



CITIZENSHIP III. IN MODERN TIMES (QAJAR AND PAHLAVI PERIODS)

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Citizenship (*tābe'īyat*) is the legal, political, and social status of every person who “belongs” to a state, that is, is subject to its authority and may in return seek its protection. The Persian terms *tābe'īyat* (citizenship) and *taba'a* (citizen) are derivatives of the Arabic root *tb'*, “to follow” or “to belong.” In Persian law the rules on citizenship were established in volume 2 of the [Civil Code](#) of 1313 Š./1934 and remained largely unchanged until the establishment of the Islamic Republic of Iran.

Categories of citizenship in Persian law. International law normally allows states to determine who its citizens are. In most instances citizenship is based on blood (the nationality of the parents, particularly the father) or on soil (the birthplace of the individual). Citizenship can also be acquired in other ways, most commonly by naturalization, marriage, or the transfer of territory between states. In some instances individuals may be recognized as citizens by two countries.



Persia, like almost all states, has a mixed system, in which citizenship can be acquired in several ways. Persian law confers Persian citizenship on “all inhabitants of Persia” (Civil Code, art. 976.1) and on “any person whose father is Persian” (art. 976.2). It also makes provision for naturalization.

Citizenship falls into three categories: original (*aṣlī*), acquired (*ektesābī*), and contingent (*tabaʿī*, i.e., resulting from an event or an amendment of the Civil Code) and imposed (*taḥmīlī*). Dual citizenship is also possible when a person is simultaneously regarded as a citizen by another state.

Original citizenship (tābeʿiyat-e aṣlī). Original citizenship means the primary citizenship that a person possesses automatically at birth, for example, the citizenship of a child born on Persian territory to a Persian father. According to the Civil Code (art. 978), the following persons have Persian citizenship, the first five having original citizenship:

1. All inhabitants of Persia except foreign citizens whose citizenship is not contested by the Persian government.
2. Any person, whether born in Persia or abroad, whose father is Persian.
3. Any person born in Persia whose parents are unknown.
4. Any person born in Persia to foreign parents, one of whom was born in Persia. Such a person may, however, on reaching the age of eighteen years, choose the citizenship of his father, provided that he applies to the Ministry of foreign affairs within a year and is recognized as a citizen by the other government.
5. Any person who was born in Persia to a father holding foreign citizenship, if he or she continues to reside in Persia for at least one year after reaching the age of eighteen years. He may also choose foreign citizenship, as in the previous instance. In both these instances children of foreign diplomats and consular officials are exempted.
6. Any woman holding foreign citizenship who marries a Persian citizen has “imposed citizenship.”
7. Any foreign citizen who becomes a naturalized Persian citizen has “acquired citizenship.”



With regard to citizenship on the basis of birthplace, Persian law provides that, when another country imposes citizenship on children born there to Persian parents, the same rules will apply to the children born in Persia to parents who are citizens of that country.

Acquired citizenship (tābe'iyat-e ektesābī) or *naturalization*. Persian citizenship can be obtained by persons who are at least eighteen years old, have resided consecutively or intermittently in Persia for five years or have spent an equal amount of time in Persian government service abroad, are not fugitives from military service, and have not been found guilty of any serious offense or nonpolitical crime in any country (Civil Code, art. 979).

Among changes instituted by the Islamic Republic is an amendment to Article 980 adopted in Ābān 1361/October-November 1982, providing that the residence requirement may be waived by the Council of ministers for “persons who have rendered worthy service or help in matters of public interest to Persia, and also persons who have Persian wives (*'eyāl*) and children by them or who hold high scientific or expert positions in matters of public interest.”

The wife and minor children of a man who acquires Persian citizenship are also recognized as Persian citizens, but they may in certain circumstances reacquire their former citizenship (Civil Code, arts. 984-85).

Contingent citizenship (tābe'iyat-e taba'ī). Contingent citizenship, called “imposed” citizenship in Persian law, usually arises from marriage and exists in the law of most states. A foreign woman who marries a Persian husband becomes a Persian citizen (Civil Code, art. 976.6). A Persian woman who marries a foreigner remains a Persian citizen unless forced by the law of her husband's country to adopt his citizenship. In such an event she may resume Persian citizenship after her husband's death or her divorce. Even if she is allowed to retain Persian citizenship, she may choose to adopt her husband's citizenship, provided that she has good reasons and that the Ministry of foreign affairs approves. In such an instance she loses the right to own property in Persia if her new citizenship would result in foreign economic control (art. 987).

Dual citizenship. Dual citizenship may occur when a person is regarded as a citizen by two or more states; for example when a child is a citizen of one state by reason of his or her birth in its territory and of another state by reason of the father's citizenship. Until quite recently problems of dual citizenship in



private international law were the source of much difficulty for both the individuals involved and the governments claiming their allegiance. Now, however, many governments, apparently including the Islamic Republic of Iran, formally recognize dual citizenship.

Renunciation of citizenship. A Persian may renounce Persian citizenship under the following conditions: He or she must be at least eighteen years old; the surrender of citizenship must be authorized by the Council of ministers; within a year any immovable property owned in Persia must be transferred to a Persian citizen or citizens, even if foreign ownership of the property is permissible under Persian law; any required military service must have completed; he or she must leave the country.

The children of a person who renounces Persian citizenship do not lose their Persian citizenship unless they are included in the authorization given by the Council of ministers. When a woman who no longer has a husband renounces Persian citizenship, her children may be included in the authorization if they no longer have a father or paternal grandfather and are less than eighteen years old (Civil Code, art. 988).

If a Persian citizen has acquired foreign citizenship in disregard of the regulations, that foreign citizenship is not valid in Persian law, and the person is still considered a Persian citizen. His immovable property is to be sold under the supervision of the public prosecutor and the proceeds, after deduction of the sale expenses, paid to him. He is also barred from holding public office. The Council of ministers is, however, authorized to recognize his foreign citizenship in the public interest, and he may then receive permission from the Ministry of foreign affairs to enter and reside in Persia (Civil Code, art. 989).

Rights and disabilities of naturalized citizens and aliens in Persia. Disabilities (*ḥodūd*) are legal constraints and restrictions of all kinds; “rights” are all privileges and powers conferred on individuals by law. Both the Supplementary Fundamental Law of 1325/1907 and the Civil Code of 1313 Š./1934 provide for a number of social, political, and economic rights and privileges, with a view to ensuring freedoms for the individual and equality for all Persians. These rights have largely been incorporated in the Fundamental Law of the Islamic Republic of Iran. Foreigners in Persia enjoy the same civil rights as Persian citizens, with the following exceptions.



First, there are certain rights expressly reserved for Persian citizens or expressly denied to foreign citizens. Originally, for example, foreigners could not own immovable property in Persia in excess of one dwelling and one place of business.

Second, there are rights related to personal status that are not recognized in the law of the state of which the foreigner is a citizen. In such matters as marriage, divorce, adoption, and inheritance foreign citizens, like members of religious minorities in Persia, are governed by their own laws, not Persian civil law.

Third, some “special” rights were created with only the Persian community in view (Civil Code, art. 961). This somewhat vague definition covers civil, political, social, and economic rights. On political rights the relevant articles of the Civil Code are generally clear: They deny to foreign citizens the right to vote; to be elected to legislative assemblies and municipal, district, and provincial councils; and to hold ministerial office (from which foreigners were barred by Article 58 of the Supplementary Fundamental Law of 1325/1907). Original Persian citizenship is a necessary qualification for judicial office. In other situations the law is not clear. For example, it can be argued that the guardianship of minors and trusteeship are among the rights that belong to Persian citizens only. Under Article 145 of the new law foreign citizens are barred from serving in the Persian armed forces.

Although persons who have acquired Persian citizenship enjoy most of the rights of original citizens (Civil Code, art. 982), laws enacted by the Islamic Republic prohibit naturalized Persian citizens from ever becoming president, minister, or deputy minister or from holding any diplomatic appointment abroad. They are also prohibited from becoming members of the Islamic Consultative assembly or of provincial, district, or municipal councils; and they cannot be employed by the Ministry of foreign affairs for ten years after receiving Persian citizenship.



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