity in its concepts and models. The attractiveness, acceptance and development of this concept in the scientific and legal circles of the country have revealed various scientific perceptions from thinkers and theorists. On the other hand, policy-makers specific political and social orientation has turned the concept of citizenship rights into a challenging issue. It seems that the leading cause of this ambiguity derived from its constituent elements, i.e., the concept of "Right" and the idea of "Citizenship," both of which are challenging elements (Bayat Komitaki et al., 2018 AD/1397 SH: 2). This ambiguity created an excuse for opponents of the Islamic Republic of Iran to claim that this political-social system violates and ignores the rights of citizens as a manifestation of the soft war in recent decades. Western schools based on humanism accuse the Islamic school of ignoring citizenship rights at the higher level. In the current era, these poisonous perceptions have coincided with the emergence of a deviant reading of Islam that terrorist groups such as the Taliban and ISIS and similar ones were claiming at the global level, which justifies

prohibiting the rights, and social activities of religious minorities, women, and dissidents in the form of religion by violent behaviour. These issues have become a platform for creating doubts, suspicions and attacks to seek the superiority of Western schools and distance the young generation from the Islamic Revolution. Therefore, we should introduce authentic Islamic thought in the citizenship rights to defend the Islamic Revolution and indicate its superiority over other schools in the analysis. The assumption is that although there are practical obstacles to fulfilling some goals set by the Islamic Revolution, this political-social system address citizenship rights theoretically and practically. In other words, citizenship rights have had a significant place in Islamic thought before Western thought. These rights are based on dynamic jurisprudence and are up-to-date and efficient rights that can answer the day's needs about citizenship rights. The present study, from a new perspective and using the discourse analysis method, has dealt with citizenship rights in the Islamic Revolution and its objective and legal examples in practice and executive guarantee. This paper explains this concept's position and its components in the social structure of Iran's Islamic Revolution by examining the foundations and views of citizenship rights in Western thought and the Islamic Revolution foundations. Also, we try to deepen these foundations to answer the fundamental questions:

- What are citizenship rights' roots and intellectual foundations in the Islamic Revolution of Iran discourse?
- What are the dimensions of citizenship rights in the constitution as the primary document of the Islamic revolution discourse, and what are its legal applications and executive guarantees?
- What evaluation can be made of the operationalisation of citizenship rights in Iran's Islamic Revolution discourse?

### **1. Theoretical Foundations**

The main concepts of the research include rights, citizenship, citizenship rights, discourse and the Islamic Revolution discourse, which are briefly explained below.

**Rights:** Rights are a set of binding and general rules that govern human social life to create order and establish justice, and the government guarantees their implementation. Or, rights are a social system that includes a set of social-legal relations, rules governing these relations, institutions that ensure the performance of these rules, and legal organisations that those law institutions implement in the framework of those organisations (Katouzian, 1998 AD/1377 SH: 58).

**Citizenship and citizenship rights:** The term citizenship rights (in the new sense) was first proposed in France's declaration of human rights and citizenship in 1789 (Afendak, 2006 AD/1385 SH). The explanation of the citizen concept does not end with being the owner of rights in society; basically, every right is accompanied by a duty. In other words, the continuation of individual rights proposed personal tasks (Fathi Wajargah and Vahedchokdeh, 2009 AD/1388 SH: 23). Fitzpatrick believes citizenship is based on two conditions: first, the government must be pluralistic and democratic because dictatorial and royal governments do not have citizens; they have subjects; then, the civil society must be open and accessible (Fitzpatrick, 2002 AD/1381 SH:120-121). According to Thomas Marshall, citizenship is a social status associated with three types of government civil, political and social rights (Mohseni, 2019 AD/1398 SH: 119).

The concept of citizenship as a status is granted by law. Based on this concept, individuals have rights according to their position in the community or political unit. Regarding human geography, citizenship is the condition of membership in political divisions (usually the national government) that protects individuals' rights and special privileges. It expects specific duties from them (Sarrafai and Abdullahi, 2008 AD/1387 SH). From Kant's view, inherent and inseparable characteristics of a citizen are legal authority, civil equality and civil independence. Hence, the citizen, in an equal position with others, only follows the laws he has agreed to. Also, in any renewal of his rights, like others, there is no discrimination. In other words, the existence and survival of a citizen in a society do not result from the selection of other people. Still, they result from his special rights and talents as a community member (Kant, 2001 AD/1380 SH: 170). Citizenship as a modern social phenomenon is one of the essential components of democratic political systems and a key indicator of fulfilling democracy in contemporary society with an efficient and dynamic public domain and civil society (Tavassoli and Nejati Hosseini, 2004 AD/1383 SH). Citizen refers to people who have the citizenship of a country, and according to this dependence, they enjoy the rights and benefits that have been approved in the constitution and other ordinary laws of that country. It is also one of the processes of modern society. It is considered a social status in the attitude towards civil society, which provides the possibility of enjoying rights and power. Citizenship as a social and political process of the 19th century in the traditional civil societies has been raised as a severe interaction between the state and the nation, and simultaneously with the issue of membership in the nation-state, it has become one of the critical social and political issues (Janovsky, 1988 AD).

The institution of citizenship is the essence of the nation-state, which means the integration of all the inhabitants of a territory in the form of a political community and their political equality as citizenship (Castells and Davidson, 2004 AD/1383 SH: 49). In political and legal theory, citizenship refers to the rights and duties of a nation-state or city members (Marshall, 1998 AD: 61). In general, citizenship in Western humanist schools is a type of mutual social contract and a series of mutual rights, “the government over the people and the people over the government”, as well as a generally shared feeling toward the national and social identity in a specific area.

**Discourse:** The term discourse analysis was first used by Zellig Harris (Shiffirin, 1994 AD: 24). Discourse embodies meaning and social connection and shapes mentality and political interactions, or power; it is a unique way of talking about the world and understanding it (or understanding one of its aspects) (Jorgensen, 2010 AD/1389 SH: 18). There are different approaches to discourse analysis; meanwhile, the discourse analysis theory of Laclau and Mouffe has many advantages for the study of political-social phenomena. Laclau and Mouffe believe that all objects and actions have meaning and, historically, are given meaning by a unique system of rules (Qajari and Nazari, 2013 AD/1392 SH: 52). This approach does not distinguish between social affairs’ discursive and non-discursive aspects. In other words, all actions are discursive; the discourse itself is a material affair and phenomena such as the economy, and other institutions are part of the discourse. The general idea of discourse theory is that social phenomena are never finished. Because meaning is never definitively fixed, the way is open for constant social struggle regarding the definition of identity and society and, as a result, social consequences. The task of discourse analysis is to design the flow of these conflicts to establish meaning at all social levels. Some of the conceptual foundations of this theory are summarised in the table below.

Table 1 - Laclau and Mouffe's analytical tools (Laclau and Mouffe, 2014 AD/1393 SH)

Concept	Definition
Element	Signs whose multiple meanings have not yet been established.
Articulation	Any action connects separate elements and signs (Tajik, 2005 AD/ 1384 SH: 46).
Nodal point	Signs around which other signs are articulated and find a meaning system.

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Floating point	Signs that have not yet been fixed in a discourse.
Subject and identity	From a discursive view, a person is not accepted as an autonomous subject, but his identity is fulfilled through representation in discourse and assignment to a discursive situation.
Otherness-making	The concept of otherness-making with rejecting discourses each other find meanings. Otherness-making is important for discourse theory in three ways: establishing the border for each discursive identity; another production to develop the edge; testing political otherness to show the possible and conditional nature of identity.
Hegemony	The assumption of hegemonic force is in cases where the relationship between signifiers is established. In such a relationship, the elements lose their primary identity to be considered as part of a semantic range. According to Laclau and Mouffe's theory, the four factors of political agents, validity, availability, rejection and highlighting, are the factors of discourse hegemony. However, hegemony and fixing the meaning of points in all discourses are temporary (Hosseinizadeh, 2004 AD/ 1383 SH: 20).

**The discourse of the Islamic Revolution:** In examining the Islamic Revolution, we need an approach to better explain the revolution's multiple existences and the complexity and internal variations of its intelligent system; discourse theory has this ability (Ismaili et al., 2016 AD/ 1395 SH: 43).

Some factors to understand the reflection of a revolutionary discourse include:

The ability of the semantic and mythological system of the revolutionary discourse to go beyond the specific and limited national level, its ability to form a comprehensive chain of equivalence and the articulation of empty universal points, the ability to compete with other discourses and overcome the obstacles created by anti-discourses and dominant global discourses and ability change in the discursive space of the target society. Of course,

the influence of these factors decreases and increases over time. A revolutionary discourse that can, while maintaining its basic signs, articulate new signs by its semantic system and updates itself can remain in the discourse competition as a dynamic revolutionary discourse (Keshavarz Shokri and Naserkhaki, 2015 AD/1394 SH). It should be noted that discourses have a high ability to explain how to absorb new concepts and ideas in thought and change and adapt them into a new structure (Ismaili et al. 2016 AD/1395 SH: 47). Influenced by its semantic system, the Islamic Revolution was designed a contemporary discourse, presented myths at the global level, and reflected them in the international arena. The victory of the Islamic revolution took place in a world that was influenced by the competition of two discourses, the hegemonic and the rival.

Therefore, the first discursive crisis emerged for the two who were in close competition with each other. The primary manifestation of this crisis was the slogan "Neither East nor West, the Islamic Revolution," which was a manifestation of the emergence of the elements created by the two hegemonic discourses.

Accordingly, although the Islamic revolution was fulfilled by relying on God and the people's will, maintaining its distance from the hegemonic powers and providing the internal cohesion of the Iranian people by depending on the nodal point of "Sharia and Islam," it was successful in discursive otherness-making.

But this otherness-making aroused the competition of competing discourses. From the very beginning, they were new for survival and maintaining their dominance in the thought of removing the discourse.

The Islamic revolution discourse is a set of rules and ideals rooted in Islam.

By using appropriate language, this discourse could provide fascination and persuasion to the audience. This discourse sought to reject the status quo and plan for an ideal and defeated situation to be fulfilled by relying on society's accepted concepts. Since this discourse considers itself a meta-discourse with the global discourse, it sought to spread and expand its discourse beliefs. Using discourse tools, it sought to become the dominant or hegemonic discourse.

Religion and Sharia are the points that can always be central in Iranian society. One of the most important actions of Imam Khomeini was the "Reestablishment of Religion and Spirituality" as the nodal point of the dominant discourse in Iran. Therefore, other floating issues, such as freedom, independence, prosperity, etc., were defined and analysed at this nodal point. In the post-revolution phase, the persuasiveness and attractiveness extent of the elements of this discourse prepared the possibility of spreading it to other lands.

The nodal point of the Islamic revolution discourse is to escape from all disbeliefs, tyrants and oppressions and achieve happiness in worldly life, which is the ideal of Islam, which focuses on the promise of liberating man from slavery to other than God and tyrants. Surrendering to God, which is absolute perfection, absolute right and absolute happiness, is the goal of existence (Qayemi and Tawakkoli, 2019 AD/1398 SH: 25).

### 2. Research Method

The present study aimed, with a library, qualitative and analytical-descriptive method, to examine the Islamic sources and critical legal documents of the Islamic Republic of Iran, using the descriptive plan and discourse analysing of Laclau and Mouffe. In this research, after evaluating the Islamic sources, especially the Qur'an, the main points of the Islamic Revolution discourse were extracted centred on citizenship rights. Then, its concrete examples were studied in the critical legal documents of the Islamic Republic of Iran, including the Constitution, the Islamic Penal Code, the Code of Criminal Procedure, and the Charter of Citizen Rights.

### 3. Research Findings

The research results on citizenship rights in the Islamic Revolution discourse are divided into three parts. First part: roots and intellectual foundations; then: dimensions, applications and executive guarantees; finally: evaluating the status of citizenship rights in the context of the Islamic Revolution discourse.

#### 3.1. Intellectual Roots and Foundations

The predicted citizenship rights in the country's documents and macro policy-making derive from the Quranic teachings and originate from humans' innate and natural rights (Pasha Saleh, 2005 AD/1384 SH: 27). As the last and most perfect divine religion, Islam has all the rules, traditions, and human ideals for fulfilling citizenship rights. In the Islamic tradition, the concept of citizenship has been mentioned with different meanings, such as "Rā'". The Prophet's hadith "Kullukum Rā' wa Kullukum Mas'ūl 'an Ra'īyyatih"<sup>†</sup> (Majlesi, 1994 AD/1373 SH: 72/38) is a clear example of such an application. The interpretation of "Rā'ī and Ra'īyyat" in the Islamic tradition is rooted in the thought of the ruler's responsibility in handling people's affairs and nurturing them to achieve prosperity. Evaluating the verses and practices and the Imam's life explains

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†. Professor Sheikh Mohsen Araki mentioned this hadith in the political system jurisprudence course on the subject of citizenship rights in the session of April 21, 1400. [www.eshia.ir/feqh/archive/text/araki/siasi/99/14000121](http://www.eshia.ir/feqh/archive/text/araki/siasi/99/14000121)



the purposeful attention of Islam and the Shia religion to the worldly comfort and happiness of every citizen in the form of citizenship rights and duties. The concept of citizenship rights has been recognised in the thought of Muslim theorists, but the idea of citizenship in Muslim theorists has a fundamental difference from the western view. The Islamic citizenship thought never leads to logging out the man from the sacred world and placing the worldly life as human captivity in the material world and does not endanger the fundamental human dignity in the trap of fleeting worldly desires.

Paying attention to human rights is the highest position of people in a religious system to the extent that the implementation of citizenship rights according to Islam is explained in line with God's rights; that is, the intention and purpose is the implementation of divine rights, and citizenship rights are also a means to fulfil sacred rights (Mirbagheri Tabatabaei Mehrbadi and Khazaei, 2018 AD/1397 SH: 149). Islam's attention to moderation, tolerance, legality and rule-oriented justice principles will lead to institutionalising the citizenship rights culture in the society. In the Islamic discourse, citizenship rights are based on the central sign of a righteous life. Therefore, a semantic system is formed from points of dignity, security, and freedom principles and the executive guarantee of citizenship rights. We should say that the discourse theory is based on instability and relativism. Still, Islam's rules and regulations are stable and not subject to language and semantic changes. In other words, the Islamic discourse is a fixed discourse. So, the Islamic discourse on citizenship rights has been extracted according to these limitations.

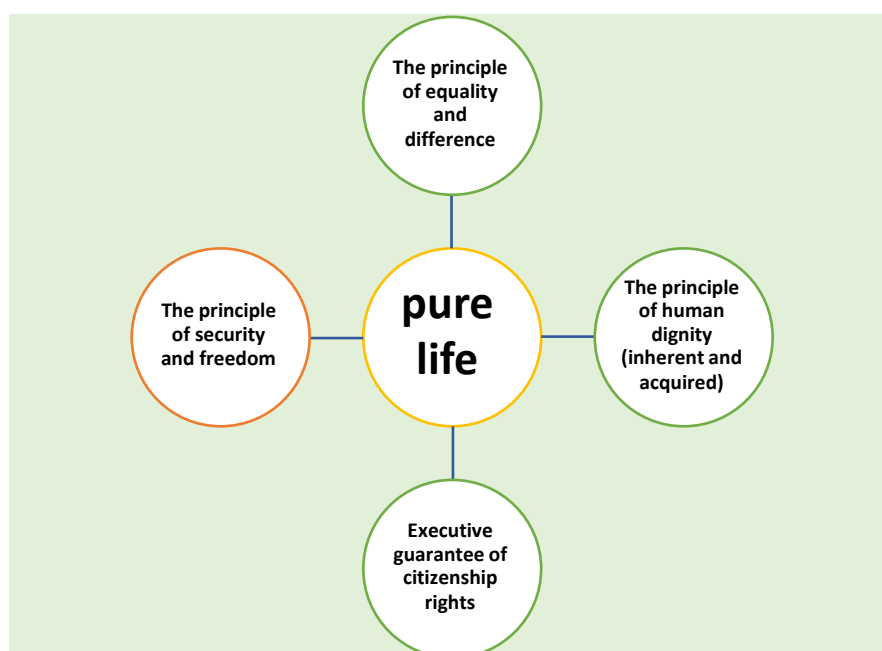


Figure 1- Elaboration of citizenship rights points in Islamic discourse

### 3.1.1. Pure Hayat

In Islamic culture, the main goal of human individual and social activities is to achieve a pure life. In the Qur'anic culture, Hayat means life, worldly and hereafter life (Ibrahim: 3)<sup>‡</sup>. Pure means clean and Halal (Raghib Isfahani, 1412 AH: 527; Tabarsi, 1417 AH/1997 AD: 1/503); since it appears in the Qur'an along with "Halal" (Al-Baqarah: 168)<sup>§</sup>, they interpreted it as pure and said: "Pure" means clean things that agree with healthy human nature, the opposite of vicious that is detested of human nature (Makarim Shirazi, 1998 AD/1377 SH:1/5). The word "Pure" is used both in worldly matters (al-Nisa: 43)<sup>\*\*</sup> and in the hereafter (al-Tawbah: 72)<sup>††</sup>; accordingly, citizenship rights, based on the nodal point of pure life, guarantee the happiness of this world and the future. Achieving this-worldly and hereafter happiness is subject to two primary conditions of doing righteous deeds and having faith, which is also mentioned in verse 97 of Surah al-Nahl: "وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ مَن عَمِلَ صَالِحًا مِّن ذَكَرٍ أَوْ أُنثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيَاتًا طَيِّبَةً" يَا أَحْسَنَ مَا كَانُوا يَعْمَلُونَ: Whoever acts righteously, [whether] male or female, should he be faithful, We shall revive him with a good life and pay them their reward by the best of what they used to do".

Individual and social activities to achieve pure life are the crystallisation of rights and duties humans perform about each other, or government and God. Therefore, citizenship rights in the Islamic tradition are rooted in the ruler's responsibility to handle people's affairs and nurture them to achieve prosperity, which can be explained in the context of this primary goal. Also, pure life, as the nodal point of citizenship rights, besides being worldly/otherworldly, has a transsexual aspect; in other words, citizenship rights have belonged to both men and women (dhakar ow Unthā). According to the Islamic discourse, God gives real life to every believer who does a righteous deed, this life, which is defined as "Pure Life" in the Qur'an, is "Disappearing in the essence of God." (Davari, 2005 AD/1384 SH) This issue distinguishes the main difference between citizenship rights based on Islam and humanist schools.

‡. Those who prefer the life of this world to the Hereafter, and bar [others] from the way of Allah, and seek to make it crooked. They are in extreme error.

§. O mankind! Eat of what is lawful and pure in the earth, and do not follow in Satan's steps. Indeed, he is your manifest enemy.

\*\* . If you cannot find water, then make your ablution on clean ground and wipe a part of your face and your hands. Indeed, Allah is all-excusing, all-forgiving.

††. Allah has promised the faithful, men and women, gardens with streams running in them, to remain in them [forever], and good dwellings in the Gardens of Eden. Yet Allah's pleasure is greater [than all these]; that is a great success.

### 3.1.2. The Principle of Dignity

It causes people to enjoy their natural gifts with dignity and pride. Verses 30 of Surah al-Baqarah, 28-32 of Surah al-Hijr and verse 70 of Surah al-Isra are among the Quranic examples of Islam's attention to the principle of human dignity:

- When your Lord said to the angels, 'Indeed I am going to set a viceroy on the earth,' they said, 'Will You set in it someone who will cause corruption in it and shed blood, while we celebrate Your praise and proclaim Your sanctity?' He spoke. Indeed, I know what you do not understand (al-Baqarah/30);
- When your Lord said to the angels, 'Indeed I am going to create a human out of a dry clay [drawn] from an ageing mud. So, when I have proportioned him and breathed into him of My spirit, then fall in prostration before him. Thereat the angels prostrated, all of them together. But not Iblis: he refused to be among those who were prostrated. He said, "O Iblis! What kept you from being among those who have prostrated?"' (al-Hijr/28-32);
- Certainly, We have honoured the Children of Adam, carried them over land and sea, provided them with all the good things, and preferred them with a complete preference over many of those We have created (al-Isra/70).

It seems that Islam has two types of human dignity. One is universal dignity, which is an innate and inherent quality based on the verse "Wa laqad Karrmnā Banī Ādam" (al-Isra/70), and the other is acquired and non-inherent dignity, which is bound by human belief and defined in the relationship between man and God, based on the verse "Inna Akramakum 'Ind Allāh Atqākum" (al-Hujurat, 13). According to this verse, the dignity foundation is not humanity, but piety, so the difference between Islamic and humanist schools is regarding human dignity. Because western humanist schools only pay attention to inherent human dignity without considering the relationship between man and God (Amid Zanjani, and Tawakkoli, 2007 AD/1386 SH: 164-165). Human dignity is the basic foundation of every kind of right and duty.

Hence, inherent or acquired dignity is like the hardware on which human rights and citizenship software are installed. This distinction and separation were considered by the fundamental legislators of the Islamic Republic primarily and straightforwardly. The word dignity occurs three times in the constitution. Citizenship rights are the exercise of human rights in a particular society. While confirming the existence of shared human values, we should accept that any organisation has unique values, including the Iranian Islamic society. The border between the inherent and

acquired dignity of Iranian citizens is evident in the constitution. The citizens of Iran's Islamic community, including people of the book, Muslims and others, all have inherent dignity, and consequently, they have natural and fundamental rights. Iran's Constitution assumes the intrinsic dignity for all human beings, including in the form of supporting the deprived and oppressed of the world, and like the other countries' constitutions, it emphasises the value of citizens according to the criteria of Islamic-Iranian collective happiness (Habibzadeh, Faraj Pur Asl Marandi, 2016 AD/1395 SH: 132-133).

### 3.1.3. The Security and Freedom Principle

It means that people should not be afraid to preserve their lives, dignity and material and spiritual rights and use their talents within the limits of their society's capabilities without worrying and satisfying their wishes (Hashemi, 2005 AD/1384 SH). The dignity principle is the basis of the human right to benefit from security and freedom. According to it, politicians should protect these rights and privileges to provide the basis for the development of society and lead a community based on fairness and justice while preserving human dignity and respecting what God has bestowed upon the servants. Verse 25 of Surah al-Hadid and verse 8 of Surah al-Maidah support such rights:

لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ وَأَنْزَلْنَا الْحَدِيدَ فِيهِ بَأْسٌ شَدِيدٌ وَمَنَافِعُ لِلنَّاسِ وَلِيَعْلَمَ اللَّهُ مَن يَنْصُرُهُ وَرُسُلَهُ بِالْغَيْبِ إِنَّ اللَّهَ قَوِيٌّ عَزِيزٌ

Indeed, We sent Our apostles with manifest proofs, and We sent down with them the Book and the Balance so that humanity may maintain justice. We sent down iron, in which there is incredible might and uses for society, so that Allah may know those who help Him and His apostles [with faith] in the Unseen. Indeed, Allah is all-strong, all-mighty.

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَتَاؤُ قَوْمٍ عَلَىٰ آلا تَعْدِلُوا اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

O, you who have faith! Be maintainers, as witnesses for the sake of Allah, of justice, and ill feelings for a people should never lead you to be unfair. Be fair; that is nearer to God's wariness, and be wary of Allah. Allah is indeed well aware of what you do.

### 3.1.4. Executive Guarantee of Citizenship Rights

The Islamic school not only deals with the intellectual foundations of citizenship rights but also with executive guarantees and maintaining these rights. It is based on Quranic thought to establish a government based on divine justice and fairness. Therefore, a legitimate and justice-oriented law recognises such rights and provides solutions to preserve and protect them. It

also subjects violators' law to guarantee criminal execution and deterrent measures, and in this way, it expressly guarantees these rights and freedoms. In Islam history, the establishment of the social institution "Commanding Virtues and Forbidding Vices," "Dār al-Ḥasibah", and "Muḥtasab" with the function of safeguarding the specific norms of the Islamic society and protecting the rights of citizenship was accordance with a guarantee of citizenship rights (Mir Bagheri Tabatabaei Mehrabadi and Khazaei, 2018 AD/1397 SH: 149).

Based on the Islamic Revolution discourse, citizens' legitimate freedoms and rights are rooted in the Qur'anic verses and in human beings' innate and natural rights, which are compatible.

### **3.1.5. The Principle of Equality and Difference**

One crucial principle that differentiates citizenship rights in Western humanist schools from Islamic schools is that equality in rights does not mean similar rights. Based on this, the school of Islam pays attention to the differences in the field of citizenship rights and equal rights because it is not necessary for fulfilling the citizenship rights, the right of women and men, to be the same. "Difference" is a problem other than "Discrimination;" because characteristics and talents cause differences, but discrimination is caused by injustice. Regarding spiritual rights, the Holy Qur'an states, " و لهن مثل الذى و عليهن " (al-Baqarah, 228); in other words, as much as a man has rights over a woman, a woman also has rights over a man. Material rights are not referred to as the supremacy of men. The Islamic school has tried to remove the discrimination and social inequalities imposed on women in the past by applying positive bias in some cases. For example, women have the right to their husband's property, such as alimony, etc., while men do not have such rights. Also, men and women share many rights, such as choosing a spouse, performing some transactions such as Mudhāribah, etc., except for some rights that have been allocated by the verses of the Holy Quran or hadiths. Verse 32 of Surah al-Nisa is revealed to answer doubts about gender differences in rulings. These gender differences are based on specific conditions and the best system. As a result, it is wrong and incorrect to wish for natural affairs and legislate particular rules and laws based on them. On the other hand, despite the biological differences between men and women, they are not deprived of what they earn through their efforts. Hence, the difference between the rights of men and women is derived from the creation system between men and women, which is proportional to the creation of these two classes.

### **3.1.6. The Difference between Citizenship Rights in the Islamic School and Western Humanist Schools**

The citizenship discourse in Western humanist schools has put worldly life

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as the basis of life, and the rights pillar is the same. In other words, attention to the relationship between man and God is rejected in this discourse. Whereas in the discourse of Islamic citizenship rights, life with pure-life-oriented and considering the relationship between man and God is regarded with worldly and hereafter aspects. In the discourse of humanist schools' citizenship rights, the sign of differential equality or positive discrimination was in the field of dumbness for centuries. This sign has recently been raised in some western humanist schools. But with an attitude toward the collection of Islamic teachings, allocation of quota or compensatory discrimination means adopting a policy and a method to correct discriminatory practices against racial minorities, women, the disabled and other groups that, throughout history, have not advantaged from some or many social benefits, was regarded by the religious school since the beginning. On the other hand, Islam considers all human beings owners of inherent dignity regardless of religion, race, colour, language and nationality. Still, after that, He calls them to acquire satisfaction and puts the criteria closeness to God and belief (al-Hujurat/13). Many differences in the definition of citizenship rights and guaranteeing them in global declarations, Western humanist schools, and Islam originate from this point. Because Western humanist schools only consider man's inherent dignity without considering the relationship between man and God. However, Islam everywhere studies man about God. Religion defines citizenship rights if they are effective for human development. According to Islam, which regards the most dignified people as the closest to God, man's authentic development lies in his spiritual excellence. In Islam, citizenship rights are not separate from God, but the focus is on the perfected or the way to the perfect human being. Regarding the Quranic verses and prophetic traditions, many achievements of customary and Islamic citizenship rights are the same. But Islam has more attention to spiritual growth and peace of man (Surah al-Ra'ad/28), man's need for God-seeking (al-Fatir/15), and attention to the divine beginning and end of human life (al-Baqarah/156), and harmony evolution of man and nature (Taha/50) and the appropriateness of the set of rights and duties and mental and physical capacities for women and men (al-Baqarah/286) rather than the customary citizenship rights of the West. It caused the differences in the definition of these rights and their tools between Islam and modern world achievements. The study of Islamic citizenship rights with the assumptions accepted by the idea of customary citizenship rights, in which the relationship between man and God and the relationship of man with the world of creation and his duties, has been neglected, does not lead anywhere. Hence, it caused doubting the guarantee of citizenship rights in Islam.

### **3.2. Dimensions, Applications and Executive Guarantees of Citizenship Rights**

In the Constitution of the Islamic Republic of Iran, various principles, legitimate rights and freedoms of citizens have been emphasised, which can be categorised in the following dimensions:

#### **3.2.1. Security Rights**

It includes both public and private dimensions. General security has dignity, life, property, and job; personal protection includes housing, solitude and residence. According to Articles 25, 35 and 22 of the constitution, citizens enjoy private and public safety. In conclusion, their security in housing, solitude and residence, dignity, life, property, job and rights are guaranteed.

#### **3.2.2. Judicial Rights**

Citizens' judicial rights include compliance with the principle of acquittal, legal prosecution, fair trial with the right to choose a lawyer and open trial, the legality of crimes and punishments, the safety of the accused and the convicted, and the protection of communities. Articles 27, 37, 32, 35, 165, 36, 169, 38 and 39 of the Constitution relate to civil rights in judicial security. According to these Articles, no one can be arrested or deported except by law. Regarding the accused and criminals, any kind of torture to obtain confession or information is prohibited, and confession, testimony and oath resulting from coercion have no credibility. And insulting the honour and dignity of people arrested, detained, imprisoned or exiled according to the law is prohibited and punishable.

#### **3.2.3. Freedom Rights**

Citizen rights in the freedoms of opinion, expression, parties and assembly are emphasised in Articles 23, 24, 26 and 27 of the constitution. Therefore, the inspection of the views is prohibited, and no one can be impeached for his beliefs. Also, in legal cases, review and non-delivery of letters, recording and disclosure of telephone conversations, interception of telegraphic and telex communications, censorship, eavesdropping and any surveillance are prohibited. And one cannot be banned from participating in political and trade union parties and associations or forced to participate in one of them.

#### **3.2.4. The Participation Rights in Administering State Affairs**

This aspect of citizenship rights is related to the rights and individuals' freedoms in governing the country (administrative privileges). Articles 6, 7, 56, 62, 100, 107, and 114 are devoted to these rights. These Articles refer to the citizens governing right on their social destiny and their participation in the country's affairs through the elections of the Islamic Council, leadership experts, town and village Islamic councils, and the president.

#### **3.2.5. Economic, Social and Cultural Rights**

Citizens have economic, social and cultural rights. Articles 21 (women's rights), 28 (right to choose a job), 29 (directly to enjoy social security), and

43 (economic rights of citizens and government duties in ensuring the needs and removing the deprivation of citizens) are among the Articles related to the economic and social rights. Articles 30 (the right to free education and the possible due to higher education), 3 (the right to the correct use of the press and mass media; the right to scientific, technical, cultural and Islamic research; free education and physical training and the right to the possibility of higher education) are artistic rights.

**3.2.6. The Rights of Vulnerable Groups**

Positive discrimination, allocation of quotas or compensatory discrimination means initiating a policy and a method to correct discriminatory procedures against groups deprived of some or many social advantages throughout history (Fakuhi, 2005 AD/1384 SH: 115). Positive discrimination is considered one of the methods of social policy-making to protect the rights of vulnerable groups such as children, women, the disabled, minorities and refugees as citizenship rights. Positive discrimination does not conflict with citizenship rights and is a solution to compensate for discriminatory practices and fulfilling equal citizenship rights. Protection of the rights of women and children, minorities and refugees is considered in Articles 21, 12-14 and 155.

**Table 3- Dimensions of citizenship rights in the constitution and their executive guarantees**

Executive Guarantee	Constitutions Articles	Dimensions	Citizenship Rights
Islamic Penal Code (Chapter 10, Articles 570-587) Article 129 of the Code of Criminal Procedure	22	Public security	Security right
	25 and 35	Private security	
	23	Belief freedom	Freedom right
	24	Expression freedom	
	26	Parties' freedom	
	27	Communities' freedom	
	37	Innocence principle	Judicial right
	32	Legal prosecution	
	35	Fair trial with the right to choose a lawyer	
	165	public trial	
	36 and 169	The legality of crimes and punishments	



Executive Guarantee	Constitutions Articles	Dimensions	Citizenship Rights
	38 and 39	Security of accused and convicted	
	27	Community security	
	6, 7, 57, 62, 100, 107, 114	The right to participate in the administration of state affairs	The right to participate in the administration of state affairs
	21, 28, 29 and 43	Economic and social rights	Economic, social and cultural rights
	Article 3 (paragraphs 2 to 4) and Article 30	Cultural rights	
	21	Rights of women and children	The rights of vulnerable groups
	12, 13 and 14	The rights of minorities	
	155	Refugee rights	

The constitution Articles generally support citizenship rights, but laws supporting citizenship rights can also be considered at practical levels and with more concrete examples.

Applied laws can be divided into popular, social, and political participation laws. Laws of popular participation: These laws are related to the role and involvement of different people (citizens) in social affairs. The laws of councils and dispute resolution councils are objective examples of this issue. Social laws: These laws are related to job rights and the economic contribution of citizens in the present and future of life. Laws of labour, insurance, cooperatives and privatisation are clear examples of these laws that specify the rights of citizens in work and employment, future employment, and investment and economic contribution. Political laws refer to individuals' scope and political rights in various political activities. The law of parties, press and the regulations of the academic formations are examples of these laws.

**Table 4- Laws supporting citizenship rights**

Concrete examples	Laws supporting civil rights
Law of councils	Participation rules (popular)
Dispute resolution council law	

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Concrete examples	Laws supporting civil rights
work's rule	Social rules
Insurance Law	
Cooperation Law	
Privatisation Law	
Law of Parties	Political rules
Press Law	
The regulations of academics' formations	

Citizenship rights in the constitution need to be guaranteed in criminal law. The guarantee of practical implementations is foreseen in ensuring citizenship rights and freedoms. In such a way, the 10th chapter of the Islamic Penal Code, from Article 570 to Article 587, titled "Misdemeanors of Government Officials and Officers," and Article 129 of the Criminal Procedure Code, is dedicated to this critical matter. Meanwhile, Article 570 of the Islamic Penal Code generally defended the rights and freedoms of citizens. Therefore, any person in any position who is considered a government official, if he deprives citizens of the rights and freedoms stipulated in the constitution or personal freedoms, will be subject to the guarantee of criminal execution specified in Article 570 of the Islamic Penal Code. The guarantee of citizenship rights is considered even in the stages of prosecution and trial in the capacity of accusation or testimony. According to Article 38, a person should be allowed to confess or testify or express information about a crime with peace of mind and without any fear or concern for the health of himself and his relatives. The violator of this principle will be punished according to the law. This dimension of citizenship rights can be realised with Article 129 of the Criminal Procedure Code and Article 578 of the Islamic Penal Code.

**Table 5- Laws on the executive guarantee of citizenship rights**

Articles	Laws of executive guarantee of citizenship rights
570 - 587	Islamic Penal Code
129	Code of Criminal Procedure

### 3.3. Evaluating the Status of Citizenship Rights in the Context of the Islamic Revolution Discourse

It is impossible to evaluate the status of citizenship rights without considering the social and political backgrounds of the societies. The revolution of 1357, with a popular coalition and a culture of resistance, overthrew the Pahlavi discourse, and a new order began to grow and develop, which

reproduced the foundations of the new power system and its official culture (Adibzadeh, 2008 AD/1387 SH: 107). The Islamic revolution discourse, with its two signs of Islamism and republicanism, has a powerful potential in fulfilling citizenship rights. By highlighting the centrality of Islam in implementing social and cultural policies and programs, especially citizenship rights, this discourse could maintain and stabilise its discourse structure and achieve a dominant position in discourse struggles (Salehi et al., 2019 AD/1398 SH). Dimensions analysis of citizenship rights in the Constitution and their executive guarantees in criminal laws, especially the Islamic Penal Code and Criminal Procedure Code, as well as applicable laws such as the Council Law, the Dispute Resolution Council Law, the Labor Law, the Insurance Law, the Cooperative Law, and the Privatization Law, party law, press law, and regulations of academic institutions, show that the Islamic Revolution discourse considers its primary duty to protect the rights of the people and respect the legitimate freedoms of the citizens. The inherent feature of the Islamic revolution is the protection and preservation of the freedoms and rights of citizens from the office holders and judicial, security or executive authorities, and this is rooted in the fact that this Islamic governance system is not only in conflict with authoritarian rule, but also punishes the behaviours that violate the rights of citizens. The significant increase in the level of social and economic awareness, along with the lack of proper reflection of the citizenship rights achievements and the lack of adequate information, especially the space-making and the extensive activity of internal and external opponents of the system in blackening the current situation and magnifying the shortcomings, has caused theoretical reserves and practical. Administrative measures for fulfilling citizenship rights are denied or downplayed. Of course, this does not mean closing the paths of self-criticism. The Islamic Revolution is trying to pave the progress path in various fields, especially the fulfilment of citizenship rights and the completion and elimination of deficiencies, with the efforts of its caring agents. In other words, despite the popularity of the Islamic Revolution, the emergence of governments with different political tastes and tendencies has given birth to sub-discourses that have strengthened the fulfilling citizenship rights in some areas and weakened them during the decades of the Islamic Revolution.

Accordingly, the approved Constitution of the Islamic Republic in 1358, after explaining the general principles in the first part of the third chapter, proposed the nation's rights and supported citizenship rights in various cases. But practically and as a result of the bipolar mentality of

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Islamism and democracy-seeking or fundamentalism and new thinking in the political field, fulfilling citizenship rights have faced limitations and bottlenecks (Tavasuli Roknabadi, 2016 AD/1395 SH: 16). The Islamic Revolution discourse is based on the law-abiding, moral citizen and accepts citizenship rights centred on religion and Islamic rules. Sub-discourses do not address all the categories and indicators of citizenship in a balanced manner. The citizen represented in these sub-discourses is a one-dimensional entity that has experienced rapid and unbalanced growth in one dimension only in one period. In the first decade of the revolution, regarding the lack of political stability, establishment and strength of the government resulting from the revolution and the imposed war, and in the second decade of the revolution, considering the issues and problems of reconstruction after the imposed war, fulfilling some components of citizenship rights was postponed. The citizenship discourses in these two periods only include some elements and features and, as a result, are incomplete. However, in the third and fourth decades of the revolution, regarding the increase of the academic class and the more open political space, attention to citizenship rights has grown significantly, although, in each decade, elements and components of it have been neglected or not fully implemented. During the reform period, the government invited people to citizenship discourse. In this period, citizenship rights were defined by emphasising political development, participation, provision of social security, political and civil freedom, minorityism, and pluralism, and creating civil society and democracy. The post-reform environment was in the framework of continuing the revolution's ideals (Kazemi, 2009 AD/1388 SH: 208).

In the 90s, we see a theoretical effort to revive and implement citizenship rights in society, a clear example of which is preparing a citizenship rights charter (Salehi et al., 2019 AD/1398 SH). According to this charter, citizenship rights are presented in 22 dimensions and in the form of 120 articles. This document has referred to the basis and support of the Charter articles in the Constitution.

Regarding the mechanism of implementation and monitoring of the performance of citizenship rights, in this charter, the duties of the president and executive bodies subordinate to the executive branch are mentioned. It is also stated that the ministries of education, science, research and technology and health, treatment and medical education should make the necessary diplomacies to familiarise students with the teachings of citizenship rights. The president can update this charter if needed (citizen's rights charter, 1395).

**Table 6- Clauses of citizenship rights charter and their related articles**

Article	Citizenship rights dimension	Clause	Article	Citizenship rights dimension	Clause
51 - 55	The right to form and enjoy a family	R	1 - 6	Right to life, health and quality of life	A
56 - 67	The right to a fair trial	Z	7 - 11	The right to human dignity and equality	B
68 - 72	The right to a transparent and competitive economy	Zh	12 - 14	The right to freedom and security of citizenship	P
73 - 74	Right to housing	S	15 - 18	The right to participate in self-determination	T
75 - 76	right of ownership	Sh	19 - 24	The right to competent administration and good planning	Th
77 - 84	The right to employment and decent work	Ş	25 - 29	The right to freedom of thought and expression	J
85 - 94	The right to welfare and social security	D	30 - 32	Right to access information	Ch
95 - 103	The right of access and cultural participation	T	33 - 35	The right to access cyberspace	H
114 - 111	The right to education and research	Z	36 - 42	The right to privacy	Kh
112 - 115	The right to a healthy environment and sustainable development	A'	43 - 46	The right to organizorganiseble and march	D
116 - 120	The right to	Gh	47 - 50	The right to	Dh

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Article	Citizenship rights dimension	Clause	Article	Citizenship rights dimension	Clause
	peace, security and national authority			citizenship, residence and freedom of truck	

Without ignoring the positive points of the citizenship rights charter, it seems that the charter should be used as a reference for solving problems related to the system of rights and obligations of Iranian citizens, applying amendments and adding supplements that make it in line with the spirit of the law is essential to make it more compatible. In addition, we should pay attention to the public dialogue as an indicator of the current discourses in today's society. It caused overlapping consensus among various biological patterns, including lessons belonging to different cultural identities of Iran (religious and ethnic) (Hosseini Beheshti, 2019 AD/1398 SH: 26-27).

### **Conclusion**

The present study aimed to respond to chronic suspicion. This study is one of the soft war manifestations against the Islamic Revolution of Iran in recent decades, which accuses this socio-political system of violating the rights of citizens and disregarding them. The results indicated that the citizenship rights provided in the documents and policy-making of the country are rooted in the Quranic teachings and are consistent with humans' innate and natural rights. Citizenship Rights in the Islamic discourse as the last and most complete divine religion are based on the semantic system of the nodal point of the good life and the points of the dignity principle, security and freedom and the executive guarantee of citizenship rights. Accordingly, the essential fundamental difference between humanist schools and Islamic law about citizenship is that in the Islamic school, citizenship rights are defined based on a good life, which has a worldly and hereafter aspect. The basis of humanist schools is human self-sufficiency and his disconnection from the hereafter and divine life, so he forgets man's spiritual and religious needs. Islamic and western humanist schools both emphasise honouring human beings to fulfilment citizenship rights. But what distinguishes the type of human respect in these two schools is that human concern in Western schools is one-dimensional. Man is considered the pole of science and the axis of everything, and therefore, any desire,

whether sensual or rational, from man's side is considered to be the principal; on the other hand, divine or revelatory demands and religious orders are not paid attention to (Mozaffari, 2011 AD/1390 SH). Citizenship rights have been emphasised in various documents of the Islamic Republic of Iran, the most important of which is the Constitution. This law in different dimensions includes public-private security, judicial rights, freedom right in other sizes, participation rights in the administration of state affairs; economic, social and cultural rights; the rights of vulnerable groups. The practical effect of citizenship rights is in various executive laws such as popular famous citation laws including the laws of councils and dispute resolution councils, social laws including labour, insurance, cooperative and privatisation political laws including the law of parties and press and the regulations of academic institutions. Also, for the executive guarantee of citizenship rights specified in the various principles of the constitution, Chapter 10 of the Islamic Penal Code, from Article 570 to Article 587 and Article 129 of the Code of Criminal Procedure, is dedicated to this critical matter. Evaluating the state of citizenship rights according to the social and political framework of post-revolutionary Iran shows that the Islamic Revolution discourse has a powerful potential for fulfilling citizenship rights. The results confirm that the primary duty of Islamic revolution discourse is to protect the people's rights, respect the legitimate freedoms of the citizens, and punish the behaviours that violate the rights of citizens. However, with so much blackening of the opponents in the state of citizenship rights in post-revolutionary Iran and the lack of proper reflection on the achievements of citizenship rights and the emergence of sub-discourses that have spent their energy solely on the realisation of some specific dimensions, it has caused general neglect of theoretical reserves and practical and implemental acts of citizenship rights fulfilling. Nevertheless, drafting the Charter of Citizen Rights in the 90s is an appropriate measure in this regard. Based on this, to activate the mechanisms of citizenship rights and respect the citizens who should be respected and honoured according to the constitution, it is necessary to implement the principles related to citizenship rights regardless of the political tendencies of the governments.

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