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## Justice among Peoples and Decency of Iranian People

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**Abstract:** In his book *The Law of Peoples*, John Rawls described an international society in which there are enemies and friends seeking their goals by deferent means. Rawls introduced us principles as the fundamental rights of every people. The people who reserve these rights can sustain in the world. Although this theory is supposed to be part of liberal foreign policy, the peoples Rawls talks about are not necessarily liberal. Decent hierarchical peoples also feature as parties to the Law of Peoples. Beside liberal people, he categorized burdened states, outlaw states and benevolent absolutisms that don't recognize the law of peoples. In this article I try to offer some attributes of Iranian people as the decent people. The exclusion of those regimes and the inclusion of decent hierarchical peoples are demanded by the notions of plurality and toleration that require the presence of Iranian peoples in this circle. This point necessitates Iranian thinkers to take part in the theoretical attempts for complementing Rawls' theory as an Ideal one.

**Keywords:** Justice, Decent hierarchical peoples, Iranian People, Political Theory

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### Introduction

1. Conflict is a violent form of unjust human material. Most conflicts in the modern history have resulted from lack of an inclusive political conception of justice among peoples; a definition according to which every people will suffice to its share of justice and respect others' rights. In the absence of such a conception, they will become hostile and in the most optimistic case, interaction will give way to rivalry and, even, hostility. Although in the past, geographical distance led to mental and theoretical distance, now that the world has become a smaller place due to revolutionary changes in industries and

communication, the way is paved to think about this issue.

2. On the other hand, most theories related to interaction among governments have been based on traditional realism and rationality. They considered states as rational entities which would do everything to secure the interests of their nations (even by resorting to war and deceit). Most recent approaches have attached more importance to peoples and nations than states and have stressed more on reasonability than rationality (as distinguished by Rawls).

3. In view of the above points, great efforts have been made to that effect, especially

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through a political-philosophical approach, the prominent examples of which are the works of John Rawls and Thomas Pangle. We follow two twofold goals in this paper. The first is to A) confirm Rawls' belief that decent peoples can be a partner to peace and justice, and B) Iranian "people" can be considered as a decent nation by international society. The second goal is A) in order to take part in theoretical plan on international peace and justice, the Iranians should first formulate a domestic theory of justice and B) Iranian can formulate such a theory on the basis of broad conception of Islamic and Iranian theoretical teachings. Theoretical and practical efforts made in recent years and after the Islamic Revolution (1979) attest to this fact.

### **Theoretical framework**

Immanuel Kant has begun his discussion in the *Perpetual Peace* by asking whether politicians who simply think about conflict would heed viewpoints of philosophers who are more concerned about future outlooks of humanity (Kant, 1983, p.7). When talking about justice at international level, the question is whether scientists of international relations and political sciences have anything to say without caring for philosophy and what political philosophers have offered? Important theoretical efforts in international relations, especially in the past decade, managed to turn conflict into relations among nations and to explain it, but they failed to prevent injustice and lack of peace in international relations. Therefore, while admitting to moral complexity of the world, understanding moral fundamentals of international relations is prerequisite for establishment of international justice and peace in a

world which is characterized by such terms as nuclear age, postmodernism, and post-Cold war.

Thomas Pangle and Peter Ahrensdoerf have noted in *Justice among Nations* (while voicing the concern that a review of the international relations requires serious attention from masters of political philosophy), that no theory of justice or injustice among nations can be profoundly analyzed without due care for its analysis of justice within political domestic societies and among people. Therefore, an explanation of justice among citizens of a society in the absence of attention to its international mission would be flawed. Explaining justice in a society is intermingled with explaining it in foreign relations of that nation (1999: 12). From this viewpoint, in addition to the fact that common interests are less and tension is higher at international level, as compared to national and domestic level, and the issue of justice is more of a problem, the theory of domestic justice can be a basis for theorizing on international justice.

John Rawls, who has authored *Theory of Justice*, *Political Liberalism*, and *The Law of Peoples*, uses domestic theory of justice to achieve his theory of international justice. In fact, he generalized the theory of justice for an individual society to justice for all peoples. The idea of *The Law of Peoples* (which is the focus of this paper) has been derived from dialectics of "Theory of Justice" and "Political Liberalism." Rawls stresses that he has presented foreign policy principles of a reasonably just (liberal) people by drawing on a liberal concept of justice. Therefore, his concerns are foreign policy concepts of a liberal people. It is a form of assuring liberal peoples that ideals and foreign policy prin-

ciples of a liberal people can also seem worthy of acceptance to a non-liberal, decent nation. He maintains that the need for such assurances is an innate aspect of liberal interpretation of justice because The Law of Peoples maintains that there is a non-liberal decent viewpoint. (Rawls, 1999, pp. 4- 9-23). Therefore, the question about how to deal with non-liberal nations is a basic question in liberal foreign policy. The benefit of this plan is that there is also room for non-liberal nations, which he calls decent nations, and may also include Islamic nations, as he himself assert it.

The important point when discussing Rawls' The Law of Peoples is that according to his theory of justice, justice can be established in a society (either domestically or internationally) only when the concept of justice has been promoted to understanding of justice to reach at an overlapping consensus about it (at least before representatives of the concerned parties), so that, good of justice, as a meaning of justice, has been accepted by all peoples. The problem is that a liberal theory of justice cannot be put into action without attention to principles and policies of a decent nation when it comes to formulation of foreign policy principles of a liberal people. Thus, compiling principles and ideals of a liberal nation's foreign policy cannot be done without attention to principles and policies of a decent people. If this prelude is accepted, then the second prelude is that principles and policies of a non-liberal people, called decent by Rawls, cannot be achieved in the absence of an international theory of justice. Finally, an international theory of justice (which is supposed to present principles of foreign policy making) cannot be reached at without first presenting a national and domestic theory of justice. Therefore, The Law of Peoples, is like a pi-

geon with one wing that needs a second wing to fly and that second wing comprises peoples which are called decent by Rawls; peoples that are not only reliable and worthy of cooperation, but also have a claim to theory of justice at national and international levels.

### **Between Rationality and Reasonability**

The Difference: According to John Rawls, it could be outlined the difference between the rational and the reasonable as follow: Rational people pursue their ends intelligently and egoistically; Reasonable people are willing to govern their conduct by a principle from which they and others can think and accept in common and take into account the consequence of their actions on other's well-being. A further basic difference between the reasonable and the rational is that the reasonable is public in a way the rational is not. This means that it is by the reasonable that we enter as equals the public world of others and stand ready to propose or to accept fair terms of cooperation with them. Insofar as we are reasonable we are ready to work out the framework for the public social world. The reasonable is not altruistic nor is it the concern for self. The reasonable applied to persons, institutions, doctrines or societies but the rational applied to a single united agent. (Rawls, 1993: 49-53).

Thus, as the liberal peoples, in Rawls' theory, are so called "reasonable", its Realistic being requires that the decent peoples be rational and in transiting to reasonable situation; or what he called it as liberalizing the decent people. This whole project is "the law of peoples".

The law of peoples: by the "law of peoples", Rawls means a particular political conception of right and justice that applies to the principles and norms of international law

and practice. In fact it presupposes a “Society of Peoples” that all follow the ideas and principles of law of peoples in their mutual relations. These peoples have their own internal governments, which may be constitutional liberal democratic or non-liberal but decent governments. This society of people is reasonably just in that its members in their relations follow the law of peoples. This idea of justice is based on the familiar idea of the social contract, and the procedure followed before the principles of right and justice are selected and agreed on is in the same way the same in both in the domestic and international case, and because there lack the knowledge behind the veil of ignorance, their commitments are fair. The principles of conception of justice presuppose reasonable pluralism and must satisfy the criterion of reciprocity. (Rawls, 1999:3 &14).

For such an end, Rawls used the term peoples and not states.

Why peoples and not states? As the title shows, the actors and parties in law of peoples are peoples and not states; like the domestic case in which the citizens are the actors of the society. The merits of peoples over states are that the peoples lack traditional sovereignty which endorses the powers including the right to go to war in pursuit of state policies – Clausewitz’s pursuit of politics by another means – with the ends of politics given by a state’s rational prudential interests. (Rawls, 1999, p.25). The powers of sovereignty also grant a state a certain wrong autonomy in dealing with its own people. In this view, the peoples are free and equal.

Then, the law of peoples has two important sides: the liberal peoples and the decent peoples.

The decent peoples: In performance and execution of “law of peoples” two types of societies have moral role; the first is liberal peoples which have three basic features: a reasonably just constitutional democratic government that serves their fundamental interests; citizens unified by what Mill called “common sympathies”; and finally, a moral nature which requires a firm attachment to a political (moral) conception of right and justice. And the second is decent peoples. The basic structure of one kind of decent people has what Rawls called “decent consultation hierarchy” and is worthy of membership in a Society of peoples. These two types are “well-ordered peoples”. Rawls asserts that there may be decent non-liberal peoples who accept and follow the law of peoples. To this end he gave an imagined example of a non-liberal Muslim people, called it Kazanistan. This people satisfy the criteria for decent hierarchical peoples: it is not aggressive against other peoples; it honors and respects human rights; and its basic structure contains a decent consultation Hierarchy. (Ibid: 4-5 & 23).

The main component of the law of peoples is it not so fantasy that could not be reached.

Being realistic: Political philosophy is realistically utopian when it extends what are ordinary thought to be the limits of the practicable political possibility, and in so doing, reconciles us to our political and social conditions. What makes it possible, is the diversity among well-ordered peoples and therefore, the law of people as acceptable and fair and effective in shaping the larger schemes of their cooperation. The Society of well-ordered peoples is realistic in this way that it is workable and may be

applied to ongoing cooperative political arrangement and relations between peoples. It does not require religious unity. Rather it concentrates on toleration. In this manner the great evils would vanish and such peoples do not seek to convert others to their religion, nor to conquer territory, nor to wield political power over another people. Through negotiation and trade they can fulfill their needs and economic interests (Ibid: 11,17 &19)

### **The case of Iranian People Deserving membership**

The Criteria: When adapting theoretical framework of Rawls, two points are noteworthy: firstly, the law of peoples can go beyond a liberal idea of justice and, secondly, according to set criteria, a people like Iranian can be considered a decent nation. Decent nations enjoy the following characteristics. Firstly, they are not aggressors and achieve their legal goals through diplomacy, trade and other peaceful means. Secondly: (A) legal system of this people guarantees human rights for all members of the community of nations (including the rights to life, security, and liberation from slavery and forced labor, freedom of conscience, and private property). In this sense, human rights cannot be rejected on the grounds that it is a Western idea. (B) Legal system of a decent nation imposes benevolent obligations and duties (apart from human rights) on all those who live within its territory. Those people are capable of learning and moral perfection and know the difference between right and wrong according to their local culture. (C) Finally, judges and other judicial officials should honestly believe that the law is based on a common idea of justice. (Rawls, 1999, p.32) All these criteria exist in the Iranian Constitution and teach-

ings of Islam which is the main source of law-making. For example, as it argued, Islam has forbidden all forms of violence (Alikhani, 2007).

Intersubjectivity: It is also true that mere awareness of cultural plurality in a modern world, without due attention to other cultures, will even cause problems for people of one culture to have faith in their own culture and to reach peace and justice. This will be a threat to that culture and increase the challenge of relativism or hegemony; then, human beings would lose their trust in a single culture or tradition. On the other hand, plurality of societies translates into plurality of philosophical, moral and religious teachings. Therefore, finding a single theoretical basis for justice is very difficult, if not impossible. Just in the same way that a single definition of rationality cannot be offered, nobody can come up with a single society all of whose political actions are based on rationality because in that case, it will try to dominate other societies and eliminate plurality of cultures. Even if a liberal theory of justice were apt to assimilate other peoples, including decent ones, it could not determine obligations for others and give viewpoints on their behalf. According to principles of justice, not resorting to inclusive doctrines is a requisite for formulation of a justice theory. Therefore, political liberalism, as a philosophical theory, itself may impede realization of a law of peoples. The Iranian government and people seek not only to observe such a law, but to also have a role in its formulation. This has been reflected in the Constitutional articles.

The constitution: The prologue of the Iranian Constitution has noted that "in view of the nature of this great uprising, the Constitution guarantees negation of any form of theoretical and social despotism and

economy monopoly and will endeavor to distance from dictatorship and to enable people determine their own destiny.” Article 22 has noted that honor, life, property, rights, homes, and jobs of people are immune to aggression. According to Article 34, lawsuit is the inalienable right of every Iranian and every person can file lawsuits with a competent court. According to Article 23, inquisition is forbidden and nobody can be prosecuted for holding a belief. In Article 152, it has been noted that the foreign policy of Iran is based on negation of domineering policies, protecting independence and territorial integrity of the country, defending the rights of all Muslims, no commitment to hegemonic powers, and cordial relations with all non-belligerent states. Based on Article 14, the government of the Islamic Republic of Iran is duty-bound to treat non-Muslims according to Islamic ethics, fairness and justice and observe their human rights. The Constitution has paid attention to rights of minorities in its Articles 13 and 67. Imam Khomeini, the founder of the Islamic Republic frequently announced that “we want to be friends with all nations. We want to have good relations based on mutual respect.” (Imam Khomeini, 1982, vol. 8, p. 252) “We are not a nation to bully other nations when in power and there is no place for injustice and aggression in Islam (ibid, vol. 16, p. 233). These principles and fundamentals produce an image of the Iranian Constitution in which a series of rights including equality before the law; security for life, property, employment, and beliefs; the right to just procedure, nationality and participation in political affairs have been recognized for all Iranian nationals regardless of their ethnicity, language and religion. All members of

the Iranian society may take advantage of those rights without discrimination.

Iran’s membership in international treaties: Iran’s membership in international treaties and instruments can be evidence to the decency of the nation in order to assure liberal states not to fear aggression or violation of human rights on the part of Iran. Some treaties include: The United Nations Charter ratified in 1945; The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted in 1975; The Convention on Prevention and Punishment of the Crime of Genocide adopted in 1955; The International Convention on Elimination of All Forms of Racial Discrimination adopted in 1968; The Convention on the Rights of the Child adopted in 1993; Protocol 111 of the International Labor Organization adopted in 1967; The Non-Proliferation of Weapons of Mass Destruction (NPT) and Comprehensive Nuclear-Test -Ban Treaty (CTBT); as well as the Universal Declaration of Human Rights. Although the Universal Declaration of Human Rights is not binding, but its great influence on different aspects of human rights is undeniable and the Iranian government has voted for it. Membership in such treaties shows a strong inducement to join the international peace and justice. The point is that the state of affairs alters from state-based to nation-based.

Iranians’ abroad behaviors: Though it has been said that Iranians abroad themselves show confused reactions and understandings of foreign audiences’ responses to the image of their country displayed in the films (Tapper, 2002 p21), another studies stress on the benevolent and decent behavior of Iranians

abroad, especially by their good standing in academic centers and their honest socialization process. (see: Iranabroad.com)

### **Qualification for formulating a theory of justice**

**The aptitude:** If a theory of justice is to be formulated, it should be done by scholars and theorists who should do that by relying on the philosophical heritage of their society. Therefore, formulation of a theory of justice calls for political thinking in theoretical tradition of every nation. As put by the late Mohsen Mehdi, the whole process of political thinking, or in his term, rationalism, in Islam starts at the quality of the government and political power. If there is rationality in the realm of the Islamic civilization, it should be sought in political and civil affairs. From this viewpoint, political philosophy in the Muslim world is a result of rational approach to political issues. The main part of rational life of an Islamic society hinges on the answer to such questions as: who should be the leader, how he should be elected or appointed, and what the limits of his power are." (Mehdi, in: Daftari, 2000). All these questions were the other flip side of efforts which aimed to formulate the theory of justice. Majid Khoduri has considered seven aspects for the concept of justice in Islamic works and has enumerated them in his book, *The Islamic Conception of Justice:*

political justice, 2. divine justice, 3. moral justice, 4. legal justice, 5. social justice, 6. justice among nations, and 7. philosophical justice. (Khoduri, 1984)

**Necessity:** Formulation and developments in domestic theory of justice will refine the international theory of justice. Therefore, while liberalism, overall, has one theory of domestic justice which has been taken as the basis for international theory of

justice, (according to Rawls) it is imperative for Iranians, as a Moslem and decent peoples, and its theorists to reach a consensus over a single theory of domestic justice to achieve a general level of agreement before introducing their theory as a basis for international theory of justice. Therefore, the fact that in a liberal theory of international justice, the Iranians can be trusted as a decent and honest player is a step forward to realization of international peace and justice. The second step would be to offer an "Islamic" conception of justice to supplement its liberal conception, in which presence of liberal ideology could be accepted as a honest player. Although it is presumed that religious teachings or other basic doctrines of an Islamic society are among comprehensive doctrines which affect the government and social policies, that society also respects political and social order in other societies. If such a society intended to promote its interests and to enhance its influence on other societies, it would act in ways which would not be incompatible with independence of other societies, including their religious and civil freedoms. This feature of such societies, which arises from their comprehensive doctrines will bolster institutional fundamentals of peace-seeking behavior and will differentiate that society from aggressive states. Therefore, as Rawls noted, the understanding of a hierarchical decent people of "individual" does not require acceptance of this liberal idea that individuals are citizens and enjoy equal basic rights. In that understanding, however, individuals are cooperative and responsible members of their special groups. (Rawls, 1999: 47) Thus, persons may recognize their obligations and moral tasks as members of those groups, understand them, and act on their basis.

### Conclusion

Despite such critiques and problems as “distribution and redistribution of wealth in international relations” (Beitz, 2000), “lack of due attention to the structure of globalization”, “doubts about the idea of one people/nation – one culture” (Bukhanan, 2000), lack of agreement on basic principles of the law of people due to less importance of dialogue as a tool to determine overlapping principles among nations (Butler, 2001), considering decent nations as secondary members of the international system in favor of a minimal stability (Butler, 2001; Sadurski, 2003), indirect ethnocentric positions taken by Rawls and inattention to plurality of cultures among nations (Tasioulas, 2002), and finally, founding that theory on rich moral principles and inattention to communitarian requirements (Hosseini Beheshti, 2003), the idea of inter-peoples justice which has been presented by Rawls on the basis of justice for a single liberal society, can be taken as a beginning for philosophical reflections to realize that goal, or in his phrase, “realistic utopia”. The most important acceptable feature of the plan is that, unlike the realistic approach taken by Clausewitz, war is no longer continuation of politics in another language. Even, unlike the ideas of Kant, in this viewpoint, production of weapons of mass destruction is not supposed to lead to perpetual peace (quoted in: Roger Sullivan, 1997: 52).

If multiple concerns make the liberal side potentially receptive to rival and diverse understandings of the nature of justice and society at international scene, this is now a bilateral problem. The issue, now, is not that the Islamic Republic of Iran is a security-

oriented and political concerns for the west, but on the opposite, it is the liberal west which has emerged as a concern for Iran in its natural march toward humanitarian and justice-seeking ideals. Iran and Iranians, with the intertwined sources of identity (esp. Iranian multiculturalism) go their own way (Sariolghalam, 2008); if that way is not blocked by preventive measures of western countries, it will lead to peace and justice for the whole world. The fact that a people are accepting such heavy human and non-human costs at international scene proves that it is restless to share its plan for international peace and justice. Understanding this point could be a first step toward any liberal move aimed at establishment of global peace and security. Even if a foreign force thinks about improvement and upliftment of the Iranian nation, it would have nothing to do with politics. It would be more of a political philosophical theory which can be really influential in interaction with religious ideas of the political system of Iran.

If “the law of peoples hopes to say how a world Society of liberal and decent peoples might be possible” (Rawls, 1999, p.6), then all the parties should have the meaningful contribution in working it out. I mean that the extension of domestic theory of justice to international justice is not bound and obligated to justice conception of liberal domestic society, but the theory of justice in the case of decent domestic society is also needed, as Michael Walzer argued that every society must make its own claims, codifications and interpretative arguments. Minimal rights are all they have. Someday, no doubt, they will produce their own version of democratic politics, and then a controversy will develop over whether it should be more, or



less, "participatory"- and perhaps we will join the controversy, as a political theorist. But we have no reason to anticipate that argument now; all we can do is encouraging them to make their own way (Walzer, 1994, p41). Rawls asserts that "In developing the law of people the first step is to work out the principles of justice for domestic society". (Rawls, 1999: 26) accordingly, domestic theories of justice of both parties are needed to work out the international theory of justice. Therefore, it would have been better if Rawls had written his book on The Law of Peoples in cooperation with a thinker from decent nations.

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