



Hosseini Beheshti, A. (2019). Assessing the charter of citizens' right: A multi-disciplinary critique. *Interdisciplinary Studies in the Humanities*, 11(3), 1-29.
doi: 10.22035/ISIH.2019.3425.3648

Doi: <https://dx.doi.org/10.22035/ISIH.2019.3425.3648> URL: http://www.isih.ir/article_311.html

2008-4641 / © The Authors. This is an open access article under the CC BY 4.0 license (<https://creativecommons.org/licenses/by/4.0>).

Assessing the Charter on Citizens' Rights: A Multi-disciplinary Critique

Seyyed Alireza Hosseini Beheshti¹

Received: Av. 22, 2019; Accepted: Sep. 18, 2019

Extended Abstract

The Idea of citizenship and the related rights and duties is at the heart of the basics of the modern state and its formation, with its very influential role on the legal structures and processes of decision-making of democratic regimes. The Charter on Citizens' Rights, published by the government of the Islamic Republic of Iran, confirms and clarifies the rights and duties of the citizens, and notified them to all governmental offices. Here I critically evaluate the contents of the Charter by using a multidisciplinary approach, showing its strengths and weaknesses for further revisions. In what follows, I offer a review of the history of the development of the idea of citizenship and its philosophical foundations in the first section. The second section is concerned with presenting very briefly the three main approaches to citizenship, i.e. the liberal, communitarian and republican, and their ethical, political, philosophical and sociological dimensions. The final section focused on the evaluation of some of the main themes of the Charter, following by some suggestions for further consideration.

Keywords: citizen's rights and duties, the Charter on Citizens' Rights, Liberalism, Communitarianism, Republicanism, modern identity

1. Assistant Professor of Political Theory, Department of Political Science, Faculty of Humanities, Tarbiat Modares University, Tehran, Iran

✉ a.hosseini beheshti@modares.ac.ir



INTRODUCTION

As human social life developed from its simple forms (family, tribe and village) to a more complex one, i.e. cities or as was understood by ancient Greeks, 'polity', a new kind of identity emerged known as 'citizenship'. The new complex political entity required redefining the previously dominant family-based system of rights and duty, though the birth of the liberal individualistic conception of citizenship had to wait for another two millenniums. Just as the articulation of the new right-duty system required a comprehensive understanding of the new social complexity and political conditions, we, as the habitants of 21st century world, need to update our understanding of our new identities. Our new identities as citizens of the contemporary world, however, is better understood by reference to a philosophical review of this apparently legal concept. In order to achieve a more comprehensive understanding of what sort of rights and duties stem from the idea of modern citizenship, therefore, I shall try to put lights on the main dimensions of the concept, through employing a multidisciplinary approach.

PURPOSE

The significance of a more profound understanding of the ides of citizenship becomes clearer when we recognize its key role in the emergence of modern state in general and contemporary democracies in particular. In contemporary Iran as well, perhaps since the Constitutional Revolution of 1905, the respect for citizens' rights has been considered as the central theme of almost all political and social movements. The *Charter of Citizens' Rights*, issued by Hassan Rouhani's first cabinet, is considered as an important step towards that historical demand. After a brief and philosophically oriented review of the historical development of the idea of citizenship, I discussed shortly the main three approaches to the concept in the political thought of Liberalism, Communitarianism and Republicanism, respectively. It helps us in assessing critically The *Charter* and, I hope, would pave the way for a more effective edition in the future.

METHODOLOGY

I have employed an interdisciplinary approach in the analysis, evaluation and critical review of the Charter of Citizen's Rights of the Islamic Republic of Iran in the present paper.

DISCUSSION

As the basic social reality, the ancient family was not perceived as a group of people with independent identities and individual conscience, but governed by shared

memories, rituals and roles. The right-duty system, therefore, was governed by domestic religious beliefs. When cities formed, the same community relationship transformed to the public life as a status called 'citizenship'. It was by the birth and development of Christianity that individualism emerged, for it claims salvation not for a particular community, but for all human beings. The rights-duty system of citizenship, however, was still virtue-based. By the emergence of modern morality, defined as a group of rules that should governs our relationships with other individuals, the right-duty system centered on the concept of individual. By the birth of the modern state, the two paradoxical notions of 'equal citizenship' and the 'ethics of authenticity' appeared at the heart of modern politics. Each of the three main modern approaches to citizenship (liberal, communitarian and republican) represents different ways of mixing the two notions of the universalistic politics of equal citizenry and the particularistic politics of dignity. Correspondingly, from the three elements of citizenship, i.e. the civil, the political and the social, the first protects individual rights to personal liberties, the second concerns the rights to political participation, and the third underlines people's rights to the conceptions of the good their shared cultural heritage, respectively. Any citizen's right charter, therefore, can be assessed critically by reference to these three elements. The critical assessment of the *Charter of Citizens' Rights* offered in the present article offers such an assessment.

CONCLUSION

I have shown here that the *Charter* is mostly affected by a neoliberal interpretation of citizenship, heavily shadowed by perceiving the government-citizen relationship in terms of marketplace. Consequently, citizens are viewed as individual customers who seek their rights as defined by the civic element of the idea of citizenship. The *Charter* thus pays little attention to the two other elements, i.e. the political and the social. Therefore, if the *Charter* aims at reinforcing the conception of citizenship as realized in the *Constitution*, a revised edition is needed to meet the criteria and principles mentioned particularly in the third chapter of the *Constitution*.

NOVELTY

The Charter on *Citizens' Rights*, published by the government of the Islamic Republic of Iran, has not been assessed from a multidisciplinary approach before.



BIBLIOGRAPHY

- Barbalet, J. M. (1988). *Citizenship: rights, struggle, and class inequality*. Milton Keynes: Open University Press.
- Bedau, A. H. (2002). Introduction. In A. H. Bedau, (ed.), *Civil Disobedience in Focus*, London: Routledge.
- Beheshti, S. A. R. (2016a). *Bonyād-e nazari-ye siyāsāt dar javāme'-e čāndfarhangi* [Theoretical Foundations of Politics in Multicultural Societies]. Tehran, Iran: Nahid.
- Beheshti, S. A. R. (2016b). *Hamzisti-ye ettehād va efterāq: Haft maqāle dar siyāsāt-e čāndfarhangi* [The Coexistence of Integrity and Diversity: Seven Essays on the Politics of Multiculturalism]. Theran, Iran: Nahid.
- Bell, D. (1993). *Communitarianism and its critics*. Oxford: Oxford University Press.
- Bunnin, N., & Yu, J. (2004). *Blackwell Dictionary of Western philosophy*. London: Blackwell.
- Cicero, M. T., Rudd, N., Powell, J. G. F., Cicero, M. T., & Cicero, M. T. (1998). *The republic and, the laws*. Oxford: Oxford University Press.
- Coulanges. N.D. (1980). *The Ancient City*. Baltimore, MD: Johns Hopkins University Press.
- Dagger, R. (2002). Republican citizenship. In E. F. Isin, & B. Turner, *Handbook of Citizenship Studies*, London: Sage.
- De Coulanges, F. (1930). *Tamaddon-e qadim* [La cite antique] (N. Falsafi, Trans). Tehran, Iran: Majles-e Šorā-ye Melli.
- Delanty, G. (2002). Communitarianism and citizenship, In E. F. Isin and B. Turner (eds.) *Handbook of Citizenship Studies* (pp. 159–74). London: Sage, Edwards.
- Hall, S. (1992). The question of cultural identity. In S. Hall, D. Held, & T. McGrew, (eds.), *Modernity and Its Future*, Oxford: The Open University Press.
- Hamidollah, M. (1986). *Vasā'eq: Nāmeḥā-ye Hazrat-e Khatmi Martabat va Kholafā-ye Rashedin* [The Letters of Prophet Mohammad and his Senior Sucessors] (M. Mahdavi Damghani, Trans.). Tehran, Iran: Bonyād.
- Kaufman, A. (2004). Political authority, civil disobedience, revolution. In J. Mandle, & D. A. Reidy, (eds.), *A Companion to Rawls*, London: Blackwell.
- MacIntyre, A. (2011). *Dar pey-e fazilat* [After virtue] (H. Shahriari, & M. A. Shomali, Trans.). Tehran, Iran: Samt.
- Marshall, T. H. (1950). *Citizenship and social class and other essays*. Cambridge: Cambridge University Press.



Interdisciplinary
Studies in the Humanities

Vol. 11
No. 3
Summer 2019

- Marshall, T. H. (1969). Reflections on power. *Sociology*, 3(2), 141–155. doi: 10.1177/003803856900300201
- Mullen, J. (2005). *John Major's citizen's charter: Fifteen years later*.
- Pettit, Ph. (1997). *Republicanism: A theory of freedom and government*. London: Routledge.
- Rawls, J. (1993). *Political liberalism*. New York: Columbia University Press.
- Rawls, J. (1999). *Collected papers*. Cambridge, Massachusetts: Harvard University Press.
- Rawls, J. (2013). *Liberalism-e siyāsi* [Political liberalism] (M. Akrami, Trans.). Tehran, Iran: Sāles.
- Schuck, P. H. (2002). Liberal citizenship. In E. F. Isin, & B. Turner, (eds.), *Handbook of Citizenship Studies*, London: Sage.
- Schwarzmantel, J. (2003). *Citizenship and identity: towards a new republic*. London: Routledge.
- Seely, A., & Jenkins, P. (1995). *The Citizen's Charter*. London: House of Common Library.
- Siedentop, L. (2014). *Inventing the individual: The origins of Western liberalism*. Cambridge and Massachusetts: Harvard University Press.
- Taylor, Ch. (1983). *Sources of the self: The making of modern identity*. Cambridge: Cambridge University Press.
- Taylor, Ch. (1991). *The ethics of authenticity*. Cambridge: Harvard University Press.
- Taylor, Ch. (2013). Siyāsāt-e šenāsāyi. In *Čandfarhangigerāyi: Barresi-ye Siyāsāt-e Šenāsāyi* [Multiculturalism: examining the politics of recognition] (T. Khadiv, & S. Rizvandi, Trans.). Tehran, Iran: Roxdād-e Now.
- Tonnies, F. (1957). *Community and society*. East Lansing: Michigan University Press.
- Varaei, S. J. (2015). *Barresi-ye feqhi-ye farmānbordāri va nāfarmāni-ye madani* [Studying the Religious Jurisprudence of Obedience and Disobedience]. Tehran, Iran: Samt.
- Walzer, M. (2010). *Farbeh va nahif: Xāstgāh-e hanjārhā-ye axlāqi* [Thick and thin: Moral argument at home and abroad] (S. S. Haghighat, & M. Bahrani, Trans.). Tehran, Iran: Institute for Cultural and Social Studies.
- Young, I. M. (1990). *Justice and the politics of difference*. New Jersey: Princeton University Press.



Interdisciplinary
Studies in the Humanities

Abstract