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The Principle of Non-Discrimination in Public Services and the Realization of Educational Justice: A Comparative Study of the Legal Systems of Iran, the United States, France, Türkiye, and Japan

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1. Round 1

1.1. Reviewer 1

Reviewer:

The paragraph distinguishing direct and indirect discrimination provides the example of "requiring complete proficiency in the official language as a condition for admission to a public school." This is useful, but the conceptual framework remains incomplete because it does not discuss justification tests. The authors should explain that differential impact does not automatically establish unlawful indirect discrimination; rather, the measure must generally lack an objective and reasonable justification, pursue an illegitimate aim, or fail the requirements of necessity and proportionality. Adding this doctrinal element would make the framework more suitable for evaluating language, admissions, disability, and territorial-allocation policies.

The paragraph discussing the qualification "subject to Islamic criteria" in Article 20 is potentially important but currently too general. The manuscript states that this qualification "has sometimes been invoked to justify limitations," yet it does not identify specific legislation, administrative practices, judicial decisions, or educational contexts in which this has occurred. The authors should provide concrete legal examples and carefully distinguish between established legal restrictions and broader scholarly criticisms. Otherwise, the claim risks appearing normative and unsupported.

In Section 3.1, the discussion of the Fourteenth Amendment and Brown v. Board of Education should be legally refined. The statement that the Fourteenth Amendment has been used to combat "racial and economic discrimination" may overstate the constitutional protection afforded to socioeconomic status, which is not generally treated as a suspect classification under federal equal-protection doctrine. The authors should distinguish race-based strict scrutiny from rational-basis review of

wealth-based classifications and should discuss the significance of San Antonio Independent School District v. Rodriguez for claims involving unequal school financing.

The paragraph concerning the Civil Rights Act of 1964 incorrectly lists religion and sex together with race, color, and national origin as grounds prohibited in federally funded educational programs under the same statutory mechanism. The authors should distinguish Title VI, which addresses race, color, and national origin, from Title IX of the Education Amendments of 1972, which prohibits sex discrimination in federally funded education. Religious discrimination should also be treated under the appropriate constitutional or statutory framework. This correction is necessary to avoid conflating distinct federal civil-rights regimes.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In the paragraph discussing the four dimensions of the right to education—"availability, accessibility, acceptability, and adaptability"—the manuscript should explain how each dimension will be operationalized in the later comparative sections. At present, the 4-A framework is introduced but not systematically used as an analytical matrix. The authors could substantially strengthen the article by assessing each country according to measurable legal indicators, such as the availability of schools and teachers, physical and economic accessibility, cultural and pedagogical acceptability, and adaptability to linguistic, disability-related, and socioeconomic needs.

The discussion of the Convention against Discrimination in Education states that Iran acceded to the Convention in 1968, but the manuscript should provide the precise domestic legal status and scope of the Convention's enforceability. It is not enough to cite Article 9 of the Iranian Civil Code in general terms. The authors should examine whether Iranian courts have directly applied this Convention, whether its provisions are regarded as self-executing, and whether any institutional mechanism exists for individuals to invoke it against discriminatory educational policies. This distinction is crucial because formal incorporation does not necessarily imply judicial enforceability.

In Section 2.2, the paragraph concerning Articles 19 and 20 of the Iranian Constitution states that these provisions "establish the constitutional foundation of the prohibition of discrimination in public services." The analysis should acknowledge that Article 19 expressly mentions only ethnicity, tribe, color, race, language, and similar characteristics, while Article 20 subjects the enjoyment of rights to Islamic criteria. The authors should discuss whether these provisions constitute an open-ended equality guarantee, whether discrimination based on disability, socioeconomic status, political opinion, or place of residence is constitutionally prohibited, and how the phrase "and similar characteristics" has been interpreted by Iranian constitutional or judicial institutions.

The manuscript's analysis of paragraph 9 of Article 3 of the Iranian Constitution correctly identifies a positive governmental obligation to eliminate unjust discrimination, but it does not distinguish between directive constitutional principles and directly enforceable individual rights. The authors should clarify whether Article 3 can independently support judicial claims, whether it primarily guides legislation and public administration, or whether it must be read in conjunction with Articles 19, 20, and 30. This issue directly affects the manuscript's argument about the availability of remedies for educational discrimination.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.
Editor in Chief's decision: Accepted.