

Palacký University Olomouc
Faculty of Arts
Department of Politics and European Studies

Marek Větršík

**Hybrid Sovereignty in Iranian Constitution:
Statehood Between Islamism and Modernism**

**Hybridní suverenita v Íránské ústavě:
Státnost mezi Islamismem a Modernismem**

Bachelor's thesis

Research supervisor: prof. Gökhan Bacik, Ph.D.

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Hereby I declare that the submitted bachelor's thesis is a product of my own work with the use of the listed literature and sources.

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Marek Větršík

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Introduction

Iran presents a fascinating example of a clash between civilizations, particularly between the Western model and the Islamic model. The country has undergone numerous regime changes that have shaped its contemporary form. Political regime changes since the start of the 20th century highlight significant milestones in Iranian development. The Qajar dynasty, deposed in 1925, was replaced by the Pahlavi dynasty, which ruled Iran until the 1979 Revolution. This revolution led to the establishment of the Theocratic Islamic regime that governs Iran today.

The Qajar dynasty introduced modern concepts, such as the first Iranian constitution of 1906, while the Pahlavi dynasty attempted to entrench modernity and the Western way of life. However, the theocratic regime under Khomeini pivoted in the opposite direction. The Pahlavi dynasty transitioned from a constitutional monarchy to an increasingly authoritarian regime after its 1953 coup against Prime Minister Mossadegh. External influences and interventions from the United Kingdom and later the USA played significant roles in shaping today's Iranian form, described as a society of contradictions (Hasib, 2004).

This thesis aims to identify the factors contributing to this clash in the Iranian constitution and to compare the role of hybridity in specific key points against other constitutions. Sovereignty, a construct created in a European historical context, becomes inadequate when applied to regions with different socio-historical developments. The European or Westphalian concept of sovereignty emphasizes factors that, if applied to most Muslim countries, would render these states less sovereign.

Terms such as “semi-sovereign” or “quasi-sovereign” are often used, implying an inferiority of states not meeting European standards of sovereignty. Moving away from this Eurocentric perspective is essential for scientific accuracy. Political scientists should avoid subjective terms that do not add value. Westphalian sovereignty works well within its cultural context, but redefining it universally would be impractical and contentious. Instead, a new framework of hybrid sovereignty, developed by Gökhan Bacik, provides a more accurate perspective on sovereignty in the MENA (Middle East and North Africa) region.

Hybrid sovereignty removes unnecessary labels and offers deeper insights into these countries. The first chapter of this thesis will explain this framework, crucial for understanding

the subsequent analysis. The constitution, as highlighted by Hasib (2004), is not merely a legal document but an expression of the community's values and aspirations. Understanding it within its historical context is vital for proper interpretation.

Central to this thesis are the following research questions:

1. In what ways does the Iranian model of sovereignty differ from the modern Western sovereignty model?
2. How does the concept of hybrid sovereignty manifest in the Iranian constitution?
3. What are the implications of hybrid sovereignty on citizenship and the status of women in Iran?

The thesis will examine the evolution of Iranian constitutionalism, the role of Shi'i jurisprudence, and the impact of the 1979 Revolution. Through a comparative analysis of three constitutional aspects—sovereignty, citizenship, and women's status—this study aims to elucidate the unique hybrid nature of Iranian sovereignty and its implications for the state's identity and governance. By comparing the Iranian constitution with those of France, Turkey, and Jordan, this thesis seeks to highlight the complexities and contradictions inherent in Iran's hybrid sovereignty model and how it shapes the nation's legal and political landscape.

By addressing these questions, the thesis seeks to contribute to a nuanced understanding of Iran's constitutional dynamics and the broader concept of hybrid sovereignty. This comprehensive approach aims to shed light on the complexities of Iranian statehood, situated between Islamism and modernism, and to provide insights into the broader applicability of hybrid sovereignty as a conceptual tool.

1 Theoretical Framework

Hybrid Sovereignty or in short “Hybridity” was created in course of hundreds of years, during which modern European ideas and constitutions were directly or indirectly implanted into the region. Battle over sovereignty, and how should a state look like was in a sense battle of imagination and minds. The dominant civilization, one at the time more successful would prove their model to be the right and functional one, and in return, the one in decline would try to replicate it. European modern state model did indeed prove to be dominant, especially during the 18th and 19th centuries in relation to the era of Imperialism when European powers managed to practically dominate all other civilizations. Ottoman Empire, at that time the most powerful actor in the Muslim world, acknowledged their decline and attempted to implant some aspects of the Western state model during the Tanzimat reformation. As Ahmed comments “During this period customary and religious laws were either abolished or repealed in favour of secular European ones” (2021: 24). This period was far too complicated, and it is not in the scope of this thesis to go into further detail, but it stands as an example as to when and why were aspects of Western statehood implanted in the Middle East. Ottoman Empire wrote its first constitution in 1876 and Qajari Iran in 1906, serving as maybe the most evident example of Western modernisation. Treaties such as the Sykes-Picot Agreement of 1916 are the most notable examples of European lasting marks on the Middle East, but the injection Western state model and formation of Hybridity started long before. As Bacik writes “hybrid sovereignty emerges when traditional patterns survive in the colonially injected Western-state format.” (2008: 15) And indeed, the majority of contemporary countries in the MENA region were under colonial influence in some way or other, and this no doubt entrenched understanding of a state as that of the western model.

As Bacik further notes, (2008: 15) the situation on the national level/*de jure* during the colonial era often did not match the situation on the ground/*de facto* as traditional forms of governance endured. Modern colonially implanted *de jure* structures allowed those *de facto* traditional non-modern practices to operate, never truly finishing the process of modernisation and thus, creating a long-term hybrid model which exists until today.

This theoretical framework plays with terms such as Modern and Sovereign and those closely related to those. Defining what those terms mean is thus an important part of this chapter

and one, that needs to be resolved before applying the Theory of Hybrid Sovereignty in the rest of this thesis.

1.1 Sovereignty Debate

Hybridity, as the name suggests means a cross between two separate things, in this case, it is the Western model of sovereignty, that is based on Westphalian sovereignty and pre-Modern structures and concepts. And as such, grasping both is essential to fully understanding Hybrid sovereignty. Developing the meaning of the word sovereign is just as vital, understanding how it came to mean what we understand it as today is something that helps not only within the framework of Hybridity. Starting with an explanation of what is so-called ‘Westphalian model’.

The concept of sovereignty is complicated, there are multiple ongoing debates discussing what it means and how archaic is so-called Westphalian model. Nevertheless, all definitions see Westphalian sovereignty as something pivotal. To answer the question, of what are the origins of this Westphalian sovereignty, turning towards peace of Westphalia at the end of the Thirty Years War (1648) is the most obvious solution, however, as Croxton (1999: 570) writes, giving peace of Westphalia credit for creating any kind of sovereignty is complicated. The most known narrative is that the treaty of Münster and Osnabrück somehow made the connection between territory and sovereignty, but the idea of a territorially-based system of independent states is nowhere to be found in this treaty. These documents mainly deal with religious toleration, territorial settlements and the power to make treaties (Bartelson, 2006: 472). What we know today as Westphalian sovereignty came into being later than 1648, through administrative practice (Croxton, 1999:570) rather than as an output of a treaty.

Realizing sovereignty is not a fact is important, power and authority are facts (Croxton, 1999: 570). Sovereignty is an assumption about territory, it signifies a form of legitimization. What matters more is not what the Westphalian model was and how accurate our view on a Westphalian peace treaty is, but what we perceive it to be and what it means for us.

The common understanding of the Westphalian concept of sovereignty is “The idea that there is a final and absolute political authority in the political community ... and no final and absolute authority exists elsewhere” (Croxton, 1999: 570). Westphalian sovereignty is by no

means defined only by this, even if it is the most essential part of it. Model of Westphalia is also defined by (Held, 1992:86):

- The process of law-making and settling disputes which is in hands of individual states that are subject to the logic of ‘competitive struggle for power’.
- Differences among states are often settled by force, international legal standards afford minimal protection.
- Responsibility for cross-border wrongful acts are a private matter concerning only those affected. no collective interest in compliance with international law is recognized.
- All states are regarded as equal before the law: legal rules do not take account of asymmetries of Power.
- International law is oriented to the establishment of minimal rules of co-existence.
- The minimization of impediments on state freedom is the 'collective' priority.

Some parts of the Westphalian model are still relevant today, but some others are no longer part of today’s perception of sovereignty. Henceforth it can be said that Westphalian sovereignty survives until today only partially in the aspects that remained, most notably in the first-mentioned ‘No final authority exists elsewhere’. The fact that this final authority is accepted to be the only state is something that took root in the minds of people with the spread of modernity, this shall be discussed after the topic of sovereignty. But now that Westphalian sovereignty has been touched upon, moving to a more up-to-date discussion is in order.

Sovereignty got more complicated with the rise of subnational organisations such as the European Union. Suddenly, the state is not an absolute authority and other authority exists elsewhere. It is not only delegated upwards but also to autonomies at the subnational level (Bartelson, 2006: 473). New technologies and challenges are likewise testing the perception of sovereignty, for example, do actions that cause pollution of another state trample its sovereignty? What about the flow of data, are they subject to borders and territory and to its extent sovereignty of states? This thesis is not going to attempt to answer said questions, but it is a good way to remind that view of sovereignty is ever changing, and sovereignty as it is known today is going to be perceived differently in the future with rise of new challenges. Alternative definitions of sovereignty have been offered “Sovereignty is the concept by means

of which modern political and legal philosophy elaborates the problem of the contingent unity of a political community” (Bartelson, 2006: 469) this definition is arguably more capable of facing what some call, ‘crisis of sovereignty’.

One does not need to be a political scientist to realize that today’s concept of sovereignty is not the same as it was one or two centuries ago. But, it does retain some elements of the sovereignty of the past. It is a product of history, and norms change during history, thus sovereignty itself is ever ever-developing concept which builds upon its previous foundations. Taking the concept of non-intervention as an example, in certain historical points, nobody would think a violation of human rights would be a sensible reason for intervening in a foreign sovereign country. In contrast to today, violation of human rights might be one of the most used narratives to justify any kind of intervention. Such is sovereignty, some parts of the sovereignty of the past lose relevance while new aspects are added (Hayman & Williams, 2006: 529). Concepts of Westphalian sovereignty are still relevant, be it slightly less than in the past, at least in some parts of the World like the European Union. Weberian sovereignty, which says the state has a monopoly on violence is likewise still relevant. Sovereignty and borders are inseparable concepts, and as our perception of the two evolved and society advanced, several other concepts got likewise intertwined such as democracy and human rights. The issue of citizenship, immigration and refugees was raised and connected with the concept of sovereignty in relation to expanding modern states (Salter, 2008: 366).

1.2 Modernity and Pre-Modernity

Understanding Modernity requires examining its departure from pre-Modernity across various disciplines. Machiavelli's emphasis on individual agency over divine providence signals a pivotal shift towards modern individualism (Strauss, 1987:299-300). The French Revolution of 1789 epitomizes modern political ideals by establishing centralized, democratic states, emphasizing individual autonomy and human dignity (Baudrillard, 1987:65). This departure from traditional governance structures reflects a broader shift towards greater individual agency and autonomy within modern societies.

In contemporary discourse, scholars like Wagner (2008:39-62) explore the relationship between political modernity, democracy, and citizenship. Wagner suggests that modernity is closely linked to the expansion of democratic rights and freedoms, leading to shifts in political

culture and attitudes towards authority (Wagner, 2008:39-62). Additionally, secularization, though not a direct outcome, is intertwined with broader socio-economic transformations associated with modernity, such as industrialization and the rise of scientific rationality (Wagner, 2008:39-62).

Conversely, pre-modern societies were characterized by hierarchical structures, limited legal frameworks, and strong religious influence (Held, 1992:72-73). Power was often concentrated within hereditary hierarchies, and individual rights and democracy were limited. Religion played a significant role in shaping social norms, legal systems, and political structures in pre-modern societies (Held, 1992:72-73). This contrast highlights the profound shifts in societal organization and individual agency that define the modern era.

1.3 Modern Nation State

The modern nation-state stems from the concepts of sovereignty and modernity forming a distinct political theory. According to Held (1991), it is characterized by sovereignty, territorial definition, centralized administration, legitimacy through popular consent, and a monopoly on the use of force. Held outlines four key innovations of the modern nation-state: According to Held (1991:88), innovations of the modern nation-state can be categorized into four main areas:

- **Territoriality:** While other state models have laid claims to territory, only with modern state systems have borders been fixed.
- **Monopoly on violence:** This concept, known as Weberian Sovereignty, involves breaking down rival centres of power to ensure the state's sole control over force.
- **Impersonal structure of power:** Political order becomes depersonalized, based on legal structures rather than traditional claims of privilege.
- **Legitimacy:** Modern states earn legitimacy through popular support and representation of citizens' needs and interests.

Additionally, modern states are shaped by civil society and interstate conflicts. Civil society comprises social arrangements beyond state control, while conflicts among states and social groups significantly influence state dynamics (Held, 1992:73). As the influence of religious and traditional authorities waned, political legitimacy increasingly relied on popular

support and democratic processes, in which civil society played a vital role (Held, 1992:103-104).

Axtmann (2004:263) dissects terms of 'negative' and 'positive' sovereignty, also noting the second half of the 20th century has been populated by "real" state and "quasi-states" in relation to the impact of the dissolution of colonial empires. Such terms are what the concept of Hybridity aims to address, as they qualitatively evaluate other states as less sovereign in comparison to the 'golden' Western concept of sovereignty. While it's undeniable that certain states may struggle to exercise the rights they claim to have, resorting to qualitative devaluation isn't the appropriate means to address this issue. Most post-colonial states have different starting conditions to begin with, so it is not right to apply the same standards to them as we do with others.

Additional terms like "Internal" and "External" sovereignty have been conceptualized during the development of sovereignty. Internal sovereignty is a concept inherently constitutional, that relates to the ultimate source of legitimate authority inside a state. Conversely, "External sovereignty" is more aligned with international law. A state's external sovereignty relies on recognition by other nations, affirming its possession of rights, like non-interference in internal matters and non-subjection to international norms without consent (Axtmann, 2004:263).

It's paramount to distinguish sovereignty from autonomy, autonomy signifies a state's ability to take action effectively. An autonomous state might not be sovereign in all regards and vice versa, or levels of autonomy and sovereignty might differ. Moreover, the concept of "popular" sovereignty is another large topic, it suffices to say that citizens in a state which sovereignty stems from popular support should possess equal rights and be able to act upon them, turning its collective will into an actuality (Axtmann, 2004:263).

1.4 Modern Citizenship

Citizenship is about safeguarding individuals from various forms of coercive power, whether wielded by state authorities or private entities. Protection of minorities from the tyranny of the many is another fundamental aspect. The definition could be: "Citizenship may be defined as the passive and active membership of individuals in a nation-state with

universalistic rights and obligations at a specified level of equality (Janoski & Gran, 2002:13).” For purposes of this thesis, the ‘universalistic rights and obligations at a specified level of equality’ is maybe the most critical part.

The institution of citizenship is functional, if all citizens are provided with a certain level of equality, which is most often set by the constitution and other fundamental laws. There can be exceptions and immunities. For example, military duty is preferential, some groups of citizens can be preferred over others or exempted completely thus violating the principle of universalism. This violation can be justified if those suffering from the violation of rights are given counterbalancing powers, like being hired or re-employed preferentially, giving them immunity from labour laws that require equal treatment. Although this initially violates the universalistic principle of citizenship, it is used to achieve larger universalistic goals (Janoski & Gran, 2002:17) consequently staying true to the definition. The true problem and failure of citizenship arises when there is a right, that is denied to some citizens without sufficient counterbalance, making up for their lacking rights.

Four basic categories of rights can be distinguished concerning citizenship: legal, political, social and participation rights. Legal rights encompass procedural protections, personal security, freedom of conscience, and choice. Political rights involve participation in the public arena, including voting and political processes. Social rights deal with social status and economic subsistence, encompassing health care, education, and redistributive compensations. Participation rights relate to individual and group involvement in decision-making in various spheres. These rights are exercised in different institutional forums, forming the foundation of political and economic democracy (Janoski & Gran, 2002:15-16).

Overall, two contrasting approaches emerged in contemporary discussions. The universalistic approach, which has already been outlined, emphasizes the importance of rights that are accessible to all citizens, albeit contingent upon certain conditions. The particularistic approach on the other hand challenges this universal framework by highlighting the unique needs and experiences of specific groups based on characteristics such as ethnicity, gender, or cultural background. It highlights the need for targeted interventions to address specific group-based inequalities. This particularistic approach should by no means be confused with discrimination, which involves the systematic denial of rights, opportunities, or resources to individuals or groups based on these characteristics, leading to inequality, marginalization, and

injustice. Unlike particularistic approaches, discrimination involves the unfair or unequal treatment of individuals or groups and perpetuates social hierarchies and inequalities rather than seeking to address them (Janoski & Gran 2002:20-25).

2 Iranian Hybrid Constitutional Evolution

This chapter will delve into the significance of the Iranian Constitution, as well as constitutions in general, providing the necessary background and context to comprehend their roles in society. It will begin by examining the Structuration Theory proposed by A. Giddens (1984), followed by an exploration of the historical evolution of the Iranian Constitution. Structuration theory is important, because it shows us why is studying constitution meaningful and how can we evaluate the impact of constitution on a society. Grasping the historical context in which the constitution was drafted is likewise essential, as emphasized by constitutional scholar Lawrence H. Tribe, who states: "To interpret the Constitution, we must look beyond its text to its historical context, recognizing that its meaning as written by the Framers and ratified by the people is shaped by what it was understood to mean at the time it was written and ratified" (2008). This is why studying the environment within which was the constitution drafted, and the most notable factors is an integral part of this study. Iranian Constitutional Revolution of 1906, Shi'a jurisprudence and development leading to the year 1979 are the most essential points that require focus.

2.1 Structuration - the Interplay Between Society and Constitution

While Giddens's theory of structuration does not explicitly address constitutionalism, it provides a conceptual framework for analysing the dynamic interplay between constitutions and society (Giddens, 1984:1-34). By applying this theory to the study of constitutional norms, institutions, and practices, scholars can gain insights into how constitutions shape social structures and processes, and how they are in turn shaped by societal dynamics.

Giddens presents a fundamental challenge in social theory: understanding the intricate relationship between structure and agency. Structure encompasses the patterns of social relations, norms, and institutions guiding behaviour, while agency denotes individuals' capacity for autonomous action. He introduces the concept of the "duality of structure," suggesting that structure and agency are not distinct entities but interrelated aspects of social life. According to Giddens, social structures both shape and are shaped by human actions, representing a dynamic interplay between the two.

The notion of "structuration" encapsulates this ongoing process of social formation, maintenance, and transformation. It acknowledges the reciprocal relationship between structure and agency, where individuals draw upon existing social structures to inform their actions while simultaneously contributing to the reproduction or alteration of those structures.

Giddens further distinguishes between two types of structures: rules and resources. Rules encompass normative guidelines and regulative mechanisms governing social conduct, while resources refer to the material and symbolic means individuals employ to achieve their goals. He emphasizes the interconnectedness of rules and resources, underscoring their role in shaping individual behaviour and interactions.

Moreover, Giddens underscores the significance of the time-space dimension in structuration. He argues that social practices are embedded within specific spatiotemporal contexts, influencing the opportunities and constraints individuals encounter in their actions. Additionally, social structures are not static but evolve over time and across space in response to changing circumstances and interactions.

Applying the theory of structuration to the study of constitutions illuminates the multifaceted role these foundational documents play in society. Constitutions serve as the bedrock of governance, delineating power structures and safeguarding fundamental rights and freedoms. They embody social structures that both enable and constrain individual and collective behaviour.

For instance, the process of amending a constitution exemplifies the interplay between structure and agency. Constitutional rules dictate the formal mechanisms for amendment, while individuals and groups possess the agency to advocate for change or resist proposed revisions. Through activism, advocacy, and mobilization, they exert influence on the constitutional order, reflecting the dynamic nature of social structures.

The constitution encompasses both rules and resources. Rules outline the formal legal framework of governance, while resources empower individuals and groups to assert their rights and interests within that framework. It both restricts and empowers individuals. It shapes society, but at the same time is shaped by society.

By applying structuration theory, scholars can analyse how social actors engage with constitutional norms, how power dynamics shape constitutional change, and how constitutions reflect broader social patterns. It provides a comprehensive framework for understanding the complex interaction between constitutions, social structures, and individual agency in shaping governance, rights, and political processes within society.

2.2 Genesis of Iranian Constitution

The Iranian Constitutional Revolution of 1905 (1905-1911) represented a critical turning point in the nation's history, arising from deep-seated grievances against decades of autocratic rule under the Qajar dynasty. This revolution aimed to establish a constitutional monarchy, signalling a shift towards democratic governance. Preceding this pivotal event conceived the introduction of the first Iranian fundamental constitutional documents: the Constitution or Fundamental Law of 1906 and its supplements of 1907. Later two documents addressed issues related to Islamic law and the authority of religious leaders, setting the stage for subsequent constitutional developments in Iran.

Contrary to the prevailing belief portraying Islam as inherently theocratic, a distinct social framework emerged in the twelfth century, as articulated by Arjomand, defining Muslim society into two classes: the clergy and the rulers or kings—a construct termed the "Theory of the Two Powers" (Arjomand, 2008:33). This framework faced challenges from Shi'ism, particularly prominent under the Safavid dynasty in the early sixteenth century, which emphasised their lineage from the 12 Holy Imams and their authority as their lieutenants. This branch, known as Twelver Shi'ism, persists today, influencing societal dynamics. Although disrupting the traditional dualistic theory, the Safavid dynasty reconciled this within Shi'ism by portraying the Shah as the "Shadow of God" on earth, elevating Shi'ite jurists to positions akin to the prophets and Holy Imams. Despite its prevalence, this framework was often discussed without direct reference to Shi'ism, relying instead on the ruler's sense of justice, unwritten norms of statecraft, and state or public law, which collectively facilitated order maintenance under a monarchy, with the increasing formalisation of sacred law playing an incrementally vital role.

The spread of constitutionalism and modernity from the West during the latter half of the nineteenth century posed a challenge to the traditional two powers, the dualistic approach

of clergy and rulers. Islamic modernist bureaucrats, such as Khayr al-Din Pasha and Namik Kemal, contested the theory of the two powers in the name of Islam and modernity, advocating for representative, constitutional governance. While these scholars participated in drafting Ottoman and Tunisian constitutions, they were denied such participation by the Shah during the first wave of constitutionalism in the Middle East.

Despite the influence of Iranian ulema, Islam and Sharia were peripheral in the 1906 constitution, with the movement prioritizing the rule of law, constitutional governance, and traditional justice principles (Arjomand 2008: 36-37). Arjomand notes that Sharia served as a limitation rather than the basis of constitutional governance, mentioning conflicts where some rejected terms like "constitution" for implying secularization, ultimately adopting the term "Qānun-e Asāsi-ye" which translated into Fundamental Law (Arjomand 2008:37). Islam did indeed become a significant factor in the public discourse surrounding the Fundamental Law, with a notable impact. 1907 constitutional amendments were the ones focused on the role of Shi'a Islam within Iran. Most notably trying to ensure the legislation would not contradict Islamic principles by installing a council of religious scholars that could reject proposals they would deem anti-Islamic.

The issue of conflicting and overlapping jurisdiction between public law and sharia had been a characteristic of the traditional two-power system and now resurfaced as constitutionalism influenced both aspects of the traditional framework. In the Iranian sociopolitical context, which had limited exposure to constitutional governance, it was not only logical but also imperative for every novel concept and institution introduced in the 1906–7 Constitution to obtain validation from Islamic jurists (Boozari, 2011:51).

The constitutional amendments of 1907 introduced some concepts vital for Iranian constitutionalism, such as the notion of equality before the law of all Iranian citizens. Although the very first article proclaims the Shia sect of Islam and Twelvers as the official religion of Iran (at that time Persia), it limits the role of Sovereign only to its members. Furthermore, it established The National Assembly, a bicameral parliament which is called Majlis, and it set up the separation of powers into three parts. It states "the powers of the realm" springs from the people. Last but not least, the second article dictates a Committee of five jurists to supervise all legislation of the Majlis and reject every bill that is deemed to be contrary to the sacred precepts of Islam, so it may not become law. The decision of said Committee is final and the article

stating this is “not be liable to change until the advent of the Twelfth Imam.”. This might seem confusing and full of contradictions. On one hand, there is Majlis and sovereignty stemming from the people, and on the other, there is a religious Committee with the right to practically veto any kind of legislation. Practically, this Committee never functioned as fitting jurists were never accepted by the Majlis. Delving deeper into Shi’i jurisprudence might shed some light on this ‘confusion’, as understanding the main thoughts at that time is necessary.

2.3 Shi'i Jurisprudence

There is abundance of literature on Islam, democracy, and constitutionalism in relation to each other, yet the Western-style academia seems to neglect arguments put forth by Muslim theologians and jurists. This neglect prevents a thorough understanding and constructive engagement with how Muslims interpret and adapt their tradition to address the complexities of contemporary issues such as the relationship between religious and secular realms and the authority of religious figures. The examination of constitutionalism within the Islamic legal tradition necessitates at least basic understanding of jurisprudence and a legal framework. Neglecting to analyse these integral concepts, may result in misleading or inaccurate interpretations. Therefore, an emphasis on Shi'a jurisprudence, which has historically and presently influenced the development of Iranian constitutionalism, is an indispensable aspect of this study.

Following the enactment of Fundamental Laws, Shi'i jurists, endorsed and supported these laws as a solid legal basis for regulating the king-people relationship. Led by figures like Ākhūnd Khurāsānī, (Boozari: 2011:50-51) they issued fatwas advocating for constitutionalism's protection in Iran, thus crucially contributing to its implementation. The leadership of Usuli jurists was pivotal in the success of the 1905 Constitutional Revolution. Their endorsement provided legitimacy to revolutionary changes within the unfamiliar context of constitutional rule, ensuring acceptance within Shi'i jurisprudence. Contrary to rigidity that might be connected with religious figures in our minds, jurists of Usuli Twelver school of thought rejected blind adherence to unreliable traditions, instead upholding rational proofs and indicators, ensuring the integrity and validity of legal rulings (Boozari: 2011:53-54).

Usuli scholars' support for Iranian constitutionalists stemmed from their principled commitment to justice, accountability, and the rights of individuals within the framework of

Islamic governance. Drawing upon their doctrinal understanding of Shi'i constitutionalism, which emphasizes popular sovereignty and the importance of upholding rights, Usuli jurists recognized the aspirations of Iranian constitutionalists as aligned with their own ideals. Moreover, the Usuli tradition's emphasis on reason, critical analysis, and community consensus encouraged scholars to engage with contemporary political movements seeking reform and democratization. By supporting Iranian constitutionalists, Usuli scholars aimed to advocate for a governance system that respects the rule of law, protects individual liberties, and ensures accountability, reflecting the core principles of Shi'i jurisprudence and constitutional thought (Boozari, 2011:55-61).

They addressed the legitimacy of Shi'i government in the absence of the Imam, ensuring parliamentary enactments aligned with Sharia while advocating for principles like equality and popular control over power. This constructive jurisprudence laid the groundwork for legitimizing the new constitutional order.

The framework they created, which addresses the absence of the Imam asserts that in his absence, authority temporarily shifts to qualified jurists who possess the necessary knowledge and piety to interpret and apply Islamic law. These jurists, known as mujtahids, play a crucial role in governing the Shi'i community and ensuring the continuity of religious guidance and legal authority. This interpretation emphasizes the principle of guardianship (*wilayat al-faqih*), wherein qualified jurists assume the responsibility of safeguarding the interests of the community and upholding Islamic principles until the return of the Hidden Imam (Boozari. 2011:84-86). This concept is today mostly associated with the role of Ruhollah Khomeini which has drawn from this theory which has undergone its own development.

The concept of *wilayat al-faqih* evolved during the course of history. Its jurisdiction was at first limited only to legal matters but in the first half of 19th century scholars such as Ahmad Narāqī argued for its jurisdiction to be all-inclusive. Social, economic and political domains should be encompassed in its mandate. This was pragmatic approach, in which he sought to reconcile traditional religious authority with the existing power structures, particularly the Qājār monarchy. His theory, while ambitious in scope, attempted to carve out a space for jurists as guardians of both religious and social affairs, thereby influencing the discourse on governance and political legitimacy in Shi'i Islam (Boozari 2011:90-94). Other scholars argued for more

cautious approach, limiting the authority of jurists to specific domains such as issuing fatwas, adjudication, and the custodial duties of the incapacitated

Constitutionalist jurists like Ākhūnd and Māzandarānī offered a nuanced perspective on political rule in Islam and the duties of Shiites in the absence of the Imam. They viewed constitutionalism as a safeguard against tyranny and a means to uphold justice, emphasizing adherence to religious laws and protection of individual rights. While constitutionalists advocated for the participatory role of elected representatives, anti-constitutionalists emphasized the exclusive authority of jurists (Boozari 2011:99-104).

Nāʾīnī, a prominent figure in constitutionalist jurisprudence, addresses the complexities of ‘official constitutionalism’ and its adherence to juristic legitimacy criteria, focusing on Shūrā (Consultation), Controlling Power and the Substitution of Infallibility, and the Constitution. Shūrā, fundamental to the concept parliamentary body, is deemed a divine directive extending to all community members, transcending rulers' infallibility and emphasizing individual rights in decision-making. Regarding Controlling Power and Substitution of Infallibility, Nāʾīnī suggests that rational individuals, represented by bodies like the Majlis, can mitigate legitimacy gaps in non-Imamate rule. Concerning the constitution, Nāʾīnī argues for its necessity as a binding agreement between rulers and citizens, limiting governmental authority and protecting individual rights. By incorporating Shari'ah principles and defining public interests, the constitution serves as a cornerstone for establishing and maintaining a just society. (Boozari 2011:110-119):

2.4 Road to the 1979 Revolution

The rule of Pahlavi dynasty, which was no doubt oppressive, yet modernising in nature paved the route to the 1979 Revolution. It has seen the rule of two Shah's from the Pahlavi dynasty and three constitutional amendments. The first Shah Reza Shah Pahlavi overthrew the Qajar dynasty in 1925 and with it, amended the constitution in the first year. More amendments followed under the second and last Shah Muhammad Reza Pahlavi in the years 1949 and 1957. The original Pahlavi constitution of 1925 offered relatively higher democratic standards in contrast to the increasingly centralized and authoritarian other two constitutions.

Reza Khan emerged as a charismatic figure who capitalized on nationalist sentiments to overthrow the Qajars and establish himself as Shah of Iran, despite his efforts to modernize Iran through socio-economic reforms, Reza Khan's reign was marked by a delicate balance between domestic aspirations for sovereignty and external pressures, particularly during World War II. His harsh authoritarian rule has led to wide discontent and in combination to his reluctance to fully align with the Allies, led to his abdication in favour to his son. Mohammed Reza Pahlavi's ascension to power following his father's ousting heralded a period of pro-Western alignment and authoritarian rule. The most notable factors contributing to their downfall would be, the increasing totalitarianism, suppression of dissent through organizations like SAVAK, and economic reliance on Western powers, exacerbating socio-political tensions. West-led interventions, namely the 1953 coup concluded Mossadegh's leadership which undermined Pahlavi's legitimacy. (Hasib, 2004:1-3)

Forced secularization has led to intellectual critique, epitomized by Jalal al-e-Ahmad's concept of "westoxication," highlighted the erosion of Iranian identity amidst Western influence. Ayatollah Khomeini's emergence as a leader of Islamic resistance against Pahlavi's regime galvanized widespread discontent, culminating in the Iranian Revolution of 1978. (Hasib, 2004:3)

Iran experienced significant socioeconomic changes between the two revolutions, including urbanization, industrialization, and the rise of modern classes. Despite these changes, the Islamic Revolution of 1979, which had predominantly social, economic, and political roots, took on a distinctly religious ideological form, challenging conventional theories linking modernization with secularization. (Abrahamian 2021:530-532)

2.5 The Revolution of 1979 and its Aftermath

As was highlighted before, the revolution of 1979 was in its essence not religious or ideological in nature to begin with, but the personal role of Ayatollah Khomeini managed to change the discourse towards a revolutionary approach. Khomeini's charismatic leadership, austere lifestyle, and refusal to compromise with the existing regime resonated with Iranians disillusioned by corruption and oppression.

He skilfully united diverse political and social forces behind him by addressing popular grievances and promising liberation from foreign domination, freedom for all political parties, and social justice for the marginalized segments of society. Khomeini's astuteness lay in his ability to forge a broad coalition encompassing various political and social groups, from traditional clerics to leftist organizations. His populist rhetoric, championing themes of anti-imperialism, social justice, and protection of traditional values, appealed to different segments of Iranian society, including the bourgeoisie, intelligentsia, urban workers, and rural masses. By promising to address widespread grievances and uphold the spirit of the Constitution, Khomeini garnered widespread support and positioned himself as the embodiment of popular aspirations for change. (Abrahamian 2021:530-532)

In the aftermath of the ousting of the Shah, initial proposals for a new constitution emerged, emphasizing principles of popular sovereignty, parliamentary governance, and adherence to sharia law. Notably absent were provisions for supreme leaders or supra-constitutional bodies, reflecting a commitment to democratic principles and civil liberties as Parliament had exclusive power to pass law, and while sharia was to be adhered to, there was no suggestion it would be infallible or immutable. A body of six civil scholars and five Islamic scholars could only examine whether the legislation conformed to sharia but not ultimately veto the legislation was to be founded (Hasib:3-4).

Initially, Khomeini supported the preliminary constitution, positioning himself as a spiritual guide rather than a political figure. He touted the proposed framework as progressive, envisioning a state guided by public will and anchored in human rights and freedoms. However, after a referendum overwhelmingly favoured an Islamic Republic, Khomeini used this mandate to revamp the constitution, concentrating political power in the hands of the clergy, especially himself. By disbanding the Constituent Assembly and establishing the Assembly of Experts, Khomeini controlled the constitutional process, ensuring the dominance of religious clerics aligned with his views. The resulting 1979 constitution mirrored Khomeini's vision of an Islamic state with centralized clerical authority and limited democratic representation. Through strategic tactics and electoral manoeuvring, Khomeini sidelined the opposition and solidified religious law's supremacy in governance. (Hasib, 2004:4)

A newly drafted constitution based on the principle of the Islamic Republic was introduced in the year 1979 and it should be noted within what atmosphere was it created. The document is of massive scope and

In the end, the monarchy was replaced by a hybrid system based on religion and the outward trappings of a republic. Will of the people was no longer the main or single source of legitimacy, the role of God started to play a significant legitimizing role. The institution of *velayat-e faqih* or the guardianship of the most high-ranking cleric-jurist. The occupant of this position since 1989, Ayatollah Khamenei, is referred to as the supreme leader. Other institutions were established in addition, such as the Islamic Revolutionary Guard Corps (IRGC), the Guardian Council and more. It is good to note that the newly established institutions did not exist either in Iran or in other Shia communities prior to the revolution. In this regard, Islamic Republic could be characterized as innovative (Kamrava, 2023:2). From the earliest days of the Islamic Republic, the judiciary has become one of the leading institutions charged with the Islamization of both the political system and Iranian society. An integral part of this Islamization process has been the implementation of Twelver Shiism in the legal system (Kamrava, 2023:167). This is one of the notable examples that would demonstrate to what extent has Islamism penetrated into the societal structure.

The constitutional politics during the initial decade of the Islamic Republic revolved around two primary issues: the significant devaluation of the traditional Shi'i institution of *marja'iyat-e taqlid* to accommodate the emerging concept of theocratic governance, and the escalating centralization of authority within the post-revolutionary state. The shift from Khomeini's charismatic leadership to a system of collective council rule by the clerical elite after his death established the framework for the constitutional politics that would characterize Iran's second decade (Gheissari, 2009:249). The institution of the Guarding Council has become a political tool of clerical control over the state, gaining significant empowerment after the 1989 (Ahmadi, 2015:63-64) constitutional change. In 1990 it used its extended power to disqualify over one-third of the candidates for the parliament and over one-half of them for the 1998 elections (Gheissari, 2009:251).

3 Comparative Analysis of Hybridity Aspects

The previous chapters have established the theoretical framework of hybrid sovereignty within the Iranian constitutional context and provided an overview of the historical evolution of Iran's hybrid constitutional model. This chapter aims to conduct a comparative analysis of three important aspects of the Iranian constitution: sovereignty, citizenship, and the status of women. The comparative cases will involve the French constitution for sovereignty, the Turkish constitution for citizenship, and the Jordanian constitution for women's status.

This analysis aims to apply the previously discussed theories, and with its help show how relevant Hybridity is within the constitutional framework of selected subjects. The aim is to determine the answers to the research questions by using the method of comparative analysis.

Sovereignty: Iranian vs. French Constitution

The first case study aims to address the question: How does the Iranian model of sovereignty differ from traditional Westphalian sovereignty?

The French constitution, rooted in the European Enlightenment ideals and the Declaration of the Rights of Man and of the Citizen (1789), represents the antithesis of hybrid sovereignty. It emphasizes secularism, democracy, and individual rights. In stark contrast, the Iranian model of sovereignty, characterized by its hybridity, integrates religious principles with state governance. This comparison with the purely secular European model helps clarify the unique elements of Iran's hybrid sovereignty and provides a clearer understanding of how it diverges from traditional Western concepts of sovereignty.

Citizenship: Iranian vs. Turkish Constitution

The second case study primarily addresses the question: How does the concept of hybrid sovereignty manifest in the Iranian constitution? It also partially explores the third research question: What are the implications of hybrid sovereignty on citizenship and the status of women in Iran?

Turkey, like Iran, has a predominantly Muslim population and an ethnically diverse society. However, Turkey's emphasis on secularism, driven by its closer ties with Europe and the reforms of Mustafa Kemal Atatürk, marks a significant difference. Analyzing Turkey's

approach to citizenship provides valuable insights into the degree of hybridity in these two similar yet distinct countries. This comparison helps establish how hybridity manifests differently in each nation and elucidates the unique aspects of the Iranian approach. Additionally, exploring citizenship in both countries offers deeper insights into the broader implications of hybrid sovereignty.

Status of Women: Iranian vs. Jordanian Constitution

The final case study addresses the question: What are the implications of hybrid sovereignty on citizenship and the status of women in Iran?

Comparing Iran and Jordan, both of which navigate the intersection of Islamic tradition and modern legal principles, provides a compelling context for examining women's rights. Although Islamic principles significantly influence both countries, their approaches to women's rights may differ. This comparison highlights how each country deals with women's rights, which are inherently tied to citizenship, and explores the reasons behind these differences. Assuming that both Iran and Jordan are hybrid regimes, their distinct forms of hybridity likely shape their respective approaches to women's rights. Understanding these differences contributes to answering the research question and may also offer insights into the reasons behind the implications of hybridity on citizenship and women's status. Answering, what are the implications of hybridity on the issue of citizenship is not enough, realizing why is just as important, if not more.

3.1 Comparative Case of Sovereignty – French and Iranian Constitution

French Historical and Cultural Context

The development of the French constitution is deeply rooted in the Enlightenment ideals and the significant historical events that have shaped modern France. The French Revolution of 1789 marked a turning point, overthrowing the monarchy and leading to the establishment of the First Republic. The Declaration of the Rights of Man and of the Citizen, adopted in 1789, became a foundational document, emphasizing liberty, equality, and fraternity as core principles. This period was characterized by a strong push towards secularism, the separation of church and state, and the establishment of democratic institutions.

Throughout the 19th and early 20th centuries, France experienced several regime changes, from the restoration of the monarchy to the establishment of the Second Republic, the Second Empire, and finally the Third Republic. Each phase contributed to the evolving nature of French constitutionalism, gradually embedding the principles of republicanism and secularism.

The current constitution, known as the Constitution of the Fifth Republic, was adopted in 1958 under the leadership of Charles de Gaulle. This constitution introduced a semi-presidential system, balancing power between the President and the Parliament. It was designed to provide stability and prevent the governmental paralysis that had plagued previous regimes. The emphasis on secularism (*laïcité*) remained a cornerstone, reflecting France's commitment to ensuring that religious influence does not interfere with state affairs (Troper, 2014).

Iranian Historical and Cultural Context

The Iranian constitutional framework has evolved through a complex interplay of traditional Islamic principles and modern state governance, significantly influenced by historical and cultural contexts. The 1906 Constitutional Revolution marked the beginning of constitutionalism in Iran, introducing a parliamentary system and limiting the absolute power of the monarchy. This period aimed to modernize Iran and incorporate democratic principles, although it faced resistance from conservative religious factions.

The Pahlavi era (1925-1979) further pushed modernization efforts, with Reza Shah and later his son, Mohammad Reza Shah, attempting to secularize and Westernize Iran. However, these efforts were often seen as autocratic and disconnected from the traditional and religious values of Iranian society, leading to widespread discontent.

The 1979 Islamic Revolution was a pivotal moment in Iranian history, resulting in the overthrow of the Pahlavi monarchy and the establishment of the Islamic Republic. The new constitution, ratified in December 1979, was heavily influenced by Shi'i Islamic principles. It established a hybrid system of governance, combining elements of democracy with theocratic oversight. The Supreme Leader, a religious figure, holds ultimate authority, while elected bodies such as the President and the Parliament (Majles) operate within the framework set by Islamic law.

This hybrid model reflects the unique historical and cultural context of Iran, where modern state structures coexist with traditional religious authority. The constitutional provisions are designed to ensure that legislation and governance align with Islamic principles, as interpreted by the Supreme Leader and religious bodies such as the Guardian Council.

French Constitutional Provisions on Sovereignty

The French Constitution of the Fifth Republic, established in 1958, outlines a framework that emphasizes the principles of national sovereignty and the separation of powers. Key constitutional provisions related to sovereignty include:

Article 2: This article declares that France is an indivisible, secular, democratic, and social Republic. It underscores that national sovereignty belongs to the people, who exercise it through their representatives and by means of referendums. This provision enshrines the principle of popular sovereignty, ensuring that ultimate authority rests with the citizenry.

Article 3: This article further clarifies the exercise of sovereignty, stating that no section of the people nor any individual may arrogate to themselves the exercise thereof. Sovereignty is exercised under the conditions prescribed by the Constitution, particularly through elections and referendums. It emphasizes the democratic nature of the French state and the importance of representative governance.

Article 24: This article details the role of the Parliament, which is composed of two houses: the National Assembly and the Senate. The Parliament enacts laws, monitors government action, and evaluates public policies. The bicameral structure of the French legislature ensures a balance of power and a thorough review process for legislation, reflecting the importance of representative institutions in exercising sovereignty.

The French Constitution establishes a clear framework for the exercise of sovereignty, rooted in democratic principles and the rule of law. The separation of powers among the executive, legislative, and judicial branches is designed to prevent the concentration of power and ensure accountability.

Iranian Constitutional Provisions on Sovereignty

The Constitution of the Islamic Republic of Iran, adopted in 1979 and revised in 1989, presents a unique model of sovereignty that integrates democratic principles with theocratic oversight. Key constitutional provisions related to sovereignty include:

Article 2: This article outlines the foundational principles of the Islamic Republic, which include faith in God, the Divine Revelation, the role of the Imams, and the belief in the afterlife. These principles form the basis for the governance structure and the exercise of sovereignty within the framework of Islamic law.

Article 6: This article states that in the Islamic Republic of Iran, the affairs of the country must be administered on the basis of public opinion expressed through elections. This includes presidential elections, parliamentary elections, and referendums. This provision ensures that sovereignty is exercised through democratic means, while also being subject to Islamic principles.

Article 56: This article explicitly declares that absolute sovereignty over the world and man belongs to God, and that He has made man the master of his own social destiny. No one can deprive man of this divine right, nor subordinate it to the interests of a particular individual or group. The people are to exercise this divine right through the guidance of Islamic principles and under the leadership of the Supreme Leader and other religious authorities.

Article 110: This article outlines the extensive powers and duties of the Supreme Leader, who is the highest authority in the Islamic Republic. The Supreme Leader's responsibilities

include delineating general policies, supervising the implementation of policies, and commanding the armed forces. This centralization of power reflects the theocratic aspect of Iranian sovereignty, where religious leadership plays a crucial role in governance.

The Iranian Constitution establishes a hybrid model of sovereignty, combining democratic processes with theocratic oversight. The dual emphasis on popular participation and religious authority creates a unique governance structure that seeks to balance the will of the people with adherence to Islamic principles.

Manifestation of Sovereignty

Hybrid sovereignty can manifest in many multi-layered ways. But, given the aim of this chapter, it is appropriate to view the manifestation of hybrid sovereignty, as a manifestation within state structures. Dissecting and comparing the legislative, judicial and executive branches of both states within the context of Hybridity can provide the shortest and most comprehensive answer to our question.

France

In France, hybrid sovereignty manifests through secular and democratic principles across its state structures. The legislative process is driven by democratic participation, with laws debated and enacted by elected representatives in the National Assembly and Senate, ensuring that legislation reflects the will of the people without religious oversight. The judiciary operates independently of religious influence, adhering to secular legal principles and interpreting laws based on the French civil code and constitutional provisions, thus protecting individual rights and liberties. Executive power is shared between the President and the Prime Minister in a semi-presidential republic. The President, elected by direct universal suffrage, is typically the main executive actor, although the constitution's ambiguity regarding power distribution has led to a system of 'cohabitation,' especially when the President lacks a majority in the National Assembly. If the President holds a majority, the Prime Minister, named by the President, is subordinate due to party allegiance (Pickles, 1959).

Iran

In Iran, hybrid sovereignty is exemplified by the integration of democratic and theocratic principles. The legislative process involves a complex interaction between elected representatives and religious oversight. The Majles (Iranian parliament) passes laws subject to approval by the Guardian Council, a body of jurists ensuring conformity with Islamic principles. The judiciary is influenced by Islamic jurisprudence (Sharia), with judges required to be knowledgeable in Islamic law and the Chief of Justice appointed by the Supreme Leader from the ranks of Mujtahids. This dual legal system reflects hybrid sovereignty, balancing modern legal practices with traditional Islamic principles. The executive branch, led by the President, operates under the overarching authority of the Supreme Leader, who holds ultimate authority over key state functions, including the military and judiciary. Presidential candidates must be approved by the Council of Guardians, which evaluates criteria including "trustworthiness and piety" and belief in the principles of the Islamic Republic, demonstrating the integration of theocratic regulation within the republic framework (Arjomand & Brown, 2013).

Western Sovereignty

The modern Western concept of sovereignty emphasizes secular governance, democratic legitimacy, and human rights protection within a framework of international norms. This model features a clear separation of religion from state affairs, the rule of law, and government accountability through democratic processes. The principles of secularism, the separation of church and state, and the democratic accountability of political leaders are central to this model. The government is accountable to its citizens through free and fair elections, ensuring that political leaders derive their legitimacy from the will of the people.

Iranian Hybrid Sovereignty

In contrast, Iran's hybrid sovereignty blends theocratic and democratic elements, presenting significant deviations from the Western model. The Iranian Constitution attributes ultimate sovereignty to God, with Article 2 underscoring the centrality of divine guidance and Islamic principles in governance. This theocratic foundation places religious authority at the heart of Iran's political system.

The Supreme Leader of Iran holds the highest authority, deriving legitimacy from religious doctrine rather than the people's will. This position entails extensive oversight over the executive, legislative, and judicial branches, consolidating religious and political authority. The Guardian Council, composed of clerics and jurists, plays a crucial role in vetting candidates for public office and vetoing legislation that does not align with Islamic law. This body ensures that governance adheres to Islamic principles, contrasting sharply with the Western principle of secularism and undermining popular sovereignty unencumbered by religious influence.

While Iran incorporates democratic institutions such as the President and the Majles (parliament), both elected by popular vote, their powers are circumscribed by theocratic oversight. Candidates for significant political offices must receive approval from the Guardian Council based on adherence to Islamic principles, restricting democratic participation and diverging from the Western ideal of political equality and non-religious governance.

Iran's foreign policy, shaped by its revolutionary ideals, supports Islamic movements worldwide, often resulting in involvement in the domestic affairs of other states. This transnational approach to sovereignty, justified by religious and ideological solidarity, conflicts with the modern Western principle of non-interference and respect for state sovereignty. The Iranian Constitution's endorsement of the export of the Islamic Revolution further implies extraterritorial influence and intervention, standing in stark contrast to the Western norm of respecting the sovereignty and territorial integrity of other states.

Conclusion to the Sovereignty

The comparative analysis of sovereignty in the French and Iranian constitutions reveals significant differences rooted in historical, cultural, and ideological contexts. The Iranian model of sovereignty, shaped by a unique blend of Islamic jurisprudence and revolutionary ideals, contrasts sharply with the Western concept of sovereignty that underpins the French constitution. Answering the main research question of this chapter, How does the Iranian model

of sovereignty differs from Western sovereignty, can not be summed up easily, so instead it is going to be summarized in multiple main aspects, that sum the our analysis until now.

The Iranian constitution embodies a hybrid form of sovereignty that integrates Islamic principles with elements of modern statehood. This hybrid sovereignty is distinct from the Western model in several key ways:

Religious Authority: The Iranian constitution enshrines the principle of Velayat-e Faqih (Guardianship of the Islamic Jurist), granting ultimate political authority to a religious leader. This fusion of religious and political authority is a significant departure from the secular basis of Western sovereignty, where religious influence on governance is minimal or non-existent.

Dual Sovereignty: Iran's constitution reflects a dual sovereignty structure where both the divine (Islamic law) and popular sovereignty (democratic principles) coexist. While the people elect representatives and the President, the Supreme Leader holds overarching authority, ensuring that all state actions align with Islamic tenets. This contrasts with the Western model, particularly in France, where sovereignty is vested solely in the people and expressed through democratic institutions without religious oversight.

Constitutional Rigidity and Flexibility: The Iranian constitution is rigid in its adherence to Islamic law, limiting the scope for secular legislative changes. This rigidity ensures that the Islamic character of the state remains unchanged, unlike in Western constitutions where amendments can be more easily made to reflect evolving societal values and norms.

Guardianship Councils: The existence of bodies such as the Guardian Council, which vets legislation for compliance with Islamic law, illustrates the hybrid nature of Iranian sovereignty. This council acts as a check on parliamentary power, ensuring that no law contradicts Islamic principles. Such an institution has no parallel in Western constitutions, where judicial review typically focuses on constitutional rather than religious conformity.

In contrast, the French constitution embodies a secular, democratic model of sovereignty that emphasizes the following:

Secularism (Laïcité): French sovereignty is strictly secular, with a clear separation between religion and state. This principle of laïcité is fundamental to French political identity, ensuring that religious beliefs do not influence state affairs.

Popular Sovereignty: Sovereignty in France is derived from the people, with democratic institutions reflecting the will of the electorate. The French constitution establishes a clear framework for the separation of powers among the executive, legislative, and judicial branches, each accountable to the people.

Constitutional Flexibility: The French constitution allows for amendments through a democratic process, reflecting the changing values and needs of society. This flexibility contrasts with the rigidity of the Iranian constitution, which prioritizes the preservation of Islamic principles over secular adaptability.

Judicial Independence: The French judicial system operates independently of religious influence, ensuring that constitutional interpretation and legislative review are based on secular legal principles. This independence is a cornerstone of Western sovereignty, promoting fairness and equality under the law.

The Iranian model of sovereignty, as articulated in its constitution, presents a unique case of hybrid sovereignty that blends religious and democratic principles. This model contrasts sharply with the Western concept of sovereignty, exemplified by the French constitution, which emphasizes secularism, popular sovereignty, and judicial independence. Understanding these differences highlights the complex interplay between religion, culture, and politics in shaping state sovereignty and underscores the challenges of applying a universal model of sovereignty across diverse socio-political contexts. This comparative analysis not only sheds light on the distinctive nature of Iranian statehood but also contributes to a broader understanding of how different historical and cultural backgrounds can influence constitutional development and governance.

3.2 Comparative Case of Citizenship - Turkish and Iranian Constitution

Turkish Historical and Cultural Context

The historical and cultural context of Turkish citizenship is deeply rooted in the late Ottoman Empire and the early Republican period. During the Ottoman Empire, citizenship was

defined by a millet system, where religious communities governed themselves under their own laws while being loyal to the Sultan. This system allowed a form of pluralism within the empire, but it did not align with the modern concept of citizenship as it exists today.

The collapse of the Ottoman Empire and the establishment of the Republic of Turkey in 1923 marked a significant shift towards a more unified and secular national identity. Mustafa Kemal Atatürk, the founding father of modern Turkey, implemented sweeping reforms aimed at creating a homogeneous Turkish identity. These reforms included the abolition of the caliphate, the adoption of secular laws, and the introduction of a civil code modeled after the Swiss Civil Code. The aim was to create a sense of unity and national consciousness, transcending ethnic and religious divisions (Içduygu, Çolak & Soyarik, 1999).

The Turkish concept of citizenship evolved through various legal reforms, with significant changes occurring in 1964 and more recently in 2009 and 2010. These reforms were partly in response to Turkey's aspirations to join the European Union, necessitating changes to align with European standards of human rights and non-discrimination. The 1982 Constitution, which is still in effect, provides the current legal framework for citizenship, emphasizing equality before the law and the notion of a civic rather than ethnic nationalism.

Turkey's approach to citizenship has been influenced by its complex history with ethnic minorities, particularly the Kurdish population. The Turkish state has historically pursued policies of assimilation, which have led to tensions and conflicts. However, there have been recent efforts to recognize and accommodate the cultural and linguistic rights of minorities, reflecting a more inclusive understanding of citizenship.

Iranian Historical and Cultural Context

Iran's concept of citizenship is intricately linked to its historical and cultural development, particularly the establishment of the Islamic Republic in 1979. Prior to the revolution, Iran's legal system was influenced by both Islamic and secular principles, especially during the Pahlavi dynasty, which sought to modernize and secularize the country.

The 1906 Constitution, influenced by the French and Belgian models, introduced the idea of constitutionalism and limited monarchy, establishing the foundation for modern citizenship. However, the concept of citizenship in Iran underwent a radical transformation with

the 1979 Islamic Revolution, which established an Islamic Republic based on the principles of Shi'a Islam.

The 1979 Constitution incorporates elements of both democracy and theocracy, reflecting a hybrid system of governance. Citizenship in Iran is thus defined by both secular and religious laws, with significant emphasis on the principles of Islam. The Constitution guarantees certain rights and freedoms to all citizens, but these are often interpreted through the lens of Islamic jurisprudence.

Iran's approach to citizenship is also shaped by its historical experiences with various ethnic and religious minorities, including Kurds, Baloch, Armenians, Jews, and Zoroastrians. The state's policies have fluctuated between integration and repression, influenced by the broader political and ideological context.

The cultural context of citizenship in Iran is also affected by its long-standing traditions and the significant role of religion in public life. The intertwining of religious and national identity creates a unique framework for understanding citizenship, where adherence to Islamic principles is a key component of national identity.

Turkish Constitutional Provisions on Citizenship

The Turkish Constitution provides a comprehensive framework for citizenship, reflecting the country's republican and secular ideals. Citizenship is defined primarily by the 1982 Constitution, which emphasizes equality before the law and non-discrimination.

Article 66 of the Turkish Constitution states: "Everyone bound to the Turkish state through the bond of citizenship is a Turk." This article establishes a civic definition of nationality, which is not based on ethnicity but on legal affiliation to the state. This civic nationalism is a cornerstone of Turkish identity, aiming to create a unified national identity regardless of ethnic background.

Furthermore, the Constitution guarantees fundamental rights and freedoms to all citizens. Articles 10 and 12 enshrine the principles of equality and non-discrimination, providing that "All individuals are equal without any discrimination before the law, irrespective of language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such considerations". This legal framework is designed to ensure that all citizens have equal access to rights and duties, promoting social cohesion and unity.

Recent reforms, particularly in the context of Turkey's EU accession process, have strengthened these provisions. For instance, legislative changes in 2001 and 2004 amended several constitutional articles to enhance protections against discrimination and to align with European human rights standards.

The Turkish citizenship law also allows for dual citizenship, enabling individuals to retain their Turkish nationality while acquiring another nationality. This provision reflects Turkey's recognition of the complexities of modern identity and migration.

Iranian Constitutional Provisions on Citizenship

The Iranian Constitution, established after the 1979 Islamic Revolution, integrates both Islamic and republican elements, creating a unique framework for citizenship. The Constitution reflects the values of the Islamic Republic, emphasizing the role of Islamic principles in governance and citizenship.

Article 41 of the Iranian Constitution states: "Citizenship of Iran is the indisputable right of every Iranian, and the government cannot withdraw this right unless the individual requests to renounce it or acquires the citizenship of another country." This article underscores the inalienable nature of Iranian citizenship and the protection it affords to all Iranians.

Article 20 guarantees the equality of all citizens before the law: "All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria." This provision aims to balance individual rights with the overarching principles of Islamic jurisprudence (Sharia).

Iranian Constitution lists number of criteria for certain high offices, most notably Article 115 highlights the religious qualification for Presidency, which is restricted to Muslims

adhering to the Twelver Ja'fari school of thought. It lists the requirements for the Presidency: “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 madhhab of the country”. The religious criteria (belief in fundamental principles of the Islamic Republic of Iran and official madhhab) effectively exclude non-Muslims and even Muslims of other sects from holding these positions. Article 4 further stipulates that all civil, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria.

The Constitution also addresses the issue of dual nationality. While Iran generally does not recognize dual citizenship, it does not automatically revoke Iranian citizenship for those who acquire another nationality. This approach is indicative of Iran’s complex relationship with its diaspora and the global Iranian community.

Notably, the Iranian Constitution includes provisions that emphasize the importance of Islamic values in the context of citizenship. For example, Article 115 sets criteria for presidential candidates, including their adherence to Islamic principles and loyalty to the Islamic Republic. This intertwining of religion and citizenship reflects the unique nature of Iranian national identity, which is deeply connected to Shi'a Islam.

Equality and Discrimination

This section explores how the concept of hybrid sovereignty manifests in the Iranian constitution and examines the implications of this hybrid system on citizenship. The comparative analysis with Turkey provides context for understanding the unique challenges and outcomes of Iran's approach to equality and non-discrimination, addressing the research questions: How does the concept of hybrid sovereignty manifest in the Iranian constitution? What are the implications of hybrid sovereignty on citizenship in Iran?

Turkey

In Turkey, modern citizenship is characterized by legal equality, secularism, and civic participation. The Turkish Constitution ensures that all citizens, regardless of their religious or ethnic backgrounds, enjoy equal rights and responsibilities. Article 10 of the Turkish

Constitution explicitly guarantees equality before the law, prohibiting discrimination on various grounds . Article 66 defines Turkish citizenship in civic terms, promoting a unified national identity that transcends ethnic and religious distinctions. The secular model of citizenship aims to foster social cohesion by ensuring that all citizens have equal rights and opportunities regardless of their religious beliefs. However, this model has also faced challenges, particularly in balancing secularism with the religious sentiments of its populace. The Turkish experience underscores the complexities of implementing a secular civic identity in a society with deep-rooted religious traditions (Yeğen, 2010).

Despite these constitutional guarantees, practical challenges arise. Ethnic and religious minorities, such as the Kurdish and Alevi communities, have historically faced discrimination and limitations on their cultural and linguistic rights. The state's policies often emphasized so-called Turkishness and sought to exclude or assimilate ethnic minorities, leading to a form of differential citizenship that contradicted the inclusive ideals of the Constitution (Yeğen, 2010). This differential treatment is most evident in relation to the Kurdish minority, which has been subjected to systematic marginalization (Minority Rights Group, 2024). Examples of discrimination that led to the marginalization of Kurds include: Closing up institutions that would carry out their activities in the Kurdish language, libraries museums and archives. Limiting broadcasting services in the Kurdish language. Restricting access to education of the Kurdish language (Commission Staff Working Document 2006).

Significant attempts at assimilation of ethnic minorities reflect the state's historical and ongoing efforts to promote a homogenous national identity. While Turkish citizenship has been defined universally since the 1924 Constitution, the practice has differed significantly, often resulting in the exclusion and marginalization of ethnic minorities. Kurds have representation in the parliament and the long-term situation has improved, given the harsh repression, especially before the year 1996 which included an outright ban on the Kurdish language, traditional dresses, colours and more, but still we cannot say that minorities are free and have same rights (Knitter, 2013:224). The attempts to create a unitary state within a single national identity led to the suppression of the rights of ethnic minorities.

Iran

The Iranian constitution's hybrid sovereignty blends Islamic and republican elements, profoundly affecting the interpretation and implementation of equality and non-discrimination

(Vakilian, 2008). This hybrid system results in unique implications for citizenship, creating a layered model that prioritizes Islamic criteria.

Article 20 of the Iranian Constitution illustrates the blend of republican and Islamic principles, guaranteeing equality while adhering to Islamic standards. However, the practical application often prioritizes Islamic criteria, creating a layered citizenship model that privileges certain groups, particularly Shia Muslims, over others.

For instance, high office positions are often reserved for Twelvers, excluding significant portions of the population from full political participation. The Supreme Leader can be only Twelver, and given the conditions on the office of President, the same applies to it. The office of the President is particularly discriminating because it is the highest elected office in Iran, excluding a portion of the population from the election process. However, the real powers such as oversight over elections, legislature, judiciary, armed forces and many more (Vakilian, 2008:56) are in the hands of an unelected Supreme Leader. This exclusion reflects a broader failure in the citizenship framework, as it does not provide equitable rights and opportunities to all citizens. The constitution provides for equality only if Islamic law is observed, inherently limiting the rights of non-Twelver Muslims.

The issue of discrimination against women is an overreaching issue of Iranian citizenship, one which is mostly going to be discussed in the next part and as such, won't be of a focus here. Even though it is heavily tied to citizenship as well, discrimination against women forms a great part of citizenship failure.

Hybrid Sovereignty and Citizenship

Hybrid sovereignty in Iran means that citizenship rights and duties are influenced by both republican ideals and Islamic principles. This dual influence is evident in the constitutional provisions and their application. For instance, while the constitution guarantees equality, the requirement for conformity with Islamic criteria means that certain rights, particularly those concerning non-Shia Muslims, are subject to religious interpretation.

The exclusionary practices in Iran's citizenship framework are particularly pronounced in the context of sectarianism. The constitution guarantees rights to recognized religious minorities, such as Christians, Jews, and Zoroastrians, but these groups often face

discrimination in practice. This discrimination can manifest in limited access to certain public offices and unequal treatment under the law, influenced by the dominant (Twelver-dominated) Islamic framework.

Conclusion to the Citizenship Status

In comparing Turkish and Iranian citizenship, Turkish citizenship is theoretically more inclusive due to its secular framework and legal guarantees of equality for all citizens, regardless of religious or ethnic backgrounds. The Turkish Constitution promotes civic nationalism and aims to unify all citizens under a common national identity. In contrast, the Iranian model of citizenship is inherently more exclusive, intertwining national identity with Shi'a Islam and prioritizing religious adherence for full political participation. Thus, while both countries face practical challenges, the Turkish citizenship framework is more inclusive in principle compared to the Iranian model.

The concept of hybrid sovereignty in Iran, blending Islamic and republican elements, creates a unique legal framework that significantly impacts equality and non-discrimination. This hybrid system affects citizenship, creating disparities in the rights and experiences of different groups, particularly non-Shia Muslims. In contrast, Turkey's secular approach strives for uniform application of equality, though it faces its own challenges. The comparative analysis underscores the complexities and contradictions inherent in Iran's hybrid system, highlighting the ongoing struggle to balance modern legal principles with traditional religious values. This duality shapes the lived experiences of Iranian citizens, revealing the profound implications of hybrid sovereignty on their legal and social status, creating a framework that allows democratic elements and electoral participation but is significantly influenced by non-democratic Islamic factors, most notably the role of the Supreme Leader.

In both Turkey and Iran, the failures of citizenship can be traced to discrepancies between constitutional guarantees and their practical implementation. While Turkey aims for a secular and inclusive citizenship model, it faces challenges in achieving true equality for all its citizens, struggling with insufficient rights for ethnic minorities. Iran's hybrid model inherently creates a hierarchy of citizenship that privileges certain groups, failing to uphold the principle of universal rights and obligations. Turkey, on the other hand, has no constitutional restrictions

that limit political participation, and discrimination is carried out on different levels. Turkey attempts to be more modern in contrast with Iran, resulting in a more inclusive society with fewer traditional influences. While failures of citizenship can be observed in both countries, Iran's case is more serious because its Islamic doctrine discriminates against non-Twelve Muslims and women, creating greater inequality within citizenship rights.

3.3 Comparative Case of Women Status – Jordan and Iran

Jordanian Historical and Cultural Context

The relationship between the women's movement and Islamist movements in Jordan has been characterized by both tension and interaction, impacting the stands of Islamists on women's issues over the past few decades. This interaction has been driven by various social, political, and legal changes, including responses to international conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Alatiyat & Barari, 2010).

The women's movement in Jordan gained significant momentum in the 1990s, a period considered a golden decade for women's issues. This era saw the rise of feminist-oriented and rights-based discourses, with women's organizations increasing substantially. Key events included the national campaign against honor crimes and the case of Toujan Faisal, the first female MP, who challenged polygamy and faced charges of apostasy brought by the Muslim Brotherhood (MB) (Alatiyat & Barari, 2010).

The interaction between the women's movement and Islamists led to notable shifts in the latter's stance on women's rights. Over the past thirty years, the views of Jordanian Islamists, particularly those associated with the Muslim Brotherhood, the Islamic Action Front (IAF), and the Islamic Centrist Party (ICP), have evolved. Initially, Islamists strongly objected to women's political leadership, but by 2003, they began nominating female candidates for elections and appointing women to their Shura councils and political offices (Alatiyat & Barari, 2010).

The aggressive promotion of a CEDAW-based discourse by the women's movement and the Jordanian government since 2003 has significantly challenged Islamists. This prompted them to develop a more explicit discourse on women's rights, distinct from traditional views. While

Islamists often reject CEDAW, arguing that Islam prioritizes justice over equality, this stance has not been consistently applied across different issues, leading to internal contradictions (Alatiyat & Barari, 2010).

Today, the relationship between the women's movement and Islamists in Jordan remains complex. Islamists have not consistently challenged traditional practices such as honor crimes, often citing the need to protect societal morality and identity. However, their increased engagement in political processes has contributed to a gradual 'detraditionalization,' enabling more visible participation of women in public life and within the Islamist movement itself (Alatiyat & Barari, 2010).

Iranian Historical and Cultural Context

Iran's approach to women's rights is deeply intertwined with its Islamic revolutionary ideology and historical context. The 1979 Islamic Revolution marked a significant shift in the country's political and social landscape, leading to the establishment of the Islamic Republic and the implementation of Sharia law. This revolution prioritized Islamic values, leading to a profound impact on the status and rights of women (Terman, 2018).

The concept of hybrid sovereignty in Iran, blending Islamic and republican elements, creates a unique legal framework that significantly impacts equality and non-discrimination. This hybrid system intertwines national identity with Shi'a Islam, prioritizing religious adherence for full political participation and creating disparities in the rights and experiences of different groups, particularly non-Shia Muslims and women. This system often restricts women's rights within the context of Islamic teachings, leading to legal and social limitations that affect various aspects of their lives, including dress code, employment opportunities, and political participation (Terman, 2018).

The Iranian Constitution incorporates Islamic principles, which significantly influence its legal and social frameworks. The role of the Supreme Leader and the overarching influence of Islamic doctrine create a hierarchical structure that limits the scope of reforms and reinforces traditional gender roles. Women's movements in Iran have pushed for legal reforms and greater participation in public life, though they often face significant resistance from conservative elements within the government and society (Terman, 2018).

Despite these challenges, there have been efforts within Iran to advocate for women's rights and address gender disparities. The struggle for women's rights in Iran is characterized by a tension between modern aspirations for equality and the entrenched traditional and religious values that shape the country's legal and social frameworks (Terman, 2018).

Jordanian Constitutional Provisions on Women's Rights

Article 6 emphasizes equality before the law. It states that Jordanians are equal in rights and duties without discrimination on grounds of race, language, or religion. It implies gender equality by broadly asserting non-discrimination, though it does not explicitly mention gender.

Article 8 guarantees personal freedom and prohibits the deprivation of personal liberty except in accordance with the law. This can be interpreted as providing a basis for women's personal rights and liberties.

Article 9 focuses on the protection of the family and children. While not explicitly mentioning women, it indirectly impacts women's rights within the context of family law.

Article 22 addresses the right to work and public employment on the basis of qualifications and capabilities. This article supports women's rights to employment and equal opportunity in the workforce.

Article 23 regulates the working conditions, stating special conditions should be established for women specifically. It is in fact the only article in the Jordanian constitution that references women directly.

Iranian Constitutional Provisions on Women's Rights

The preamble of the Iranian Constitution highlights the importance of women in society, particularly within the family, and underscores the role of women as mothers and primary caregivers. This sets a tone for gender roles and expectations in the constitutional framework.

Article 20 states that all citizens of the country, both men and women, equally enjoy the protection of the law and all human, political, economic, social, and cultural rights, in

conformity with Islamic criteria. While it promises equality, the reference to Islamic criteria can limit women's rights based on interpretations of Sharia law.

Article 21 specifically addresses women's rights, mandating the government to ensure the rights of women in all respects, in conformity with Islamic criteria. It includes provisions to create favorable conditions for the growth of women's personality and to protect mothers, particularly during pregnancy and child-rearing, and children without guardians.

Article 115 states that the President of Iran 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, and convinced belief in the fundamental principles of the Islamic Republic of Iran and the official madhhab of the country. This implicitly excludes women, as they cannot meet the criterion of being a religious authority in the context of Shia Islam.

Jordanian Legal Reforms and Social Progress

Jordan, while also influenced by Islamic and tribalist principles, has undertaken more progressive legal reforms to enhance women's rights. The Jordanian Constitution recognizes the equality of all citizens and explicitly prohibits discrimination on various grounds (Article 6). This has led to amendments in personal status laws, efforts to combat domestic violence, and initiatives to increase female political participation. However, the practical implementation of these reforms is often hindered by entrenched patriarchal norms and conservative interpretations of Sharia (Alatiyat & Barari, 2011).

Jordan has introduced a quota system to ensure women's representation in Parliament and local councils. This system has increased the number of women in political offices, fostering greater female participation in governance. Legal reforms have also facilitated women's involvement in public life and decision-making processes, although women still face challenges related to political empowerment and societal acceptance (OECD, 2018).

Jordanian women have made substantial gains in education, with high literacy rates and significant female enrollment in higher education. Adult literacy in Jordan was nearly the same among women and men in the year 2021 (World Bank). Social progress is also evident in the increasing visibility of women in various professional sectors, from business to academia. Civil society organizations play a crucial role in advocating for women's rights and gender equality, driving public awareness and policy changes (Sonbol, 2002).

Iranian Legal Reforms and Social Progress

In Iran, the interplay between Islamic principles and legal reforms has shaped the trajectory of women's rights and social progress. Post-1979, Iran witnessed a significant rollback in women's legal status, aligning with conservative interpretations of Sharia law. However, over the years, there have been attempts at legal reforms aimed at improving women's rights, albeit within the boundaries of Islamic jurisprudence.

Iranian family law remains one of the most restrictive for women, governed by the Islamic Republic's interpretation of Sharia. For instance, in matters of family law such as marriage, divorce, child custody and inheritance, women face significant legal disadvantages compared to men. The legal age of marriage for girls is lower, and women's testimony in court is valued less than that of men. Despite this, there have been minor reforms. For instance, the mentioned legal marriage age for girls was raised from 9 to 13 years, and women gained limited rights to initiate divorce under certain conditions (Klugman, 2017:16).

Although, women in Iran have made remarkable progress in education, with women constituting over 60% of university students. Legal reforms have facilitated greater access to education for women, although their participation in the workforce is still hindered by discriminatory laws and cultural norms. Restrictions on certain professions for women remain, but women have increasingly entered fields like engineering and medicine (Rezai-Rashti & Moghadam, 2011).

While women can vote and run for parliamentary seats, their political participation is constrained by the conservative vetting process of the Guardian Council, which disqualifies many female candidates. Nonetheless, there has been a gradual increase in the number of women elected to the Iranian Parliament (Esfandiari, 2015).

Contrast of Women's Rights

The constitutional provisions regarding women's rights in Iran and Jordan highlight the distinct approaches each country takes within the framework of Islamic principles. In Iran, the hybrid model of governance creates a dual approach to women's rights, balancing religious authority with modern state structures. This results in a complex legal and social landscape where women's rights are simultaneously expanded and constrained by the interplay of modern and traditional values.

In contrast, Jordan, while also maintaining a balance between modern legal principles and Islamic traditions, places a stronger emphasis on legal reforms and gender equality. The Jordanian approach attempts to reconcile modern citizenship ideals with conservative social norms, striving to create a more equitable society while maintaining cultural and religious authenticity.

This comparative analysis reveals that while both countries face significant challenges in achieving gender equality, Jordan's legal framework appears more conducive to progressive reforms, even though societal attitudes still pose substantial barriers. Iran's legal stance, conditioned by stringent adherence to Islamic law, presents a more restrictive environment for the advancement of women's rights.

Conclusion to Status of Women's Rights

The comparative analysis of Jordan and Iran underscores the profound implications of hybrid sovereignty on citizenship and the status of women, particularly within the Iranian context. Hybrid sovereignty, characterized by the coexistence of traditional religious principles and modern state structures, profoundly shapes the legal and social landscape for women in Iran.

Firstly, hybrid sovereignty in Iran creates a legal framework that both incorporates and limits women's rights. The integration of Sharia law with republican elements results in a dual system where modern legal standards often clash with traditional religious doctrines. This

dichotomy leads to inconsistencies and ambiguities in the application of laws, particularly concerning gender equality and women's rights. For instance, while the Iranian Constitution recognizes some aspects of gender equality, many laws derived from Islamic principles impose significant restrictions on women's personal freedoms and participation in public life.

Secondly, the tension between modern aspirations for equality and entrenched traditional values within Iran's hybrid sovereign framework often results in resistance to progressive reforms. Women's movements and activists face significant obstacles as they navigate this complex landscape, pushing for legal reforms and greater public participation while contending with conservative forces that seek to maintain the status quo. This resistance underscores the challenges inherent in achieving substantial and lasting advancements in women's rights under a hybrid sovereign system.

Thirdly, the hybrid nature of sovereignty in Iran impacts the broader concept of citizenship. The intersection of religious and state authorities means that citizenship rights, including those related to gender equality, are subject to varying interpretations and implementations. This dual authority often undermines the uniform application of laws and policies designed to protect and promote women's rights, leading to a fragmented and inconsistent experience of citizenship for women.

In conclusion, the implications of hybrid sovereignty on citizenship and the status of women in Iran are significant and multifaceted. The coexistence of modern state structures with traditional religious principles creates a complex and often contradictory legal environment that challenges the advancement of women's rights. To achieve meaningful progress, it is essential to address these inherent contradictions and work towards a more coherent and consistent application of laws that genuinely promote gender equality and protect the rights of all citizens, regardless of gender. The experiences of women in Jordan and Iran highlight the critical need for a nuanced understanding of how hybrid sovereignty influences women's status and citizenship, providing valuable insights for future efforts to advance gender equality in similar contexts.

Conclusion

This thesis set out to explore the complex interplay of sovereignty, modernity, and traditionalism within the Iranian constitutional framework, focusing on the concept of hybrid sovereignty. Central to our investigation were the following research questions:

1. In what ways does the Iranian model of sovereignty differ from the modern Western sovereignty model?
2. How does the concept of hybrid sovereignty manifest in the Iranian constitution?
3. What are the implications of hybrid sovereignty on citizenship and the status of women in Iran?

Through comparative analysis with France, Turkey, and Jordan constitutions, the aim was to provide a comprehensive understanding of the hybrid nature of Iranian sovereignty and its broader implications.

Research Question 1 – How does the Iranian model of sovereignty differ from the Western sovereignty model?

Modern sovereignty, while building on Westphalian principles, incorporates elements of democracy, rule of law, and international norms:

- Democratic Legitimacy: Authority is derived from the consent of the governed, often through democratic elections and institutions.
- Rule of Law: Governance is conducted within a framework of law that applies equally to all individuals and entities within the state.
- International Cooperation: States participate in international institutions and abide by international laws and norms, reflecting a degree of shared sovereignty and global governance.

In contrast, the Iranian model of sovereignty diverges significantly from all these paradigms by integrating modern state principles with deep-rooted religious authority, creating a unique form of hybrid sovereignty. These aspects are the most dominant within the Iranian model:

- **Dual Authority Structure.** Unlike the absolute state sovereignty of Westphalian models or the democratic focus of modern sovereignty, Iran's constitution enshrines both theocratic and republican elements. The Supreme Leader, vested with ultimate religious and political authority, coexists with elected bodies like the President and Parliament (Majlis).
- **Religious Legitimacy.** Sovereignty in Iran is infused with religious legitimacy, where the principles of Islamic jurisprudence (Sharia) significantly influence governance. This differs from the secularism of Westphalian models and the democratic pluralism of modern sovereignty.
- **Blended Governance.** While Iran incorporates modern state apparatuses and engages with international norms, these are consistently interpreted and applied through the lens of Islamic principles. This creates a dynamic interaction between traditional Islamic values and modern governance practices.

This hybrid sovereignty allows Iran to maintain a distinct national identity that aligns with both its historical religious traditions and the demands of modern statehood.

Research Question 2 – How does the concept of hybrid sovereignty manifest in the Iranian constitution?

Hybrid sovereignty in Iran is distinctly evident in how the constitution balances Islamic principles with the structures of modern governance:

- **Theocratic Framework.** The Iranian constitution grants significant power to the Supreme Leader, who oversees both the state and religious institutions. This intertwining of religious authority with state governance is a hallmark of Iran's hybrid model.
- **Democratic Institutions.** Simultaneously, the constitution provides for modern democratic mechanisms, including the election of the President and Parliament, reflecting a commitment to popular sovereignty and governance, albeit it is hindered by non-democratic elements overseeing the democratic process.

This duality creates a complex legal and political landscape where the interplay between religious and democratic elements continually shapes state policy and societal norms.

Research Question 3 – Implications on Citizenship and the Status of Women

The hybrid nature of Iranian sovereignty profoundly affects citizenship and the status of women:

- **Differentiated Citizenship.** The hybrid sovereignty in Iran leads to a differentiated form of citizenship where rights and duties are influenced by both modern legal frameworks and religious doctrines. This differentiation often means that full citizenship rights are contingent upon adherence to Islamic norms and ideological conformity.
- **Failure of Citizenship.** This concept refers to the inability of certain groups to fully realize their citizenship rights due to systemic exclusions based on religious, ideological, or gender grounds. In Iran, this manifests in the preferential treatment of certain religious groups over others, leading to partial or incomplete citizenship for those who do not align with the dominant state-sanctioned norms. Insufficient women's rights further deepen the failure.
- **Women's Rights.** Women in Iran experience a complex interplay of rights and restrictions under the hybrid sovereignty model. While they have achieved significant advancements in education and professional sectors, their personal freedoms, political rights and societal roles are heavily regulated by religious norms embedded in the Constitution.

Reflection on Literature and Limitations

This thesis engages with complex concepts such as sovereignty, constitutionalism, citizenship, and Islamism. Each of these topics is a vast field of study, accompanied by a substantial body of literature, which can be quite daunting initially. Indeed, the challenge was significant. Identifying relevant works suitable for this research proved difficult, as each fundamental topic often includes a distinct, specific terminology.

Throughout the research process, it became evident that many scholars exploring sovereignty acknowledge the existence of hybrid sovereignty. However, they often either use different terminology or fail to fully grasp its complexity for numerous reasons. This observation highlights the core arguments of this thesis: the need for a framework that is both functional and non-discriminatory to bring order to a chaotic environment, though this is easier said than done.

Additionally, it is crucial to acknowledge biases and other factors that might influence the interpretation of facts and outcomes, either consciously or unconsciously. Everyone grows up within specific environments, adopting particular patterns and ethics from an early age. Consequently, scientists, striving for maximum objectivity (accepting that perfect objectivity is unachievable), must remain aware of their biases and actively work to resist them. As a European with a liberal and individualistic mindset, I found it challenging at times to maintain objectivity towards the Islamic regime of Iran. Nonetheless, recognizing this bias, I tried to suppress it and remain as objective as possible. Readers should be aware of this potential bias and consider it when evaluating the research.

Broader Implications and Future Directions

The exploration of hybrid sovereignty in Iran offers valuable insights into broader questions of state formation and governance:

Conceptual Insights: This study highlights the limitations of applying Western-centric models of sovereignty to non-Western states. Iran's example shows how countries can develop unique governance structures that reflect their historical and cultural contexts.

Policy Implications: For policymakers, understanding the hybrid nature of sovereignty in states like Iran can lead to more nuanced and effective engagement strategies. It underscores the importance of respecting and accommodating the diverse ways in which sovereignty is conceptualized and practised.

Future Research: Future studies could extend this analysis to other regions where traditional and modern elements intersect in governance. It could manifest in countries outside of the MENA region. Comparative research across different countries could deepen our

understanding of how hybrid sovereignty functions and its implications for global politics and international relations.

Concluding Thoughts

This thesis has highlighted the distinctiveness and complexity of Iranian sovereignty as it navigates the intersections of tradition and modernity. The Iranian model challenges conventional notions of statehood and governance, presenting a rich case study of how nations can hybridize traditions with the demands of contemporary governance.

By moving beyond Eurocentric frameworks, we gain a deeper appreciation for the diverse pathways nations take toward sovereignty and modernity. This understanding is essential for engaging with the multifaceted realities of global politics in the 21st century and fostering a more inclusive approach to international relations and governance.

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Abstract

This thesis explores the concept of hybrid sovereignty as it is manifested in the Iranian constitution, contrasting the elements of Islamism and modernism that define the country's statehood. The study delves into the theoretical framework of hybrid sovereignty, highlighting its emergence in regions where traditional and modern state constructs intertwine, particularly within the context of the Middle East. Through a detailed analysis of the Iranian constitutional evolution, the impact of Shi'i jurisprudence, and the significant shifts following the 1979 Revolution, the research elucidates the unique blend of theocratic and modern state principles that characterize Iran's governance.

A comparative approach is employed to examine the manifestation of hybrid sovereignty in Iran against the constitutional frameworks of France, Turkey, and Jordan, focusing on three critical aspects: sovereignty, citizenship, and the status of women. This comparison reveals the complexities and contradictions inherent in Iran's constitutional dynamics and underscores the broader applicability of hybrid sovereignty as a conceptual tool for understanding statehood in post-colonial contexts. The thesis argues that Iran's constitution reflects a distinctive hybrid identity that challenges traditional notions of sovereignty and offers new insights into the interplay between theocratic and modern state forms.

Keywords: Hybrid Sovereignty, Iranian Constitution, Islamism, Modernism, Shi'i Jurisprudence, 1979 Revolution, Comparative Constitutional Analysis, Sovereignty, Citizenship, Women's Status, Middle East, Post-Colonial Statehood.

Abstrakt

Tato bakalářská práce zkoumá koncept hybridní suverenity, jak se projevuje v íránské ústavě, a srovnává prvky islamismu a modernismu, které definují státnost této země. Studie se zabývá teorií hybridní suverenity a zdůrazňuje její vývoj v oblastech, kde se tradiční a moderní státní aspekty prolínají, zejména v kontextu Blízkého východu. Prostřednictvím analýzy vývoje íránské ústavy, vlivu šíitské jurisprudence a významných změn po revoluci v roce 1979, výzkum objasňuje jedinečnou směs teokratických a moderních státních principů, které charakterizují íránské státní zřízení.

Komparativní metoda je použita ke zkoumání projevu hybridní suverenity v Íránu ve srovnání s ústavními rámci Francie, Turecka a Jordánska, se zaměřením na tři klíčové aspekty: suverenitu, občanství a postavení žen. Toto srovnání odhaluje složitosti a protiklady, které jsou inherentní íránské ústavní dynamice, a zdůrazňuje širší aplikovatelnost hybridní suverenity jako konceptuálního nástroje pro pochopení státnosti v postkoloniálním prostředí. Práce podporuje tezi, že íránská ústava vykazuje výraznou hybridní identitu, která zpochybňuje tradiční pojetí suverenity a nabízí nové poznatky o vzájemném působení teokratických a moderních státních forem.

Klíčová slova: Hybridní suverenita, íránská ústava, islamismus, modernismus, šíitská jurisprudence, revoluce 1979, komparativní ústavní analýza, suverenita, občanství, postavení žen, Blízký východ, postkoloniální státnost.