

Justice as "Adjustment" An Introduction to Imam Khomeini's Theory of National and International Justice

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Abstract

Justice is the main Principle for macking a safe National/ International order. Because of it, author in this article identify and analyze different dimensions of Justice order. For this, author analyzed Two approaches – according Imam Khomeini's point of wieve: National order & Justice; and International order & Justice. At the first stage, this theory is baised on Adjustment of relation between Government & Citizens. In the Second Stage, is baised on Adjustment between States according Law and Power. Therefore, author shows us a new theory of International/ National Order which is baised on Adjustment – not power.

Keywords

justice, adjustment, national order, international order, Imam Khomeini, Islam.

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Introduction

"Islam adjusts relations" (Imam Khomeini, 1361/ 1982, vol. 4, p.272). In spite of its importance in political philosophy, justice has not been yet widely discussed as a pivotal issue in the field of "international relations"¹, whereas it has been widely functional in Islamic discourse and relations at various levels. This important point is very apparent in the ideals and deeds of Imam Khomeini. It may also be said that justice has dual functions, namely at national and international levels. These dual functions are, as compared to the existing one-dimensional approaches, more comprehensive and more influential.

The present writing is an attempt to reply the important question as to "what is the logic governing the way to understand and make "justice" operational at two national and international levels according to Imam Khomeini's tradition?"

For this purpose, at first, two levels of national and international analysis of "justice" are introduced; and according to them, an operational logic will be presented to realize justice at both levels. The meanings and instances of justice, and policies which are based on it are different at these two levels. And this fact impels us to depict and take into account a comprehensive picture of "justice in practice" wherein requirements originated from domestic and international spheres have been considered.

From this point of view, the question of justice is reduced to a more fundamental question in which the "functional logic of justice" is discussed. In other words, it is not the case that a single definition can be presented for justice which may be referred to in various fields; but it is necessary to re-read and define justice in accordance with the discursive sphere of the under question field.²

The distinct characteristic of this approach to justice is that it keeps the researcher immune from encountering theories of justice which, because of their plurality, are hardly (if possible) brought into agreement with each other; and instead of that, through understanding the logic of just act, it paves the way to attain a functional and common picture of justice.

A. Two Facets of Justice

"It is doubtlessly true that, in the international sphere, community is necessarily much thinner, conflict more desperate, and hence justice far more problematic than is the case in the domestic sphere" (Pangle and Ahrendsdorf, 1384/ 2005, p.17, Persian translation).

As said explicitly by Thomas Pangle and Peter Ahresdorf, differences between national circumstances and the circumstances governing international relations lead to a new idea of "justice" shaped in this field which is much harder to understand than "national justice". Though this claim is true, when it is expressed and analyzed- as claimed by the authors-, it seems to be self-contradictory. In Imam Khomeini's thought, reasons to prove this claim have been posed differently; and, consequently, different functional results have been yielded which distinguish it from theories of justice originating from secular discourse. Thus, at first, the theoretical foundation of this issue, which is based on separation between players, is introduced and then theory of Imam Khomeini (r.a.) will be explained.

1. Justice and Players

As Colin Hay has said, by "player" in the political field, a powerful core is meant which, because of some motives, influence political-social relations (Hay, 1385/ 2006, pp.90-1, Persian translation). In this

sense, our understanding of justice is related to the kind of players in a unit. To study theories of justice, John Rawls has spoken of this sense as one of the fundamental principles of "justice" according to which the quantity and the quality of players are of influence on our understanding of justice (Rawls, 1999, pp.102-170). From this perspective, justice may be divided into two fields, each including a particular kind of player.

1-1. Players in the Domestic Sphere

1-1-1. Government

Government may be regarded as the inner face of "Nation-State" which is established to provide general interests of citizens.

The distinct power of the government is that it has the right to exercise legitimate power, and possesses of economic and legal resources to fulfill its mission (Hobbs, 1380/ 2001, pp.190-3, Persian translation). In this reading, it is clarified that governments make sense on the basis of States; in other words, governments are coming and going; while States will remain.

1-1-2. Citizens

Citizen is a title granted to individuals since they belong to a concrete political unit. While nationality signifies some sort of national belonging in terms of membership in a cultural community, citizenship means mostly a relation between the individual and the political power (Baratalipour, 1384/ 2005, p.131).

1-1-3. Civil Society

Civil society is the special title of a series of legal-social institutions and organizations located in a layer between government and citizen; their main function is receiving, gathering, and transferring people's wants to those in power, and reflecting the resulted function within the society. In this reading, civil society originates from the public sphere and is assessed in terms of making it operational (Nozari, 1381/ 2002, pp.440-86).

1-2 Players in the Foreign (Regional and International) Sphere

Unlike the domestic sphere, foreign sphere (whether regional or international) is influenced by three groups of players which may be enlisted as follows:

1-2-1. State

State represents the "Nation-State" in the international relations; and, as shown by James Rosenau, in the realistic logic governing the international relations, it is traditionally recognized as the only decision-making authority by "nations" (Rosenau, 1384/ 2005, p.180, Persian translation).

1-2-1. National States

While we are facing in the domestic sphere a spectrum consisting of citizens and civil society, in the foreign sphere other national States replace citizens, and international politics is reduced to relations between States (Jackson and Sorensen, 1383/ 2004, pp.15-23).

1-2-3. Regional and International Organizations

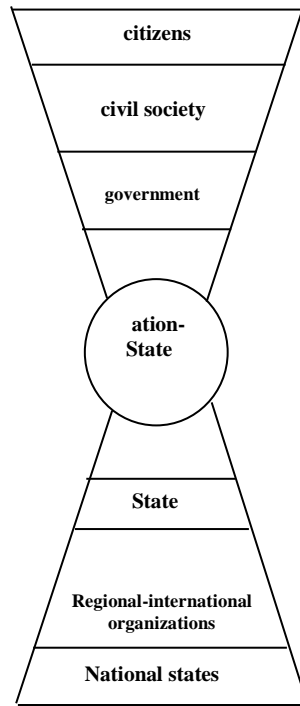
In the scene of the international politics, organizations are established by some States which have common interests to regulate relations between States. In other words, organizations come to form bigger blocks of power so that, by observing the principle of "cut in costs", they may help to increase profits of their members (Cf. Khani, 1385/2006). In this way, it becomes clear that when justice is under question (at least) two different analytical and functional levels may be taken into account (Cf. the graph 1):

First, Establishment of justice in relations between "government-citizen-civil society";

Second, Establishment of justice in relations between "States-organizations".

This distinction makes sense within the theory of justice as expressed by Imam Khomeini (r.a.), and we will discuss it hereunder.

Justice in the domestic sphere



Justice in the foreign scene

Graph 1. Justice in domestic and foreign spheres

2. Justice and Special roles of Players

In addition to quantitative considerations, in order to understand justice qualitative characteristics of the players should be paid attention to. For this purpose, special roles of each player should be taken into account.

2-1. Government

The favorable pattern of government in Islamic discourse is that it should become an instrument for the realization of the happiness of citizens. This interpretation, which is based on "instrumentalism of power"- and not "originality of power"- provides a picture of "government" as an efficient instrument to realize the lofty goals of the system.³ The notion of "servant government" may explain this aspect of the ideas of Imam Khomeini (r.a.) in the best way.

To sum up, it may be said that, in the political developments of societies, three main patterns have been introduced for government which are as follows:

One- tyrannical government in which people are forcibly employed to provide particular interests.

Second- bankrupt government in which power has lost its "administrative" nature and is subject to anarchy.

Three- exclusive government in which power belongs to a particular group or class, and others are working to provide their interests.⁴

While criticizing the above patterns, Imam Khomeini (r.a.) insisted upon the pattern of the "servant government" as a new pattern whose distinct characteristics are as follows:

2-1-1. Authority of Religious Goals

"Divine rules may be executed [only] by establishment of an Islamic government" (Imam Khomeini, 1365/ 1986, p.23). "What that is the standard of government and relates to the society and politics is spiritual values" (Imam Khomeini, 1361/ 1982, vol. 1, p.168). The basis is Islam, the rest are of minor importance" (Imam Khomeini, 1361/ 1982, vol. 13, p.50).

The special role of these goals is restricting power and changing it to an instrument- not an end-, which is the main axis of the philosophy of power in Islam (Cf. 1369/ 1990; Shamseddin 1421 AH, 'Abodlkhaliq, 1419 AH).

2-1-2. Efficiency

"It is not hidden that things like protecting the Islamic system, safeguarding borders of the Islamic country, protecting the youth against deviation, and preventing anti-Islamic propaganda are among the most evident instances of certain points; and, on the other hand, only by establishment of a just Islamic government may we attain these sacred goals" (Imam Khomeini, 1369/ 1990, p.79).

On the basis of the reading provided by Imam Khomeini (r.a.) of the mission and goals of the Islamic government, it becomes clear that efficiency should not be an admiration for a political system but rather a part of its nature in practice; and it is of influence on its legitimacy as well. This sense has been seriously taken into account by the modern Muslim thinkers and is called "the qualitative condition of power" which, since it is among "goals of religion in the realm of politics", to understand the religious power, it cannot be neglected (Cf. Al-'Alawani, 2001; Soroush, 1376/ 1997; Al-Seyyed, 1383/ 2004).

2-1-3. Public Interests against Interests of Power

Though, when established, a political system finds some independent identity which should be necessarily and evidently protected, and even its importance for administration of the society cannot be denied (Cf. Eftekhary, 1380/ 2001), what is of importance in the pattern provided by Imam (r.a.) is that public interests are prior to all these considerations.

This reading shows that, while having the duty to try and attain a particular goal- which is the same as providing grounds for attainment of happiness and is mentioned as one of the main pillars to understand justice (Cf. Seyyed Qutb, 1409 AH), in its relation to citizens-, government is not allowed to go beyond specified Divine limits and borders. In a sense, in Imam's (r.a.) thought, "power" is only an instrument to realize Divine goals and provide people's interests; and, in Imam's terminology, the term "servant State" has been used to convey this sense; this is a general term by which governments from the first genuine Islamic government -prophetic government- to the Islamic Republic of Iran are- at best- mentioned (Ora'i, 1381/ 2002, 418-545; Rostamian, 1381/ 2002, pp.231-60).

"God's prophets (pbut) were essentially sent to be at the service of God's bondmen" (Imam Khomeini, 1361/ 1982, vol. 18, p.43). "... In the Islamic government, State is at the service of people; you should be servants of the nation" (Imam Khomeini, 1361, vol. 5, p.238).

2-2. Citizens

In Islamic discourse, citizen is defined in a way different from the secular discourse; that is why citizens' relation to the government cannot- and should not- be defined on the basis of common western patterns. While, in secular discourse, citizens are depicted as a community of people who, because of their weakness, stand against the official power and since they are regarded as the absolute truth, they need to be strengthened against the current of power.⁵ in Imam's analysis of the Islamic approach, some other characteristics are enlisted for citizens, the most important ones of which are as follows:

2-2-1. Citizenship and Political-Religious Responsibility

Like those in power, citizens are responsible for the realization of the religious principles and formation of a healthy society; and, in this respect, there is no difference between governments and citizens. What is at stake here is differences in the extent of responsibility and not in responsibility itself (Ora'i, 1381/ 2002, pp.193-320). Thus, on the basis of the principle of "All of you are observers of and responsible for your subjects' rights"; He says:

"All of us are responsible. Not only for our own actions, we are responsible for others' actions as well. All of you are observers of and responsible for your subjects' rights. You are responsible for me as well. I am responsible for you as well" (Imam Khomeini, 1361/ 1982, vol. 8, p.47).

2-2-2. Citizenship and Knowledge

Governing a community of ignorant and unaware people is not a virtue for powerful political systems, and is not regarded as a favorable thing. That is why Imam Khomeini (r.a.) speaks of the principle of elevation of people's knowledge and necessity of paying attention to its requirements at the level of administration; He says:

"Most proudly, I thank for political growth and Islamic commitment of the noble nation of Iran ... in last days of my life, hopeful and proud for your genius, I demise to the house of the Truth's mercy" (Imam Khomeini, 1366/ 1987, p.90).

This point is of importance, since it is knowledge which is the basis of freedom and validity of people's opinions concerning developments and administration of their society.

2-2-3. Citizenship and Faith

Because of faith in the hearts of citizens, the Islamic society becomes a community of believers shaped around Islam; and, thus, it may be the basis of power in the stations of establishment, fixation, and continuance of the life of the system of the Islamic system in the domestic and foreign spheres (Jafari, 1369/ 1990, pp.407-23). Authority of the nation is, on this basis, defined and may be understood as:

"The hearts of the Muslim people should be attracted by acting in accord to Islam and following the Quran; Hearts become secure with the memory of God. The Transformer of hearts is God. Think of God, so that [your] hearts may pay attention to you" (Imam Khomeini, 1341/9/11).

According to this reading, it becomes clear that, when the relation between government and citizens is assessed, power has to be supervised by the people; and such a right will not lead to deviation of power and its low efficiency; for, citizens, according to the definition and characteristics considered for "citizen", are entitled to exercise such a supervision.

"When the people are free to choose, they will, inevitably, choose a righteous person; the vote of the people will not be erroneous. People do make mistakes, but thirty million do not" (Imam Khomeini, 1357/10/10); "... The votes of the majority of people, whatever they say, is valid" (Imam Khomeini, 1358/5/27).

2-3. States

Though, in Islamic discourse, to classify players in the foreign sphere, certain titles such as the sphere of Islam, abode of war, land of the covenant and the like are used, and certain patterns on the basis of the

experience of the prophetic government have been provided to explain the pattern regulating foreign relations (AMidi Zanjani, 1377/ 1998, pp.127-141), on the basis of the classification of contemporary world which has come to being based on nationalism and national interests (Clinton, 1379/ 2000; pp.30-63), it seems that, like other players, in practice the Islamic State is facing some general groups of players.⁶

2-3-1. Strategic Allies

These players share in strategic horizon with the Islamic system, proceed from the same starting points, and seek for the same interests as the Islamic system.

2-3-2. Allies

These are players who, though different from the Islamic State in terms of cultural-normative principles, have common interests with the Islamic State; and, this justifies their harmony [with the Islamic State] at the international level.

2-3-3. Opponents

Opponents are those players who, though because of conflict in interests are not allied with the Islamic State, but do not re-define their opposition in a practical way.

2-3-4. Antagonists

The distinct characteristic of this group is their opposition to policies and interests of the Islamic State, which is considered as "antagonism".

2-3-5. Impartial Players

By definition, this is a particular legal position in which the player does not state and exercise his advocacy or opposition to a particular subject.

Evidently, interaction with each of the above groups is subject to certain terms and conditions which should be taken into account when defining and understanding justice. In other words, facing with the above groups, no single general standard may be provided to introduce justice. Nevertheless, Imam's strategic propositions to take action in such a sphere are as follows:

One. Invitation versus Imposition

Because of its religious missions and normative comprehensivity, without seeking to impose itself through force on others, the Islamic State makes all human beings audiences of the Divine call. Invitation, while avoiding imposition, is one of the important manifestations of justice:

"We intended to introduce a model ... of Islam in the world so that all wise people of the world... understand what Islam has brought and what it plans to do" (Imam Khomeini, 1361/ 1982, vol. 18, p.11). "I hope that ... these divine and Islamic objectives will be realized in all parts of the world" (Imam Khomeini, 1361/ 1982, vol. 17, p.137).

Two. Avoidance of Oppression and Negation of Submission

In its relations, the Islamic government does not seek to oppress others, nor does it submit to others' oppressing policies. As a matter of fact, justice requires "avoidance of oppression" just in the same way that it requires "not accepting oppression".

"We have made a new framework within which we have taken justice as a criterion for defense and oppression as a criterion for attack" (Imam Khomeini, 1361/ 1982, vol. 20, p.165). "... We will be under neither American domination nor the Soviet Union's. We are Muslims" (Imam Khomeini, 1361/ 1982, vol. 15, p.209).

Three. Power

Relations of the Islamic system are shaped not on the basis of weakness but rather on power so that, from this, national esteem and pride may be acquired. In other words, justice is reflected and realized in power:

"If we are in need to foreigners for food, the reliance paves the way for political dependency that is to be discontinued from the East and the West. In case we want our country to be free, independent and ours, we have to work for economic and cultural development and in other fields instead of staying aside" (Imam Khomeini, 1361/ 1982, vol. 10, pp.63-4).

Four. Development of Relations

Active presence in the network of the international relations and employment of its capacities are among the guidelines of the Islamic government in the international sphere on which Imam Khomeini (r.a.) put many emphases. In other words, justice is represented in practice not in isolation:

"We want to be friend with all nations of the world ... We want to have good relations and mutual respect" (Imam Khomeini, 1361/ 1982, vol. 8, p.252).

Five. Mutual Respect

"Justice", according to Imam Khomeini (r.a.), is closely related to mutual respect and observance of each other's rights. That is why he regards negation of this principle as negation of justice, and rejects this kind of relation:

"We are not so that when we have power we want to intervene in some other country's affairs. There is no room for injustice and oppression in the Islamic culture" (Imam Khomeini, 1361/ 1982, vol. 16, p.233) "... this relation is a human one. Human relations with all countries are allowed (Imam Khomeini, 1361/ 1982, vol. 4, p.234).

Six. Originality of Peace

Against the popular realistic theories according to which stability and security are products of "domination" and "power", Imam Khomeini (r.a.) regards real peace as a product of justice. He believes that if peace is weakened, justice will be weakened and vice versa. That is why he calls peace the pivotal pillar of politics:

"I would like to emphasize again that we are serious in our policy of attaining peace ... We will not take step in undermining it" (Imam Khomeini, 1361/ 1982, vol. 21, p.19).

As a result, [it may be said that] functional borders of justice, in facing other countries, are based on the strategic horizon and principles of practical politics, which includes from strategic unity to conflict (Eftekhary, 1380/ 2001, pp.153-171).

B. Practical Logic of Justice

On the basis of the explained quantitative and qualitative norms, one may attempt to recognize two principal pictures of justice.

1. Justice as "Positive Adjustment"

On the basis of kinds and characteristics of players of the domestic sphere just mentioned, it becomes clear that, because of centralization of sources of power (Executive, Juridical and Legislative powers) in the State's organization, relation between "State-citizen" is shaped in favor of the "State". Under such circumstances (Cf. the graph 2), citizens' rights are evidently threatened, and the primary principle of "paving the way for happiness of people" will be endangered. Taking into account this point, Imam Khomeini (r.a.) criticizes the despotic pattern of the State and says:

"In this kind of States [monarchies & imperial States], rulers dominate people's lives and wealth, and intervene in them arbitrarily. Islam is far from this way of governing" (Imam Khomeini, undated, p.48).

Thus, for justice [to be realized] in the domestic sphere, this unstable situation should be adjusted. The attribute "positive" for "adjustment" has been chosen since adjustment is defined and produced on the basis of the principle of "protecting people".

But instability of such a situation has its roots in discontent of citizens because of exercising domination by States, which has been accumulated in the course of time, and will lead eventually to disorder and revolt (Cf. Gurr, 1377/ 1998). For this reason, most of existing theories concerning justice- as shown by Brain- emphasize on this principle (Cf. Brain, 1980). The mechanisms proposed by Imam Khomeini (r.a.) to bring this situation to balance (and in other words, to adjust power) are as follows:

1-1. Structural Adjustment

Attention paid by Imam Khomeini (r.a.) to civil institutions- such as groups, parties, newspapers, and the like- is aimed to strengthen the principle of protection of people so that, in this way, people may become both more aware of their rights and capable to realize such rights. Thus, when speaking to the players of the public sphere, he talks about their important mission to attempt and elevate people's knowledge, make them aware of the state of affairs, study their wants, communicate such wants to the statesmen, and follow-up their wants till they are fulfilled. He mentions these as their religious obligation (Eftekhary, 1379/ 2000, pp.119-59).

1-2. Cultural Adjustment

Emphasis put on the principle of improvement of political culture and making people enter to the scene of administration of the society is among the important emphases made by Imam Khomeini (r.a.), as a result of which the formal sphere of power will become sensitive to observe people's rights. Emphasis put by him on this aspect, where he takes the extent of people's intervention in administrating the affairs as a criterion of their learnedness, deserves due attention:

"The society of tomorrow will be an evaluating and criticizing one in which all people will participate in leading their own affairs" (Imam Khomeini, 1361/ 1982, vol. 3, p.51).

1-3. Moral Adjustment

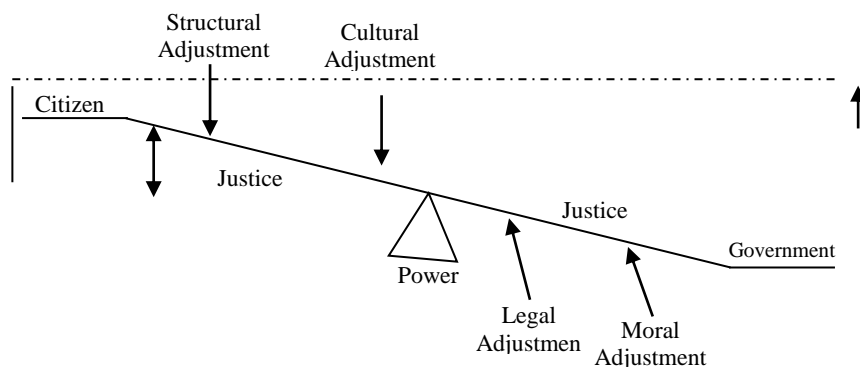
Among important mechanisms to control the power is moralizing it. In other words, if power is restricted within the framework of morality, this will help to adjust it, and an internal mechanism will become active which prevents the State from misusing tools it possesses of.

"Enlightening and constructive human life is not other than attempting for development, leading a better life, and constructing an ideal State ... battle for development, civilization, knowledge, virtue, and finally battle against the carnal soul are of paramount importance, and as said by the Holy Prophet (pbuh), this is the greater battle. As a matter of fact, the great prophets (pbuh) and in particular the Holy Prophet (pbuh) have been sent to complete [people's] prominent virtues, educate their spirits, and guide them to the light, civilization, and progress" (Imam Khomeini, undated, pp.185-6).

1-4. Legal Adjustment

Because of authority of law and emphasis put by Islam on the point that laws have been a priori provided by God- the Exalted- and thus all people- whether rulers or ordinary masses of people- are obliged to observe it, power is defined with so reservations that it may not go beyond the conventional borders.

"In execution and administration, rulers are restricted by a series of conditions which have been determined by the Holy Quran and the tradition of the Holy Prophet (pbuh). These conditions are the same as laws and rules of Islam which should be observed and executed.... For this reason, the Islamic State is the same as the rule of Divine law on people" (Imam Khomeini, undated, pp.45-6).



Graph 2. Justice as (structural adjustment)

2. Justice as "Negative Adjustment"

While it seems that justice may be defined operationally in the domestic sphere, at the international level it is very hard to speak of "justice". To understand new dimensions of Imam Khomeini's theory in this regard, we should review the main replies provided in this regard in brief.

2-1. Schools

Concerning international justice, replies provided by the main schools may be classified as follows (Pangle and Ahrendsdorf, 1384/ 2005, Persian translation):

2-1-1. Classical Realism: Justice and Power

According to this group of realists, "power" is the foundation of justice. In other words, the powerful players are entitled to try and attain their goals by force. This principle is in accord to nature in which the powerful ones are the chosen ones as well. In this logic, the

claim for just war may be understood on the basis of power; for this, many pieces of evidence may be found in the ancient Greece and Rome, and authors such as Thucydides have mentioned this point.⁷

2-1-2. Classical Idealism: Justice and Virtue

To criticize the idea of realists that power is a basis on which justice may be understood, philosophers such as Plato and Aristotle come to the conclusion that, through depicting ideal situations, a picture of justice should be depicted which is understood on the basis of idealistic considerations more than being evaluated according to real conditions. That is why justice is evaluated in relation to a particular kind of political system (i.e. the rule of philosopher) which seeks to go to the perfect situation from the existing one. To describe justice as being imaginary and unrealistic may be justified in this way, and some figures have mentioned it as "quasi-justice".⁸

2-1-3. Classical Cosmopolitanism: Justice and the Law of Nations

For thinkers such as Cicero, there are certainly transhuman laws which have originated from nature; and, in this way, justice finds a new aspect which is attempt to correspond objective laws and conditions with principles and rules originated from the superior law. As a matter of fact, introducing "universal laws", Cicero and his followers paved the way for a new interpretation of justice which is, more than a captive of reality, its maker.

2-1-4. Modern Realism: Justice and Success

Practical propositions presented to the Prince by Machiavelli suggest that, for this group of realists, justice is a product of action and success in politics. In other words, victorious ones are in line with

justice, and those who have experienced defeat cannot speak of justice or record it in the history. This idea is taken from the anarchic situation of the world in which the victorious players are regarded as those who possess of right.

2-1-5. Modern Idealism: Justice and Right

Attempts made by authors such as Kant and his followers lead to a new tradition in understanding justice according to which right and recognizing it in a correct manner are standards to distinguish just act from other than it.

From this point of view, philosophy of right is regarded as an issue prior to justice; and it is in this way that international justice is reduced to definition of international rights and establishment of institutions securing realization of these rights.

2-2. Imam Khomeini's Religious Narration of International Justice

Though it is very important and problem-solving to understand human experience and, as a result, the category of international justice, and put it in force, a brief study of the existing schools shows that they are not able to attain the intended goals.

For this reason, the present inadequacies should be removed by the help of other authenticate and efficient sources; and, in this concern, religious doctrines, because of being relied upon revelatory sources, are of paramount importance.⁹

Though there are different and numerous religious narrations in this regard, in what follows in the present writing, we speak only of considerations originated from the school of Islam as narrated by

Imam Khomeini (r.a.). In this new perspective, main foundations of international justice are:

2-2-1. Justice and Authority

Since "authority" is some special kind of power in which the element of legitimacy has been considered, Imam Khomeini (r.a.) calls the statesmen to acquire authority and make uses of it instead of power (Cf. Eftekhary, 1380/ 2001).

According to this mechanism, political system may make an agreement between two apparently different (and in some cases, even conflicting) considerations: first, international relations are subordinate to the principle of power- mentioned by realists-, and inevitably, acquiring, protecting, and developing power are among primary conditions for presence in this sphere; and, the other, power alone cannot define "international justice". Thus, replacing "power" by "authority" may, while satisfying the realists' consideration, pave the way for presence of collective thought and will to determine "the just" in the international relations. It should be noted, however, that this principle only restricts the role played by "power" and it does not determine "the just". Thus, it is the necessary- and not sufficient- condition to understand international justice.

2-2-2. Justice and Community

The second standard in Imam Khomeini's thought to determine "the just" in the international sphere is "the principle of community". To explain this principle, it should be said that there are two main approaches to define the international sphere:

First: That of particularists, who regard the international system as originating from communion of the national units, and as a result,

think of it as a subordinate and non-genuine category influenced by nationalism.

Second: That of holists who believe in the principle of unity of societies and, putting emphasis on presence of large-scale and comprehensive foundations and principles, speak of the principle of the unity of human society. Terms such as "dignity of man", "primary (divine-natural) rights", single life-world and the like suggest that we (national units) should not make analyses and decisions and take actions in an abstract individual sphere (Cox, 1987, pp.111-272).

Since Imam Khomeini (r.a.) found the second approach in the framework of Islamic discourse as the right one (Eftekhary, 1380/2001, pp.153-71), when discussing the international justice, he was of the opinion that people and public opinions of the global society should be paid much attention to; and international affairs cannot be settled only at the level of statesmen. "Dialogue with people" in the great global society was an innovative idea on which he put repeatedly and in various cases emphasis. It is in this way that the idea of "making distinction between nations and governments" is shaped and introduced as a principle- on the basis of necessity of dialogue with aware and far-from-misunderstanding minds of nations. Thus, "the just" is influenced by people's community; and, to adjust the principle of power-centeredness (which is obtained from realistic principles), one may emphasize the role played by, and function of, "people".

2-2-3. Justice and Morality

The idea of "justice as fairness" introduced by Rawls (Cf. Rawls, 1999) and many thinkers who follow him, though it is a narrow understanding of justice, should be paid much attention to, since it explains the software nature of justice. As a matter of fact,

commitment to normative principles, which are classified under the great category of morality (and are not specific to religions) and their distinct characteristic is self-transcendence and attention paid to other players (Cf. Richard, 1949 & Ross, 1930), are the main pillar of the international justice in the present time. As said by Imam Khomeini (r.a.), the reason for this is to desiccating the springs of "Iness" and weakening "selfishness" as the main sources of unjust actions and crossing over the realm of justice (Eftekhary, 1380, pp.90-6).

"A non-educated man is so harmful to societies that no evil, no beast, no creature is. And an educated man is so useful for societies that no angel, no creature is. The world is based on education" (Imam Khomeini, 1361/ 1982, vol. 14, p.103); ... "Disputes between human beings ... these disputes have their roots in the insolence which is contained in the souls" (Imam Khomeini, 1361/ 1982, vol. 24, p.254).

Thus, moralizing politics in the international sphere may pave the way for formation of the idea of "international justice" in a comprehensive way. Otherwise, "the just" will lose its general, universal, and functional form and turns, at best, to a "legal category" which, in many cases- since laws in this sphere are not based on consensus- will be appreciated as being "unjust".

2-2-4. Justice and Faith

The philosophical basis of man's problem in defining and recognizing "justice" is that it is hard to find an authenticate source which is able to define primary principles of "justice" a priori. Because of their connection to the Legislator, the Divine religions have enjoyed this advantage; while, secularism or alteration of religion prevents man from enjoying this authenticate source. The product of this process is

development of humanistic attempts to attain fundamental principles of justice some of which were mentioned.

Though, in this regard, human heritage deserves attention and in which some traces of health and scrutiny may be found which suggest human understanding of some Divine principles, it seems that in this difficult path (defining and designing international justice) - like many other fundamental concepts- we may go only if we return to religion and attempt consciously to understand the Legislator's utterance. That is why Imam Khomeini (r.a.) speaks of necessity of "awakening" and "returning", and calls all Muslim governments and elite to revive and define "Islamic *Ummah*" in an operational way.

In other words, presence of "religion" in the realm of international relations will be followed by good fruits among which we may mention "making just" relations between players (Cf. Abu Soleyman, 1993). To attain this, of course, at first religion should be known truly and we should commit ourselves to its propositions consciously; this is an issue which is in close relation to the Islamic awakening and Mahdawi State.

Conclusion

"... in wrestling with the problem of justice in international affairs, one is led naturally and even necessarily to appreciate what is perplexing about justice altogether" (Pangle and Ahrensdrof, p.9)

As said by Pangle and Ahrensdrof correctly, because of changes in the sphere of operational definition of justice, the researcher and the Statesman face new circumstances which influence their understanding of the nature of justice. That is why the term "international justice" is added to the collection of terms which are classified under "justice"; as said in discussion of justice in the

domestic sphere, this is a term which requires a new definition and analysis of justice.

Reflecting upon the doctrines proposed by Imam Khomeini (r.a.), in the present writing, the author has tried to provide and construct a new analytical structure which may be able to make a distinction between the two terms and explain their semantic borders. The doctrine of "justice as adjustment" which may be defined in two domestic and international spheres, in two positive and negative ways, has done this important job, and is proposed by the author as an analytical pattern inferred from the tradition of Imam Khomeini (r.a.).

Notes

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1. One of the few works written so far about this subject is Pangle, Thomas, Ahrensdrof P., *Justice among Nations: on the Moral Basis of Power and Peace*, 1990. This is a notable and extensive work to find the intellectual foundations of usage of justice in the international sphere in the context of the western political thought:

Thomas Pangle & P. Ahrensdrof, *Justice Among Nations: on the Moral Basis of Power & Peace*, 1990.

The book has been arranged in 8 chapters; and the historical roots of the subject have been introduced and discussed in the first six chapters. In what follows- in chapters 7 and 8- the authors have spoken of the ideas of two influential researchers of international relations in the 20th Century (Morgenthau and Walz).

2. There are many definitions provided for justice, for example (Eyvazlu, 1384/2005, pp.33-70):
 - Truth in speech and settlement of trust
 - To be good with friends and bad with enemies
 - A right originated from power
 - To act according to rules
 - To obey laws
 - To correspond with order
 - To obey what that is ordered by reason

- To act in accord to some agreement
- Equity and equality
- Fairness
- To act upon merits
- To act upon what that is required by competence
- Moderation
- To grant one's right
- To put something in its proper position
- To correspond with the rules of religion
- To be in balance

Thus, it may be inferred that, though there is some consensus on importance and pivotality of "justice", there is no consensual definition for it.

3. I have discussed State and its structural-functional in Imam Khomeini's thought in two foreign and domestic spheres in my *"National Authority: Political Sociology of Power as Viewed by Imam Khomeini"* in details.
From a sociological point of view, foundations on which State, special roles, and the organization of power are built are in the religious societies other than what they are in secular ones; and that is why there is no idea of the religious State corresponding to the conventional theories (Cf. Eftekhary, 1380/2001).
4. Triple patterns of State may be inferred through analysis of human experience. In addition, in discussion of the way to classify States, this concern has been present in the political thought of the ancient East and the ancient Greece till the present time that if the kind of relation between those in power on the one hand and people on the other is taken as a criteria, one may attempt to find a typology of States. To study ideas of thinkers in this regard (Cf. Wolf 2001: 21-195, Migdal 1988: 10-44).
5. For a comparative study in this regard (Cf. Mirahmadi, 1384/2005, pp.185-288; Seyyed Qutb, 1409 AH Lunar, Ayyubi, 1379/2000). As a matter of fact, it is based on such characteristics that interaction between Nation-State makes sense, and philosophy of formation of civil society emerges.
6. Players in the international sphere are classified on the basis of various standards. What that has been here intended by the author is a typology which is based on "national interests". In this point of view, the relation between players and national interests of a country- or practical policy adopted by them to strength or weaken such interests- is taken as a basis for classification.
7. The logic of realism is based on "power" and "exercising force"; and this principle is regarded as an idea taken from the nature of creation and mechanism of nature which, in spite of problems in its philosophy, is right and is able to establish a just order. Because of critiques posed against it, of course, realism has undergone

many developments and various versions of realism (extremist, and moderate) have emerged.

8. Like realism, idealism has undergone many developments; and, as a result, there have appeared different idealist views to discuss the favorable pattern of management of international relations. What is of interest in such views is the importance attached to "law" and "the right originated from law" which distinguishes them from realism.
9. Following critiques posed against realist views to establish a favorable pattern to form such international relations that may contain the greatest "justice", religious approaches have been greatly welcomed, and we are witnessing introduction of the issue of "religion in the international relations" which suggests necessity of understanding international justice from a religious point of view (Abu Soleyman, 1993, pp.227-68).

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