

## HISTORICAL AND INTELLECTUAL SETTING OF THE INCLINATION OF PRE-CONSTITUTIONAL SCHOLARS TO THE WESTERN INTERPRETATION OF CONCEPTS OF JUSTICE AND LIBERTY

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**Abstract:** Iranian Constitutional Revolution, similar to other revolutions in the world, was based on a series of intellectual and objective settings. This revolution, occurred based on the familiarity of Iranians with the West and the modern world, as a modern phenomenon. The requirement was that the revolutionaries' ideations regarding some traditional concepts in the society would change and take on a modern quality. Included were the concepts of justice and liberty. On this basis, this article attempts to answer the question: "What settings and process lead to the inclination of pre-constitutional intellectuals toward Western understanding and interpretation of justice and liberty?" In this study we will show how for a long period of Iranian history, these concepts were explained within the framework of "old theory of monarchy". But with the occurrence of social and economic crises in Iran, the "old theory of monarchy" and its definition of justice and freedom void were replaced by the Western interpretation of these concepts.

**Keywords:** Old theory of monarchy, The Constitutional Revolution, justice, freedom, pre-constitutional period.

### INTRODUCTION

Before the occurrence of The Constitutional Revolution, Iranians had never experienced a non-authoritarian form of government. This ever-increasing oppression and extortion of the authoritarian giant lead them toward a replacement; and constitutional government could play this role well. Constitutional government is the form of government in which power is limited. Therefore, the path of self-interest is closed to rulers. The concept of law makes this limitation possible. This was enough to make those in favor of constitutional government to be enthusiastic about creating constitutional government and inclining toward this imported concept.

However, as we know, The Constitutional Revolution introduced new concepts to Iranian political literature. The parliament, constitution, separation of powers, and ... are some of these concepts. But the role of these concepts is secondary to some other concepts. In fact, before the introduction of these concepts into Iranian political literature, it was necessary to clarify the position of some other concepts, such as justice and freedom; however this was not possible in the short time span of the revolution. So, it was in the pre-constitutional period that Iranian intellectuals analyzed concepts like justice and freedom, and prepared the settings

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for the introduction of concepts from the Western political literature. It is needless to mention that as The Constitutional Revolution was an imported phenomenon, its backbone concepts had a western interpretation. But how was it that Iranians inclined toward these western concepts? In other words, what were the settings and processes that caused the inclination of pre-constitutional intellectuals toward western interpretation and understanding of justice and freedom? While expressing the Iranian and Western interpretation of justice and freedom, this article attempts to show how the interpretation of “old theory of monarchy” of justice and freedom void, gave way to the western interpretation of these concepts.

### **Tyranny in the span of Iranian history**

Iranian history in its many-thousand-years span, has witnessed a special type of government where a monarch was in charge of all civilian and military affairs. This type of government where the head of the government had unlimited authority, continued until the occurrence of The Constitutional Revolution in Iran. The politics that reigned in this type of government was a result of traditions. In fact, traditional politics is the kind of government whose legitimacy is based on the sanctity of the power of rulers and orders that have been present since old times. Rulers were appointed based on traditional principles. (Weber, 2005, 64). Since every type of government needs a form of theory to justify its legitimacy, the history of Iranian dynasty was based on “the old theory of monarchy”.

“The old theory of monarchy” that was the ruling theory on the relation between the people and government in Iran, is rooted in pre-Islamic Iran. The concept of “ruler” in post-Islamic politics, is mostly influenced by political theories of the Sasanian period. According to this theory, humans and society have special natural and contractual positions. Based on this point of view, the duty of the ruler is to protect the social hierarchy, which provides balance and justice. The monarch was considered “God’s shadow” on the earth, and acted as a medium between the creatures and the creator. According to this theory, religion is defined by this social order (Abadian, 1999, 20).

In the Islamic period, many literary works have been composed by scholars, philosophers, and poets in confirmation of this theory. In all literary works influenced by the Iranshaahri period, such as *Syosatnameh*, *Qaboosnameh*, and ... sovereignty is a Godly right, bestowed on the *Sultan*. In that period, as a continuation of the previous period, the *Sultan* was considered Gods chosen one, and His shadow on the earth, and hence, his power had a metaphysical source. Hence, it was natural that it had a religious sanctity; and political thought was inseparable from theism. The well known expression, “As the order of the *Sultan*, as the order of God”, was justified in this way. This was a natural issue, and disobeying the order had a severe consequence (Ibid. 20-21).

However, years (or even) centuries later, when Iranians became aware of their retardation, and confronted the political ideations of the West, the “old theory of monarchy” took on another name: “Estebdad”. Literally, “Estebdad” is when an individual suffices to his own judgement in a matter that is worthy of consulting. And, in political terms: it is defined as an individual or a group violates the rights of a nation without fearing reprimand. “Estebdad” is the adjective for a ruler with absolute power, who violates the rights of his people without fearing consequences (Kavakebi, 1999,82).

In the authoritarian government in which The Constitutional Revolution took place, (The Qajar Dynasty), the ruler had many nicknames: “King of kings,” “Sultan of Sultans,” “World’s Qibla,” “Tamer of the land,” “People’s advocate of justice,” “Protector of the herds,” “Supporter of the recourseless,” “Conqueror of lands,” “God’s shadow on the earth,” and ... (Ebrahimian 1374, 14).

In the history of Iran, the king was the owner of all non-consecrated land. He could confiscate the property of those against him. He could award anyone he wanted. He could call his people to serve in the army. He could interfere in the market, specify prices, trade, and store food products. In one word, he was the owner of his people’s life and death (Ibid 14). In such a government, most government officials were corrupt and venal. Even in the Qajar dynasty official affairs were directed in medieval methods. The rulers of tribes and provinces each were a small king, and via bribing the king and his agents, enjoyed some independence. (Haeri, 1985,13). It was in such circumstances, that in the Qajar period, due to inefficiencies in various political, social, economic, and cultural areas, caused by internal tyranny on one hand, and the increase of the influence of foreign intruders on the other, a widespread wave of dissatisfaction against the government was formed.

### **From justice and freedom void crisis to safety crisis**

But what was the position of justice and freedom (which is the main issue in this study) in the “old theory of monarchy”? In this setting, we first analyze the position of justice and then examine the position of freedom.

In works remaining from the Islamic period, justice was considered one of the most important characteristics of the ruler. However, justice had a specific form and notion in the “old theory of monarchy.” From this point of view, justice was practically protecting social hierarchy with caste system identity. Therefore, the role of the people was passivity before a Sultan who had absolute power, and people were forced to obey the king (Abadian, 1999, 20). So, the role of the king and the roles of the people were hereditary, and people’s effort did not affect their justified rights. In other words, the concept of social motion was dead. As such, it is clear that the concept of justice did not negate autonomy, but justified it.

In addition to this justification, justice was tied in with the sanctity of the ruler. The concepts of justice and sanctity were intertwined. The most important function of justice was for it to be used for bringing order to the society (Ibid 20). A brief glance at the works of outstanding scholars of the Islamic period can show our understanding and interpretation of the concept of justice during this period. We start the discussion with Farabi, the greatest philosopher of the Islamic world. According to Farabi, the concept of justice has two main aspects: One is that justice is the highest virtue that a human being can achieve, and second is that justice is a basis for political order. The first aspect reflects the individualistic characteristic of human beings, but the second aspect describes the social characteristic of any human being. But, since in Farabi's individualistic anthropology, the political system is based on a specific person, his utopia is governed by a just ruler. That is to say that Farabi does not consider the social aspect of justice. Even, the justice of others is defined with respect to the justice of the ruler or the philosopher (Alikhani and Bohrani, 2009, 299). Hence, in Farabi's opinion, the concept of justice is tied in with the ruler of the society.

In the opinion of Najm Razi, the concept of justice also has the ibid basis. He also puts much emphasis on the justice of the king himself. So much that he requests the king not to leave ruling the people to his deputies (Najm Razi, 1992, 415).

As mentioned earlier, the ideation of government in post-Islamic Iran is influenced by the Iranshahri period. Khajeh Nezamolmolk's *Syosatnameh* is a prominent example of this influence. Khajeh, without considering the ruling unit, influenced by the theory of monarchy, regarded the legitimacy and the power of the king caused by Godly effects. In his view, the king must have two important characteristics: 1-Justice, and 2-Religiousness. It is interesting to note that in the Khajeh's opinion, justice has first priority among these characteristics, and that the priority of justice over religion is due to the concern with which organizing the people's issues should be performed (Ghaderi 2003,125-126).

In Ghazali's opinion, kings (next to prophets) are God-selected human beings. The real Sultan is a just Sultan. It is important that Ghazali joins the king's justice and security in the land. It is more interesting that he advances another step, and places these two alongside prosperity of the world (Ghazali, 1972, 81-83).

During the Safavi period, when Shi'ism and the government were tied together, more opportunities became available to speak of justice which is emphasized by this religion. In this period, bringing one's appeal for justice to the king's court was a completely natural and common method. In fact, in the lack of a justice system through which the people could achieve their rights, the only recourse for the people was seeing the king. The importance of this method was in that it was a method for controlling government officials, and these officials could not prevent

this method of appeals (Saboori, 1993, 175). The most important problem with this system of justice was the people should have lots of luck, because they should first get a chance to see the king, and second, that king should be just, people-loving, and powerful.

This form of justice continued until the Qajar period. The Qajar king, the ruler of justice, arbitrated the conflicts that occurred throughout his land. Although this arbitration was usually between two Khans, two grand owners, or two rulers, sometimes the arbitration was in lower levels, regarding individual conflicts among the people. The king's criteria in resolving these conflicts was neither religious law, nor common law. The king made rulings that were best for the country s, 1997, 43-44) and this justice may be unjust.

All that was said shows the focus of justice on the king in the "old theory of monarchy" well. Therefore, when Iran was governed by authoritarian governments, intellectuals had no choice but to consider the violation and upheaval of the people as a cause for the existence of a dictator (Ghazi Moradi, 2001, 32). As such, and in the Qajar period, the emphasis of Shi'ite scholars was on the necessity of the Sultan's justice; and government over the people had more of a moral and educational aspect, and in no way committed the Sultan (Ajdani, 2008, 38). Because of this, the justice that existed in "the old theory of monarchy" did not have any value in today's point of view. Clearly, the value of justice in the political arena, is in harnessing the government's power (Alikhani and Pakatchi, 2009, 234) and make it commit to certain principles. This is how the void of justice is sensed.

The position of the concept of justice was still a thousand times better than the concept of freedom, because it was at least spoken of. But the void of the concept of freedom in Iranian-Islamic thought was clearly sensed until confrontation with the West. Although many schools of thought nowadays try to show that the concept of freedom did in fact exist in our ancestry (by creating a misunderstanding), historical facts relay another truth. Hence, we should accept the fact that we can hardly find a political instance of the concept of freedom in "the old theory of monarchy".

In fact in a land where only one individual was allowed to think for everyone, what position could freedom have? It was only the king of kings that was so free and had such absolute power that he could do anything to anyone. Everyone's freedom lied within his hands. He could bestow any authorities to anyone he wished, and then revoke their power only a few moments later. It is obvious that in such a society speaking of people's freedom was an exaggeration. Especially since "the old theory of monarchy" strongly supported this view. Even years after that, and after familiarity of Iranian intellectuals with Western concepts (including freedom), the early references to freedom in Muslim literature were generally hostile and violent, and in all of them, this term is paralleled with debauchery, rampancy, and chaos (Asadi, 1998, 22).

It is a historical fact that the concept of freedom (in the western sense) was absent in traditional Iranian thought. It is only during the Naseri period, after the familiarity of Iranian intellectuals with Western thought, that the concept of “freedom” entered our political thought. This interpretation of justice and the void of freedom enabled a king with absolute power to dominate the country. Iranians should be lucky to have a kind-hearted king rule them. All of Iranian history was the concentration of power in the hands of kings. And, unfortunately, after some time, “the old theory of monarchy” reached the end of the line and became only a justifier of facts. Therefore, the deterioration of government in Iran was the deterioration of security, and hence deterioration of advancement.

### **The unfortunate social-economic condition in Iran**

All that was said was sufficient to prevent Iran from experiencing any advancements. In which nation without stability and safety, has there been any form of advancement? With the downfall of Safavieh, Iran quickly fell in the downward spiral of destruction. After the decline of the Safavi government, no improvement in the situation could be expected. The recurring passage of governments indicated bad social situation. The constant emergence and annihilation of governments brought about instability. As a result of instability, insecurity expanded, and hence did not allow any opportunity for advancement. The Afghans that had replaced the Safavis, dominated Iran with violence and bloodshed. After that, Afsharieh and Zandieh, took Iran over. The duration of these governments were all very brief. Even though in 1730 A.D., Nadershah drove the enemy army out of Iran and had many victories including conquering Delhi with 700-800 million rupees, his conquests imposed an extra load on the chaotic situation in the country (Eesavi, 1983, 17).

When the Qajars dominated Iran, they inherited such a kingdom. The political, social, economic, and cultural situation in Iran was very chaotic and unorganized, and benighted. This was what was left of the old traditional structure of government and society in Iran, which was emphasized during the Qajar period with their inability to manage the kingdom. During this period, increased authoritarianism, oppression, and extortion had many unfortunate and detrimental social and economic outcomes for Iran (Ajdani, 2008, 9). This was partially due to the specific characteristic of the Qajar government. The Qajars had gathered the faults of a strong centralized system, and the faults of feudal system with regards to creating secure economic conditions, and by forming various insecurities, prevented the growth of capitalism (which required stability and security). The domination of an authoritarian government on merchants gives rise to various pressures on their properties and commercial rights. During the forty-year reign of Nasereddin Shah, there were 169 upheavals. The presence of Eilat and their scattering were some of the reasons for this insecurity. Because of Eilat and bandits, the country’s roads were

not safe (Ashraf, 1980,38-41). During the Qajar period, famine and high expenses distressed the people many times. Unrest during the 1270 and 1280 decades were due to the high price and the shortage of food (Amanat, 2005, 503). The people of Iran, who did not know freedom until then, could not count on “God’s shadow” any longer. If Iranians had not encountered the West, this situation would continue for hundreds of years.

### **Introduction of a new concept: Western interpretation of justice and freedom**

Until the serious encounter of Iran and the West, Iran had remained uninformed of the scientific advancements in Europe. Change in the trade path, recurrent civil wars that occurred after the decline of the Safavis, and the general chaotic situation in Iran, were the main causes of this ignorance. The settlement of Ottoman Turks in the Asia Minor peninsula, similar to the Great Wall of China, as an insulator, closed the way of breathing on Iran (Adamiyat, 1961, 22). As a result, when two powerful governments were formed in the north and south, Iranians remained ignorant and powerless in the middle (Kasravi, 2006,16).

We can determine three forms of confrontation between Iran and the West: 1- Military war and confrontation, 2- Economic exchanges (which were very unfair), and 3- Contact with the West with respect to thoughts and ideas.

The failure of the attempts of the Qajar period reformers (Abbas Mirza, Mirza Abolghassem Ghaem Magham, Amirkabir, ...) indicated that no pillar of security and stability could be based on the deteriorated basis of “the old theory of monarchy.” So, the only solution was to leave this theory. But, what ideation and school of thought could replace it? Iranians who had become aware of two facets out of the three forms of confrontation with the West (*i.e.* Military and economic facets) knew that what was present in these two facets of the West, was a result of the third facet (theoretical and intellectual bases). Although, before the Naseri period and in the era of Fathali Shah, Iranians had only glimpsed at the Western thought bases, now had the opportunity to delve in it. The writings of pre-constitutional intellectuals show that they clearly understood that “imaginary advancement” comes before “actual advancement” (Akhoondzadeh, 1963, 289). And they sought both in the West. One, in the form of concepts such as justice and freedom, and the other in the form of economy, industry, military power, and .... Hence, it was necessary to start thinking of implementing Western thought bases.

The concept of intellectual is a modern concept. The position of an intellectual is modernity. A position where he stands, and critiques his world based on the principles of the Enlightenment and the Renaissance. In this regard, there is no difference between Western intellectuals and intellectuals from underdeveloped societies. In nineteenth century Iran, after contact between Iran and the West, a small layer, named intellectuals, gradually formed. With regards to number, they



were fewer than their counterparts in the 20<sup>th</sup> century, but had significant influences on the occurrence of The Constitutional Revolution. They all demanded essential economic, political, and ideological transformations (Abrahamian, 2003, 79).

The intellectual in impeded countries is after improvement of his society. He moves beyond playing a role in the political realm, seeking transformation and modernization of his country. They are considered main factors in forming a modern government (Bashiriye, 2007, 257). Intellectuals found a main role in the political life of Iran, when Iranian political reformers remained unsuccessful or even lost their lives. The view of intellectuals was different from the views of reformers. Although they both were concerned with material, industrial, and economic advancement of Iran, intellectuals, instead of making policies in this way (similar to the reformers), they sought to provide theoretical and non-material settings of Western civilization in their impeded society, so as to provide for material advancement.

Many of these intellectuals had left the borders of Iran. Malcolm travelled to France, London, and Italy many times, and spent most of his life in Europe. Mirza Aghakhan Kermani went to the land of the Ottoman and was captured there and surrendered to Iranian officials. Akhoondzadeh lived in Tbilisi and was fluent in Russian. Mostasharoddole was the Iranian embassy official in Paris, and served in the Consulate in Tbilisi for some time. This caused a comparison between us and the West.

Freedom, justice, equality, and constitution, were the most important concepts that pre-constitutional intellectuals attempted to clarify. Among these the concept of constitution makes what has been theorized and legitimized in the framework of justice and freedom and ..., official. It is this public legitimacy and acceptance of these concepts that give the constitution execution power. In other words, the constitution is a container which these concepts occupy.

August Kent, John Stuart Mill, Baron de Montesquieu, and Saint Simon were some of the most influential Western thinkers that influenced Iranian intellectuals. Kent and his humanitarian creed, reduced regard to religion, and provided food for the thought of Iranian intellectuals who were in defiance with religious people and requested the reduction of the role of religion in the lives of Iranians. He believed that human being pass through three stages in the development of their thought process: Communion stage, philosophical stage, and educational stage. It is only in the third stage that a human being achieves true cognition. He believed that the most important aspect of social reform, is correcting the thoughts of individuals, and this can only take place by growth and expansion of sciences (Naraghi, 2000, 55-56). On this basis of Kent's ideation, Malcolm emphasizes that the human intellect is not sufficient for the advancement of social affairs, and that we must seek sciences (Malcolm, 2009, 28). Kent also wished that humanitarianism would replace the worship of God, because he believed that a person who is devoted to scientific



thought cannot be devoted to unseen issues (Naraghi, 2000, 57-58). Kent's ideas are influenced by people such as Saint Simon. Saint Simon said: "What we need now is a new society, a new religion, and a new evaluation of justice. (Thomas, 2003, 243). Saint Simon's ideas in turn influenced Iranian intellectuals. Especially since his followers presented new ideas to the world, under the name of Socialism.

Mirza Aghakhan Kermani is one of the intellectuals strongly influenced by Socialism. In the mid-19<sup>th</sup> century, the concept of Socialism referred to a wide range of reformist and revolutionary ideas in the West. The outstanding point in this ideation was common emphasis on the necessity to change the capitalistic industrial society to an equality-based system in which common improvement is realized for all, and sources of values such as union, society, and cooperation replace the pursuit of individual benefits (McLean, 2002, 753).

Mill and Montesquieu influenced Iranian intellectuals via the emphasis they placed on justice and freedom. These concepts that have very complex relations with one another, intersect with each other both in regards to meaning, and in practice. If the concept of justice is realized, it guarantees part of freedom (Bashiriyeh, 2005, 133). Montesquieu influenced Iranian intellectuals by criticizing tyranny and valuing a government that is concerned with people's freedom. He believed that the single principle of authoritarian governments is fear. In an authoritarian government, one person rules with self-interest and no rules and regulations (Alem, 2004, 312). Certainly, such a critique of authoritarian governments had a special appeal for Iranian intellectuals. Montesquieu's "Iranian letters", written in France in criticism of the political-social situation in his time, is one of the works in this regard. He tries to show that if the law dominates the people, no oppression or cruelty to the people is possible. (Montesquieu, 1941, 31)

Through his most important piece of work, "manuscript regarding freedom," and his other works, Mill influenced the thoughts of his time and also Iranian intellectuals. Being one of the utilitarian English intellectuals, he placed strong emphasis on democratic form of government. He believed that in the framework of a democratic government, the corruption of government can be prevented (Bashiriyeh, 2003, 295).

Considering what has been said, we continue our discussion of the two concepts emphasized in this study, namely justice and freedom, now from a Western point of view. We should say that justice is a first and basic quality. It is possible that concepts such as freedom or happiness are disputed, and limitations and people's inequality are defended, but we can hardly find anyone who wants to defend injustice. Even limiting freedom is based on an interpretation of justice (Bashiriyeh 2007, 98). This problem arises from the fact that the definition of justice has a close relationship with two notions: Worthiness, and Equality. These notions form the two bases accepted by justice-execution systems. Regardless of the theories

that emphasize the limitations in these notions, we should point to viewpoints that emphasize the extremes of worthiness or the extreme of equality, and name them Worthiness-oriented, or equality-oriented. Meaning that what makes them different is determining the degree of worthiness (Alikhani and Pakatchi, 2009, 337-339). The more a viewpoint emphasizes worthiness, it decreases the emphasis on equality between individuals, and as a viewpoint emphasizes equality, it decreases individuals' worthiness that may be based on individual potential or effort or ....

What our intellectuals learned from the West regarding political justice is that the conceptual connection between justice and law is followed by the connection between justice and politics. The result of this connection is the formation of political justice as one of the most important aspects of social justice. From this viewpoint, constitution adjusts politics and includes individuals' basic rights. From another view, constitution is the foundation of power, and its adjusting factor (Alikhani and MirAhmadi, 2009, 65-66). Hence, the role of justice is focused upon in the constitution.

Another focal point is that the weighty concept of "political justice" that we use, was formed in the period under discussion, 19<sup>th</sup> century, in Europe. This concept is one of the concepts that has resulted from basic transformations that have occurred in the lifestyles and style of thinking in modern age. Analysis of this concept is possible and is understandable in the historical texture of the mentioned time period, and attempts to find it in classical texts result in meaninglessness, being misled, and in the best case, reduction of meaning (Alikhani and Pakatchi, 1388, 319-320). A task that many still don't believe is not to be performed. In fact, in classic philosophy, justice is used as an adjective for an individual, a ruler, or a judge, as an adjective for a personal action or decision. If in that concept of justice there is an adjective of a society, it is used secondarily and as a result of the ruler's action and decision (Bashiriyeh, 2005, 134). As we know, the beginning of The Constitutional Movement was the scholars' demand for establishing a house of justice. The point is that this demand was a leave from the classic meaning of justice in Iran.

In Western ideation, in the period discussed by John Stuart Mill, the maximization of satisfaction as a criteria for social justice is emphasized. According to him, the school of originality benefits was compatible with principles of justice. (Ibid2005, 116). But in Montesquieu's way of thinking, an authoritarian government, inherently, cannot be just. Because, from this viewpoint, an authoritarian government is based on fear, and if the king stops punishments, everything is destroyed (Montesquieu1991, 215-216).

Apart from the discussion about justice, speaking of freedom has a special position in Western political thought. As we know, this freedom is the focal point of the school of liberalism. In fact, Western thought that had undergone various transformations, had a special interpretation of this concept. Regarding the definition

of freedom, Montesquieu says: "Freedom is when a human being has the right to do anything that the constitution has allowed, and he is not forced to do what it has forbidden." (Ibid 394) In continuation, he speaks of his ideal system: the government of England.

John Stuart Mill is another thinker whose words had strong influences on Western political thought. In Mill's view, freedom and democracy are concepts that are tied together. According to him, democratic government is very valuable as long as it provides for individual freedom, and is the best form of government that has appeared yet. (Alem, 2004,439). Mill demanded the most expanded limits of freedom of thought. In his view, freedom of ideation must be absolute. He believed that freedom of conscience, freedom of religion, freedom of thought, freedom of speech, freedom of life and freedom of societies, are freedoms that the society may not interfere with (Ibid 425).

In his famous piece of work "Article regarding freedom", he discusses two main principles in utilizing freedom. The first principle comprises the point that no human being can be reprimanded for an action he performs and that action is not harmful to anyone other than himself. The second principle however, is concerned with others: "Any person is held liable for actions that harm others" and in case of necessity, the society can attempt to correct him by using social and legal punishments (Mill, 2006, 239).

It is necessary to point out that Christian thinkers, like John Stuart Mill, believe that freedom should not be valued as an absolute goal, but as a tool for expanding justice and human welfare and general goodness (Novin, 2001, 108)

John Stuart Mill had a great influence on Iranian intellectuals, such as Akhoondzadweh and Malcolm. Malcolm's interpretation in the article, "Call of justice" shows this influence. The freedom that Malcolm is after, in his words, is called "legal freedom." In expressing and describing the concept of freedom, Malcolm is completely affected by Western thinkers especially John Stuart Mill. This influence is shown mainly when he specifies limitations for freedom: "The limit of this freedom is so far as it does not interfere with anyone else's rights."

In his famous piece of work, "Article regarding freedom," Mill mentions two main principles regarding freedom. The first is that no one can be reprimanded for his actions; and the second, which is a constraint on the first clause, individual reprimand and punishment occurs in case of harming others' well being (Mill, 2006, 239). Beyond this, Akhoondzadeh has an article regarding freedom according to Mill.

Regarding the problem of justice influenced by the West, they try to leave the individual-oriented view that "everything is subject to the king's will" and establish this concept on "house of justice." In this regard, Mirza Malkam Khan was the frontrunner. In addition to influencing Iranian intellectuals by Western interpretations of justice and freedom, Western thought also influenced our

intellectuals regarding women's rights. This took place while in the East, men were not aware of their rights. Most of all Iranian intellectuals, Mirza Aghakhan discussed women's rights. Akhoondzadeh followed his struggles in his plays. Hence, in the tale of "Khers-e Gholdor-e Basan", he shows the women's misfortune.

## SUMMARY

Reading and seeing all about Western political ideations during the mentioned time period, caused people such as Akhoondzadeh, Talboff, Mirza Malkam Khan, and Mostasharoddole, as the pioneers of Constitutional political ideations, seriously challenged the traditional political thoughts of Iranian society and history, by compiling and composing pieces of work based on Western approaches to human and the society (Ajdani, 2008, 40-41). The terms "Monavvar-ol-fekr" (colorful-minded) and "Rowshan-fekr" (bright minded) expressed many things. Western thoughts and ideations convinced Iranian intellectuals that, history is neither fate (opposite to what the scholars claim), nor the periodic emergence and downfall of kingdoms (as historians describe). But history is the incessant current of human advancement. They reached the belief that by fighting monarchical authoritarianism, religious fanatics, and foreign imperialism, we can attain advancement (Abrahamian, 2003, 79-80). The emphasis of pre-constitutional intellectuals on concepts of justice and freedom was on this basis. By implementing these concepts in the society, stability and security are provided in the society, and hence, the society can step toward advancement.

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