

# The Importance of Jury Performance in Political and Press Trials

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The jury is considered one of the key pillars in democratic legal systems, playing a crucial role in ensuring justice and safeguarding public freedoms. In political and press trials, this institution can serve as a public oversight mechanism that prevents governmental influence over the judicial process and protects the rights of the accused. This study, employing a descriptive-analytical approach, examines the performance of juries in political and press trials from the perspective of ensuring public freedoms. The findings indicate that the independence of the jury, its composition, the extent of its influence on verdicts, and the manner in which laws are interpreted by the court are among the key factors in preserving or undermining public freedoms. In legal systems where the jury enjoys real independence and discretionary authority, the likelihood of fair verdicts and the protection of defendants' rights increases. However, in some systems, legal restrictions and governmental interventions have reduced the effectiveness of this institution. This study suggests that strengthening jury independence, clarifying the procedures for selecting members, and establishing protective mechanisms to prevent political pressures can enhance the role of this institution in ensuring public freedoms.

**Keywords:** Jury, political trials, press trials, public freedoms, justice, judicial independence, defendants' rights.

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## 1. Introduction

The role of the jury in political and press trials is one of the fundamental issues in democratic legal systems, directly impacting the realization of justice and the protection of public freedoms. As an independent institution composed of ordinary citizens, the jury plays a significant role in the adjudication and decision-making process, serving as a barrier against potential abuses of power and unlawful restrictions on freedom of expression and civil liberties (Liu & Chen, 2020). However, the actual performance of this institution varies significantly across different countries, depending

on the legal structure, the degree of its independence, and the extent to which its verdicts influence the final decisions of courts. Examining this issue from the perspective of ensuring public freedoms, particularly in the context of political and press trials, is essential, as these trials are often highly sensitive both for the government and society and may become instruments for suppressing dissent and restricting freedom of expression (Banai, 2020).

In some legal systems, juries possess extensive powers, and their verdicts are decisive in determining the fate of the accused. In such jurisdictions, the jury functions as a democratic mechanism that prevents government



interference in judicial decisions. Conversely, in other legal systems, the jury's verdict is merely advisory, and the presiding judge retains the authority to issue the final ruling, even against the jury's decision. This weakens the role of the jury and diminishes its effectiveness in ensuring public freedoms (Hill & Garner, 2021). Additionally, the composition of the jury and the method of selecting its members can impact its impartiality and independence. In many countries, jury members are randomly selected from among citizens, whereas, in others, the selection process may be influenced by the government or interest groups, challenging the independence and neutrality of this institution (Rasooli, 2021).

Another critical issue in this context is the level of legal knowledge and awareness among jury members. Although the participation of ordinary citizens in this institution is intended to ensure public representation in the judicial process, in cases where jurors lack sufficient knowledge of legal matters and the complexities of political and press trials, their decisions may be influenced by media narratives or external pressures. This issue is particularly concerning in systems with restricted and non-transparent media environments, where it can pose a serious threat to public freedoms (Pourrashidi et al., 2022). Furthermore, the manner in which trial proceedings are conducted and the role of judges in providing necessary instructions to the jury are also crucial factors in the performance of this institution. In some systems, judges are required to provide jurors with adequate legal information while refraining from influencing their decision-making, whereas in others, unnecessary judicial interventions may affect the final outcome (Ali et al., 2022).

The Iranian legal system has its own specific characteristics regarding the status and functioning of juries in political and press trials. Article 168 of the Constitution of the Islamic Republic of Iran emphasizes the necessity of jury participation in such trials. However, in practice, the extent of its influence has been a subject of debate and controversy. Some studies indicate that in many cases, jury verdicts have been disregarded, with the final decision left solely to the judge, thereby limiting the role of citizens in the judicial process (Chaudhuri, 2022). Additionally, the composition of the jury and the method of selecting its members in Iran have been criticized, as some

researchers argue that the selection process may be subject to the influence of specific institutions, compromising the jury's true independence (Bourdon & Meyer, 2023).

Given these challenges, this study seeks to answer the following questions: To what extent can the jury in political and press trials ensure public freedoms, and what factors influence its performance? Has this institution been able to function as a public oversight mechanism in different legal systems, or has it been subject to governmental influence in practice? Moreover, what reforms can be proposed to enhance the efficiency of the jury and strengthen its role in safeguarding public freedoms? This research adopts a descriptive-analytical approach, utilizing comparative, legal, and historical sources to examine this issue and propose solutions for improving the position of this institution within the judicial system.

The principle of separation of powers and the independence of judicial institutions are fundamental pillars of democratic governance, playing a crucial role in maintaining public freedoms. The jury, as a mechanism for public participation in adjudication, is one of the institutions employed in various legal systems to ensure judicial fairness and prevent the concentration of power. Several theoretical perspectives emphasize the significance of this institution in political and press trials. The participatory democracy theory asserts that citizen involvement in governance processes, including the judicial system, strengthens democracy and increases public trust. Moreover, the theory of separation of powers, proposed by Montesquieu (1748), underscores the necessity of independent oversight mechanisms to prevent the abuse of power. This theory has served as the foundation for the establishment of juries in numerous legal systems (McDaniel, 2018).

Procedural justice theory also emphasizes that judicial processes should be designed in a manner that ensures not only just outcomes but also fairness and impartiality in the eyes of the public. Within this framework, an independent jury can serve as a critical factor in guaranteeing judicial neutrality. According to social oversight theory, the establishment of civil institutions such as juries helps reduce judicial authoritarianism and enhances government accountability to society. These theories form the basis for analyzing the performance of

juries in political and press trials (Terman & Voeten, 2018).

## 2. Theoretical Framework and Literature Review

Studies conducted on the role of juries in political and press trials indicate that this institution is one of the key pillars of the rule of law and the guarantee of freedom of expression. Comparative research across different legal systems has shown that in countries where the jury enjoys greater independence, the likelihood of fairer verdicts increases, and governmental interference in trials decreases (Sefat, 2016). In a study conducted by Garland (2020), the role of the jury in press trials was examined. The findings of this study revealed that in countries where judicial institutions operate under the full supervision of the jury, journalists and media activists receive greater protection, and press freedom is upheld at a higher level. This study emphasizes that in systems where the independence of the jury is limited, political and press trials become tools for suppressing critics and government opponents.

Additionally, Henderson's (2022) research indicates that the composition of jury members and the selection process directly impact the impartiality of judicial proceedings. In countries where jurors are selected through transparent and random processes, the likelihood of politically motivated verdicts decreases. Conversely, in systems where the jury selection process is influenced by government institutions or interest groups, jury decisions align with the ruling power's policies, reducing the jury's role in ensuring public freedoms (Eslami et al., 2024).

In studies concerning the Iranian judicial system, research by Mirhosseini (2022) highlights the challenges of jury performance in political trials. According to this study, although the Iranian Constitution explicitly requires the presence of juries in political and press trials, their actual influence remains limited, and in many cases, the final verdict is determined by the judge. This issue diminishes the role of public oversight in judicial proceedings and weakens judicial transparency (Konde, 2024).

Another significant aspect of the literature relates to legal restrictions on jury performance. A study conducted by Ramazani (2021) indicates that in some countries, legislation has been structured in a way that limits the jury's authority and reduces its direct

involvement in verdict issuance. In contrast, in countries with stronger legal systems, such as the United States and the United Kingdom, jury decisions are binding and play a significant role in determining the fate of political and press defendants. Previous studies suggest that juries can be effective in ensuring judicial justice, protecting public freedoms, and preventing the instrumentalization of political and press trials. However, the legal framework, degree of independence, and composition of this institution vary across different countries. In Iran, limited research has been conducted on the jury's impact on the rights of political and press defendants, and challenges remain regarding the jury's influence on final court decisions. This study, through a comparative analysis of international experiences, seeks to propose effective strategies for improving jury performance within Iran's judicial system (Feldman, 2024).

## 3. Methodology

This study employs a descriptive-documentary method, with the primary objective of examining the role and performance of the jury in political and press trials and its impact on ensuring public freedoms. The necessary data has been collected through a review of written sources, including legal books, scholarly articles, decisions of international tribunals, national and international laws, and documents published by human rights organizations. The study aims to conduct an in-depth analysis of legal texts to assess the jury's influence on judicial processes and the protection of public freedoms. This method enables a comprehensive examination of previous theories and findings related to the jury's role in trials and contributes to a better understanding of the challenges and opportunities associated with this institution.

The data for this study has been gathered through documentary research. The primary sources include constitutional laws, criminal and press regulations from different countries, judicial rulings from international courts, reputable scholarly articles, and previous research on the jury's role in trials. The analysis of legal texts and comparative examination of various legal systems help clarify the jury's position in safeguarding freedom of expression and judicial justice. Additionally, documents published by international human rights organizations and reports on the performance of

different judicial systems have been utilized to provide a comparative framework.

This study employs document analysis and comparative methodology to examine legal content, judicial texts, and relevant studies. The comparative analysis in this study explores the differences and similarities among various legal systems, focusing on the jury's role and performance in political and press trials in Iran, the United States, the United Kingdom, and France. The data has been extracted from legal articles, legislation, and official reports and analyzed using a descriptive-analytical approach. This study also attempts to evaluate the impact of legal restrictions on jury performance in Iran and compare it with developed judicial systems.

The research adheres to ethical considerations by sourcing data exclusively from official and credible references, ensuring that analyses remain unbiased and based on legal and scientific principles. Furthermore, information on judicial laws and practices has been presented with accuracy and citation to primary sources. This study avoids the use of unofficial or unverified data, and all arguments and analyses are grounded in documented and reliable legal and scholarly sources. Additionally, in selecting sources and data, careful attention has been given to including recent studies and new research articles to ensure the findings remain current and relevant to the contemporary conditions of judicial systems.

This research incorporates two main approaches: theoretical studies and comparative studies. In the theoretical studies section, the intellectual and philosophical foundations of jury formation, legal theories related to fair trials, and the fundamental principles of separation of powers and judicial oversight are examined. In this context, the works of legal theorists such as Montesquieu, John Locke, and Hans Kelsen have been analyzed, and their views on judicial independence and citizen oversight have been discussed.

In the comparative studies section, this research seeks to examine the Iranian judicial system in contrast to developed legal systems. This section includes data collected through an analysis of legislation, judicial practices, and statistics on jury influence in various trials. The findings demonstrate that in countries where the jury enjoys full independence and authority, the probability of fair verdicts and the protection of public freedoms is higher, whereas in countries where the jury

plays a limited role, the likelihood of government and executive influence over judicial proceedings increases. Using a descriptive-documentary approach combined with document analysis and comparative methodology, this study examines the impact of juries on political and press trials and their role in protecting and ensuring public freedoms. The findings indicate that jury performance significantly affects judicial independence, trial transparency, and the protection of civil liberties. However, the effectiveness of this institution depends on the legal framework, degree of independence, and oversight mechanisms within each country. The results of this study can serve as a foundation for legal reforms and improving jury performance in Iran's judicial system, offering strategies to enhance transparency, public oversight, and reduce political influence over trials.

#### 4. Findings

The findings of this study indicate that the jury in political and press trials can play a decisive role in ensuring public freedoms and preventing judicial abuses. Comparative and documentary research suggests that in developed legal systems, the presence of juries reduces governmental influence over judicial processes and increases transparency in verdict issuance. However, the jury's effectiveness depends largely on the implementation of laws and the extent of its authority. In countries where the jury enjoys sufficient independence, a higher level of protection for freedom of expression and defendants' rights is observed, whereas in systems where the jury's role is limited, there is a greater possibility of external influence over judicial proceedings.

Through an extensive review of legal statutes, judicial rulings, and legal studies, this research analyzes the jury's performance in political and press trials and demonstrates that its effectiveness in upholding justice and citizens' rights depends on several fundamental factors.

##### 4.1. *The Role of the Jury in Fair Trials and Ensuring Public Freedoms*

Comparative analysis indicates that the presence of a jury in trials, particularly in political and press cases, is one of the key factors in ensuring fair trials. In systems

such as those of the United States and the United Kingdom, the jury not only plays an oversight role in judicial decision-making but also acts as a safeguard against political and executive interference in trials. In these countries, jurors are randomly selected from ordinary citizens, which enhances impartiality and prevents bias in legal proceedings. Studies also show that in countries with strong jury systems, a higher percentage of cases result in fair verdicts, and the likelihood of unfair rulings against political and press activists is reduced. In contrast, in countries where jury verdicts are merely advisory and the final decision rests with the judge, this phenomenon is less common. In such systems, the likelihood of direct or indirect governmental interference in legal proceedings increases, thereby reducing the independence of the judiciary.

The role of the jury in trials is not only significant for ensuring justice but also for fostering public trust in the judicial system. In countries where ordinary citizens participate in judicial decision-making, there is a greater sense that justice is administered democratically, and all social groups have equal access to it. Public participation in trials also encourages citizens to take greater responsibility for the legal system, thereby strengthening social cohesion. Moreover, the presence of a jury helps mitigate public perceptions of judicial corruption and enhances the transparency of court decisions. In contrast, in countries where judges appointed by the government solely control judicial decisions, a sense of alienation between the public and the judiciary emerges, which can undermine public trust and contribute to social dissatisfaction.

Different legal systems worldwide have adopted various jury models, each with distinct characteristics. For instance, in the United States, the jury plays a central role in both criminal and civil trials, and its decisions are binding in many cases. This country employs two types of juries: the grand jury, which is responsible for issuing indictments, and the trial jury, which delivers the final verdict. In the United Kingdom, although the jury system differs in some aspects, it remains fundamental in significant cases, particularly in criminal and press trials. On the other hand, countries such as France and Germany implement hybrid models where professional judges and jurors jointly decide cases. While this model enhances legal expertise in trials, the judges' influence in

final decision-making may sometimes overshadow the independence of the jury (Böhm, 2019).

Comparative studies reveal that in jury-based legal systems, verdicts are less likely to be influenced by political or economic pressures. One reason for this is the random selection of jurors, which prevents direct influence from powerful institutions over court decisions. Furthermore, judicial processes in these systems tend to be more transparent, allowing greater opportunities for appeals and reviews of verdicts. In contrast, in systems where judicial decisions are solely made by appointed judges, reports indicate that, in some cases, judicial independence has been compromised under governmental pressures, leading to an increased likelihood of unjust rulings. This issue is particularly evident in cases related to freedom of expression, political activism, and human rights, where governmental interference in judicial proceedings is more pronounced (Abercrombie, 2019).

Another advantage of the jury system is its potential to reduce discrimination in judicial rulings. Research has shown that in legal systems without a jury, the likelihood of gender, ethnic, and class-based discrimination in court decisions is higher. This issue is especially evident in highly centralized judicial structures. Conversely, in countries that utilize juries, the diversity of its members increases the likelihood of varied perspectives and reduces individual biases. This contributes to greater social justice and less public dissatisfaction with the judiciary (Terman & Voeten, 2018).

Despite the advantages of the jury system, several challenges exist in its implementation. One of these challenges is the high cost of maintaining a jury system. Jury trials require complex and time-consuming administrative processes, which may increase the overall costs of the judicial system. Additionally, some critics argue that jury members, who typically lack legal expertise, may not fully comprehend the complexities of the law, potentially affecting the quality of their decision-making. However, studies have shown that proper training and clear judicial instructions can largely mitigate this challenge.

Ultimately, comparative studies demonstrate that the existence of a jury is one of the key factors in ensuring fair trials and maintaining judicial independence. The experiences of countries that employ this system indicate that citizen participation in judicial decision-



making can enhance public trust, reduce judicial corruption, prevent political interference, and promote social justice. Conversely, in systems where the jury is either absent or has only an advisory role, political influence over the judiciary and a lack of transparency in trials are more prevalent. Strengthening the jury system and providing adequate training to its members can improve the judicial system's performance and enhance justice within society (McDaniel, 2018).

An examination of Iranian law reveals that although Article 168 of the Constitution of the Islamic Republic of Iran emphasizes the necessity of using a jury in political and press trials, in practice, this institution has not played a significant role in judicial proceedings. As a result, many analysts and legal scholars have explored the challenges associated with the jury in Iran and proposed reforms to improve its effectiveness. Under the Iranian Constitution, the jury is considered a fundamental component of fair trials. Its purpose is to involve citizens in judicial processes and ensure justice through public oversight of courts handling political and press crimes. However, in many advanced legal systems, jury verdicts hold a special status and are often considered final rulings in certain cases (Chaudhuri, 2022).

In contrast, in Iran, jury verdicts are largely advisory and not legally binding, which has become one of the primary challenges of this institution. Research findings indicate that in numerous cases involving journalists, political activists, and other individuals prosecuted for political or security-related charges, the jury's verdict has merely been considered a recommendation, and the final decision has been left to the judge, who is not required to abide by it. Consequently, in many cases, individuals acquitted by the jury have still been convicted by the court. This raises questions about the jury's actual influence in political and press trials.

One of the fundamental challenges associated with the jury in Iran is the selection process of its members. In many instances, jury members are chosen from individuals with specific political or ideological affiliations, who may be influenced by governmental institutions or special interest groups. This has led to concerns about the jury's impartiality in certain cases. Conversely, in many democratic countries, jury members are randomly selected from the general population to minimize external influences on their decisions.

In developed countries such as the United States and the United Kingdom, the jury plays a critical role in judicial proceedings. In these systems, jury verdicts are binding, and judges cannot override them unless procedural violations occur during the trial. Additionally, the jury selection process in these countries is designed to prevent political or governmental influence. As a result, this institution has effectively contributed to maintaining justice and safeguarding the rights of defendants (Hill & Garner, 2021).

#### 4.2. *Comparison of Different Legal Systems Regarding the Jury*

The findings of this study indicate that the role of the jury varies significantly across different countries, influenced by each nation's legal structure and judicial traditions. In the legal system of the United Kingdom, the jury is one of the fundamental pillars of the judicial process, and its verdict is binding on the judge. In this country, political and press trials are conducted under the direct supervision of citizens through the jury, which has contributed to increased public trust in the judiciary. In contrast, in the legal system of France, the jury is only present in serious criminal cases, while in many cases concerning freedom of expression and political crimes, judicial decisions remain under the exclusive authority of professional judges. This indicates that in some countries, the role of the jury is limited to specific types of cases and does not uniformly impact all areas of the judiciary.

In Iran, the judicial structure is such that the role of the jury in political and press trials has been significantly diminished in practice, with major decisions being made by official institutions. This has resulted in lower transparency and reduced public oversight in such trials, which, in turn, may lead to harsher sentences against political and press defendants (Terman & Voeten, 2018). Based on the findings of this study, several strategies can be proposed to enhance the role of the jury in political and press trials in Iran. First, existing laws should be reformed to make jury verdicts legally binding. This change would strengthen the independence of this institution and reinforce its role in safeguarding public freedoms. Second, the process of selecting jury members should be made more transparent and democratic to ensure impartiality. Third, necessary measures should be implemented to provide jury members with adequate

legal training so that their decisions are based on legal principles and human rights standards. Fourth, oversight of jury performance should be increased, allowing civil society organizations and the media to monitor the jury's decision-making process to prevent political and security institutions from exerting influence over this body (Hill & Garner, 2021).

Finally, fostering a judicial culture that recognizes the jury as an essential component of the legal system can be an effective step in strengthening its role in Iran's legal framework. The results of this study show that the jury can play a crucial role in ensuring public freedoms and preventing judicial abuses. Comparative analysis of different legal systems demonstrates that in countries where the jury enjoys sufficient independence, judicial transparency is enhanced, and public trust in the judiciary is strengthened. Conversely, in countries where the role of the jury is limited, the likelihood of political and governmental interference in political and press trials is higher. Reforming the laws related to the jury in Iran and strengthening its position could be a significant step toward improving judicial justice and protecting citizens' rights (McDaniel, 2018).

## 5. Discussion and Conclusion

An examination of the jury's performance in political and press trials reveals that this institution can play a significant role in ensuring public freedoms, provided that its independence, impartiality, and legal awareness are guaranteed. The findings of this research indicate that in judicial systems where the jury operates effectively and genuinely, the probability of fair verdicts increases, and political influence over sensitive cases is minimized. Conversely, in countries where the judiciary lacks sufficient independence or where jury selection is influenced by governmental entities, this institution deviates from its primary function and may become a tool for legitimizing predetermined decisions.

Various studies on the role of the jury in political and press trials have produced similar results. For example, a study by Smith and Jones (2020) on the U.S. judicial system found that when the jury is properly selected and maintains its independence, it can resist political and judicial influence and uphold the rights of defendants. This finding aligns with the present study, demonstrating that jury impartiality is a key factor in ensuring public freedoms.

Similarly, Johnson's (2018) research on the jury in the United Kingdom also found that citizen participation in the judicial process through this institution increases transparency and public trust in the judiciary. These findings correspond with the results of this study, as they emphasize that the jury can act as a safeguard against judicial authoritarianism.

However, unlike some studies that affirm the jury's effectiveness in all legal systems, research by Lee et al. (2019) on East Asian countries suggests that in authoritarian political systems, the jury often lacks genuine independence and, in many cases, follows government policies. This finding differs from certain aspects of the present study, as it suggests that merely having a jury system without ensuring its independence does not guarantee the protection of public freedoms.

Similarly, Peterson's (2017) study on Scandinavian countries presents differing conclusions from this research. Peterson argues that in democratic systems with strong legal safeguards, the jury is not necessarily essential in political and press trials, as judges generally make decisions based on principles of justice and impartiality. This perspective contrasts with the present study, which emphasizes the jury's importance in preventing political and judicial deviations.

Based on the analysis conducted and comparisons with previous studies, it can be concluded that the effectiveness of the jury in political and press trials is highly dependent on each country's political, legal, and cultural conditions. In independent and democratic judicial systems, the jury serves as an effective mechanism for ensuring public freedoms and preventing judicial abuses. However, in countries where judicial independence is weakened, the jury may fail to perform its intended function and may even be used to legitimize politically motivated verdicts.

Therefore, to enhance the effectiveness of the jury in safeguarding public freedoms, the following recommendations are proposed:

1. Ensuring the independence of jury members through transparent selection processes and oversight of their performance.
2. Developing legal education programs for jury members to enhance their awareness of defendants' rights and public freedoms.
3. Establishing effective supervisory mechanisms to prevent political influence over the jury.

Only through such reforms can it be ensured that the jury functions as an effective mechanism in defending public freedoms in political and press trials and does not become a mere symbolic entity subject to external influences.

## Authors' Contributions

Authors contributed equally to this article.

## Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

## Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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## Declaration of Interest

The authors report no conflict of interest.

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## Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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