

Akhond Khorasani's Viewpoints towards the Modern Concepts of Freedom and Justice

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Abstract: This article seeks to understand the mentality of Akhond Khorasani, the leader of the Iranian constitutional revolution (1905-1911) regarding the political and social concepts such as freedom and justice. In the Iranian society, concepts such as freedom and justice were always affected by various kinds of understanding and comprehension. These concepts were never interpreted based on their original and true meanings which are essentially the principles of democracy. In other words, the Iranian society was faced some problems and difficulties in absorbing these concepts and it seems even nowadays these concepts do not possess their true meaning in the political social culture of Iran and everybody explain them based on their own personal assumptions and subjectivity. It is for this reason that Iran has not had much of a practical experience from the existence of these concepts and achieving such and experience needs more time. Understanding the opinions of Akhond Khorasani (the revolution's leader) vis-à-vis these concepts can be an indication of the formation of democracy's pillar in Iran and also an indication of how the clergy faced these concepts, understand them and what practical ways they used to realize them. The theoretical framework of this article is based on the modernity theory. In essence, modernity comprises the theoretical aspects of the entire social, political, economical and cultural issues and guide human societies through the passageway of tradition to the modern world. The methodology used in this study is the unobtrusive research methodology, since this is a qualitative and historical research. The content analysis method which is one of the methods used in qualitative and historical researchers has also been implemented in this research.

[Alireza Soroush, Sarvinder Kaur Sandhu, Hamed Alaei. Akhond Khorasani's Viewpoints Towards Modern Concepts such as Freedom and Justice. Journal of American Science 2010;6(12):473-479]. (ISSN: 1545-1003).

Keywords: Iran; politics; modernity; freedom; justice; democracy

1. Introduction

One of the most prominent transitions in political history of Iran was the Constitutional Revolution (*Mashruteh*) which changed the political and social structures of Iran. Modern and traditional attitudes, social and political philosophy of thinkers and theologians (as subjective conditions), livelihood and economical conditions, social classes (as objective conditions) as well as a kind of exercising of authority by governors were the most important reasons which resulted in Constitution Revolution and the consequent social and political changes.

2. Freedom

Freedom is very general concept and has been defined in a number of ways. An absolute

definition of freedom is impossible because of the relative character of the concept. The word freedom does not have any clear or definite meaning. The encyclopedia Britannica defines it "As a state of freedom, especially opposed to political subjection, imprisonment or slavery" (Jahanbakhsh, 1997)

Freedom has been regarded as a negative concept in the sense that its existence requires the absence of something that might be considered as restraint, limit or compulsion. The possession of freedom is indispensable for any individual. It gives a sense of identity and character to a person. Moreover, it is freedom that allows and individual to be present in a society and think of him/herself as part of it. A free human being is someone who is aware of all his/her rights and receives them accordingly and in order to be aware of those rights he/she is educated.

On the other side, the society does not spoil those rights and gives to every individual his\her entitled rights.

Furthermore a free human being is someone who has the right to choose and is able to, along with civil freedoms, possess a suitable carrier and in accordance to it, have sufficient income and live a satisfied life. He\she can receive education so that by which his\her practical and theoretical abilities are ameliorated. The individual can also complain if his\her rights are not respected and can be sure that complain will be paid attention to justly. In a free society individuals have the option to freely participate in among all others political, religious, cultural, and artistic activities or not participate all together. Moreover they can have any religion and any political tendency and not be accountable because of them. They are allowed to have freedom of speech and state their religious and political beliefs freely and not have any constraint. In order to further clarify the subject matter, it should be mentioned that human beings are not free to commit any actions they want and do not always have the right to do as they wish. If it was so, there would be little difference between humans and animals. (Zargarinejad, 2008)

Freedom should not be mistaken with being self will. Freedom only makes sense when the individual does not hurt him\herself or others and it is law that constraints freedom in such away. In other words the individuals are free when they can benefit from all of their abilities in order to reach their entitled rights in a society and at the same time not inflict any hurt or harm to their fellow human beings.. The limitations imposed on freedom can be different in any country. And thus every society shapes these limitations are the laws of a country. It is the law that specifies how freedoms are given and how individuals can benefit from them. Each individual must be educated with law in order to benefit from true freedom. It is law that defines how individuals should conduct themselves in a society. (Zargarinejad, 2008)

Laws are usually written by governments which intend to ratify them in a way as to limit freedom. Nonetheless people have the right to protest against rules and laws and to modify them this symbolizes the prevalent of freedom over law.

3. Freedom in Iran during the constitution revolution

The concept of freedom preoccupied the writings and concerns of many constitutionalists

during this period. What was freedom and when and how could it restricted and contained, was perhaps the most debatable issue during the first phase of the constitutional movement (1906-1908) (Minucheher, 1998).

In spite of all the debates and discussions, not all constitutionalists could provide a single, homogenous understanding of this term, which could mean that freedom, actually represented multiple meanings for every distinct group. The sudden opening up of public sphere, perhaps accounts for the plurality of visions and ideas during this period, which included the multiple understanding of the term freedom. As the public sphere emerged as a social, cultural and political sphere for the open expression of ideas, with the publication of various newspapers and formation of numerous associations, the limits of freedom became a main issue for the government and the individuals. Specially, the sudden unrestricted freedom to express anti governmental sentiments started to make the shah and his people quite uncomfortable, creating a "freedom crisis." In recognition of this unbridled stage of freedom, Fereydoun Adamiyat, the renowned qajar historian, named his book, "the First parliament and the crisis of Freedom." This point to the fact that the public sphere of 1906-1908 encountered a major crisis with regard to freedom. (Minucheher, 1998)

It was in such an unrestricted atmosphere that intellectuals and constitutionalists began to define the meaning of freedom.

4. Justice

Justice is a beautiful concept which has always been sought by the humankind. The sense of seeking justice is one of the prominent and clear characteristic of any human being and many of the historical evolution and social changes were formed with the motivation of implementing justice. The account of justice is described by John Rawles as fairness. The principals of justice formed in order to characterize the moral foundation up on which a political government is constructed are defined. The hypothetical model of human nature theorized by Rawles. He supports his model by using his theory of justice. These principals state that humans are in need of freedom and liberty so that their interests are pursued provided that others are not harmed by them. Contentment is realized by the people when they are able to freely follow their interests in a society that is supportive. Rawles argues that "every citizen deserves the same opportunities to succeed as every other citizen", because of this argument Rawles is

considered to be a liberal political philosophy. (Choptiany, 1973)

Justice is a political concept it can be defined as the connection between politics and ethnics, i.e. it is true justice that politics become ethical. Both politics and ethnics are governed by the concept of justice which is itself a complex subject. Justice means the balance between rights and obligation. The concept of justice as a balance corresponds with the conception of justice being on rights, when we speak of rights, we speak of obligations. A person is considered to be just when that person is someone who forms a balance between rights and obligations through the fulfillment of both in a justified manner. (Sorouh, 2007)

According to Plato, justice is defined as *“every citizen performing one social service in the state for which his nature is best adopted.”* (Sorouh, 2007)

The principals of religious faith in addition to law and politics seem to be the roots of social justice values. The aforementioned themes are all inter linked in various ways and in different culture they play out in different ways. By examining writings from the mean branches of Christianity, Judaism and Islam references to social justice and its values can be found, all stating that before God every person is equal to the other and that all the people must behave respectfully towards each other. (Mayer, 2007)

5. Justice at the time of the Iranian constitutional revolution

Up until the constitutional revolution in Iran, the concept of justice had no meaning. The country was administered and managed based on self – wellness and there did not exist a place where judges can judge between the people so that the oppressors and the oppressed are differentiated. According to Kasravi’s opinion at that time, in Iran, there was no department of justice (Adliye) where judgment takes place justly between the able and disables the rich and the poor. (Kasravi, 2006)

However, Kasravi continues by saying that people at that time were not greatly in need of a justice the parliament, since they were less inclined to oppress or commit crime against each other and if there was a case it would had been resolved by the clergies or the elders but then again sometimes the people and their properties were violated by the countries and or those people close to power and it was then that the need for a courthouse that did not exist in Iran was felt. (Kasravi, 2006)

In the early days of the revolution when the leaders of the clergy took refuge in Shah Abdolazim (in Shahreray, a city in south of Tehran), as a sign of protest they proclaimed their request to the Shah. One of the most important of those requests was the establishment of a house of justice (such as the justice department today).

Shah (Mozaffaredin Shah) accepted all the demands of the clergies through a letter to his prime minister (Ainoddoleh) and wrote a separate letter regarding the establishment of a house of justice as the clergies important request and in that letter he emphasized on it. An abstract of that letter had presented below to his Excellency, the Prime Minister (Atabak Azam), as we said several times establishing a governmental house of justice for implementing the laws of the Shariah and the well – being of the people is more essential than any other important goal. We clearly determine that for the execution of Islamic laws in the whole of the nation, the house of justice must be soon established and there must not be any discrimination between different strata of the people, and to take sides any pay heed to somebody in appropriately is absolutely forbidden. (Kasravi, 2006)

The discussion about the existence of justice in the society and a democratic modern courthouse that can be accessible for complaining against the oppressor had started exactly before the writing of this letter by Mozaffaredin Shah. Kasravi writes that the government was forced to make a law to accommodate to request of the clergy regarding the establishment of a house of justice and this was the first step towards the presence of law in the country and thus constitutionalism. He continues by saying that the clergies return to the city (Tehran) with pride and honor and then they were not satisfied with only a house of justice and thus made their next request apparent which was the establishment of a parliament. (Kasravi, 2006)

What is certain is that a despotic way of thought is against law and parliament. With this kind of thinking, Ainoddoleh (prime minister) disregarded the demands of the clergy and even the Shah’s letter and resisted against the idea of establishing the house of justice. Ayatollah Tabatabaei, one of Tehran’s prominent clergies, made speech after the letter of the Shah was not paid attention to for four mounts. He said:

“there is a cure for every malady and the cure for self – wellness is council. Whether it takes a year or ten years we want justice and the place for

realizing it. We want a parliament where the Shah and the beggar are treated equally." (Kasravi, 2006)

6. Freedom in the view of Akhond

Reaching freedom is a constant struggle and an effort by social movements pursuing it as a holy objective. The concept of freedom does not mean unrestraint, libertinage and having a laissez – fair and unbound society. In its modern sense, freedom is limitable and it is the law of each country that indicates those limitations. In reality when social – political freedom receives its reason for existence from law and it is determined what situations and conditions encompass freedom, it is then that democracy is formed. Freedom is more inclined towards democracy rather than despotism, however it is the constitution law that determines the measure and degree of this inclination. As Habermas pointed out that all citizens must be free and equal with respect to constitutional law, it is these freedoms equality that guarantees a government's legitimacy.

Akhond Khorasani views freedom as being the opposite of despotism. He considers nation as free when the government respects the rights of the people and does not transform them in to obedient slaves by oppression and tyranny. This is how he describes freedom:

"the freedom of each nation which is based on constitution consists of the government not dominating by means of intractable and self – willed orders, in addition to a lack of obstacles in the way of realizing the legitimate right of the nation. In other words, the will of a nation does not lack any capability any in comparison to the will of the government. The reality of the freedom is the government and the nation not violating laws that are in accordance with religion. These are the laws that preserve the interests of Muslims and establish order in the society and are barriers against enemies of the nation." (kadivar, 2006)

The Akhond considers freedom as a divine blessing and a right of all humans, and further states that where there is no freedom, there is bondage. He indicates that the nation must make the effort of liberating itself from the self – willed decision of the government and not obeying oppressive officials. (kadivar, 2006)

The Akhond reminds the modern and lawful definition of freedom to associations and the media and tells them to respect each other and make their efforts towards the accomplishment of their scientific and practical matters, in addition to accepting all of the parliament's decisions and not interfering in any

of them moreover, he states that newspapers are free to educate the people regarding the fundamentals of religiousness and civilization. Also he expects the newspapers to be active in growing the cultural civility and the morality of the nation. However, he reminds them that shirking this duty means violating the limits of the Sharia and the laws of the nation. (kadivar, 2006). Freedom is a concept not given to the people by dictator governments, thus for the people to experience freedom with such governments there must be struggle and conflict. Akhond Khorasani believes one of the constitutional government's objectives to be gaining the experience of freedom. He requested intellectuals residing to spend time make the necessary effort for the realization of freedom in Iran so that Iranians also could experience and understand freedom and progress in an announcement directed at the French people, he subtly reminds them of their struggle in attaining freedom and requests that they help Iran to realizing it as well.

"I request the noble French to remember the golden pages of their history when they fought for freedom and assist Iran in reaching freedom from lawlessness and tyranny." (kadivar, 2006)

Habermas fundamentally believes in freedom for a society, in such a way that he considers a society to be ideal when it encompasses freedom and justice. Such a society will be able to achieve social – moral amelioration for which modern science and knowledge are effective and modernity lays the groundwork for the establishment of such condition, in other words, it is through modernity that freedom is realized. Moreover, he believes that freedom, especially religious freedom, controls the level of confliction a society and prevents imbalance between the powerful and powerless groups, therefore, freedom is essential for a civil society.

Habermas is placed exactly on the same path where Akhond Khorasani is on for achieving freedom and as the Akhond believes individuals to be free to the extent defined by constitutional law prepares the conditions for such freedom to happen. The important issue that both are sensitive to is that the government gains legitimacy through freedom supported by law and conferring it to social group, the press and political parties. Otherwise a tyranny will take place. As Habermas considers all parties to be free, the Akhond too believes all social groups are free to elect parliament representatives as well. The Akhond does agree with freedom on the basis of law and the Islamic faith and considers it essential for the society. Moreover he believes it to be the cause of a

government's legitimacy and considers it the opposition to a despotic government in addition to being the necessary precedent to a constitutionalist government.

It is clear that freedom leading to anarchy and disorder and a situation where everybody does as he or she wishes in a society is not anybody's intention of freedom. Nonetheless those freedoms specified on the bases of a country's laws and according to be respected and possess a democratically form, where by the press can be published in such a way that they are allowed to criticize the establishment without any fear and moreover political parties can be active with the objective of creating awareness for the people and no belief, whether it be political or religious, is not imposed and finally can be their own decision makers, in their private lives individuals and followers of the law in their social lives.

Constitutionalism sought to establish freedom of thought, equality of individual's rights, and the governance of people on the people so that it leaves the destiny of the land and the nation to the hands in the people themselves and that the nation be placed in a situation where it is free to pass laws based on morality and the society's interests. (Malekzadeh, 1984)

7. Justice in Akhond's viewpoint

The ultimate goal of any society is attaining justice for the purpose of living a better life. The justice mentioned by Plato in his utopian society where every citizen serves it on the basis of his or her specialty, and the justice defined by Habermas as the people's participation in the public sphere where its constitution leads to preservation of justice and freedom in the society, and finally the statement by Akhond Khorasani that says in order to diffuse justice both the government and the nation must act on the basis of laws that are according to Islam and they must not violate each other's rights, all three viewpoints consider justice as the ultimate goal and believes that all social – social political activities are only justify when they are in the path of reaching justice, otherwise the society will progress in the wrong direction caused by injustice.

In Akhond's eyes, justice is the objective of constitutionalism and he considers its reality based on which the constitutionalist movement was formed. The point he emphasize on is that we demand constitutionalism for the establishment of justice and progress and the renewal of the history of civilization. (kadivar, 2006)

In a letter to Ahmad Shah, he writes:

“struggle for the expansion of true justice and equality in such a way that the Shah himself is equal to the weakest individuals of the nation in terms of rights. Whenever the Shah is resolute and determined on this path and makes the necessary efforts for the implementation of this duty, undoubtedly the enemies will be in despair and the foundation of justice will strengthen.” (Kafaei, 1980)

Justice was a true cause of Akhond Khorasani and equality of all people of his purpose, in such a way that in his view even the clergy are equal to the people and they all should benefit from equal rights. For instance some clergies demanded that he issues order an appointing five of Tehran's clergies to lifetime parliamentary seats and that this becomes one of the constitutions laws. Hearing this, the Akhond became enraged and said:

“What a futile statement this is, the dignity and honor of this parliament is in equality. Nobody is to be preferred over somebody else otherwise this will lead to conflict and destruction.” (Kafaei, 1980)

The Akhond furthermore considers the action of taking refuge to the Shah Abdolazim Shrine (a city in south of Tehran) by some of Tehrani's clergy, a movement on the path to justice and requests that the people accompany them who raised the banner of seeking justice for the purpose of its diffusion and the removal of oppression and took refuge in the cold winter. (kadivar, 2006)

Habermas believes that all the laws and decrease of the courts must be equal for all citizens; otherwise, equality will only be a verbal concept. In a similar manner, Akhond Khorasani writes to Ahmad Shah emphasizing that one must be determined in implementing justice and its realization must not be only the subject of conversations but must put to action. Akhond Khorasani held a modern and at the same time practical view of achieving justice in the society by means of the formation and existence of a parliament. In responding to a question posed regarding parliament, he said:

“During the two – year period since the formation of the parliament, not even one tenth of the oppression imposed on the people during the time of despotism took place, and if it did, take place it was on behalf of ill – wishers not the parliament.” (kadivar, 2006)

He did not sanction offending any individual, be it Muslim or non-Muslim, so that in

this way the great civilization of Iran is known to other countries. Likewise, similar to the Akhond, Habermas considers all citizens to have equal share of citizenship rights from which they can benefit without the government pressuring the due to the political – religious standpoint. In conclusion governing essentially means taking actions in direction of justice. Both Akhond Khorasani and Habermas emphasize governing justly, which is to say governing without violating others' rights and the equality of all people in a society in front of the law can guaranty the legitimacy of a government; otherwise, it will not take long for it to collapse.

An economical justice that has a practical aspect to it and is not only rhetoric was one of the Akhond's plans for reforming Iran. He found training of the work force and acquiring knowledge in a variety of specialized technological and industrial fields to be crucial. A skilled and professional work force, in his opinion, can locally produce the needed goods and thus reduce the level of Iran's dependence on other countries and moreover is a propellant for eradicating poverty and expanding economical justice among the people. To emphasize his views, in a letter to Ahmad Shah, Khorasani brought up Japan and its emperor Mikado as examples, stating that *"the emperor of Japan knew that the key and the way to the nations progress is the people not needing foreign imported goods and it is due to this policy that Japan attained remarkable levels of progress and development. To whatever extent you choose such an admirable path and cause the nations progress, you will reach a society where poverty is a radiated and its people are self – sufficient. This principle causes the nations advancement and true independence and eventually the expansion of justice."* (kadivar, 2006)

Furthermore, he requests from the Shah for the ground work of learning and diffusing modern sciences and industries to be laid and he believe that the pinnacle of the countries glory depends of acquiring them and that Iranians have always had the necessary talent and potential in the fields of sciences and industry. He proclaimed that these abilities have been that manifested through out history and that the poverty and backwardness of the Iranian society at the time are due to neglecting this very historical fact and not pursuing the learning of modern industries and sciences. Utilizing this two important factors (modern sciences and industry), he believes, results in the revitalization and rejuvenation of Iran. Not paying attention to these two important issues consequently results in higher dependence on foreign goods and with it more poverty and destitution becomes apparent among the people.

The emphasize of the Akhond on the accordance of ratified parliament laws on the Islamic laws manifests itself when he claimed that when the social laws passed by the parliament are not in contradiction with the Islamic Shariah laws, these two together give the Islamic nation the benefit of increased justice. Islamic is a form of rule that insist on justice and thus is a suitable framework for the parliament's representatives to notify social and political laws and regulations inside it. So, that all the citizenship rights for both Muslims and non Muslims of the society are respected and nobody endues operation and disrespect. Moreover, if the case arises where, and individual's rights are violated, in accordance to laws obtain from the Islamic Shariah and the parliament, that individual would be able to complain to a court of justice and redeem his or her rights.

In Akhond's view Islam is like a container from which social laws are taken by the parliament representatives. Although these laws do not represent absolute justice but they are so very near it. It is for this reason that politics gets situated next to religion and the conformity of these two has the benefits of revealing the function of religion while deepening the behavior of politics for the people and making it more acceptable by them.

8. Conclusion

Iran is a religious country and the effect of religion has penetrated all the country's social and political structures. Today, Iran has been named an Islamic republic meaning a totally religious form of government administered and managed by the clergy. The mentality of Akhond Khorasani is essentially the same mentality of those clergy who today believe in the governmental and political principals on the basis of Islamic principles and also similar to the Akhond believe that not only Islam does not contradict modern political concepts if placed next to each other, the ability of establishing a free and equal society based on constitutional law can be attained. However, today this stratum of the clergy is not able to directory be involved in the society's administration and the opposite way of thinking that is currently in power believes in the contradiction between Islam and modern concepts and the impossibility of the accordance of democracy and Islam. Thus in reality the lack of mutual understanding regarding freedom, justice, is still ongoing.

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10/26/2010