

Cultural citizenship in the Constitution of the Islamic Republic of Iran

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Abstract

Iran is a multicultural country including various groups of ethnic, lingual, religious and else. What is solution Constitution of Islamic Republic of Iran to organize this sociocultural diversity? To answer to this question we used the method of conforming theory with sample. The study uses cultural citizenship theories as a theoretical framework to analyze the solution of the Constitution of IRI. The most important finding of this study is: the Constitution of IRI has a two-layer solution for the issue of sociocultural diversity; in the beneath layer lays concentrated cultural policy which in turn is the result of domination of Islamic, Shiite, Persian, and patriarchal culture; in the layer above lays a combination of politics of wide recognition: (especially in the area of language and ethnic); and politics of narrow recognition: (especially in the areas of religion, women, and vulnerable social groups).

Keywords

cultural citizenship, constitution of Islamic Republic of Iran, sociocultural diversity, cultural politics of centralist, politics of wide recognition, politics of narrow recognition.

Introduction

The victory of Islamic revolution of Iran in 1979 significantly changed the political and sociocultural structure of Iran. One of the areas highly influenced by the Islamic Revolution was The Constitution of this country; that is Mashrouteh Constitution (1906) was replaced by the Constitution of Islamic Republic of Iran¹ (1979). It seems that IRI constitution not only plays the role of institutionalizing IRI system, but also it reflects the historical, political, cultural, and social life of Iranian people. So it is expected that it present a fundamental solution for the basic issues of Iranian society. One of the most fundamental issues of Iranian society is the diverse sociocultural structure consisted from various ethnicities (including Fars, Turk, Lor, Balouch, Arab, Sistani, Mazani, Gilak, Gorji, ...), languages (including Persian, Mazani, Kurdish, Pashto, Balouchi, Lori, Laki, Zazaki, Gilaki, Taleshi, Tati, Asi, Semnani, ...), schools (including Imami, Ismaili, Hanafi, Maleki, Shafei, Hanbali, ...), religions (including Islam, Judaism, Christianity (including Armenians, Ashourians, Kaldanis), Baha'i ...) (Maqsoudi 2003, 17-18). Accordingly, main question is raised in the present study: what is the specific solution of IRI constitution to organize the current sociocultural diversity? To answer to this question we used the method of conforming theory with sample (case). In this method, a case or a sample is measured with one or a set of theories (Matthew 2012, 154)

Theoretical framework

Cultural citizenship tries to organize the relationship between various sociocultural groups within a society based on the principle of equal respect (Rosaldo 1997, 27). In fact, cultural citizenship is one of the types of citizenship. In this sense cultural citizenship can be seen as involving membership, rights, duties and commitments, and participation of sociocultural groups (such as women, children, patients, the unemployed, the forsaken, the marginalized, ethnicities, races, ...) within a political society (O'byrne 2003, 7; Stevenson 2013, 307).

Yet, cultural citizenship is a rebellion against centralist cultural policies of which ignore cultural differences (Fraser 2000, 107). The most important centralist cultural policies include *assimilation* and *homogenization*, *benign neglect*, and *exclusion*. Politics of *assimilation* and *homogenization* try absorbing or merging minor groups into the culture of majority, so that the society becomes integrated (Esman 2004, 155). Yet this process is accomplished significantly by knowledge builder and ideological organizations (such as training and education organization, media ...). *Benign neglect* is a liberal policy based on classifying the society into two sectors, public and private. According to this policy, in private sphere different sociocultural groups are free to follow their own cultural ideas and patterns, while they should forget their own culture in public sphere and get a common civic identity (Gagnon 2005, 27). *Exclusion* policy is based on excluding distinct sociocultural groups, as abnormal, or at least tries to marginalize them. For example it is possible that dominant culture deprive them from having job, housing, and education opportunities equal to others. *Suppression*, *genocide*, *contempt*, and *disdaining* the minorities can also be regarded as parts of this policy (Esman 2004, 135). In contrast, cultural citizenship tries to establish a plural sociocultural and political structure; provide the ground for membership of all sociocultural groups in this structure; and create a sense of cultural, social, and political solidarity among them. A significant theorist of cultural citizenship is *Will Kymlicka*. He presented the theory of *multicultural citizenship*, according to which not only all people benefit from public rights regardless what cultural groups they belong to, but also they should have special rights to maintain their identity. *Kymlicka* speaks of three types of *group rights* including *Self-government Rights*, *Polyethnic Rights*, and *Special Representation Rights* (Kymlicka 1995, 34-48). *Bhikhu Parekh* suggests that resolving the issue of diverse cultures requires the active participation of different sociocultural groups in the common political and cultural structure as well as protective policies of government in favor of minority groups, so that smaller groups have a strong sense of belonging to the larger society. He also demands for spreading justice, public rights, and multicultural education as other government plans for organizing a multicultural society (Parekh 2000, 209-230).

According to the above, the macro solutions derived from recent cultural citizenship can be classified into two groups, narrow (weak) recognition policies, and wide (strong) recognition policies. Narrow recognition policy considers cultural differences as real issues which can be controlled through tolerance, granting more freedoms, changing some general rules, granting

financial exemption and even positive discrimination. In fact narrow recognition policy is based on non-discrimination (Seglow 2003, 89). By contrast, wide recognition policy considers no substantive difference between minority and majority groups and sees all sociocultural groups having equal inherent value and tries to contribute them in sociocultural and political structure through the principle of inclusion. Such a process requires not only granting autonomy, veto right, guaranteed representation, and equal access to public sphere, but also equality of values of minority to values of majority or dominant group (Seglow 2003, 92). Now we can deal with IRI Constitution with this background.

Cultural citizenship in Constitution of Islamic Republic of Iran

IRI Constitution was passed in 1979 and in 1989 some amendments were applied to it. In the present study the latter (1989) will be explored. The Constitution has 1 Introduction, 14 Chapters and 177 Articles (principles).

The first issue in understanding the solution of IRI Constitution for sociocultural diversity is discovering the underlying structure or the general spirit governing it. It seems that the introduction of IRI Constitution has to some extent determined the underlying citizenship identity in Islamic Republic of Iran. According to the introduction, Iranian sociocultural, political, and economic institutions have been established based on Islamic principles (Mansour 2012, 9-11). In this sense Islam is the basic element of underlying structure of citizenship identity in Islamic Republic of Iran. This element (Islam) is more than anything representative of domination of Islamic (Shiite) culture on religious, historical, and political structure of Iranian society. In introduction we also read that Islamic revolution in 1979 was the result of anti-despotic and anti-colonialist struggles of Iranian Muslim people (Mansour 2012, 12). So, nation can be the second element of underlying structure of citizenship identity in Islamic Republic of Iran. At the same time these two elements are combined and integrated in Islamic identity in a unit sense. Yet, in introduction part of IRI Constitution, "Independence", "Freedom", and "Islamic Rule" were introduced as the other elements of underlying citizenship identity in Islamic Republic of Iran (Mansour 2012, 16). Above all, these elements represent contemporary evolutions in general and Islamic revolution (1979) in particular. However, in an overview we can consider region, history, political heritage, cultural heritage, rituals, national language, Islam religion, and nation as the underlying structure citizenship identity that are reflected for example in articles 17 and 18 (Ahmadi 2011, 420).

The next issue is recognizing sociocultural groups approved in IRI Constitution. In this regard we can refer to articles 12, 13, 15, 19, 20, 21, 64 ..., in which religious groups (Hanafi, Shafei, Maleki, Khanbali, and Zeidi), religions (Zoroastrian, Christianity, Judaism), all ethnic and lingual groups living in Iran, women and vulnerable groups like the elderly, widows, orphans, the disabled ... are recognized. While *Iris Marion Young* considers people who have experienced *exploitation, marginalization, cultural imperialism, violation, and powerlessness* as sociocultural groups needing protection (eminenting *differentiated citizenship*) (Young, 1990: 48-63), it seems

that the range of recognized groups in IRI Constitution is somehow more limited. According to this background, we can analyze the solution of IRI constitution based on the elements of cultural citizenship (membership, rights, duties, and participation).

Membership of sociocultural groups in IRI Constitution

Membership is the basis of cultural citizenship. Although inclusive membership has not been realized yet, its scope is increasingly expanding (Bosniak 2008, 18). In IRI Constitution, membership can be found under nationality title. Because nationality is a kind of political, legal, and spiritual relations which represents belongings of individuals to a society or State (Balazadeh 2004, 39). The articles 41 and 42 in IRI Constitution are assigned particularly to nationality. Article 41 states that: “Citizenship of Iran is the unquestioned right of all Iranians. The State may not deprive any Iranian of his citizenship, except at their own request, or if they take up citizenship of another country.” According to this article then, we can recognize the citizenship of all Iranians regardless of their race, ethnicity, religion, language, gender, political trend In this sense this article at least legally doesn’t make any obstacle for citizenship of the members of different sociocultural groups. In any case this article considers Iranian identity as a cultural, historical, and political structure which is transfers generally by land and blood and entering to it or exiting from it requires individual will. So we can have a flexible attitude toward nationality. At the same time, in a strict interpretation, citizenship of sociocultural groups is subject to accepting dominant culture (Islamic-Iranian culture). Also, the article 42 states that “Foreign nationals may within the limits of the law take up Iranian citizenship. The citizenship of such persons may only be taken away if, possibly, another State accepts them into citizenship, or at their own request.” This article confirms acquired citizenship. It seems this article is somehow similar to civic assimilation policies according to which the requirement for citizenship of foreign people in host culture is accepting the culture of majority or dominant culture. Generally these two articles indicate that in IRI Constitution citizenship is apparently inclusion-oriented. In this sense, privatively there is no obstacle for approving various people and sociocultural groups in society, but wide recognition policy in which cultural values of minority are inherently equal to cultural values of majority or the dominant group in society, is not necessarily extractable from these articles.

Rights of sociocultural groups in IRI Constitution

The issue of Rights is the second base in cultural citizenship. As Kymlicka claims, cultural citizenship includes both public and private rights. So, cultural citizenship rights can be investigated in two dimensions.

Public rights of cultural citizenship. The article number 3 in IRI Constitution is one of the articles dealing with public rights of cultural citizenship. Clause 7 of this article states that “State is obliged to provide political and social freedoms within the framework of law”; this clause explicitly represents civil and political rights of cultural citizenship and has no constraining

condition except for law. Clause 9 demands “the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and intellectual spheres”. This article implies equal legal behavior with all citizens. Clause 12 emphasizes on just economic system and considers it aiming at “creating welfare, eliminating poverty, and abolishing all forms of deprivation with respect to food, housing, work, healthcare, and the provision of social insurance for all.” This clause emphasizes particularly on public citizenship rights and as Riley believes, it can create the ground for active participation of citizens in political, social ... areas (Riley 2009, 96). Clause 14 confirms “securing the multifarious rights of all citizens, both women and men, and providing legal protection for all, as well as the equality of-all before the law; this clause represents civil rights, especially judicial dimension of cultural citizenship, and at least because of the phrase men and women, it is considered as a sign of principle of non-discrimination about women which is a fundamental concept in narrow recognition policy. Generally, article 3 has a right-based view to citizenship; principally, there is no constrain indicating restriction, hence generalizing the range of citizenship rights to all members of sociocultural groups can be derived from it.

Article 20 states first that “all people, men and women, are equal before the law”, and then considers “all human, economic, social, and cultural rights” as including “all people of the nation”. It seems that this article implies civil rights and is particularly based on the principle of non-discrimination. Because it grants equal legal situation to all people of nation, regardless of race, religion, sex, and so on. Also stating the word *all* in this article makes the civil rights public. Yet, this article reminds that the only criteria violating legal equality and inclusive rights, is “opposition to Islamic criteria” which is one of the main infrastructures of Iranian citizenship identity. According to this article it can be followed that civil rights of sociocultural groups should not be opposed to the values of majority.

The articles 22 to 40 are generally about public civil political and social rights of citizenship. For example, article 22 declares that “The dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law”. This article indicates personal, social, judicial, and economic civil rights. Article 23 is stating the forbiddance of inquisition and stipulates that “no one may be molested or taken to task simply for holding a certain belief”. This article is corresponding to the principle of freedom of belief in citizenship civil rights (Marshall 1992, 8). Article 25 emphasizes forbiddance of “spy and investigating private and social relationships of citizens” except by the order of law. This article is corresponding to the principle of non-exposing civil rights of citizenship (Castells and Davidson 2003, 217). Article 26 implies “freedom of Political parties, societies, political and craft associations, and Islamic or recognized minority religious associations”, provided that “no violation is involved of the principles of independence, freedom, national unity, Islamic standards, and the foundations of the Islamic Republic”. This article indicates part of political rights counted by Marshall (Marshall 1994, 14-16). Yet, its restrictive constraints especially the condition of keeping national unity and Islamic criteria reminds us of the underlying structure of citizenship (religious and national) in Iranian

society. Article 27 states that “Unarmed assemblies and marches may be freely organized, provided that no violation of the foundations of Islam is involved”. This article is about freedom of assemblies which is the intersection of public civil and political rights of citizenship (Castells and Davidson 2003, 223-224). Article 29 emphasizes “social security in retirement, unemployment, old age, being laid off (AZ KAR OFTADEGI), being without a guardian, casual misfortune, accidents, and occurrences giving rise to the need for health services and medical care and treatment, through insurance etc.” and also declares that “health care and treatment insurance is the right of all people and State is obliged to provide these services and above mentioned financial supports for each individual in the country”. This article is a complete reflection of public social rights in citizenship (Marshall 1994, 24-26). It is obvious that mentioning each individual in this article implies citizenship equality of citizens. At the same time this article particularly recognizes vulnerable groups. Article 32 states that “no one may be arrested without order of law”. Article 33 “rejects ousting people from their residence or forbidding them to reside in the locality of their choice, or compelling them to reside in a particular locality, unless the law prescribes this”. These two articles represent judicial and social aspect of civil rights (Marshall 1994, 31). Article 34 considers asking for justice as the unquestioned right of all people” and declares that “everyone may refer to the competent courts and no one may be prevented from recourse to any court to which the law entitles him to refer”. This article as well is about judicial aspect of civil rights. Article 37 implies innocence of citizens and states that “No person is considered legally guilty, except in cases where his guilt is established in a competent court”. This article is about the issue of immunity and not exposing in civil rights of citizens. Article 38 forbids “any kind of torture to extract an admission of guilt or to obtain information” and states that “compelling people to give evidence or confess or take an oath is null and void”. This article emphasizes civil immunity of citizens and notes their human dignity.² It seems that these articles are inclusive. In simple words, these articles are about superstructure of citizenship identity and no order indicating ejecting and not including members of sociocultural groups is observed in it, except that they violate infrastructure of citizenship identity in IRI Constitution including nationality, Islam, and law as the political convention. The article 43 also implies public social and economic rights of citizenship. For example first clause of this article states that “basic necessities for all citizens: housing, food, clothing, hygiene, medical treatment, education, and the necessary facilities for the establishment of a family must be provided”. The second clause states: “conditions and opportunities for employment must be provided for all people”; in the third clause we read that “the plan for national economy must be structured in such a manner that each individual has sufficient leisure and energy for intellectual, political, and social activities leading to all-round development of his self, to take active part in leading the affairs of the country, improve his skills, and to make full use of his creativity”; clause 4 states that “people should be free in choosing their jobs and exploitation and compelled labor should be prevented”. These clauses imply provision of social and economic facilities necessary for a better life for all citizens and refer implicitly to this fact that without fulfilling fundamental requirements, active participation in political, sociocultural, and economic structure

is not possible. This clause can be compared with civil principles in European welfare state (Bussemaker 1999, 1-10). Article 47 emphasizes respecting “Private ownership, legitimately acquired”. Although, this article is similar to liberal ownership right of Locke type (Locke 2009 93-113, 175). But it seems that it has been derived from the principle of legitimate ownership in Islam.³ Generally it seems that these articles which imply particularly citizenship social rights are inclusive and there is no restrictive constraint in them to deprive an individual or a group for political, cultural, ethnic, ideological, gender, lingual ... reasons.

Also the articles 156 to 174 represent the judicial aspect of public civil rights. For example article 156 states: “judiciary power not only is the protector of rights of the individual and society, and responsible for the implementation of justice, but also investigates and passes judgment on grievances, violations of rights, and complaints; the resolving of litigation; the settling of disputes; and the taking of all necessary decisions and measures in probate matters as the law may determine. This article, while emphasizes the rule of law (Qazi 1994, 656, 666), considers no difference between people and groups and is inclusive in this sense. The article 165 emphasizes “open trials” or article 168 emphasizes not only “open political and press trials”, but also claims that such trials should be held in courts of justice. It seems that these articles are written along with guarding judicial and civil rights of citizens.

Generally, it can be said that IRI Constitution has public civil, social, and political rights in it which is in turn part of cultural citizenship rights. Of course it should not be forgotten that these articles solely resolve legal obstacles of realizing cultural citizenship. In this sense they have a privative aspect, but we cannot necessarily derive wide recognition policy of the rights of minority sociocultural groups.

Specific rights of cultural citizenship. In cultural citizenship there is emphasis on specific cultural rights in addition to public rights. Because specific cultural rights not only compensate for structural injustice, but also make the equal access to public sphere and finally participation in cultural, social, and political structure possible (Kymlicka 1995, 34-48; Parekh 2000, 199-203; Young 2002, 189). Accordingly, the article 12 of IRI Constitution can be considered as one of the first articles about specific cultural rights, and introduces Islam and Twelver Ja’fari School as the formal religion of Iran, and at the same time recognizes the other Islamic schools including Hanafi, Shafei, Maleki, Hanbali, and Zeidi as well and represents the issue of freely holding rituals in these schools. This article also stipulates that in any region in which the followers of these schools constitute the majority, they can pass local regulations according to their own school provided that they don’t violate the rights of other schools and religions. This means that in IRI Constitution religious self-ritual is recognized for some schools locally. The important point about this article is that it introduces Islam and Twelver Ja’fari School as the underlying citizenship structure and declares that this infrastructure is not changeable and tenable. Hence any kind of granting specific cultural rights should be formed based on that or at least not be in contrast with that. In article 13 the religions Zoroastrian, Jew, and Christianity are recognized but

the right local rule according to these religions has not been granted to them, which represents the limitation of religious minorities. In any case these two articles determine the range of religious minorities and formal religion in Islamic Republic of Iran. Although in a restrict interpretation it seems that the other religious groups are excluded from this range (Aryamanesh 2011, 81). But in a wide and more flexible interpretation it can be said that these articles are solely about religious rights and do not necessarily violate other citizenship rights of other religious minorities. In addition, the article 14 which documents verse 8 of Surah Al-Mumtahanah,⁴ obliges IRI State and Muslims to behave with good manner and Islamic justice toward non-Muslims and observe their human rights. Yet, such rights include people who do not act conspiracy against Islam and Islamic Republic of Iran. This article includes several fundamental points about specific cultural rights; first, the culture of Muslim majority in general, and yet Shiite culture in particular is considered as the base for granting cultural rights; second, it demands nice and just behavior with non-Muslims; third, recognizes fundamental human rights, aside from other religious rights which belong to human; fourth, it represents a condition in addition to not being opposed to Islam which is not acting conspiracy against Islamic Republic of Iran which is in turn another political infrastructure for citizenship identity in IRI Constitution. In this sense the article considers the superiority of Islam over the other religions as an unquestioned issue and recognizes other religious minorities solely out of benevolence and in the scope of human rights.

It may be said that these articles at first level (underlying layer) represents concentrated cultural policy and at the second level represents a kind of narrow recognition policy. Meaning that it tries to recognize religious freedom of minorities and promote a tolerant behavior with them by focusing on the culture and religion of majority. But deep and wide recognition of differences, equal opportunities of minorities with the majority or the equal participation of religious groups in political and sociocultural structure of Islamic Republic of Iran is not induced from it. Also it is not clear to what extent the religious groups have access to the public areas (sphere). Article 15 shows other aspects of specific cultural rights. It emphasizes maintaining the language of ethnic minorities and recognizes “the possibility of using local and ethnic languages in group press and media and teaching ethnic and local literature at schools beside Persian language”. It makes it possible for minorities to keep their ethnic and local identity in public area. It should be remembered that language is the one of main elements of keeping ethnic identity (Hermidas Bound 2005, 27). According to this article ethnic minorities can establish bilingual schools and found press and TV networks with their local and ethnic language, as it is true in later cultural citizenship (Young 1989, 404). Hence, it not only recognizes the ethnic and language differences, but also based on wide recognition policy, provides access of ethnic and language groups to public area, but in a limited geography.

Article 19 emphasizes “Equal rights of Iranian people, regardless of their ethnicity, color, race, language, and so on”. In fact it has public civil rights and specific cultural rights together, because it emphasizes the equality of rights of all Iranians and at the same time at least from a

legal perspective puts minorities and various sociocultural groups in a similar position. Equal respect to sociocultural groups can be extracted from this article at least in social area which is in accordance with narrow recognition policy (Patten 2000, 193).

Article 21 of IRI Constitution represents women rights, as one of the sociocultural groups. It states that “State must: 1. create a favorable environment for the growth of woman's personality and the restoration of her rights, both the material and intellectual; 2. Protect mothers particularly during pregnancy and childbearing and protect children without guardians; 3. establishing competent courts to protect and preserve the family; 4. Provide special insurance for widows, and aged women adwomen without support; 5. Award guardianship of children to worthy mothers, in order to protect the interests of the children, in the absence of a legal guardian”. This article represents the attention of Constitution of IRI to specific rights of women and implies enhancement of women abilities and their family and social situation. It seems that exemption of women from some public rules affecting them and even positive discrimination in favor of women can be derived from this article, as it is in narrow recognition policy (Young 1989, 386).

Article 64 recognizes the representativeness assured for religious minorities (Zoroastrians, Jews, Ashourian, Kaldani, North and South Armenians). It is similar to special representatives presented by (Young 1989, 393). Although, it is perfectly obvious that generalizing special representatives to other sociocultural groups such as Sunnis, women, and disabled (other minorities) is not deduced from this article, it seems that at least it resolves the legal obstacles for such generalization. Generally, as Galeotti points out, granting assured representative to minorities and particular groups provide conditions so that they can not only determine their own destiny, but also belong to a larger society (Galeotti 1999, 44-45). At the same time, it seems that the principle of special representative makes a bridge between narrow and wide recognition policy. It means that it provides a ground for resolving discriminations and at the same time makes it possible for them to access public arena.

In sum, it can be said that IRI Constitution has special cultural rights, although limited, for recognized sociocultural groups, including religious, ethnic, and language minorities, as well as women and vulnerable social groups. It should be said as well that the scope of such groups is limited, and does not for example include Dervishes or Baha'is. Also, the recognized groups enjoy narrow recognition including legal rights, holding their self-government, own rituals and so on somehow. At the same time some of such groups like religious and language groups enjoy wide recognition in some parts such as accessing public arena, but maybe deepening and expanding such recognition can make the belonging sense of sociocultural groups to the larger society stronger and as Parekh points out, help political and sociocultural enrichment in society (Parekh 2000, 205).

Duties and commitments of sociocultural groups in IRI Constitution

Citizenship right and duty are two sides of one coin. Meaning that my right determines the scope of other's duty and my duty determines the scope of other's right. Hence, cultural citizenship without commitments and duties is not only incomplete, but also fundamentally infeasible (Delanty 2000, 9-10). In this sense, the same principles including public and specific cultural rights, determine the scope of mutual duties and commitments. At the same time there are articles in IRI Constitution implying special duties and commitments. Yet, such articles are mostly regarding duties and commitments of State. For example we can refer to articles 3, 21, 28, 29, 30, 43, and 49. However, there are articles indicating duties and commitments of citizens and State together. For instance, article 8 considers *al-'amr bilma'ruf wa al-nahy 'an al-munkar* as a universal and reciprocal duty and sets the relationship between people together and between nation and State. It seems that it not only makes supervision of people by State possible, but also provides the ground for supervision of nation over State. This article has also been derived from original teachings of Quran.⁵ Of course it is not clear whether it involves all sociocultural groups. At least in a limited interpretation it can involve all Muslim sociocultural groups and provide the ground for their active participation in public arena. At the same time, not only it recognizes the possibility of public control over rulers, but also reminds them their responsiveness and responsibility (Haqiqat 2008, 61). Article 40 states that "No person may exercise his own rights as a means of constraining others or violating the public interest". Article 46 reminds that "Everyone is the owner of the fruits of his legitimate business and labor, and no one may deprive another of the opportunity of business and work under the pretext of his right to ownership." These two articles determine limitations of freedom of citizens in public arena which is somehow similar to *negative liberty* in the thoughts of Isaiah Berlin (Berlin 1992, 282). At the same time these articles represent a combination of public and individual duties. Article 50 represents the environmental commitments of citizens. It points out that environmental protection is a public duty and destroying and polluting environment is forbidden. Namely the article indicates the principle of sustainability in green citizenship (Dobson 2000, 221). Article 51 which is regarding paying tax, considers no difference among citizens. Also, as sociocultural minorities has the right to refer to competent courts, according to the articles 61 and 159 are obliged to follow their complaint through formal courts on the country. Interesting point is that the duties and commitments of sociocultural groups are general, and include all the cases of which all the other citizens are followers. In this sense, such duties and commitments are measured based on underlying citizenship structure in IRI Constitution (that is the principles of Islamic Republic of Iran, including Islam, Shiite school, independence and territorial integrity, national security, Faqih, ...)

Participation of sociocultural groups in IRI Constitution

According to wide recognition policy the possibility of participation of all sociocultural groups in political, social, and cultural structure is a part of cultural citizenship. Yet, it is not clear whether participation is in the category of citizens' rights or their duties. In any case, we can observe articles and clauses in IRI Constitution which are regarding public and particular

participation of sociocultural groups. For example, in clause 8 of article 3 we read “State is obliged to provide the ground for the participation of the entire people in determining their political, economic, social, and cultural destiny”. This clause involves all citizenship kinds for all people and groups and at least in the limited interpretation legal obstacles of participation of people and sociocultural groups in determining their own destiny is resolved by this article. Clause 15 of the same article demands for “the expansion and strengthening of Islamic brotherhood and public cooperation among all the people”. This article which has an Islamic origin,⁶ reminds once again the most important citizenship infrastructure that is Islam. Also like new civic republic citizenship theories, it establishes a direct relationship between correlation and participation (Schwarzmantel 2003, 15). Article 56 emphasizes the right of human for determining his own destiny as a Divine and unquestioned right.⁷ It seems that in contrast to modern social convention which considers the right to determine destiny as natural, this article attitudes it to the status of God’s Vicegerent of human.⁸ Yet, it is not clear if the principle of God’s inheritor involves all people regardless their gender, religion, ethnicity and so on or only includes Muslims.

In article 59 “direct recourse to popular vote through a Referendum” has been represented as one way for political participation. Since in this article there is no restrictive limit, public participation can be derived from it. Article 62 is about “direct and secret ballot to elect representatives of people in The Islamic consultative Assembly”. This article implies a maximum participation (at least with regard to electors), but it seems that the requirements set by the law for those who are going to be selected are derived from the citizenship infrastructure in Constitution, that are Islam and nation (Hashemi 2004, 82-94), hence it is a public participation to some extent.

Chapter 7 of IRI Constitution which is dedicated to councils can provide the ground for participation of citizens in controlling the issues of their own locality. For example article 100 states that: “Members of village, division, city, municipality, and provincecouncils will be elected by the people of the locality in question”. It seems that this article is a medium between narrow and wide recognition policy which in turn provides the ground for active participation of sociocultural groups in political and cultural structure of localities and regions. At the same time it can lead to a participation that is based on “equal respect policy” and is not ignorant to differences (Taylor 1994, 61-62). This article can implicitly provide the grounds for maintenance and flourishing local traditions and rituals and cultures. So, it can lead us to a multilayer citizenship according to which citizens establish connections in their underlying layers with their local culture and in higher layers with public culture of society (Lister 1997, 196).

Article 115 of Constitution which is regarding requirements of president represents one of the most controversial articles in IRI Constitution. This article states that the President must be elected from among religious and political personalities possessing the following qualifications: Iranian origin; Iranian nationality; administrative capacity and resourcefulness; a good past-record; trustworthiness and piety; convinced belief in the fundamental principles of the Islamic

Republic of Iran and the official religion of the country. It is above anything derived from the underlying layer of citizenship in Islamic Republic of Iran (that is being Shiite and Iranian) and accordingly limits the scope of participation, with regard to being elected. It seems that religious minorities are excluded from this scope automatically. But there remain a question whether women can be elected as president? In this regard at least two interpretations can be presented both of which are resulted from etymology of the word “Rijal” (literally means men). In the first interpretation Rijal is perceived as meaning men (Rostami and Musapour 2011, 227). It seems that this interpretation has been applied in ten presidential courses so far. Yet, the masculine structure of policy during Iranian history strengthens this kind of interpretation. In the second interpretation Rijal is known as being included in common words meaning people (Mardom) which involves both men and women. In any case it seems that this article is still limited. In this sense it prevents many people belonging to minority sociocultural groups from achieving high levels of political power. So this article is consistent with concentrating cultural policies which has been formed at least around men, the Shiite, and the limited circle of ruling powerful people. In general it seems that in IRI Constitution participation in public arena is more accessible for ethnic and local groups than other minority groups. At the same time, the issue of participation of such groups can be followed in subset of public participation.

Accordingly it may be said that participation of social groups such as women and disabled in political arena is not faced with fundamental *legal* barriers. But there seems to be two main barriers in this regard; first, the political interpretations made of their participation by power institutes, and second, treatment of public culture which because of historical belief, has not so much experienced political participation of these groups.

Conclusion

Now we return to our starting question: what is the particular solution of Constitution of Islamic Republic of Iran for the variety of sociocultural structure of Iranian society? Apparently, the solution of IRI Constitution is a combination of cultural policies concentrated in underlying layer and narrow and wide recognition policies on the top layer. Meaning that IRI Constitution is based on the culture of majority in the underlying layer which is raised to a high degree from Shiite school in particular, and Islam, being Iranian, Persian language, and patriarchal culture in general. At the same time we can see in this underlying layer the superiority of men over women and the ruling elite over other social classes. On the other hand narrow recognition of ethnic, language, and religious groups as well as women and other vulnerable groups (such as disabled, elderly, children without guardian, and so on) can be observed on the upper layer. Yet, such recognition depends generally on the same underlying layer as was the result of historical, political, and cultural exploration in Iranian society. Hence, the sociocultural groups raised from new religions such as Baha'is are not recognized. At the same time women are protected generally and not necessarily as a particular sociocultural group. Yet, in regard with access to political power at high levels, women are faced with serious barriers both legally and culturally.

However, in Constitution of Islamic Republic of Iran both narrow and wide recognition of sociocultural groups can be traced. For example it has particular articles to resolve discrimination from sociocultural groups such as women, religious minorities and vulnerable ethnicities and classes. However, still there are restrictive articles. Accordingly not only should the barriers of formal equality resolved, but the sociocultural barriers of their access to public and private rights should also be eliminated. It can be said that attention to social and economic prerequisites of cultural citizenship is one of the strengths of IRI Constitution. However, its weakness is ambiguity in the scope of inclusion of cultural citizenship. The last point is that realizing perfect cultural citizenship in Iran requires fundamental arrangements and prerequisites, one of the most important of which is deepening citizenship in public culture. In simple words, inclusive and stable citizenship does not shape unless traditions, rituals, and social values get authenticity with rights and duties of cultural citizenship. Without changing culture, how much the rules are complete, cultural citizenship cannot be realized. Yet, it seems that the way to change culture is neither compelling from the upper powers nor leaving to invisible hand of history, but need have to *Praxis* in public arena. As Turner states, citizenship is a *Praxis* civil, legal, judicial, political, economic, and cultural in political society (Turner 1993, 2-3). Hence, without forming citizenship rights movements and expanding them inside Iranian society, not only the legal barriers for cultural citizenship in IRI Constitution are not eliminated, but also the existing capacities cannot be used appropriately.

Notes

¹- Which is called IRI hereafter in this article

This article and the previous ones are in accordance with verse 70 of Surah Al-Isra saying: ²-

لَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُم مِّنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِّمَّنْ خَلَقْنَا تَفْضِيلًا

And We have certainly honored the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with [definite] preference.

For example we can refer to verse 29 of Surah Al-nisa saying: ³-

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَن تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful.

4- لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَ لَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ وَ تُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes - from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly.

For instance we can refer to the following examples: ⁵

Surah Surah Al-Imran, 104; Surah Luqman, 17; Surah Al-Imran, 110; Surah Al-Imran, 114; Surah Araf, 157; Surah Tubah, 71; Surah Tubah, 112; Surah Hajj, 41;

⁶⁻ For example, Surah Maidah, verse 2:

تَعَاوَنُوا عَلَى الْبِرِّ وَ التَّقْوَى وَ لَا تَعَاوَنُوا عَلَى الْإِثْمِ وَ الْعُدْوَانِ

And cooperate in righteousness and piety, but do not cooperate in sin and aggression. And fear Allah ; indeed, Allah is severe in penalty.

⁷⁻ For example, in verse 120 of Surah Maidah we read:

لِلَّهِ مَلِكُ السَّمَاوَاتِ وَ الْأَرْضِ وَ مَا فِيهِنَّ وَ هُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ

To Allah belongs the dominion of the heavens and the earth and whatever is within them. And He is over all things competent.

⁸⁻ For instance in verse 30 of Surah Baqarah we have:

وَ إِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً قَالُوا أَتَجْعَلُ فِيهَا مَنْ يُفْسِدُ فِيهَا وَ يَسْفِكُ الدِّمَاءَ وَ نَحْنُ نُسَبِّحُ بِحَمْدِكَ وَ نُقَدِّسُ لَكَ قَالَ إِنِّي أَعْلَمُ مَا لَا تَعْلَمُونَ

And [mention, O Muhammad], when your Lord said to the angels, "Indeed, I will make upon the earth a successive authority." They said, "Will You place upon it one who causes corruption therein and sheds blood, while we declare Your praise and sanctify You?" Allah said, "Indeed, I know that which you do not know." Of course in other verses has been pointed out to the status of God's Vicegerent of human, for example verse 69 of Surah A'raf:

جَعَلْنَاكُمْ خُلَفَاءَ مِنْ بَعْدِ قَوْمِ نُوحٍ

[This is] a Book revealed to you, [O Muhammad] - so let there not be in your breast distress therefrom - that you may warn thereby and as a reminder to the believers.

Verse 14 Surah Yunus:

ثُمَّ جَعَلْنَاكُمْ خَلَائِفَ فِي الْأَرْضِ

Then We made you successors in the land after them so that We may observe how you will do.

Or verse 62 of Surah An-Naml:

نمّل وّ يَجْعَلْكُمْ خُلَفَاءَ الْأَرْضِ

makes you inheritors of the earth

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