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Exploring the Legal Consciousness of Ethnic Minorities in State Institutions

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ABSTRACT

This study aims to explore the legal consciousness of ethnic minorities working within state institutions in Tehran, focusing on how they perceive, interpret, and navigate legal norms amid institutional and ethnic challenges. A qualitative research design was employed using semi-structured interviews with 21 ethnic minority participants employed in various governmental institutions in Tehran. Participants were purposively sampled until theoretical saturation was reached. Data were audio-recorded, transcribed verbatim, and analyzed thematically using NVivo software to identify key themes and patterns related to legal consciousness. Three main themes emerged from the data: (1) perceptions of legal norms and justice, highlighting a gap between formal legal equality and practical disparities, limited institutional trust, and reliance on informal legal knowledge; (2) navigating ethnic identity in institutions, characterized by identity concealment, workplace discrimination, stereotype resistance, and the role of informal support networks; and (3) coping strategies and legal agency, including strategic compliance, legal adaptation, collective voice, emotional resilience, and external advocacy reliance. Participants expressed ambivalence toward institutional legal frameworks, balancing compliance with subtle resistance. The intersection of ethnic identity and institutional roles created complex experiences of marginalization and agency within bureaucratic power structures. The legal consciousness of ethnic minorities in Iranian state institutions is multifaceted, shaped by experiences of exclusion, institutional distrust, and adaptive strategies. Enhancing institutional transparency, promoting diversity and inclusion, and strengthening complaint mechanisms are vital to improving legal engagement and fostering empowerment among minority employees.

Keywords: *Legal consciousness, ethnic minorities, state institutions, Iran, workplace discrimination, qualitative research, institutional trust.*

Introduction

Legal consciousness—the way individuals perceive, interpret, and engage with the law—has increasingly become a focal point in sociolegal research. Scholars argue that the law does not exist solely in statutes or courtrooms but is constructed and understood through lived experience, particularly by marginalized communities navigating institutional power (Ewick & Silbey, 1998). For ethnic minorities working within state institutions, legal consciousness is shaped not only by formal rules and rights but also by interactions with bureaucratic systems, cultural identity, and subtle forms of institutional discrimination. While much has been written about legal disenfranchisement among minority populations in society at large (Nielsen, 2000; Merry, 1990), less attention has



been given to how ethnic minority employees perceive and negotiate legal norms from within state structures. This study aims to address this gap by exploring how ethnic minorities employed in Iranian government institutions understand, respond to, and strategically use legal norms in the context of their daily work lives.

The concept of legal consciousness emerged from a critical legal studies framework, emphasizing that law is not merely a formal mechanism of regulation but a dynamic system shaped by culture, power, and social positioning (McCann, 2006). Ewick and Silbey's (1998) seminal typology of legal consciousness—"before the law," "with the law," and "against the law"—illustrated how individuals may view law as authoritative and impartial, as a strategic tool, or as an oppressive force, depending on their experiences and social identity. For ethnic minorities, this experience is particularly complex. The legal system is often viewed ambivalently—as both a source of potential protection and a mechanism of exclusion (Abel, 2008). Within the institutional context, minority employees may encounter both overt discrimination and subtler forms of exclusion that influence their perceptions of fairness, procedural justice, and legal recourse (Sarat, 1990).

Iran's sociopolitical structure offers a unique context for exploring these dynamics. The country is home to diverse ethnic groups—including Kurds, Arabs, Baluchis, Azeris, and Turkmen—who have historically faced varying degrees of marginalization in national narratives and institutional access (Yousefi & Alinia, 2020). While the Iranian Constitution guarantees equal rights to all citizens regardless of ethnicity (Constitution of the Islamic Republic of Iran, 1979, Art. 19), reports by international human rights organizations and national studies suggest that ethnic minorities continue to face systemic challenges in education, employment, and political representation (UNHRC, 2022). These structural inequalities raise questions about the lived experience of ethnic minority professionals working within state bodies that are both rule-bound and ideologically centralized. How do they perceive the law? Do they view it as a tool for protection or repression? How do they cope with institutional norms that may reflect broader social inequities?

Research on legal consciousness among minorities in bureaucratic settings has shown that everyday interactions with supervisors, policies, and complaint mechanisms significantly shape how individuals interpret their legal rights (Marshall & Barclay, 2003). These interpretations are not merely cognitive assessments but are deeply embedded in cultural, emotional, and political frameworks (Silbey, 2005). Studies in Western contexts have found that racial and ethnic minority employees often hesitate to use formal legal procedures to address discrimination due to fears of retaliation, mistrust in internal mechanisms, and the normalization of inequity in workplace culture (Albiston, 2005; Berrey, Nelson, & Nielsen, 2017). These themes may resonate in non-Western authoritarian bureaucracies as well, but such settings have been comparatively understudied. In societies where legal enforcement is selective and tied to political loyalty, ethnic minority staff may experience a more complex terrain of loyalty, silence, and adaptation (Keshavarzian, 2007).

Furthermore, the literature on workplace discrimination in Iran has predominantly focused on gender or religious identity, with ethnic dimensions receiving less empirical attention. Although qualitative studies have highlighted instances of ethnic exclusion in educational policy and media representation (Alinia, 2013), few have explored how these dynamics unfold in the day-to-day lives of minority employees embedded in the state apparatus. The bureaucratic culture in Iran, shaped by hierarchical power, ideological loyalty, and surveillance, may compel individuals to conform publicly while concealing grievances privately (Bayat, 2010). This duality—of compliance and resistance—may be central to the legal consciousness of ethnic minority employees, who must balance professionalism with a sense of identity and justice.

Another important layer of this inquiry involves the coping strategies and adaptive behaviors employed by minority workers when navigating legal and institutional barriers. Concepts such as “strategic compliance” (Sarat, 1990), “legal misrecognition” (Fraser, 2000), and “ethnolegal navigation” (Menjívar & Abrego, 2012) offer theoretical insight into how individuals maintain agency under constraint. In contexts where legal redress is formally available but informally discouraged, individuals may turn to informal networks, symbolic resistance, or emotional detachment as survival strategies. For instance, relying on ethnic peer support or external NGOs may serve as a substitute for ineffective complaint mechanisms. Such behaviors are not apolitical; rather, they represent micro-level enactments of legal consciousness that reveal how power operates through both silence and resistance.

This study adopts a qualitative, interview-based approach to explore how legal consciousness manifests among ethnic minorities working within government institutions in Tehran. The goal is not to generalize but to illuminate the ways in which marginalized individuals interpret, negotiate, and contest legal norms in the everyday performance of state roles. Semi-structured interviews offer an opportunity to capture the multiplicity of these experiences—how one may simultaneously believe in the value of law while mistrusting its enforcers, or how ethnic identity may be strategically hidden or expressed depending on situational risk. This exploration will also highlight the interplay between personal narratives and institutional discourse, contributing to the broader literature on law, ethnicity, and bureaucracy.

In addition, the study considers how participants' perceptions of legal justice intersect with their institutional roles. Do they see themselves as enforcers of law or as its subjects? Do they internalize institutional narratives or seek to subtly subvert them? These questions are particularly relevant in state institutions, where loyalty and ideology often override merit or equity. The concept of “legal consciousness” enables us to move beyond legal compliance and delve into the moral and symbolic dimensions of law in everyday life.

By focusing on ethnic minorities within the Iranian state system, this research provides an empirically grounded lens into the social construction of legality in non-Western authoritarian contexts. It aims to challenge the monolithic view of law as either a tool of domination or liberation by emphasizing its ambivalence, fluidity, and embeddedness in institutional cultures. The findings may offer insights not only for sociolegal scholarship but also for policymakers and human rights advocates seeking to foster more inclusive and equitable governance structures.

Methods and Materials

This study adopted a qualitative research design to explore the legal consciousness of ethnic minorities working within state institutions in Tehran. The qualitative approach was selected due to its capacity to capture the nuanced, subjective experiences and perceptions of individuals regarding legal systems, institutional practices, and cultural identity. A total of 21 participants were recruited using purposive sampling to ensure that individuals with direct experience as ethnic minorities in state-run organizations were included. The participants represented a diverse range of ethnic backgrounds, occupational roles, and years of service in government institutions. Inclusion criteria required participants to (1) identify as a member of an ethnic minority group, (2) currently be employed in a state institution in Tehran, and (3) be willing to share their experiences in a confidential interview setting. Sampling continued until theoretical saturation was achieved, at which point no new themes were emerging from the data.

Data were collected through semi-structured, in-depth interviews conducted face-to-face at locations convenient for the participants. An interview guide was developed based on preliminary literature and conceptual frameworks related to legal consciousness, minority identity, and institutional norms. The guide consisted of open-ended

questions aimed at eliciting participants' perceptions of legal norms, institutional policies, and experiences of inclusion or marginalization within their workplaces. Each interview lasted between 45 and 75 minutes and was audio-recorded with the informed consent of participants. Interviews were conducted in Persian and transcribed verbatim for analysis. All participants were informed of the voluntary nature of the study and assured confidentiality and anonymity.

Data analysis followed the thematic analysis approach, incorporating both inductive and deductive strategies to identify patterns in participants' narratives. The analysis was facilitated by NVivo software, which was used to organize and code the transcribed interviews systematically. Initial open coding was performed to generate a broad set of descriptive codes. These codes were then refined into subthemes and overarching themes through axial and selective coding. The analytical process involved continuous comparison across interviews to identify recurring motifs and contrasting experiences. Memos and analytic notes were used throughout to capture emerging insights and support the development of a coherent thematic structure. The research team conducted regular peer debriefings to ensure coding consistency and to enhance the credibility of the findings.

Findings and Results

Category 1: Perceptions of Legal Norms and Justice

Participants frequently expressed a disconnection between formal legal frameworks and their lived experiences. Under the subcategory Legal Equality vs. Practical Disparities, many interviewees noted that although laws appear equal in theory, their implementation often reflects systemic bias. One participant remarked, "Everything looks fair in the rules, but the way they treat us shows something else." Several participants described symbolic or performative applications of law, especially during public inspections or evaluations.

In the subcategory Awareness of Rights, most participants demonstrated a basic understanding of their rights, often acquired informally. While some had actively sought legal knowledge, many relied on community or peer advice. As one civil servant shared, "No one teaches you your rights—you learn when something happens, and you have to defend yourself."

Institutional Trust was notably low among participants. Many shared experiences of filing complaints that were either dismissed or delayed. One interviewee reflected, "You file a report and wait... then nothing happens. You learn not to expect anything." This mistrust led to underreporting and avoidance of formal legal channels.

Under Internalized Legal Hierarchies, a recurring theme was a perceived sense of lesser entitlement. Several participants expressed reluctance to assert their rights, fearing backlash or marginalization. One noted, "I always think, maybe it's not my place to speak up. Maybe it will only make things worse."

In the subcategory Experience with Complaint Mechanisms, participants reported a general perception of inefficacy. Many shared stories of submitting complaints that led to no concrete outcomes. "They just keep your paper on file. You never hear back," said a participant working in a state archive office.

Finally, Legal Literacy through Informal Channels emerged as a significant theme. Instead of relying on official training, participants often turned to family members, social media, or trusted community figures. "My cousin's a lawyer—I always ask him before I act," one interviewee explained.

Category 2: Navigating Ethnic Identity in Institutions

The subcategory Workplace Discrimination highlighted overt and covert forms of bias. Participants spoke of being overlooked for promotions, stereotyped, or subtly excluded from decision-making. “They say I’m not a ‘cultural fit,’ but everyone knows what that means,” noted one senior administrative worker.

Identity Concealment was common as a self-protection strategy. Several individuals described downplaying their ethnic background to avoid discrimination. One participant shared, “I shortened my name on official emails—people started treating me differently.” Others avoided speaking their native language or celebrating cultural holidays publicly.

Cultural Representation was perceived as lacking across most institutions. Participants reported little to no recognition of ethnic diversity in leadership roles, events, or institutional narratives. “There’s no one like me in upper management,” said one, “and they never even ask us what we think on national days.”

In contrast, the subcategory Stereotype Resistance reflected participants’ efforts to challenge these assumptions. Many described working harder to prove themselves or correct misconceptions. As one explained, “I always feel like I have to be twice as good to be seen as equal.”

Informal Support Networks played a critical role in participants’ well-being. Trusted colleagues or other ethnic minority peers served as emotional anchors. “There are two of us in my department—we always check in with each other,” one participant noted.

Organizational Silence was another powerful theme. Many participants avoided expressing dissent or discussing discriminatory experiences due to fear of isolation or retaliation. “You just keep your head down,” one interviewee stated bluntly, “no one wants to be labeled a troublemaker.”

Lastly, Dual Identity Management was a shared experience among participants who felt they had to constantly adjust their behavior. “I’m one person at home, another at work. It’s exhausting,” said a participant working in public communications.

Category 3: Coping Strategies and Legal Agency

The subcategory Strategic Compliance revealed participants’ tendency to conform outwardly while minimizing attention to themselves. Many deliberately followed rules to avoid triggering scrutiny. “I read every rule three times before doing anything,” shared a junior administrative officer, “just to make sure no one can say I did something wrong.”

Legal Adaptation reflected participants’ efforts to understand and maneuver through institutional structures. Some used legal documents, procedures, or complaint mechanisms strategically when needed. One participant explained, “Once I learned the wording they use, I started writing everything formally. They take you more seriously.”

Collective Voice emerged in contexts where individuals found strength in numbers. Participants described informal coalitions or group petitions to address systemic issues. “When we all signed that letter, they had to listen—just one of us wouldn’t matter,” one participant recalled.

In the subcategory Emotional Resilience, participants shared diverse strategies for managing internal stress, including distancing themselves emotionally, reframing their role, or finding strength through faith. “I pray before work every day. It helps me stay grounded,” said one interviewee.

Finally, External Advocacy Reliance was a theme among participants who sought help beyond the institutional system. NGOs, legal aid organizations, and community advocates were often turned to for advice or representation. “The lawyer from the rights group helped me draft my complaint—they couldn’t ignore it this time,” one participant reported.

Discussion and Conclusion

This study sought to explore the legal consciousness of ethnic minorities working within state institutions in Tehran through the lens of their lived experiences, strategies, and interpretations of legal norms. The findings revealed three overarching themes—perceptions of legal norms and justice, navigation of ethnic identity in institutional settings, and coping strategies and legal agency—each composed of diverse yet interrelated subthemes. These findings illustrate that legal consciousness among ethnic minority employees is far from monolithic. Rather, it is shaped by a dynamic negotiation between formal legal ideals and the structural, symbolic, and interpersonal realities of working in a system that often marginalizes their identity.

A critical theme that emerged was the disjuncture between the ideal of legal equality and the perceived reality of inequality in implementation. While participants expressed an abstract belief in the impartiality of legal frameworks, they also recounted numerous experiences where laws were selectively enforced or failed to protect them from discrimination. This mirrors Ewick and Silbey's (1998) framework of "before the law" versus "against the law," where individuals may acknowledge the symbolic authority of legal systems but simultaneously experience alienation from its protective functions. The sense that the law exists primarily "on paper" but not in practice was echoed in statements such as, "Everything looks fair in the rules, but the way they treat us shows something else," suggesting a perception of the law as performative rather than substantive.

The participants' limited trust in institutional complaint mechanisms supports existing research indicating that marginalized employees often avoid formal grievance processes due to anticipated retaliation or inaction (Berrey, Nelson, & Nielsen, 2017). Several interviewees described past attempts to report discrimination that yielded no results, or worse, negative consequences. This aligns with Nielsen (2000), who argues that the cost-benefit calculation of legal mobilization often discourages marginalized actors from seeking redress, particularly in bureaucracies where accountability is diffuse and loyalty to the state is prioritized over fairness. Furthermore, the reliance on informal channels—family members, community leaders, or peers—for legal advice corroborates studies by Merry (1990) and Silbey (2005), which highlight the role of social networks in shaping grassroots legal knowledge, particularly in contexts of legal distrust.

The experience of navigating ethnic identity in the workplace emerged as both a site of suppression and resistance. Many participants reported concealing elements of their identity, including language and cultural practices, in order to avoid stigma or exclusion. This form of identity management—akin to what Goffman (1963) termed "passing"—highlights the emotional and cognitive burden that minority employees shoulder within dominant institutional cultures. The subtheme of stereotype resistance, however, illustrates that participants were not merely passive recipients of institutional discrimination. Several reported consciously working to "prove themselves" or challenge assumptions through exemplary performance. This resonates with Albiston's (2005) notion of "contested compliance," wherein individuals perform adherence to institutional norms while subtly pushing against their boundaries.

The presence of informal ethnic support networks provided critical psychological and social buffers. These peer-based alliances functioned not only as spaces of solidarity but also as vehicles for shared strategic knowledge. This mirrors Marshall and Barclay's (2003) findings that everyday talk among colleagues about workplace injustice often shapes legal interpretations and collective action. The existence of these networks also offers a counter-narrative to the otherwise dominant theme of "organizational silence," where participants refrained from voicing concerns due

to fear of isolation. Together, these findings suggest that legal consciousness is both individually embodied and socially distributed—a hybrid of personal interpretation and collective discourse.

The third major theme—coping strategies and legal agency—further enriches the theoretical landscape by illustrating how individuals maneuver within hostile or indifferent legal environments. Participants described “strategic compliance” as a way to avoid conflict or scrutiny by strictly adhering to rules. This strategy reflects what Sarat (1990) described as “survival legality,” where marginalized individuals obey the law not out of belief but out of necessity. In contrast, some participants used institutional knowledge and legal documents to their advantage, a pattern that aligns with McCann’s (2006) work on legal mobilization as a form of strategic resistance. These individuals may be viewed as “legal pragmatists,” deploying rules tactically rather than ideologically.

Interestingly, the use of collective voice—through group petitions or coordinated complaints—was observed in limited but significant instances. This suggests that while individual legal consciousness may often be characterized by ambivalence or resignation, under certain conditions it can translate into collective action. As Menjívar and Abrego (2012) have shown in the context of immigrant communities, legal consciousness is not static but evolves through shared experience and political opportunity. Additionally, participants who turned to external advocacy groups, such as NGOs and ethnic rights organizations, did so to overcome the inefficacy of internal channels. These findings are consistent with Fraser’s (2000) concept of “misrecognition,” where individuals seek validation and redress outside hegemonic structures that refuse to acknowledge their grievances.

Taken together, the study demonstrates that legal consciousness among ethnic minorities in Iranian state institutions is best understood as a spectrum—ranging from passive disengagement to strategic engagement and collective mobilization. The role of institutional culture, perceived legitimacy of legal processes, and access to supportive networks all play a part in determining where individuals fall on this spectrum. Moreover, the intersection of ethnic identity and professional role creates a unique tension: individuals are simultaneously agents of the state and members of communities historically marginalized by it. This duality produces a complex, and at times contradictory, relationship to the law that cannot be reduced to either compliance or resistance alone.

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Authors’ Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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References

- Abel, R. L. (2008). Law and society: Project and practice. *Annual Review of Law and Social Science*, 4(1), 1–23. <https://doi.org/10.1146/annurev.lawsocsci.4.110707.172328>
- Albiston, C. R. (2005). Bargaining in the shadow of social institutions: Competing discourses and social change in workplace mobilization of civil rights. *Law & Society Review*, 39(1), 11–50. <https://doi.org/10.1111/j.0023-9216.2005.00073.x>
- Alinia, M. (2013). *Honor and violence against women in Iraqi Kurdistan*. Palgrave Macmillan.
- Bayat, A. (2010). *Life as politics: How ordinary people change the Middle East*. Stanford University Press.
- Berrey, E., Nelson, R. L., & Nielsen, L. B. (2017). *Rights on trial: How workplace discrimination law perpetuates inequality*. University of Chicago Press.
- Constitution of the Islamic Republic of Iran. (1979). Articles 19 and 20. <https://www.wipo.int/edocs/lexdocs/laws/en/ir/ir001en.pdf>
- Ewick, P., & Silbey, S. S. (1998). *The common place of law: Stories from everyday life*. University of Chicago Press.
- Fraser, N. (2000). Rethinking recognition. *New Left Review*, 3, 107–120.
- Keshavarzian, A. (2007). *Bazaar and state in Iran: The politics of the Tehran marketplace*. Cambridge University Press.
- Marshall, A. M., & Barclay, S. (2003). In their own words: How ordinary people construct the legal world. *Law & Social Inquiry*, 28(3), 617–628. <https://doi.org/10.1111/j.1747-4469.2003.tb00211.x>
- McCann, M. (2006). Law and social movements: Contemporary perspectives. *Annual Review of Law and Social Science*, 2, 17–38. <https://doi.org/10.1146/annurev.lawsocsci.2.081805.105917>
- Menjívar, C., & Abrego, L. J. (2012). Legal violence: Immigration law and the lives of Central American immigrants. *American Journal of Sociology*, 117(5), 1380–1421. <https://doi.org/10.1086/663575>
- Merry, S. E. (1990). *Getting justice and getting even: Legal consciousness among working-class Americans*. University of Chicago Press.
- Nielsen, L. B. (2000). Situating legal consciousness: Experiences and attitudes of ordinary citizens about law. *Law & Society Review*, 34(4), 1055–1090. <https://doi.org/10.2307/3115139>
- Sarat, A. (1990). "... The law is all over": Power, resistance and the legal consciousness of the welfare poor. *Yale Journal of Law & the Humanities*, 2(2), 343–379.
- Silbey, S. S. (2005). After legal consciousness. *Annual Review of Law and Social Science*, 1(1), 323–368. <https://doi.org/10.1146/annurev.lawsocsci.1.041604.115938>
- UNHRC. (2022). *Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran*. United Nations Human Rights Council. <https://undocs.org/en/A/HRC/49/75>
- Yousefi, M., & Alinia, M. (2020). Ethnic discrimination and resistance in Iran: The case of the Kurdish minority. *Ethnicities*, 20(5), 823–842. <https://doi.org/10.1177/1468796819888456>