




OPEN PEER REVIEW

The Role of Expediency and Public Order in Restricting Freedom of Expression under Iranian Law and International Human Rights Instruments

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1. Round 1

1.1. Reviewer 1

Reviewer:

The reference to Mill’s harm principle is appropriate; however, the paragraph would benefit from explicitly explaining why Mill’s liberal framework is analytically relevant to a legal system grounded in Islamic jurisprudence, rather than assuming its universality.

When citing Article 24 of the Iranian Constitution (“unless they are detrimental to the foundations of Islam or public rights”), the article does not yet problematize the open-ended nature of these exceptions. Consider explicitly contrasting this with the closed list of aims in Article 19(3) ICCPR at this stage.

The distinction drawn between public interest and public order is useful, but the paragraph would benefit from a short operational definition explaining how these concepts are distinguished in judicial practice, not merely in theory.

The tripartite division (jurisprudential, social, executive) is analytically valuable. However, the article should clarify whether these dimensions are analytical constructs of the author or explicitly recognized in Iranian legal doctrine.

The contrast between the ICCPR three-part test and Iranian constitutional standards is convincing, but the argument would be stronger if the author explicitly addressed whether any Iranian judicial decisions implicitly apply proportionality, even if inconsistently.

In Table (4), the characterization of Iranian proportionality guarantees as “limited and largely political” is evaluative. Consider either supporting this claim with a citation or rephrasing it in more neutral analytical language.

The paragraph on cyberspace restrictions would benefit from at least one concrete statutory or judicial example (e.g., website filtering, platform blocking) to strengthen its empirical grounding.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In the paragraph beginning “Therefore, examining this subject is important for several reasons”, the article would be strengthened by explicitly stating what gap in existing Iranian or comparative scholarship this study fills.

The classification into four theoretical approaches is strong; however, the paragraph would benefit from a brief roadmap sentence explaining how these approaches will later inform the comparative analysis in Sections 2 and 3.

The critique that vague notions of public order enable repression is well-taken, but the paragraph would benefit from citing specific examples of judicial abuse (even briefly) to ground the critique more concretely.

The sentence “public interest... is often defined in broad terms without transparent criteria” is central to your argument. Consider explicitly distinguishing between classical fiqh ambiguity and modern legislative ambiguity, as these raise different normative concerns.

While Tables (1)–(3) are informative, the manuscript would benefit from explicit cross-references in the text explaining how each table advances the core argument rather than standing as descriptive summaries.

The quotation attributed to Imam Khomeini regarding suspension of primary rulings is significant. The article would be strengthened by clarifying whether this principle is doctrinal, exceptional, or routinely invoked in contemporary Iranian legal practice.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.