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Chapter 1: A General Look into the Theory of 'idalah (Justice) in Ancient Times and Modern West

First Discourse: Concepts and Theories of 'idalah in the Orient

Development of attitude to 'idalah in history and man's primitive civilizations

Some researchers believe that the birth of rational and deductive approach to subjects and phenomena originate from ancient Greece. 1 Naturally, the birth and emergence of political philosophy became perceptible at a specific time after the fall of the monarchical dynasty. Consequently, the product of Greek civilization and its evolution is traceable to the 5th and 6th centuries B.C.2 However, despite this conviction, civilization is the product of man's rational outlook. And rational and deductive outlook and attempt to discover the Truth is a human affair associated with his life on the planet earth and thus not privileged by a certain group, race or tribe. This type of outlook has not emerged at a given time or location on the earth either, but is rather a human process, formation of which has been gradually actualized.

The question of 'idalah' is, on the one hand, an issue the understanding and implementing of which man, as an intelligent and truth-seeking being and at the same time free and autonomous, has constantly been in pursuit of while on the other hand, his human nature from within his self-pushes him towards 'idalah and 'idalah-seeking. He has always detested and abhorred oppression and injustice, and loved 'idalah like a beloved would.

For this reason, the subject of *'idalah* is in the depth of man's rational outlook and in the heart of the nature of *'idalah*-seeking and instinct of philanthropy, altruism, seeking order and even the instinct of self-love (egoism) in man who has hated the feeling of inequality and injustice or oppression against

himself or others.

And his inequality with others and the prevalence of discrimination between him and other fellow human beings has been intolerable to him. And this is a human subject in the sense that for all human beings enjoying a healthy nature and sound intellect is perceived in more or less equal form.

Therefore, in the same way that the approach to the subject of 'idalah' and the tendency and attempt to realize it has been a human and public drive, in man's primary civilizations attention and invitation to 'idalah' in all its different dimensions and the struggle to materialize it in cities and societies are among the affairs that have engaged the attention of thinkers and informed individuals. Based on the extant literature in clay tablets dating back to 3000 BC, Orokajina who was in command in Lagash, issued commandments in which signs of the instances of 'idalah' were found. For instance in one of them the following commandment stipulated:

"The chief priest is not hereinafter entitled to enter the garden of the poor mother and pick wood therein or collect taxes on its fruits."4

Also in Orangor Law Book,5 the first book of laws in known history, we read:

"I laid the foundation of 'idalah for the good based on the competent and just laws of Shemesh."6

Around 18th century BC, Hammurabi⁷ carved one of the greatest collections of law on a tablet with the aim of establishing social *'idalah* in Babel community, still extant today, and in which there are laws commenting on the methods of attaining *'idalah*.8 In the preamble to the Hammurabi Code we read:

"So that I can dispense and ensure *'idalah* on the land and eradicate evil and inequity, lest the strong would colonize the weak."9

Idalah in Zoroastrianism and ancient Iran

In Zoroastrianism, the question of 'idalah' and its realization in the land is propounded, perhaps for the first time, in the frame of an integrated theory regarding past history. Based on this religion, Ahura Mazda is the One God, Creator of the world of existence and its Sustainer, and is absolutely 'adil (just) and Righteous. 'Idalah' is both His Attributes and His Action. Ahura Mazda is just in the essence of creation and has created the world based on 'idalah. He is just in both the administration of the world and in sending Zoroaster 10 and revealing His injunctions and instructions, in the next world and in rewarding the deeds of men. Above all, Ahura's 'idalah' is the origin of the 'idalah' pleaded by His servants. Therefore, His 'idalah' (justice) is regarded as a pattern for Zoroastrian servants.

The Gats or Gahans, which are, in one version, the most authentic and intact religious text of Zoroastrianism, attaches noticeable significance to the issue of *'idalah* and uprightness. The law of Ashah<u>11</u> – as the path leading to the Truth or the law of uprightness and *'idalah* and the abstract of Zoroastrianism and will of Ahura Mazda<u>12</u>–for implementation of *'idalah* on the land states:

"Ashah is a manifestation of Ahura's *'idalah*. Ahura Mazda has granted people free will to select his path in consultation with wisdom and conscience and has warned that every thought, word and deed is liable to reward or punishment in accordance with the law of Ashah." 13

There are few paragraphs in Gutian in which no hint has been made of Ashah. 14

In the rivalry between good and evil, the forces of good seek to give reality to *'idalah* and righteousness and the earthly world is the arena of the struggle between right and wrong, *'idalah* and the absence of *'idalah*, good and evil. The term Arta, 15 which some people have taken as Ashah, is expressive of existence of moderation and perseverance or movement in the course of the temperance in individual and social life and has been regarded as equivalent to *'idalah*, uprightness, order, truthfulness and virtue:

In the viewpoint of Iranians, righteousness, Arta, 16 whose meaning is closer to *'idalah* than to the true word, has been defined as harmony with moral and social order, and oppression and lie as breaking and disturbing this religion. 17

Cornford in his valuable book entitled "From Religion to Philosophy", has defined Arta or Arshah in the following words: "The principle of a sublime orderly life and maintaining *'idalah* as a prerequisite for its attainment, because creation and attainment to *'idalah* is the ultimate goal of the evolution of the world." 18

Also in this school of thought, the materialization of *'idalah* by the chosen servants of Ahura Mazda, who enjoy Divine Light, is accomplished and they attempt to give reality to *'idalah* by correcting the affairs and placing everything under the laws of Ashah and on this basis the value and superiority of the servants of Ahura Mazda depend on their plea for *'idalah*, generosity and righteousness:

The Farrokh Fereydun was not an angel

Nor did he wear goatskin and ambergris

He obtained goodness by 'idalah and generosity

Mete 'idalah and be generous, then you are Fereydun. 19

Also in the tablets of ancient Iran, particularly in the Achaemenian era, *'idalah* was defined as putting everything in its proper place. The realization of truth and righteousness has been raised time and again. For instance, in one of the inscriptions of Darius the First, we read:

"It was by the will of Ahura Mazda that I subdued all. One man beat the other. It was by the will of Ahura Mazda that I decreed that no one should hit the other. Everyone should take his own place. They are scared of my law. The powerful cannot oppress the weak and vanquish him."21

In this writing putting everyone in his own place and the fact that no one can domineer and tyrannize the other signifies the realization of *'idalah*; the duty of the king is to give expression to *'idalah* and order and provide security under the shadow of *'idalah*.

Idalah in Judaism and Christianity

The question of *'idalah* and its realization has been given the special attention in Judaism and Christianity. Since these religions have been founded on monotheism they cannot fail to view *'idalah* as the axis of their religion. Therefore, in these religions *'idalah* is regarded as the most important attributes of the exalted God. And He is the God of *'idalah*.22 On this basis, any unjust relations triggering poverty and wretchedness of man is in conflict with His will as the Creator of the good. The Old and the New Testament conspicuously hint at the conquest of injustice and tyranny. God is just and His *'idalah* serves as a point of departure for man and for reflection on *'idalah* in society and its realization.

Considering the viewpoint of the sacred book, which regard man as the image of God, 23 man has been obliged to be actively engaged in the administration of the world and this active participation should be based on God's *'idalah*.

Moreover, in this outlook, breaking the yoke and bonds of oppression, liberating the slaves, helping the poor, clothing the naked ones and . . . are all maintained as instances of *'idalah* in society. In the Torah, the Book of Jacob, the prophet, we read:

"Nay, the fasting I like is the fasting that I desire: to break the bonds of the unjust, rend the yokes, liberate the slaves, break all yokes, distribute bread among the hungry people, provide shelter to the homeless poor people.24

On the Resurrection Day, God will also treat with *'idalah* and people will realize *'idalah* in that world. Therefore, people will experience *'idalah* on the Day of Resurrection and the homeless attain their rights.25 In the Bible, too, stress has been laid on *'idalah*. For example:

"And my judgment is just because I do not seek my will."26

On the other hand, setting forth canonical laws in the Holy Scripture comply with the efforts to the dispense *'idalah* so as to preclude disregard for *'idalah* and the poverty of the weak and low-income strata of people by presenting social and criminal laws. On this basis, the injunctions and canonical laws of the Holy Book aimed at utilizing 'idalah and the truth. The Psalms of David<u>27</u> also reiterated God's *'idalah*, human *'idalah* and its necessity. For instance; in the fourth hymn we read:

"O, God of 'idalah! When I call you, respond to my prayer."28 Or,

"O, God! I am for *'idalah* and the perfection within me. Grant me *'idalah*, eradicate the wickedness of the evil-doers and perpetuate the just one, because the searcher of hearts and veins is the just God."29

In the eyes of Saint Augustine, absolute 'idalah -that is, 'idalah conforming to the generality of order - applies first and foremost to the celestial macrocosmic system. However, this 'idalah in its limited scope may also apply to society and the limited terrestrial order in case when society and the temporal order are in conformity with that order and the celestial macrocosmic society:

"Real 'idalah of every government depends on its conformity with a universal and global system.30

And Augustine's City of God's society seeks no objective except the realization of two main and great human aspirations, that is, *'idalah* and peace. Of course, in his words and works, he considered *'idalah* in conformity with order, an order, which every society had within it for its survival and, in fact, that which brought moderation to that society and system.

From the perspective of Thomas Aquinas, too, unjust relations are in conflict with God's will and individuals obey Him without an intermediary and receive His commands through natural or divine laws. Therefore:

"Man's duty for obeying the mundane commandments is as far as the limit the spirit of *'idalah'* requires such obedience."31

Idalah in ancient China and India

In Far Eastern civilizations, such as China and India, in Confucianism and Buddhism and others there is glaring evidence of attention paid to *'idalah*. Here, we will first treat in passing *'idalah* in ancient China's political thought and then touch on the subject in ancient Indian political thought.

Confucius, the greatest thinker of ancient China defines government as righteousness and *'idalah* as its utilization.

"To govern signifies doing everything correctly. If the prince undertakes the guidance of people out of righteousness and uprightness, no one will dare not to be righteous. If you govern out of right and *'idalah*, what need remains for killing and beating?"32

In this expression governing is synonymous with *'idalah*; that is, the putting of everything properly to its place and as they should be. Moreover, Chinese philosophy is a pragmatic and humanistic philosophy and is less concerned with discovering the true nature of objects. 33 The fundamental concepts of Confucian thought, that is, Jen34 meaning humanity and the man's heart, and Li35 meaning normal or regular and improvement of names are also in line with the realization of *'idalah* and the life based on it. These concepts aim at attaining the great harmony or Ta Tung, 36 which signifies a period of history when order and *'idalah* are established, which Confucius calls the age of great harmony.

From his perspective, the government has a heavy responsibility for attaining this harmony and lending order to people's affairs so that *'idalah* will find expression.

The main duty of government is to organize the affairs of the country and the nation in a way as to fulfill his duty from top to bottom in conformity with his standing and status in society so that the king is the king, the servant the servant, the father the father, the son the son, and no one transgresses his limit.37

In Indian thought, too, reliance on behavior and the creation of harmony between belief and behavior is

raised in a way that knowledge and action mingle genuinely. 38 Moreover, Darma, in the tradition of ancient India, is indicative of the world's ethical order and conveys the concept of *'idalah* and virtue and ritual within whose frameworks Indians should live.

"Anyone talking about Darma has spoken the exact truth."39

In the Buddhist perspective, the middle way (the eight steps)40 or the way to a relief from suffering would not also be accomplished minus internal journey [towards God], although it relies on an inner purity. Therefore, in the second step, that is, righteousness and uprightness in thought, correct thought has three dimensions:

1– Thought free from pleasure and carnal desire, 2– thought free from ill will, 3– thought free from tyranny, which pave the ground for realization of *'idalah*.

Moreover, the fifth step signifies correct life, and living based on *'idalah*. In other words, one should avoid a lifestyle associated with the harassment of others and should cease doing those acts and activities detrimental to others.41

Generally speaking, the path to perfection in Buddhism is knowledge and *'idalah*. By knowledge, it means understanding the self, instincts, bonds and needs. *'Idalah* in this perspective means that we should build our life on a moral basis so that accordingly, we can attain perfection through moderation and a middle way.

By and large, 'idalah in eastern mentality has been raised in two dimensions of monotheistic religions (Zoroastrianism, Judaism and Christianity) and human schools of thought and philosophies (such as Confucianism and Buddhism). The latter predominantly treat the significance of 'idalah and its standing in practical life and methods of its implementation. The former view 'idalah as a fundamental principle, without which life has no meaning; and other human laws are erected on its basis. The One God is the embodiment of general and real 'idalah and His 'idalah is a point of departure and the real pattern for the realization of human 'idalah.

Second Discourse: 'Idalah in Western Thought (up to Renaissance):

'Idalah in the political thought of ancient Greece (from Pythagoras to Aristotle):

Pythagoras

In the thought of Pythagoras who was under the influence of eastern thinkers particularly Zoroaster,42 *'idalah* means considering the competencies of individuals in observing the rights of individuals in accordance with their natural talents. Individuals acquire status on the basis of these talents.

Pythagoras maintained different ranks for his students according to their natural talents. He put the most esoteric of his wisdoms at the disposal of those who were competent to perceive them. 43 On the one hand, considering that Pythagoras viewed number as a noble principle, he postulated that 'idalah emerged out of equal components and defined it as preserving the equality of the components. This equality actualized by abstaining from extremism, establishing proportion, balance or harmony among the parts. Since they maintained a descriptive state for 'idalah' and compensation or equality and found them in numbers, they also argued that 'idalah' was the first square number. 44 The government is just as long as the equality of its components exists and 'idalah' signifies preserving such equality. 45

Socrates

From the viewpoint of Socrates, life signifies a desired perfection in self-control, *'idalah*, courage and independence, which are attainable through knowledge and wisdom. 46 He considers *'idalah* a type of inner balance and harmony and subordination of the person's entire existence to an equal will free from duality. For this reason, his greatest activity in life consisted of a combat against any factor triggering disharmony in man's self and soul.

He considers just and useful action to be one and the same. He has excommunicated and accursed one who has for the first time drawn distinction between just and useful action.47

Therefore, from his perspective, the value of everything lies in its utility and the usefulness of everything lies in it being just; being religious is a method of thinking accompanied by just action.48

Plato

Plato, the student of Socrates, considers the basic goal of *Republic*49 to be the delineation of the concept of *'idalah* and the way to attain it.50 Of course, in discussing *'idalah*, he employs Dikaiosune's term51 which apparently includes52 a wider implication of *'idalah*. From his point of view, *'idalah* is a desired ideal, which only those trained in the lap of philosophy and wisdom can accomplish, and therefore is of the most beautiful type:

"I said *'idalah* is of the most beautiful kind; that is, it is in the realm of wants that are desirable for the seekers of happiness both due to its own sake and on account of the results obtained thereof."53

Based on Plato's viewpoint, 'idalah is a kind of harmony and balance in affairs, in the sense that if in a society each of the individuals is simply engaged in a special activity in conformity to his/her natural qualification and talent and avoids intervention in the affairs of other individuals, 'idalah will be established in that society.

Every single individual in cities should exclusively have one job, for which one is naturally endowed with special talent ... we mentioned that we have repeatedly argued and heard that engaging with one's own job and averting interference in the work of others is the same as 'idalah.54

Plato's attitude to 'idalah is the product of considering man's individual existence as a multi-dimensional structure, each of which commands a special function. Based on his viewpoint, 'idalah develops in individual's existence when he considers the soul to be composed of three constituents, reckoning that each constituent performs its own special function and that all the three constituents are in harmony with one another under the command of intellect. On this basis 'idalah' (in individual's existence) implies health of spirit and cruelty or disharmony among the constituents its ailment. From Plato's perspective, 'idalah also signifies disposition of individuals within the community and society and is based on a type of a logical work division in conformity to individuals' temperaments. Therefore, he considers 'idalah' as granting everyone's right to himself/herself.55 In his opinion, 'idalah signifies that every one of the individuals in society is gratified with56 the position57 he holds in a community, accepts it and fulfills the relevant duties thoroughly.

He writes: We have said time and again that being engaged with one's own job and avoiding interference in the work of others is the same as *'idalah*.58

On this basis, the government in society deserves to be composed of special members of that society, that is, the luminaries. *'Idalah* utilizes when this group governs the society.

Aristotle

Aristotle, a student of Plato, also considers man's real happiness to lie in virtue, and virtue is also manifested in *'idalah* in its highest form. He first reviews the meaning of the term *'idalah* 59 and sets forth two meanings as such: 1) legal affair [*'idalah*] and 2) equity and equality. [*Qist* in Persian/Arabic language]. He points out that in Modern Greek language it has been taken as being dovetailed with righteousness. In treating the subject of virtue, he turns to the concept of a middle way, and considers the foundation of *'idalah* in everything to lie in the observation of moderation:

"It is understood that the best form of life is that which is based on moderation and on a limit everyone can observe."60

In this way, Aristotle makes it clear in his survey that a just action is a middle way between committing tyranny and undergoing oppression. It is, therefore, a kind of moderation. For this reason, it is the greatest of virtues: "as such it often appears that *'idalah* is the greatest of virtues." *'Idalah* contains all virtues.61

'Idalah is an absolutely perfect piety, because acting according to it implies acting according to virtue in its entirety.62

It is therefore observed that, while being a middle way, *'idalah* is not of the same weight as other virtues; it is, in fact, an inner habit and disposition to which action is subordinated.

In fact, from the viewpoint of Aristotle 'idalah' is equality among equal individuals. Moreover, in his

perspective political *'idalah* is superior, because it is an *'idalah* propounded between free and equal elements in life with the aim of accomplishing self-sufficiency. 63 In his view, goodness in politics is also doing *'idalah* and that is the highest form of goodness:

"The end to all learning and arts is goodness and the end to political learning which more is elevated than all other learning is the highest goodness. In politics, goodness is nothing but dispensing *'idalah*, on which the interest of all depends."64

Moreover, as it was mentioned earlier, the mental and inner aspect of *'idalah* is also of importance to him. 65 On this basis, a just individual enjoys the highest of virtues and can take control of the leadership of society and lead it to real happiness. Thus, he writes:

"The just is one who innovates or safeguards the prosperity of a political society in full or in part."66

Post-Aristotelian concept of 'idalah

In post–Aristotelian period in the occident, the Stoic philosophers 67 regarded the idea of balance with virtue and man's honorable life in the universal community, and put forth the concept of life in conformity with nature and natural law. Later Stoic philosophers, however, viewed nature from a more manoriented perspective and accordingly paid greater heed to disposition and human nature. In the outlook of the Stoic philosophers, only virtue, which is a mental state of intellect, is synonymous with goodness in its full sense. They apparently considered virtue or goodness in the sense of conformity and compatibility with nature and on this basis assessed moral things, as: 1– Things compatible with nature that can be accorded relative value, 2– Things incompatible with nature or worthless, 3– Things that are neither valuable nor worthless.

Basic virtues consist of moral insights, courage, perseverance and *'idalah*, but they are either upheld altogether or crumble down altogether. They are then linked to each other and therefore man is either disposed to virtue or entirely lacking in virtue.

Another dimension of their thought is the theory of cosmopolitanism. From this angle, every human being is naturally a social being, life in society is a rational thing and intellect is a common nature shared by all human beings. Hence, there is only one law and one land for all human beings. Zeno observes:

"All people are the citizens of Zeus's utopia (The City of gods) and should be constantly under one rule and common law, similar to sheep protected, guided and led by a shepherd."68

On this basis, they argued that "All human beings are equal" and that "even enemies have a right to kindness, love, forgiveness and pardon." 70

'Idalah as viewed by Roman thinkers

Among Roman thinkers Polibios regarded sympathy with others and philanthropy as a mental basis of

social relations and therefore insisted people's group interests.

After him, Sisron accepting the Stoic beliefs raised the question of natural law as the universal constitution. From his viewpoint and other Roman lawyers, 'idalah has a legal implication. From his perspective, 'idalah means acting according to nature or natural law. If all the rules of governments and actions of rulers and other individuals in society were constituted on such legal foundations, 'idalah would find reality. He observes:

"In fact, there is a rightful law and that is the sound reason that conforms to nature, applies to people and is immutable and eternal, and governs people at all times"71

In such a perspective, sound reason and natural law constitute the basis of law that conforms to and is compatible with nature. And natural law and apprehension of sound reason is equal to all. On the relationship of law with natural law, he maintain s that *'idalah* is the same as natural law and its realization; if natural law is invalidated, *'idalah* will cease to be:

'Idalah consists of natural law and natural law is equal everywhere, unalterable, eternal and binding for all people and all governments. For all laws to be just, they should conform to natural law. Man's sound reason is the criteria for the coordination of laws with natural law. God has ordained natural law. "72

In Seneca's view, a later Roman Stoic philosopher, the subject of *'idalah* is also worthy of study by relying on two fundamental issues: attention to nature and natural law, and necessity of performing good to others. Hence, he mentions:

"Live for others if you want others to live for you."73

He insists that "nature orders me to be useful to others whether they are slave or free men, liberal or illiberal; wherever there is a man, there is room for goodness."74

This legal perspective of *'idalah* and its dependency on natural law governed the thought of distinguished men of Christianity, particularly Church abbots throughout the Middle Ages.

Third Discourse: 'Idalah in modern Western political thought

Considering the vastness of the subject dealing with "idalah in this era, particularly in the 20th century, a discussion about *'idalah* in the new political thought of the West will be taken up from several axes in brief.

Early outlooks

Impacts of the Middle Ages

The onset of the Renaissance in Europe and its continuation was the product and natural result of its

previous period: the Middle Ages. In the Middle Ages, despite the pressure resulting from the church domination over societies along with the crusades, one of the important issues was the acquaintance of the West with Islamic learning and philosophy. 75 The acquaintance of the West, particularly in the middle of the 12th century and early 13th century concurrent with the emergence of universities there, with thoughts and ideas of Muslim thinkers such as Abu Nasr Farabi, Ibn Sina and others in the formation of the thought of theologians at the turn of the Middle Ages and inception of Renaissance such as Albert the Great, Thomas Augustine, Rogers, Bacon and others is quite obvious.

By and large, one can realize that some of the Christian and nonChristian experts in recent times influenced by the views of Muslim theologians and thinkers and Islamic culture, as opposed to the idea of the church, introduced *'idalah* as one of the most important social concepts which entered the Renaissance period from the Middle Ages. Previously, Augustine had announced: "where there is no *'idalah*, there will be no government either. 76 In later years, this principle gradually mingled with the question of law in the course of the Middle Ages and was even incorporated into it. In the 15th century, also Nicolas Kasa had raised that wherever laws were not superior, no civil society would exist. Also, the principle of equality and equality of human beings entered the age of Renaissance as of this century.

Humanist revolution and the question of 'idalah

The Humanist movement, although a cultural one in principle, was dedicated to the study of humanistic cultures (concerning the world of human beings) or more humane literature or literi humaniurius, 77 and because the human being was the focal point of discussion of this school of thought, it heeded human issues including *'idalah*.

Among the humanists, Erasmus was a prominent personality. He wrote the book "In Praise of Idiocy" to investigate and criticize the chaotic situation of his time 78 and articulated on the oppression, injustice and corruption of the heads of the church. In his other satire, in talks! Between Pope Julius II and St Peter, he exposed the chaotic situation and injustices of Christian clergymen and the Popes. For example; in his satire, he quoted St Peter as saying:

"O! You abject creature, fraud, usury and deceit have made you Pope ... nevertheless, such a tyrannical monster who is the embodiment of injustice and inequity, is revered and idolized only because of bearing the title of Pope; good people should also abound in the world."79

Renaissance and the question of 'idalah

Among the thinkers of the world of politics, Niccola Machiavelli is regarded as the noted representative of the Renaissance movement and among the innovators of political thought. The political and social situation at the time of Machiavelli was such that he preferred order and power to 'idalah. Accordingly, in addition to the separation of the spiritual and political realms and ethics and politics, he rejected the theory of natural law and divine law. He sought to theorize on a special type of political ethics, which came to be known as Machiavellianism.

He thought out the way to rescue the society of Italy in those days lay in the realization of such an ethics, because true political ethics in society did not exist. 80 In a sense, in his thought the only solution possible was the unity of Italy that was possible only under the leadership of a ruler who acted selflessly and resolutely to champion this cause, not being faltered by any humanitarian, ethical, religious or philanthropic considerations in his tasks.81

Hence, Machiavelli opinioned that in such an anarchy, the attainment of power, unity and order trust in people and attention to *'idalah* and love alone could not be of any avail.82

Therefore, if the basis of the rule of the king – from people's side – were fear and love, the former was of greater importance, because by fear one could administer the society better and put an end to chaos. 83 In general, Machiavelli held that taming the evil temperaments and animal dispositions in man was accomplished only through the application of a combination of coercion and oppression, deceit and trickery. Accordingly, the application of violence was desirable to accomplish benevolent goals.84

Idealists, religious reformers and 'idalah

At this very time, another group considered the way leading to the improvement of society and the realization of *'idalah* to be within the framework of a presentation of an ideal plan or expression of a kind of an ideal but an illusory society as observed in works such as Thomas More's "Utopia" and Campanella's "The City of the Sun". Writing these works is a kind of response to the existing injustice. Utopia was a political society that was socialist in terms of economy and based on pure equality. Some features of this socialist and just society consisted of:

- 1– Equality of the structure of cities: "The cities of Utopia are similar to each other and constructed based on climatic requirements.85
- 2 Absence of private ownership and division of labor based on the needs of society.
- 3 Common and equal life based on love and affection.

In Thomas More's perspective, 'idalah means the equality of human beings in affairs, services and, generally speaking, a life in a Utopian, where 'idalah is based on the equality of human beings.

The movement to dismantle religion was launched with the aim of correcting religion and in reaction to the demeanor of the leaders of the church and the feudalists. This movement was originally initiated by William Akami and Padora in the late Middle Ages, but two of its prominent proponents were Luther and Calhoun. Luther's thought on *'idalah* can be summed up as follows:

- 1– The true church is a congregation of believers; Popes are not an intermediary between God and people.
- 2 Negation of the wealth of the church and sale of salvation certificates and such practices.

3 - Challenging the supremacy of the Pope.

On the other hand, by offering theories such as two kings86 and rejecting rebellion against the ruler and considering disobedience to his command as a sin and applying violence in treating dissidents, Luther did not utilized 'idalah'; he rather contributed to the promotion of oppression. Moreover, Luther's outlook ultimately led to the formation of the pillars of capitalism and accumulation of wealth, opening the way for the expansion of capitalistic principles in the West. Despite his dogmatic perspective of the Christian type, John Calhoun87 stressed the distinction between a non-religious and religious government as Luther's, and reflecting on methods of civil 'idalah' in expressing the duties of a non-religious government, he wrote:

"Regulate life through methods meritorious to and essential to human society, to specify the methods of civil *'idalah*, keep our promises firm and establish general peace and calm.88

Also, as an Evangelist protestant,89 he recognized only one absolute lawmaker in the universe, whose name was God.90 From his perspective, the church undertook its role in society by the teaching knowledge of God, by attempting to impart spiritual education in the implementation of *'idalah* and administration of civil relations in society.91

In spite of this, Calhoun's dogmatic outlook, the stress he laid on people's obedience to ruler – as Luther did, and his belief in God-chosen people, his pessimism towards human essence and negation of an uprising vis–a-vis the ruler-excluding disobedience in cases when the ruler gave order against God's commandment – there remained no room for his outlook to set forth the question of *'idalah* theoretically and practically. On this basis he said:

"Colonialism facilitated the merciless colonization by the capitalist."92

Of course, in later years a tendency to *'idalah* was somewhat raised in this school of thought. For instance; John Knox invalidated the negation of resistance against the ruler:

'However, it is disbelief to say that God has ordered obedience to kings who issue orders to perpetrate evil and corruption."93

Naturalist laws

In the early years of the new age other inclinations such as the attention to natural laws and Divine laws were also propounded. Although such thinkers heeded power and social order, they were heedless of issues pertaining to *'idalah*. One of the important discussions of this era was the theory of the Divine rights of kings raised predominantly by lawyers and statesmen of France and Britain. This group often preferred the interests of their own society to public interests. Among these one can cite Jean Beden and Bossuet.

In discussing the end of a conclusive and dominant government, Beden refers to rational and intellectual

virtue and relative welfare of all people. From his perspective, natural laws are clear and cogent and only the king should observe them. The king should already have reached an agreement with his subjects on them, because if some of the very general principles such as truth, sincerity and *'idalah* were not unanimously agreed upon, enormous differences would emerge in the opinion of the public, who would inquire how these principles should be enforced in inherent and objective choices of [men's] behavior. "94

At the same time he argued that in the evaluation of whether a king was a just or a tyrant one was not to judge on the basis of the intense treatment be applied. In Beden's viewpoint the oppressor was one who obtained sovereignty forcibly, not through election, inheritance, drawing lots, an *'idalah*-seeking war or God's appointment and revelation .96 Therefore:

"The Law does not permit an individual or all people to launch efforts to take the life or position of the ruler by way of force or *'idalah*."97

However, in spite of this, Beden differentiates fully between a just king and a tyrant ruler. Bossuet also maintained that no government could remain in power minus religion, even a false religion and that social *'idalah* has been constituted on the basis of religion and therefore not compatible with despotism. From his viewpoint God was just and did not allow any power to be entirely despotic or disregard the natural, Divine or human law. 98 Therefore, although he favored absolute rule for kings, he propounded that:

"If the king is opposed to religious injunctions, he should obey God, not men of God."99

In contrast to the inclination to public laws, anti-king ideas emerged more or less in this period of time. Among the works of this period, Moroni's book entitled *Defense of Freedom Against Oppressors* enjoys great significance. He considers the foundation of the formation of sovereignty for dispensation of *'idalah* chronologically to be after the golden age of human being. He writes:

"Since then it became necessary that a kind of sovereignty should be created for the settlement of differences and establishment of *'idalah*, that is, preventing the affluent from suppressing the poor 100

In his opinion, this work was accomplished by two contracts: the first one between God, the king and the people for creation of a rightful religion and the second between the king and the people for the creation of a nonreligious government on the basis of which people were committed to obey the king sincerely while he also governed justly.

Outlooks of the Age of Enlightenment and the 19th century

'Idalah in Hobbesian tradition

1) Idalah in the political thought of Hobbes

Hobbes considers man as an intrinsically evil being and holds a pessimistic and tragic view of him. From

his perspective, in the natural state, everyone is his own arbiter ... and this difference gives rise to conflict and war. 101 Also, due to rarity of resources and greed oriented efforts of human beings to access them a war of each against all will break out and man's life becomes lonely, wretched, evil, ferocious and short-lived. Therefore, all seek a single judge and accept his views regarding the threats posed to them in cases of doubtful and contentious cases. 102

Hobbes, by relying on the concept of natural law, which is expressive of the motto "Do not do unto others what you do not desire others do unto you" and which is comprehensible even to the least witted individuals 103 and inspired man's instinctive desire for survival, raised the issue of (social) contracts by recourse to which everyone fulfills his natural right, i.e. his self–preservation, by fulfilling his pledges without posing any threat to others. This is Hobbes's concept of 'idalah: it implies that 'idalah lies in people's (acquired) habits in the execution of contracts and agreements [they enter into in the society] and their loyalty to such. In more precise terms, 'idalah connotes loyalty to one's pledge and covenant provided that others do the same.

In this outlook, *'idalah* is not a criterion independent of man's will; it is rather an affair to be agreed upon. In fact, what Hobbes heeds more than anything else is the security of the citizens and not the provision of *'idalah* for them. Therefore, to provide for security, the ruler should enjoy absolute authorities in all fields. On this basis, neither the act of the ruler can annul the individual's promise nor can one accuse the ruler of tyranny.

2) Idalah in the political thought of John Locke

Idalah in the political thought of John Locke 104

The most significant issue about *'idalah* from Locke's viewpoint is that he considers natural law to mean the protection of life and property and freedom of human beings, summing them up in ownership, and constituting this right on the basis of natural laws. He argues that as a result of man's vocation public natural properties become private. Moreover, the entry of human beings into a civil or political society is to protect properties they have obtained in a natural situation. From Locke's viewpoint, the natural right to ownership is correlated with the fundamental right of protecting the self, 105 because it has not originated from a contract.

However, this natural right has limits and boundaries and should not apply to objects that others have already obtained. Also the law of nature regarding ownership oversees the prevention of extravagance and excess. Man, who acquires properties by working should think exclusively not to spoil anything uselessly. His duty is not to think of others. Everyone thinks of himself and God thinks of all. 106

Therefore, we understand that individualistic utilitarianism resulting from wealth without trespassing accumulated wealth and what others have obtained accumulated constitute the foundation of Locke's viewpoint, utilitarianism and liberalism. That is why Schtrauss indeed rightfully propounds:

"Locke's teaching of ownership is directly comprehensible although it is today regarded as a classic teaching of the "spirit of capitalism" or teaching concerned with the main goal of establishing a government. 107

3) 'Idalah in Montesquieu's political thought

From the viewpoint of Montesquieu, natural law – in the sense of necessary relations and direct effects and results of the nature of beings 108 – reigns over all of them including man. Regarding man, this state of affairs creates a criterion for *'idalah* that precedes human positive law because from his viewpoint in natural formulation – as compared to civil formulation *'idalah* and just relationship have existed. In his words:

"If we argue that possibility for prevalence of *'idalah* has been absent remote from the commands of positive law, it is like saying that prior to drawing a circle, all its radii were not equal." 109

Therefore, from Montesquieu's viewpoint, natural laws are just, and as man forget God and himself, he might also forget his fellow human beings. Hence, the political legislators remind him of this fact. Thus, positive laws conform to natural laws as comprehended by man's intellect. 110

Generally speaking, the proportion of the laws to internal relations of the society and its needs as well as its constituents is the basis of the justness of laws.

In fact, in Montesquieu's view, although *'idalah* is not an affair to agree upon, as reflected by Hobbes and Locke, it is dispositional and originating from man's natural propensities. Since man's natural tendencies differ in different societies, hence *'idalah* in every society differs from that in another society. He also has regard for the principle of moderation in the formulation of laws. In his view, the political good always stands between two extremities. 111

'Idalah in Hume's tradition

1) 'Idalah in Hume's political philosophy

Hume stressed the principle of interest and sanctioned the usefulness of the individual and others. Therefore, from his perspective, whatever results in the good of the society directly causes our gratification. 112 Since *'idalah* is a public affair, therefore:

"Public usefulness is the sole source of *'idalah'* and contemplation over the useful results of this virtue is the sole foundation of its distinction." 113

Although man's interest pushes him towards the society, in order to establish and regulate the individual's rights, there is a need for a consensus the contract must be concluded by all members of the society – to give stability to possession of external properties, causing everyone to obtain whatever he can under the aegis of his luck and efforts. 114 It is this very general feeling of common interest from

which conceptions of *'idalah* and oppression arise. Therefore, from his viewpoint, *'idalah* is founded on the basis of personal interest or feeling of usefulness:

"Hence, personal interest is the main incentive for establishment of *'idalah*, but sympathy or public interests is the source of moral acceptance along which comes virtue. 115

Hence, Hume regards 'idalah' an artificial virtue contrived by man, emanating from his training and contracts and as the result of common law. Of course, he does not consider the artificial nature of 'idalah' to mean recalcitrance, yet he does not contend it to be separate from human situation and states. In fact, he does not believe in something by the name of eternal law of 'idalah' or its truth in the sense of its separation from human situation. Rather, from his viewpoint, 'idalah' is an affair devised by man. Therefore, the goodness of 'idalah' is founded not on conceptions but on discipline. 116 From his view point, government is also man's innovation and the most important interest it brings to man is the establishment of 'idalah:

This creature during his advancement begins to lay the foundation of a political society so as to dispense *'idalah*; therefore, you should view the vast government machinery that seeks nothing but to attain an end, which is dispensing *'idalah*.117

2) Idalah in the viewpoint of Smith and utilitarianism

Adam Smith accepts the term empathy intended by Hume and takes it as meaning sympathy. From his viewpoint:

"We do not approve of any feature of the mind as virtuous except what is useful and smooth for the state of the person himself or that of others." 118

Of course, from Smith's perspective, the feeling of acceptance precedes usefulness and is a habit. Therefore, obedience arises from habit and habit gradually emerges from people's gathering in order to preserve and sustain generations. The constancy of habit also depends on the stages of the society's development, which it has undergone. It was at the second stage that ownership of domesticated animals had emerged and government created accordingly for the establishment of *'idalah* and social order.

On this basis, he considers commercial society to be the most superb stage of historical evolution because in a commercial society *'idalah* and moral judgment are regarded as honored values.

By and large, 'idalah in his view is the product of economic growth and the creation of greater benefit in society and, consequently, subject to traditions and customs of every society. This type of outlook is conservative. From Smith's perspective an unseen hand in the market and economic process acts in a manner that social 'idalah (justice) would materialize in the society.

The most important advocates of this tradition were utilitarianists such as Jeremy Bentham and his

followers, particularly, John Smith Mill from whose viewpoint, too, feelings play a determining role in human's goals. And accordingly, people desire pleasure and abstain from pain and suffering. Therefore, the principle of usefulness for them constitutes the foundation of political thought and criteria for *'idalah* in the society.

Idalah (justice) as seen by Rousseau and Kant

1) 'Idalah in Rousseau's political thought

Jean Jacques Rousseau observed the corrupt and degenerated society of the Age of Enlightenment. From his perspective, this perversion is rooted in inequality and injustice pervading this supposedly civilized society, because it encourages its citizens to suppress their natural human desires and tendencies and replace them with false and artificial social behaviors. At the same time, the society encourages extreme inequality among the citizens. 119

Hence, a major crisis characterizing the society in the Enlightenment Era in the west is the question of injustice and human inequality and this inequality conflicts with natural and physical equality. In his book, he writes under the heading "A Discourse on the Origin of Inequality:

"Moral inequalities authorized by positive laws conflict with natural rights wherever they are inconsistent with physical and natural inequality. This contradiction resolutely teaches us what we should think about regarding the type of inequality ruling over civilized societies." 120

Moreover, in his vision man is not intrinsically evil and cruel but rather human beings have been naturally created simple savages and not mischievous creatures; and as a result they defend themselves against the evils wreaked by others but do not seek to commit oppression against others."121

Accordingly, human beings have been created inherently equal and free, and no one is superior to the other in terms of creation. Of course, small natural inequalities prevail, which are essential to sustain life, but the existing social organizations gradually keep such inequalities remote from freedom and equality more by aggrandizing them and transforming them to social ones. Amid all this, the institution of private ownership is calculated as the most important factor responsible for natural inequality.

Rousseau's attention to politics as the most important factor determining man's direction in society while regarding human conscience as its basis leads him to a special conception of a social contract in which man can build up a new society. In a civil society he beard mind, human beings are transformed into new moral beings possessing a single will called public will which,

"Only heeds common interest while public will takes into consideration private interests and comprises only a collection of personal wills. However, if you eliminate from this collection the minuses and pluses that neutralize each other, what remains is the public will." 122

Public will is the product of faith, love and upbringing 123 and finds reality when all observe each other

the way they see themselves and what they desire for themselves they desire for others. Based on public will, Rousseau's just society will be created, wherein no citizen becomes so rich as to bring others to his service and no citizen becomes so poor as to be compelled to sell himself. 124

In this outlook, *'idalah* transgresses the limits of nature and usefulness and becomes a moral and human affair.

2) 'Idalah in Kant's political philosophy

Kant regarded ethics as the basis of politics and expressed concepts such as freedom and 'idalah within the framework of moral perspective. From his viewpoint, man's effort for the development of his character, which is his main objective in life, has two aspects: I – to combat against forces of nature in order to conquer them, 2 – to struggle against his self to follow the law of intellect. Kant considered Rousseau's public moral will as the cornerstone of his thought and began interpreting it in a way that was binding on all. From his perspective, there were two rights: intrinsic rights that people enjoyed naturally and independent of any approved law, and acquired right, which was obtained only through the law's approval. From among these rights, the only right that is legitimate and whose natural right of external freedom plays this role can create a legitimate basis for acceptance of the legal rule of a government. Therefore:

1– People enjoy an intrinsic right to external freedom, 2– the only legitimate limitation for the right to external freedom of the rights of others corresponds to freedom, 3 – the prerequisite for the general realization of this right to external freedom is the prerequisite of *'idalah*, 4 – *'idalah* necessitates a prescription to use coercion, if need arises, for backing the conditions of *'idalah*. 125 This right provides the basis of the concept of *'idalah* for Kant. In defining *'idalah*, he writes: "The totality of conditions under which an individual's will can unify with the will of other individuals in accordance with the general law of freedom." 126

Hence, in his view; 'idalah necessitates that individual human beings act in full conformity with public will.

Based on such a definition, *'idalah* is a prerequisite to the unity of the individual's will with the will of other individuals and the practical realization of public will is based on a general law of freedom, oppression or injustice will consist of any condition causing an individual's will to unite with another individual's will in accordance with a general law of freedom. 127 That is why, the use of force to confront such a situation is considered as the prerequisite of *'idalah* and its application in support of the intrinsic right compared to external freedom is a necessary condition for *'idalah*. Of course, the application of force for the realization of *'idalah* should also be just. Kant constitutes his political philosophy based on such an outlook of *'idalah*. The government in his view should be based on *'idalah* and under the laws of *'idalah*. He writes: The government 128 consists of the unity of a multitude of people under the laws of *'idalah*, that is the conception of a government the way it should conform to the pure principles of 'idalah. 129

3) Idalah in the eye of Hegel

Impressed by Kant, Hegel stressed man's freedom as his fundamental purpose but considered it to lie in following idea. From his viewpoint:

"Complete freedom, which is man's goal, is acquired when all human beings know and understand the idea and harmonize with it and, consequently, live accordingly." 130

In such conditions *'idalah* finds meaning. Therefore, in his outlook *'idalah* signifies coordination of the status quo with idea. On this basis, he places the individual at the service of the government and in his opinion the existence of the individual finds meaning as a citizen and in connection with the government.

'Idalah in Socialism

In reaction to the liberalistic outlook, particularly in the economic dimension, socialism took shape gradually, constituting the basis of his attitude to collectivism and "common stress laid on the transformation of a capitalistic industrial society to an egalitarian system 131 in which a collective welfare for all changes into a real principle 132 This school considers the existence of a powerful and centralized organization as the best means to prevent transgressions and injustice in society. 133 The goal of almost all socialists is the dissolution of private ownership and the establishment of public ownership in its lieu. All of them have unity of view regarding principles but differ in ways to attain them. Socialists are divided into two groups: the idealists and the Marxists, as inspired by the views of Marx. Idealist socialists such as Sismondi, Saint Simon, Proudhen, Fourier, Louis Plan, Pierre Louraux, Blanquee and Robert Owen sought a change of the social organization for the establishment of *'idalah* and equality. 134

From Sismondi's perspective, the aim of economy should be the welfare of the society. "An equilibrium will not be created between productions and needs necessarily and automatically." 135 Rather the normal situation of production and needs creates a system of free exchange and liberalism, and this state of affairs necessitates "the intervention of the government in order to improve the social situation and change the undesirable current of economy." 136

Saint Simon also stressed the value of work and called for the equality of individuals at birth "in which case everyone with equal opportunities and provisions would undertake efforts and according to one's endeavor and talent would benefit the society's resources." 137

On the same basis in his view "the rule of human beings will be replaced by management of objects." 138 And therefore, he basically rejects feudalism's idea of ownership as the absolute right on which society and government are based. In his view, ownership is a kind of exploitation of man by man. 139

The founder of scientific socialism was Karl Marx, who by innovating the concept of self-alienation 140 and relying on historical materialism and dialectic materialism, embarked on an economic interpretation of society and history and propounded that the history of all past societies was the history of their class

struggles 141 and social classes were the product of the economic relationship of his age. 142 In this way by considering the five phases of historical transformation, based on the dialectic principles [of thesis – antithesis and synthesis], he brought up the idea that society would eventually reach its final stage, communism, or secondary socialism, based on self conscious equalitarianism.

The Communist society in the eye of Marx is a classless society and the product of the crisis that breaks out in capitalism, and human societies reach the communism stage by passing through the transitional stage of socialism, which is a classless society without a government and wherein private ownership and division of labor dissolve. "Therefore, the establishment of a communist society is not feasible without the abolition of labor division and collective work." 143

In this stage the fundamental criteria of socialistic distribution – pay according to work done – will be elevated to the superior stage of communism – everyone according to his need. He writes:

"The society can write on its flag: From everyone according to his capability to everyone according to his need." 144

In this way social *'idalah* finds reality in the society.

By and large, the ideas of the thinkers of the 18th and 19th centuries in the West regarding *'idalah* consist of:

- A) Utilitarianist liberalism, which observes *'idalah* actualized in usefulness and public interests and as a result regards it as an artificial virtue that is entirely dependent on usefulness and feeling and is based on customs.
- B) Moral liberalism, which defines 'idalah in moral context and in full conformity of the individual's with the public will.
- C) Idealist socialism that sees 'idalah in economic equality and social welfare and regards capitalism as the origin of injustice and inequality.
- D) Scientific socialism (Marx and Marxists) that present *'idalah* with an economic outlook and livelihood and within the framework of the principle of "from everyone according to his capability and to everyone according to his need."

'Idalah in the political thoughts of the 20th century

A) Liberalism

Liberalism as the ideology of capitalism has attempted at economic progress based on individualism.

Classical liberalism has in mind the inclusive structure and rule of law so that within it individuals can take a step towards the realization of their individual interests. Naturally, the government and law are not

for the intervention in man's specific activities and measures but rather the existence of law is for the creation of a situation in which human beings can manifest their preferences. *'idalah* is not concerned with the results of the preferred things. Poverty, social inequality and unemployment are not subject matters of *'idalah* per se. 145

Therefore, 'idalah' is a concept at the service of private ownership, individual avarice and utilitarianism, which has been occasionally called converted 'idalah' and at times placed opposite to distributive 'idalah' which is concerned with the subject of improvement of the situation of society and its welfare. This definition comes at a time when liberalists usually view the issue of 'idalah' and social justice with equality and in confrontation with freedom. As such, in the 20th century rightist 1iberalists such as Fredrich Hayek, Robert Nozik and Friedman consider equality and 'idalah' to be inconsistent with freedom and talking about social justice in society comprising free individuals to be triggering the emergence of a superior power and depriving human beings of freedom. 146

In contrast, leftist liberalists such as Dewey and Laski did not believe in contradiction between freedom and social justice. For this reason, Dewey, for example; considered the main condition for the realization of democracy to be in the observance of equality of all individuals. 147 And thus, from his viewpoint a free market economy does not conform to democracy. Here the viewpoint of some prominent thinkers are briefly touched on:

Ernest Barker

He believed that democracy could be guaranteed only by a law that was the manifestation of the right and *'idalah*, and this unique single law was the gauge by which to assess the correctness of laws and regulations among nations. From his viewpoint, the law of *'idalah* was tantamount to labor law and was the product of people's thought but not people of one particular age and time ... product of the human mind throughout the course of history. 148 In Barker's look, the law of *'idalah* was the product of society and thus all social groups were morally duty bound to be effective in the general process of human evolution and advancement of the law of *'idalah*.

Friedrich August von Hayek

In Hayek 's look, 'idalah' is maintained as subheading of the vast subject of ethics and just behavior consists of conduct in conformity to or compatible with general behavioral rules endorsed by tradition which, in turn, is rooted in the culture and values of the society, and civilization has come into existence under the shadow of tradition. In his perspective, tradition also stands somewhere between instinct and intellect. 149 And custom and rules consist of imitated behaviors 150 which have a historical and logical precedence, and the human intellect is the product of culture and tradition, not its origin.

On this basis, from his perspective, ownership is the necessary condition for *'idalah* and the existing order in society is not a rational plan but rather a spontaneous order and therefore not pre-designed. On this basis, the market process is neither just nor unjust. Only man's deeds can be called just or unjust

but the existing inequalities in the market system are inevitable and even useful.

His view of distributive *'idalah* is based, firstly, on the removal of needs and observance of competencies that are unfounded and impractical and constituted mental criteria and unprincipled and selectively arbitrary acts. Secondly, this idea disturbs the conformity between services and reward, which is the sole guarantee of economic competency. Moreover, the government cannot access the necessary information for improvement and correction of market processes. Therefore, the concept of social *'idalah* should be deleted from the political dictionary of the society. 151

John Rawls

John Rawls 152

Putting it within the framework of Kantian tradition, Rawls looked at *'idalah* as tantamount to impartiality and by accepting the theory of contract and concepts such as the primary situation, veil of ignorance, fairness and principle of *'idalah* argued that *'idalah* was the feature of social organizations and systems or a situation in which principles of 'idalah were selected. In this perspective, man created *'idalah* and its principles and man had to find a way for the attainment of the principles of *'idalah*. 153 For the realization of this affair, he first explained the primary situation as hypothetical and the ideal situation in which all were aware of their own characteristics and sought to meet their own needs. The principles emerging from this situation "characterize conditions according to which no one is disposed to see his interests to be restricted in view of the existence of the interests of the rival unless the interest of others is proportionally confined." 154

In such a situation cooperation among them becomes possible and since individuals are more or less equal in terms of capability, consequently, no one can defeat others in an ordinary situation. Of course, he has transferred the conditions of *'idalah* in his book "Theories on *'idalah*" to contractual situation and related them to the impartial selection of principles of *'idalah*. Therefore, the principles of *'idalah* emerge from a situation in which a fair selection has been made. These conditions require a veil of ignorance on the basis of which no one knows his standing in the society, class status or social position or status and is unaware of how much his share of the love and affection ... the parties to the contract are not aware of what their concept of the good is and what their specific psychological liking is. 155

In the veil of ignorance, there exists a kind of mutual impartiality, 156 which is agreed upon. Hence, in his view *'idalah* is that which free and equal persons agree upon: 157 In this theory individuals in a society cannot really be equal. Thus:

"idalah, in principle, consists of the elimination of unjustified privileges and creation of real equilibrium among man's conflicting wants in the construction of a social organization." 158

On this basis, the principles of 'idalah consist of:

- a) Every member of a social institution or under its influence has an equal right compared to the most expensive freedom that is compatible to all.
- b) Inequalities are unjustifiable unless this expectation that the inequalities will culminate in the interest of all is rational and provided that the positions and posts to which the inequalities are affiliated or through which it can be obtained are at the disposal of all. 159

By raising the primary situation and acquisition of these principles therein, Rawls depicts a picture of western liberal–democratic society and, in fact, underscores the end–oriented and moral concept of *'idalah* within the framework of liberalistic theory for these two principles are maintained as primary ethical principles of democracy. The first principle stresses the greatest equal freedom and the second one justifies and regulates social inequalities so as to favor the most deprived individuals.

This concept of *'idalah* comprises three constituents: freedom, equality and unequal reward. According to Rawls's words, public participation in understanding *'idalah* is tantamount to fairness that constitutes the foundation of liberal democracy. 160 In fact, in this perspective, the existence of inequality and class are real things, but this inequality should, firstly, be in favor of the deprived strata as much as possible and, secondly, this inequality is plausible for the administration of society. Therefore, private capitalism and the freedom of the labor market and utilitarianism continue to be in force and inequality in incomes and benefits of the different classes will become just and plausible in case of being in conformity with the second principle. However, such just inequality aggravates the situation of the poor.

Rawls's views have many loopholes. One can cite an instance such as basing things on mutual agreement, relativism, epistemology, moral pluralism and placing honored and weak beliefs as one, etc. 161

Robert Noziek

By negating the theory of *'idalah* based on fairness and the latest distributive situation, Noziek takes up the idea of *'idalah* based on merits under the title of distributive *'idalah*. He also claims, as does Rawls, that he is among the followers of Kant and has accepted Kant's theory that *'idalah* is the end and not the means. 162 Hence, governments should be committed and obliged to related moral bounds of the issue. On this basis, the minimum government is the most inclusive justifiable government. Any government that is more inclusive tramples upon the rights of people. 163 Such a government is the best means for the attainment of distributive *'idalah*. By examining the issue of *'idalah* in properties, he arrives at competency and raises that "the complete principle of distributive *'idalah* simply argues that distribution is just when all have a share in properties and based on that distribution become the owners." 164

Therefore, the principle of *'idalah* in the transfer of properties through legitimate ways becomes distinct by passing through one distribution to another distribution. On just possession, he heeds the mingling of personal work with the interests of ownership and argues that collecting tax from incomes originating from work is not different from toiling others and is unjust 165

B) Critiques

Shortcomings of the theories raised in the realm of liberalism triggered diverse critical theories developed by socialists predominantly comprising Frankfortiha, Walzer and conservatives such as Eckchatt, Schtrauss and traditionalist philosophers such as Macintyre as well as thinkers such as Michael Sandel and Peter Burger. Here we will treat the viewpoints of some of them:

1 - Alsedric Mack Intayer

He emerged as one of the prominent critiques of modernism in the face of queries such as historicism, relativism and liberalism and by relying on the moral philosophy of ethics, he raised the necessity of *'idalah* as being tantamount to virtue. In discussing the philosophy of ethics, he declared the superiority of the virtue–oriented ethics of Aristotle to the end–oriented school of utilitarianists and that of Kant's duty–oriented theory. 166

From his perspective, ethics in the west had lost its meaning and transformed into a cover for the attainment and preservation of power and had nothing to do with the good and truth. Moreover, from his viewpoint man was able to understand and judge the viewpoints of the rival. Thus, he rejected the views of relativists to the effect that rationality was not applicable in the special sense, and also the view of perspectivists, 167 who say that the pivotal beliefs of a tradition should not be taken as right or wrong and, therefore, believed in the existence of the concept of fixed truth in contrast to relativism.

By relying on a fixed concept of 'idalah, he says:

"A utopia that lacks the practical empathy on the concept of *'idalah* necessarily lacks the foundations essential for a political utopia as well." 168

MacIntyre, by reviewing the viewpoint of Rawls and Noziek, heeded the issue of competency and virtue and propounded that both views were unable to introduce any moral or social link among individuals. 169 Then by construction of *'idalah* and virtue and merit he said:

"The new orderly policy including liberalism, conservativism, radicalism or socialism should be thoroughly rejected and denied as of the time it is really obliged to committed to tradition of virtues." 170

2 - Michael Walzer

From his viewpoint, the way to reach the hidden ideals of liberalism and socialism extends the span of practical life. Therefore, freedom, equality and social solidarity are correlative. By looking at radical pluralism, he believes in free enterprise and free ideas and views, and accordingly considers socialism to be realizable in the bedrock of liberalism. From his viewpoint liberalism is the world of walls and every wall creates freedom. 171

Walzer considers the first and most significant condition for equality in society to be separation and

independence of the various realms of social life from each other. From his viewpoint:

"This prevents one realm from dominating the other and does not allow individuals to use the rights and special privileges they have accomplished in one realm in other realms." 172

On this basis, he suggests that simple equality, equal division of wealth and existing resources among citizens does not resolve the problem of injustice in society, 173 unless spheres are separated from each other and there is a giant wall between them. From Walzer's perspective, social possibilities should be divided among people: 1 – laissez–faire, 2 – needs and 3 – competency. The three should be in harmony with one another, because none of them can cover singly the entire realm and each of them is linked to various factors and issues. Therefore, in the totality of each sphere, special combination of these three principles constitutes the practical foundation for the realization of equality. In his discussion, he touches on issues such as the hardship of the work and specialized nature of some work and considers simple equality to be inconsistent with 'idalah. Moreover, he considers the foundation of 'idalah to lie in full membership in the society and considers it the fundamental rights of every individual. This right has a universal credibility and every human community should recognize it. There is no exception and condition in this case. 174

Beyond this right, Walzer believes, there is no objective and universal foundation for distributive *'idalah* and the only point of departure here is the method of performance or the pragmatism of human beings and their viewpoints. Therefore, distributive *'idalah* in every society has its own form and it is where Walzer considers the views of Rawls and Hobber Maus, who maintain a general and rational foundation for *'idalah* to be incorrect. 175

3 - Paul Elmer Moore

This American conservative critic by stressing duality of man's disposition and distinction between natural and spiritual law of man propounds that the modern world has been affected by naturalism, pragmatism and the will tilted towards power. In such a situation return to the lost principles is a necessity.

He maintains the concept of social justice as a recourse based on which radical groups want to take power. In contrast, he defines *'idalah* as correct distribution and granting the right of every one to oneself. In explaining *'idalah*, he writes: "*'idalah* is the inner state of spirit that concentrates on virtue in guidance and rule of will." 176

Therefore, his understanding of *'idalah* is that of Plato and considers it to be tantamount to virtue. However, in his view, modern social *'idalah* is only distribution of power, privileges and ownership that does not have any absolute criteria and rule and that is based on (random) selection. And the legislator that seeks to implement it should finally judge between private privileges and public interests according to his liking, thus resulting in the emergence of unjust situation.

The viewpoints and opinions presented in the west and other civilizations treated in this book can be classified under four major categories: a) naturalist viewpoints, b) sentimentalist viewpoints, c) rationalist viewpoints, d) canonical viewpoints. The most important issue in these viewpoints, besides the determination of the nature of *'idalah*, is its primary foundation, which is either agreement or contract or remote from human agreement, is rooted in the world of existence or emanating from revelation.

Many of these viewpoints, by relying on rational and common principles, relativity, and agreement and moral plurality, have not presented a correct and reliable basis for *'idalah*. Some others have also fallen into the trap of material nature and the rights emanating thereof define *'idalah* in the context of naturalism and pure utilitarianism. However, others consider the basis and concept of *'idalah* to lie in the Shari'ah (Islamic law). Some others have noted the foundation of *'idalah* with rational solution.

- 1. "Throughout history nothing is more wonderful nor its justification more difficult than the sudden emergence of civilization in Greece ... "
- 2. For instance, M. Finley considers politics as innovations of the Greeks: M. Finley, L 'invention de la politique, Paris: Flammarion, 1983, p. 85.
- 3. One of the cities of Sumer.
- 4. Will Durant, op.cit., v. 1, p. 146.
- 5. 3 Orangor was the king of the city of Oro or Orkaldanian around 2450 lunar calendar.
- 6. 4 Cambridge Ancient History (CAH), Cambridge University Press, v. 1, p. 427.
- 7. The sixth king of the first Babylonian dynasty. This Collection of the laws and edicts of the Babylonian king, Hammurabi, and the earliest legal code known in its entirety, engraved on a block of black basalt unearthed by a team of French archaeologists at Susa, Iraq, formerly ancient Elam, in 190l had been restored and is now in the Louvre in Paris.
- 8. This tablet consists of 82 laws or codes among which the codes of defending property, land ownership, trade, society, family, sex trade, agricultural worker, hired workers, women's rights are worthy of note: Refer to "Hammurabi", Encyclopedia Britannica, v. 8, p. 599 as well as G.R. Driver and Tohn C. Miles, The Babylonian Law, Oxford: Clarendon Press, 1955, p. 8.
- 9. Ibid. p.8.
- 10. A Prophet of ancient Iran, said to have lived in Azarbaijan. Other scholars believe he lived in Rey. The north–east of Iran is predominantly cited as his place of residence. Scholars believe he lived sometime between 1750 and 1500 B.C. or between 1400 and 1200 B.C., although Iranian tradition places him as having lived about 570 BC.
- 11. Ashah.
- 12. Regarding Ashah, refer to Mehr Lexicon, a New Perspective into an Ancient Religion, Zoroastrianism, Tehran, Jami Publishing House, 2nd Edition, pp. 60–65.
- 13. Ibid p.61
- 14. For instance, refer to Avesta, the most ancient Iranian songs, account and research work of Jalil Dustkhah, Tehran: Morvarid Publishing House, 2nd Edition, v. 1, 1374, p.8, Avesta, Gahan (Gatha), Ahunudgah, Yesneh Hat 28, Paragraph Four.
- 15. Arta/Rta
- 16. Arsta/Arta
- <u>17.</u> Fathullah Mujtaba'i, The Beautiful City of Plato and Ideal Monarchy in Ancient Iran, Tehran: Ancient Iran Cultural Association Publishing House, 1352 Shamsi, pp. 30–31.
- 18. F.M. Cornford, From Religion to Philosophy, Atlantic Kighlands, N.J.: Humanities Press, reprint, 1980, p. 176.
- 19. Ferdowsi's Book of Kings, Ibid. v. I, p. 57, verses 528, 532, and 533.
- 20. A ruling dynasty of Persia from about 55 BC to 330 BC after the Medes. The Founder of the dynasty, Cyrus, the Great, conquered the territory of Medes. The last king of the dynasty was Darius III, who was killed by Alexander of Macedonia in

- 21. Merry Bois, History of Zoroastrianism, translated by Homayun San'ati Zadeh, Tehran: Tus
- Publishing House, 1375, p. 172, quoted from the 20th Inscriptions, Column 4, paragraphs 31 through 341. Also for information about the content of The Persepolis Inscription refer to Ralfaq Tarmen Sharp, Commandments of Achamenide Kings, and [Shiraz]: Central Council of Celebrations of 25 centuries of the foundation of the monarchy in Iran, 1316 solar calendar, pp.67–70.
- 22. Thomas Aquinas, Summa Theological, II, LIV, VI, 5.
- 23. Torah, the Holy Scripture (The Old Testament), Genesis, 1/27.
- 24. Ibid. Prophet Jacob, Jes, 58/5-8. 5-8/58.
- 25. Jes, 11/4. (Prophet Jacob, 4/11).
- <u>26.</u> The New Testament; that is, the Holy Bible, Gideon's International Association, p. 152, John: 29/15; The Holy Bible, London, Hodder and Stoughton,4th Impression; 1979, John 5/30 (p.211).
- <u>27.</u> The book of the Old Testament, a collection of hymns known as the psalms or Psalter attributed to King David. A partial classification of the Psalms include hymns of praise acclaiming God, a section describes recital of songs in repentance, others for the glorification of good, and finally hymns on canon and prayer for sinners.
- 28. The Psalms of David, Tehran: Iran Holy Scripture Association Publishing House, Bita, Psalm 4, Paragraph 1, Zabor is also called the book of Psalms.
- 29. Ibid. Psalm 7, Paragraphs 9 and 10.
- <u>30.</u> Michael B. Foster et al, Gods of Political Thought, Translated by Jawad Shaykh al–Islami and ... Tehran: Amir Kabir Publishing House, 2nd Edition, v. 1, 1982, Part 2, p. 349.
- 31. Summa Theologica, II, LV, VI.
- 32. Confucius, Discourses, Translated by: Kazim Zadeh Iranshahr, Tehran: Scientific and Cultural Publishing House, sixth edition, 1996, p. 97.
- 33. Chu Jai and Vinberg Jai, History of Philosophy in Ancient China, Translated by A. Pasha'i, Tehran: Maziyar Publishing House, 1975, p. 25, one of the famous six books of Confucius is dedicated to ethics and behaviors and rituals of life or living so that man, borrowing from the words of Confucius, can establish a firm base in his life. The title of this book is Li Ching or the Book of Rituals. Of course, works such as the Great Learning or Lum Yu and Doctrine of the Mean are also devoted to the administration of individual's life and the society.
- 34. Jen
- 35. Li
- 36. Ta Tung
- 37. Confucius, Discourses, Ibid. p. 146-145.
- 38. Dariush Shaigan, Religions and Philosophical Schools of India, Tehran Amir Kabir, 2nd Ed, v. 1, 1377, p.8.
- 39. Darma
- <u>40.</u> Or the eight supreme ways ariya–atthangika–magga, also called Zammeh. Refer to A Pasha'i, Buddha, Tehran: Firuzeh Publishing House, 6th, Ed., 1998, pp. 28–34.
- <u>41.</u> Ibid,. and refer to Nianeh Ti Loka, The Words of Buddha, Translated by A. Pashaei, Tehran: Asian Documents Center Publishing House, 1978, and p. 91.
- 42. Among many thinkers and researchers this question has been raised and accepted that Pythagoras was the disciple of Zoroaster and that he was under strong influence of Zoroaster and Parsian. In the meantime, one can cite Aristotle, Hipolitos, Kelmentaskendrani, Plutarch, Aplios, Sisron, Forforius and ... For example; Plutarch writes: "and Zaratas, the teacher of Pythagoras, calls "dayda" [infinity] the mother or number and "one" the father of number." Refer to Deblioki. C. Guthrie, History of Greek Philosophy, (3) Pythagoras and Pythagoreans.
- 43. Ibid. p. 89, quoted from Yamblikhos, Biography of Pythagoras, pp. 81 and 87 and other places.
- 44. Ibid., pp. 267-268
- <u>45.</u> 'Abdur-Rahman 'Alam, History of the West's Political Thought, v. 1, From Beginning to End of Middle Centuries, Tehran: Office of International and Political Studies, 1999, p. 31.
- 46. Theodor Gampress, Greek Thinker, Translated by Muhammad-Hasan Lutfi, Tehran: Kharazmi Publishing House

Company, 1998, v. 2, pp. 4 and 6.

- 47. Ibid., p.56
- 48. Ibid., p.618
- 49. Refer to Plato, Republic, Translated by Fu'ad Ruhani, Tehran: Scientific and Cultural Publishing House Company, 5th Ed., 1988. It is said that the subtitle of the book deals with 'idalah. Its title in Greek language is Politeia meaning the entire citizens, civil rights, political activity, government and political system. Refer to Karl Borman, Plato, Translated by Muhammad–Hasan Lutfi, Tehran: Tarh–e Now Publishing House, 1998, p. 176 as well as p.46. In any case, the theme of the book is 'idalah. The Republic, Plato's major political work is concerned with the question of state, form of state and justice and therefore with the questions "what is a just state?" and "who is a just individual?"
- 50. See Julia Annas, An introduction to Plato's Republic, Reprinted, Oxford: Clarendon Press, 1982, pp. 10-14.
- 51. Dikaiosune
- 52. 'idalah
- 53. Plato, Republic, ibid., p. 92.
- 54. Ibid., p. 236.
- 55. Abdur-Rahman 'Alim, op. cit., p. 86.
- 56. Position
- <u>57.</u> Refer to Ali–Akbar, Journey into Contemporary Political Thoughts, Tehran, Cultural Services Institute and Alast Publishing House, 1993, p. 27
- 58. Plato, Republic, p.236
- 59. Dixaios
- 60. 'Abdur-Rahman 'Alam, Ibid., p. 134
- 61. From a poet of sixth century B.C.
- 62. Aristotle, Ethics of Nicomachus, Translated by Rida Khorramshahi, Tehran: 1364, p. 126
- 63. David Ross, Aristotle, Translated by Mahdi Qawam, Safari, Tehran: Fikr-e Ruz Publishing House, 1995,p. 324.
- 64. Aristotle, Policies, Translated by Hamid Inayat, Tehran: Islamic Revolution Teaching Publishing House, 1994, p. 132.
- 65. David Ross, Ibid. p. 324.
- 66. Aristotle, op. cit., p. 125.
- 67. A school of philosophy founded in ancient Greece. The Stoic school was established in Athens about 300 BC by Zeno of Citium in Cyprus. Zeno, who derived much of his philosophy from Crates of Thebes, opened his school at a colonnade known as the Stoa Poikile ("painted porch"). The Stoics, like the Epicureans; emphasized ethics as the main field of knowledge, but they also developed theories of logic and natural science to support their ethical doctrines. The four cardinal Virtues of the Stoic philosophy are wisdom, courage, justice, and temperance, a classification derived from the teachings of Plato.
- <u>68.</u> John Bairn, Stoic Philosophy, Translated by 'Abu'l-Qasim Purhusayni, Tehran: Simorgh Books, 1976 Shamsi, pp. 158-164.
- 69. 'Abdur-Rahman 'Alam, Ibid. p. 173.
- 70. Fredrick Kapelston, Ibid. v. 1, p. 459.
- 71. George H. Sabine, A History of Political Theory, 3rd Edition, New York: Holf, Rinehart and

Winston Inc., 1961, p. 132.

- 72. 'Abdur-Rahman 'Alam, ibid, p. 197.
- 73. Frederick Kapelston , Ibid. v. 1, p. 494.
- 74. Ibid. p. 495, quoting Seneca, On Happy Life, 3/24.
- <u>75.</u> Karim Mojtahidi, Philosophy in Middle Ages, and Anthology of Articles, Tehran: Amir Kabir Publishing House 1998, pp. 183–224.
- 76. Abdur-Rahman 'Alam, ibid. p. 329.
- 77. Will Durant, History of Civilization, v. 5, Renaissance, Translated by Safdar Taqizadeh and Abutalib Saremi, ibid, p. 88.
- 78. Refer to Desidrios Arasmos, In Praise of Idiocy, Translated by Hasan Safdari, Tehran: Farzanegan Research and Publishing House, 1998 Solar Calendar, pp. 30–54.

- 79. Will Durant, Ibid. v. 6, Religious Revival, p. 340.
- <u>80.</u> George Sabine, A History of Political Theory, 3rd Edition, New York: Holt and Co., pp. 337–338.
- <u>81.</u> 'Abdur-Rahman 'Alam, History of Western Political Philosophy. v. 2, (New Age and 19th century), Tehran: Office of International and Political Studies, 1999, p. 23.
- 82. Refer to Niccolo Machiavelli, The Prince, translated by Dariyush 'Ashuri, Tehran: Parvaz Book, 1996 Solar Calendar, pp. 123–124; 'Abdur-Rahman 'Alam, ibid. p.42.
- 83. Machiavelli, ibid. p. 123.
- <u>84.</u> Refer to Niccolo Machiavelli, Discourses, translated by Muhammad Hasan Lutfi, Tehran: Kharazmi Publishing House, 1999, first book, Chapter 9, pp. 65–67.
- 85. 5 Thomas More, city of wish, rendered into Farsi by Husayn Saleki, Tehran, 'Arif Publishing House, 2nd Edition, p. 102.
- 86. Refer to ·Abdur-Rahman 'Alam, ibid. pp. 84-85.
- <u>87.</u> He believed in a destiny predetermined by God for human beings and differences in destinies, holding that God would deliver some and damn others, but that God's work was just and there was no injustice in his damnation. That is, whatever God did was just. (A tendency corresponding to that held by Ash'ari and traditionists among Muslims.)
- 88. Ibid, p. 95.
- 89. Christians who believe that deliverance is the result of faith in Christ, not good deeds.
- <u>90.</u> Brian Radhad, Political Thought from Plato to Nateaux, Translated by Murteda Kafi and Akbar Afsari, Tehran: Agah Publishing House, 1995, p. 151.
- 91. Ibid, p. 153
- 92. 'Abdur-Rahman 'Alam, Ibid. p. 100.
- 93. George Sabine, Ibid. v. 2, pp. 32-34.
- 94. Michael Foster et al, Ibid. v. 2, part 1, p. 70.
- 95. Refer to Jean Beden, Six Books on Republics, Book Two, Chapter Two.
- 96. Ibid. Chapter Two
- 97. Ibid.
- 98. This attitude is also in the realm of Christian theology and corresponds to that of the Ash'ari in the world if Islam.
- 99. 'Abdur-Rahman 'Alam, Ibid. p. 169. At the same time he raises that open disbelief and even harassment and torture does not exempt citizens from obeying the ruler and citizens are not allowed to raise objection to the wrath of the kings. They can only reprimand him respectfully or pray for change in his rules without complaining or revolting. Jean Jacques Chevalier, Great Political Works, and translated by Leyla Sazgar, Tehran: Nashr Daneshgahi Publishing House. 1995, p. 87.
- 100. 'Abdur-Rahman 'Alam, Ibid. v. 2, p. 119.
- 101. Thomas Hobbes. The Elements of Law, Natural and Political, Ed. by Ferdinand Tonnies, 2nd Ed. By M.M. Goldsmith, London, I969, v. II, p. 8.
- 102. Richard Tocque, Hobbes, Translated by Husayn Bashiriyeh, Tehran: Tarh-e Now Publishing House, 1998 Solar Calendar, p. 101; Thomas Hobbes, Leithan, Ed. C.B. McPherson, Hamondsworth: 1968, p. 199.
- 103. 'Abdur-Rahman 'Alam, ibid. p. 244.
- 104. Richard Tocque, Ibid. p. 104.
- 105. Leo Schtrauss, Ibid. p. 249.
- 106. Ibid. p. 251, quoting John Locke, Treatises, 11, SS.30-69.
- 107. Leo Schtrauss, Ibid. p. 258.
- 108. Montesquieu, Spirit of Laws, Translated and Written by 'Ali-Akbar Mu'tadi, with Introduction
- by Rida Shafaq-Zadeh, Tehran: Amir Kabir Publishing House, 6th Ed., 1971, p. 83.
- 109. Jean Jacque Chevalier, Ibid p. 115.
- 110. Abdur-Rahman Alam, Ibid. v. 2, p. 310.
- 111. Jean Jacque Chevalier, Ibid. p. 113
- 112. Fredrick Kapelston, History of Philosophy, and British Philosophy from Hobbes to Hume, Translated by Amir Jalaluddin

'Alam, Tehran: Scientific and Cultural Publishing House and Soroush Publisher, v. 5, 1997, pp. 346-347.

- 113. Ibid. p. 351.
- 114. David Hume, A Treatise of Human Nature, Ed. by L.A. Selby Bigge, Oxford: 1951, p. 489.
- 115. Ibid. pp. 499-500.
- 116. Ibid. p. 496.
- 117.
- 118. Ibid. p. 373.
- 119. Tomas Springs, Ibid. p. 168.
- 120. Jean Jacques Rousseau, A Discourse on the Origin of Inequality, New York: 1950, pp. 221-222.
- 121. Ibid. p. 227.
- 122. Jean Jacques Rousseau, Social Contract, Translated by Manuchehr Kiya, Tehran: Ganjinch Publishing House, 1974, p. 34, Homo, Social Contract, Translated by Ghulam Husayn Zirak Zadeh, Tehran: Adib Publishing House, 1990, pp. 64–65.
- 123. In this regard, refer to Social Contract, Translated by Manuchehr ·Kiya, pp. 18–40 and other stands; also Jean Jacques Rousseau, Emille, Translated by Ghulam Husayn Zirak Zadeh, Tehran: Chehre Joint Stock Company Publishing House Company, 1980, pp. 171–242; Thoughts of Solitude, Translated by Mahmud Purshalchi, Tehran: Parastu Books, 3rd Ed., 1971.
- 124. J.J. Rousseau, Social Contract, New York; 1952, p. 50.
- 125. Roger Scruten, Kant, and Translated by 'Ali Paya, Tehran: Tarh-e Now Publishing House, 1997, p. 187.
- 126. E. Kant, The Metaphysical Elements of Idalah, Tr. J. ladd, New York; 1965, pp. 43-44.
- 127. Roger Scruten, Ibid. p. 181.
- 128. Civitas.
- 129. E. Kant, The Metaphysical Elements of 'idalah, p. 44.
- 130. Abdur-Rahman 'Alam, Ibid. p.437
- 131. Egalitarian system.
- 132. Iain Mclean (Ed., by), The Concise Oxford Dictionary of Politics, Oxford; Oxford University Press, 1996, p. 459.
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- 134. Ibid. p. 123.
- 135. Ibid. p. 124.
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- 140. Refer to Andre Pieter, Marx mid Marxism, Tehran: Tehran University Publishing House, 6th Edition, 1979, p. 31.
- 141. Ibid. p. 35.
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- 143. Andre Pieter, Ibid. pp. 96-97.
- 144. Ibid. p. 97, quoting Marx, Criticism of the Gota program.
- 145. Ibid. p. 67.
- 146. Husayn Bashiriyeh, History of Political Thoughts in the 20th Century, (2), Liberalism and Conservatism, Tehran: Ney Publishing House, 2000, p. 25.
- 147. Ibid. p. 37.
- 148. Ibid. p. 48.
- 149. Musa Ghay-Nezhad, Ethics in the Eye of Hayek, Ibid. p. 427.
- 150. Ibid. p. 429.
- 151. Friedrich August von Hayek, The Mirage of Social Idalah (law, legislation and liberty v. II) London: 1976, p. 99.
- 152. John Rawls, "idalah as Fairness". Philosophical Review, No. 67, 1958, pp. 171-172. John Rawls, born in 1921, was the

most important contemporary political philosophers who strove under the influence of Kant's tradition and the issue of contract, to examine the theory or 'idalah. Before the final formulation or his ideas on 'idalah, he wrote articles in his book entitled Theory of 'idalah (1971) which brought him fame. Some of these articles consist of 'idalah as Fairness, Meaning of 'idalah, Distributive 'idalah, Freedom of Law and Concept of 'idalah. Philosophers and thinkers such as Noziek, Brian Barry, and McIntyre have profusely criticized Rawls' thought.

- 153. Idalah as Fairness.
- 154. Husayn Bashiriyyah, History of Political Thoughts of 20th Century (2), Ibid. pp. 117-118.
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- <u>161.</u> For instance, refer to Husayn Tavassuli, Basis of 'Idalah in John Rawls Theory, Review, pp. 137–146; Brian Barry, Theories of 'Idalah, London: Marvester-wheatsheaf, 1989, and Michael Sandel, Liberalism and the Limits of 'Idalah, Cambridge 1982, p. 50.
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- 166. Muhammad Legenhausen, Review and Introduction of Whose 'Idalah? Which Rationality? By A. McIntyre, review, Ibid. p. 484.
- 167. Refer to Ibid. pp. 488-493.
- 168. MacIntyre Idalah and Virtue, translated by Mustafa Malikiyan, review, Ibid, p. 110.
- 169. Ibid. p. 116.
- 170. A. MacIntyre, After Virtue, p.255.
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- <u>172.</u> Muhammad Rafi^l Mahmudiyan, Diversity of Realms of ^lIdalah: A Look at Political Philosophy of Michael Walzer; Politico–Economic Information, 12th year, no. 11 and 12, August and September, 1999, p. 121.
- 173. M. Walzer, Spheres of 'Idalah: A Defense of Pluralism and Equality, New York: Basic Books, 1983, pp. 13-17.
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- 175. M. Walzer, Interpretation and Social Criticism, Cambridge, Mass: Harvard University Press, 1987, pp. 10-17.
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