

The Superior Jihad Series (2)

**THE TRIVIALIZATION OF SHI'I MARJA'IYYAT**  
**Impeaching Iran's Supreme Leader**  
**S. Ali Khamene'i on his Religious Authority**

داستان مرجعیت اعلای جناب آقای خامنه‌ای چهار گام داشت. گام اول خطیبی توانا در خدمت نظام که نه ادعای اجتهاد داشت نه رهبری و مرجعیت را به خواب می‌دید: حجت الاسلام والمسلمین خامنه‌ای. گام دوم رهبری و ولایت مطلقه فقیه بر اساس مصلحت نظام از نیمه خرداد ۱۳۶۸: آیت‌الله خامنه‌ای مقام معظم رهبری. گام سوم برنامه‌ریزی برای مرجعیت از نیمه سال ۶۸ و اعلام رسمی در آذر ۷۳: آیت‌الله العظمی خامنه‌ای مرجع جایزالتقلید. گام چهارم خیز برای مرجعیت اعلا و منحصر به فرد از تابستان ۱۳۷۶: امام خامنه‌ای! و داستان زیاده‌خواهی نفس آدمی پایانی ندارد. در این بلیه تنها وی مسئول نیست، شرکای روحانی او از مدرسه آیت‌الله خمینی نیز در «ابتدال مرجعیت شیعه» با وی هم‌پرونده‌اند. مرحوم آیت‌الله خمینی با پشتوانه مرجعیتش رهبر شد، و جناب آقای خامنه‌ای با اتکاء به رهبریش مرجع شد! رهبری و مرجعیت ایشان هر دو با قاعده «حفظ نظام اوجب واجبات است» تحصیل شد. مرجعیت مجتهد متجزی با اکسیر مصلحت نظام یعنی همین. فقهای منتقد از جمله مرحوم آیت‌الله منتظری در سخنرانی تاریخی ۱۳ رجب (۲۳ آبان ۱۳۷۶) مرجعیت رهبری را «ابتدال مرجعیت شیعه» خواندند و به دلیل همین انتقادشان بر خلاف شرع و قانون محصور شدند. این کتاب شرحی است بر همین سه کلمه: «ابتدال مرجعیت شیعه».

مجموعة أفضل الجهاد (۲)

**ابتدال المرجعية الشيعية**

تساؤلات حول مرجعية المرشد الأعلى للجمهورية الإسلامية الإيرانية  
حجة الاسلام والمسلمين السيد علي الخامنئي



kadivar.com



# **The Trivialization of Shi'i *Marja'iyat***

Impeaching Iran's Supreme Leader on his *Marja'iyat*

**Mohsen Kadivar**

2015

---

**The Trivialization of Shi'i Marja'iyat**  
*(Ebtezal-e Marja'iyat-e Shi'a)*  
**Impeaching Iran's Supreme Leader on his Marja'iyat**  
*(Estidhah-e Marja'iyat-e Maqam-e Rahbari*  
*Hojjatol-Islam wal-Moslemin S. Ali Khamenei)*

**Mohsen Kadivar** (1959 - )

First Edition (as a series of articles): JARS, March-April 2013; Second Edition: March 2014; Third Edition: May 2014; Forth Edition: **May 2015**

Web-Book, 314 pages

**Official Website of Mohsen Kadivar**



<http://kadivar.com>  
[kadivar.mohsen59@gmail.com](mailto:kadivar.mohsen59@gmail.com)

## Table of Contents:

<b>Introduction</b> .....	<b>7</b>
<b>Section 1: The Learned Orator: Hojjatol-Islam</b>	
<b>Khamenei</b> .....	<b>25</b>
Chapter 1: "I imitate Ayatollah Khomeini" .....	28
Chapter 2: What was meant by "Shari'a-based limitations" in Friday prayer sermons?.....	46
Chapter 3: "A brother familiar with issues of <i>fiqh</i> " .....	59
<b>Section 2: The Supreme Leadership: Ayatollah</b>	
<b>Khamenei</b> .....	<b>71</b>
Chapter 4: The leadership of a partial ( <i>mutejazzi</i> ) <i>mujtahid</i> in favor of an expedient regime.....	74
Chapter 5: <i>Shari'a</i> retraining after two decades.....	83
Chapter 6: Teaching advanced level ( <i>kharij</i> ) <i>fiqh</i> in the lack of specified criteria of methodology of <i>fiqh</i> ( <i>'usul al-fiqh</i> ).....	89
Chapter 7: The Leader is a <i>mujtahid!</i> .....	95
<b>Section 3: The Imitable <i>Marja'</i>:Grand Ayatollah Khamenei</b>	<b>105</b>
Chapter 8: The vote of the Assembly of Experts to Khamenei cannot prove his <i>ijtihad</i> .....	108
Chapter 9: Inconsistent <i>fatwas</i> .....	112
Chapter 10: The disagreement of Shi'i authorities with the <i>marja'iyat</i> of the Leader.....	119
Chapter 11: The Work of the Ministry of Intelligence's Office of Monitoring Shi'i Authorities.....	143
Chapter 12: The official announcement of the Leader's <i>marja'iyat</i> .....	149
Chapter 13 "You are both Leader and <i>Marja'</i> , oh Khamenei!" .....	160
Chapter 14: The innovation of geographical <i>marja'iyat</i> .....	170
<b>Section 4: The Melancholy of Supreme <i>Marja'iyat</i>: Imam</b>	
<b>Khamenei?</b> .....	<b>187</b>
Chapter 15: The Trivialization of Shi'i <i>Marja'iyat</i> .....	191

Chapter 16: An example of a baseless and dangerous <i>fatwa</i>	211
<b>Conclusion</b>	<b>219</b>
Bibliography	229
Selected documents	233
List of images	241
Annotated table of contents	261
From this author	267
Arabic Abstract	271
English Abstract	291

## Abstract

Hojjatol-Islam wal-Moslemin Seyyed Ali Hosseyni Khamenei (b. 1939 in Mashhad) was one of the famous combatant broad-minded orators of Khorasan in the 1970s. After the success of the revolution, he was assigned to important positions, such as membership of the Council of the Revolution, leader of Tehran's Friday prayer, and the third President of the Islamic Republic of Iran. At fifty, the Assembly of Experts chose him as the second Supreme Leader of I.R.I. on 4 June 1989, after Ayatollah Khomeini's passing. After Ayatollah Araki's death, *Jame'eye Moddaresin Hawzeye 'Elmiyeye Qom* (the Association of the Teachers at the Qom Seminary) introduced seven jurists as *marjae' jayezol-taqlid* (qualified for *marja'iyat*) in a newsletter on 2 Dec 1994. "The Grand Ayatollah Khamenei Supreme Leader" was the third one. The *Jame'eye Rawhaniyyate Mobareze Tehran* (the Association of the Combatant Clergy of Tehran) also introduced three jurists as *marja' jayezol-taqlid*, of whom Khamenei was the first.

"Grand Ayatollah Khamenei", in a speech on 14 Dec 1994, announced that he humbly accepted the *marja'iyat* abroad, since it was abandoned outside of Iran. His treatise titled *Ajwibat al-Istifta'at (Requested Fatwas)* was published in Arabic in 1994 in Kuwait and in Farsi in 1996 in Tehran. In 1998, he concluded that it is incorrect to have seven *marja's*, and that instead, only one person should take on *marja'iyat*. He assigned the *Jame'eye Moddaresin Hawzeye 'Elmiyeye Qom* the task of introducing the supreme leader as the unique and supreme *Marja'*. From then, in official circles, especially outside of Iran, he is referred to as "Imam Khamenei".

### Research Questions

Considering his very quick and unprecedented promotion from a junior clergy to Ayatollah and Leader in 1989 and then to Grand Ayatollah and qualified source of imitation (*Marja'*) in 1994, and his plan for Supreme and unique *marja'iyat* in 1997, there were doubts and questions about the natural process of these promotions. In order to resolve these doubts, there was no choice but to examine Khamenei's life very closely and to seek evidence of his absolute *Ijtihad* and qualification for issuing fatwas in his education, teaching, research, mentors, classmates, writings, occupations, and concerns at different points in his life. I also compared his own thoughts on *fiqhahat* and *ijtihad* before and after his Leadership.

I tried to answer the following questions: When did Khamenei start thinking about *marja'iyat*? When did he start giving *fatwas*? Who are the members of his *Shouraye Istifta* (committee providing consultation for issuing fatwa)? When did he begin to teach *kharij-e fiqh* (advanced *fiqh*)? Has he ever taught advanced methodology of *fiqh* (*kharij-e usul*)? When did he begin to collect *Shari'a* funds? When did he take on the responsibility of paying the stipends of seminary students? What did he write in *fiqh* and *usul* during his claim of *marja'iyat*? What has he published in *usul* and argumentative *fiqh*? What are the foundations of his methodology (*mabani-e usuli*) and principles of *fiqh*? Has he ever published a complete *fatwa* treatise? If not, then why? Who supported his *marja'iyat* and with what goals? Who were the major critics of his absolute *ijtihad* and his qualifications for *marja'iyat* and *fatwa*? What was their reasoning on both sides? What institutions were responsible for preaching, propagating and fixing his *ijtihad* and *marja'iyat*? How did the more traditional part of the



## 9 Abstract

Seminary respond? How was *maraj'iyat* influenced by his political role as Supreme Leader?

Ayatollah Khomeini's latest perspective was that the concomitance of *marja'iyat* and leadership was not necessary, which led to a review of the Constitution. Why did Khomeini and most of Khomeini's students disregard this opinion and turn to necessitating the concomitance of *marja'iyat* and leadership? The expediency of the regime was the most important obligation in Ayatollah Khomeini's concept of absolute leadership of the *faqih*. Was the expediency of the regime prioritized over religious criteria in the case of *marja'iyat* and issuing *fatwa*? Seeking answers to these questions led to the research gathered in this book, which consists of four sections, the summary of which is as follows.

### **The Learned Orator: Hojjatol-Islam Khomeini**

Khomeini imitated Ayatollah Khomeini until he was fifty years old and in some instances imitated Ayatollah Montazeri. Until Ayatollah Khomeini's death, he did not consider himself to be a *mujtahid* (qualified religious authority). As a matter of fact, he has mentioned his imitation of Ayatollah Khomeini many times. Although he was talented, he was only a fulltime student of advanced *fiqh* in the seminary for six-seven years. His main concerns included reading poetry and novels, political combats, religious-political sermons and speeches (*manbar*), public revolutionary meetings about Islamic teachings (especially interpretation of the Quran and the *Nahjul-Balagha* for the youth), and translating Islamic revolutionary books from Arabic to Farsi (especially the works of Seyyid Qotb).

His expositions (*taqirrat*) of none of the mentors' lectures that he attended have been published and there is no sign of his expertise in *fiqh* and *usul* over his classmates

(*mobahiths*). Comparing the charter regarding the collection of funds with other charters, it is evident that in 1966 Ayatollah Khomeini did not consider Khamenei among the senior scholars of his time – let alone as a *mujtahid* – and only gave him permission to use one-third of the *khums*, which was regular for junior clergy.

He taught intermediate levels of *fiqh* and *usul* for a decade in Mashhad, but his teaching career was shut down with multiple arrests, exile, a life in hiding outside of Mashhad, and under pressure from security forces. His reputation in the 1970s was based on his speeches on revolutionary and intellectual approaches to Islamic doctrine. Khamenei does not have permission for *ijtihad* from either of his mentors. His occupations, including managing, executing, and preaching responsibilities, had nothing to do with *fiqahat* and *ijtihad* until Ayatollah Khomeini's passing away. His many preoccupations in the first decade of the Islamic Republic left him no time for *fiqhi* and *usuli* teaching and research until 1989. In the first half-century of his life, Khamenei did not publish anything about *fiqh* or *'usul*, except for a 40-page, incomplete *rijali* article (a paper on the bibliography of the transmitters of *hadiths*).

In the first decade of the Islamic Republic, Khamenei expressed three opinions regarding *fiqh*, two of which were faced with serious criticism by Ayatollah Khomeini. The first was his opinion about the limitations of Ayatollah Khomeini's theory of "the absolute guardianship of the jurist" (*wilayat-e mutlaqa-ye faqih*) in a Friday prayer sermon on 1 Jan 1988, and the other was his acceptance of an apostate's repentance (*tawbe-ye zahiri-ye murtadd-e fitri*) regarding the Salman Rushdie case in a Friday prayer sermon on 17 Feb 1989. After Ayatollah Khomeini's impugnation of his opinions, he changed his mind about both. In March 1989, his opinion about singing and suspicious music in Qom is evidence of his

## 11 Abstract

lack of *ijtihad* just three months before his leadership.

There is no written document to serve as evidence that Ayatollah Khomeini confirmed Khamenei as *mujtahid*. In the works published during his lifetime, Ayatollah Khomeini's most famous phrase about Khamenei implied that he was "familiar with *fiqhi issues*" and does not even indicate his "partial (*mutijazzi*) *ijtihad*", let alone "absolute *ijtihad*", even though he speaks of Khamenei as an extremely trustworthy companion. Khomeini's oral exclamation would prove Khamenei's qualification for leadership and for the degree of potential *ijtihad* necessary for fulfilling that task, only if they did not contradict the explicit statement of "Islamic Republic's founder's religio-political will". Also, singular narrations do not suffice as evidence in important matters, and, in the end, oral sayings are not credible.

The oral sayings that have been recounted in introducing Khamenei as "the selected leader and his evident *ijtihad*" by Ayatollah Khomeini are not true; those who recounted such sayings did so in favor of the regime's expediency. Considering the misery they were put through by the regime, the second edition of these retellings proved the invalidity of the first edition. In the end, Khamenei's "absolute de facto *ijtihad*" cannot be validated until June 1989.

### **The Supreme Leadership: Ayatollah Khamenei**

When Ayatollah Khomeini passed away, the constitution of 1979 was the source of action. Khamenei was definitely not a *marja'* on 4 June 1989 and didn't have the required expertise for *marja'iyat* and issuing *fatwas*. On that day, the clergy who were followers of Ayatollah Khomeini made a historical decision in an emotional atmosphere: they prioritized political management over the knowledge of *fiqh* and chose a junior clergy (*mujtahid-e mutajjazi*) to replace the supreme leader, a position that required de facto absolute *ijtihad*.

Ayatollah Khomeini's students didn't let the Leadership leave their circle. Ayatollah Khomeini didn't consider any of the *marja's* of his time to be qualified for Leadership. The most learned *mujtahid* among his students (Ayatollah Montazeri) had deviated in Ayatollah Khomeini's opinion and none of the eligible candidates had administrative experience as an absolute *mujtahid*. It was time to consider a junior clergy (*mujtahid-e mutajjazi*).

The elixir of the "regime's expediency" forced the replacement of the position of an absolute de facto *mujtahid* with a junior clergy (*mujtahid-e mutajjazi*). In reality, the idea of *Wilayat-e Faqih* died with the death of its founder. The *Majles-e Khobregan-e Rahbari* (the Assembly of Experts on Leadership) opposed Khamenei on at least three occasions based on the regime's expediency:

1. Overlooking the problem of lacking the required qualifications and a de facto *marja'iyat* being against the law (violating article 109 of the 1979 Constitution).

2. Failure to announce the illegal and "temporary Leadership" of Khamenei in at least the first two months of his leadership (the approval of a special meeting of *Khobregan-e Rahbari* on 4 June 1989).

3. Overlooking the lack of absolute *ijtihad*, meaning the qualification required for issuing *fatwas* on different issues of *fiqh* (violating articles 5, 107 and 109 of the 1989 Constitution).

Considering that Khamenei was not involved in any education or discussion of *fiqh* and '*usul* for fourteen years from 1976, a nine-member committee of governmental clerics was formed to hold sessions designed to reeducate the Leader from Sept. 1989. Seyyed Mahmoud Hashemi Shahrudi and Mohammad Mo'men Qomi played the biggest roles in this reeducation. The results of these sessions are two articles in Khamenei's name that were polished in 1995

### 13 Abstract

by the reeducation committee and published. One was the *fiqhi* sentence of the Sabaeans (32 pages) and the other was a contract to seize fire and end the conflict (84 pages).

Without having ever taught advanced courses on methodology (*'usul*) of *fiqh* or written any lessons of his mentors or written any commentary on them or preparing any specified criteria of methodology (*'usul*) of *fiqh*, Khamenei began to teach advanced course in *fiqh* from the book of war (*jihad*) from 1990, less than a year after becoming Leader. He taught three times a week for 45 minutes, and started by discussing *hadiths* on moral advices. His later teaching has been on retaliation and illicit earnings. More than 500 employed clergy participated in his class. In the 25 years of his teaching, two sections from the book of *jihad* and only a small part of the book of retaliation were installed in the Leadership's advisory website. From fifteen years ago, nothing has been published from Khamenei's teachings of *fiqh*, other than his early sermons on moral advices. The lectures are also not available in audio format on his website, unlike other seminary teachers.

A tradition in the Islamic Republic is to request a license for applied *ijtihad* for posts that require *ijtihad*: representatives of the Assembly of Experts of Leadership (*Majles-e Khobregan-e Rahbari*), Ministry of Intelligence (*Vezerat-e Etela'at*), and Leadership. The required condition for the first two is partial (*mutajazzi*) *ijtihad* and the required condition for the third is the absolute potential *ijtihad* (less than the necessary qualification of *de facto marja'iyat* and issuing *fatwa*).

One year after Khamenei became Leader, he sought help from Ayatollah Khomeini's students after many complaints about the absence of religious and legal qualifications in the Leader elected by Assembly of Experts. Seven of these students - Mohammad Yazdi, Abdollah Javadi Aamoli,

Mohammad Fadhel Lankarani, Mohammad Mo'men Qomi, Ali Meshkini, Yousef Sane'i, and Ibrahim Amini – approved his *ijtihad* as sufficient for tenure as Leader by the beginning of Aug 1990. Most of these men were appointed as the head of the judicial system, the member of the powerful Guardian Council, and the Friday prayer imam, and one was a young *marja'* of the time. From the seven approvals submitted, five only approved the potential or applied *ijtihad* required for Leadership and no more. These approvals are problematic for two reasons: issuance based on the regime's expediency and the testimonies of opponents.

#### **The Imitable *Marja'*: Grand Ayatollah Khamenei**

From 1989, Khamenei began collecting funds and started paying stipends to the seminarians at home and abroad in 1990. He began issuing *fatwas* in Aug. 1990 and the first booklet containing his *fatwas* was published in 1992 in Beirut. More important than the *fatwas* themselves are the seven approvals in the beginning of the book, which served to solve the crisis of illegitimacy of Khamenei's Leadership, and were then used for legitimizing his issuance of *fatwa* and *marja'iyat*. However, the five aforementioned approvals are limited to applied *ijtihad* for Leadership and utilizing it for establishing absolute *ijtihad* for issuance of *fatwa* is a form of subreption.

Many of what is included in that book as *fatwa* are references to Ayatollah Khomeini's *fatwas*. This is the first time in the history of Shi'ism that a conveyor of a *mujtahid's fatwas* considers himself as a *marja'-e taqlid*. Khamenei has even considered his *ahkam* (decrees) as superior to the *fatwas* of *mujtahids*. Yet, it is he who monopolized *Khums* (religious tax: one-fifth of the saved annual income) to the religious ruler, not the other *mujtahids*. Finally, Khamenei announced the necessity of believing *Wilayat-e Faqih* as

## 15 Abstract

undistinguishable from the necessity of believing Islam and *imamate*; this baseless *fatwa* required him to accuse the disbelievers of *Wilayat-e Faqih* of heresy of Islam and Shi'ism.

The partial *mujtahid's* claim to *marja'iyat* with political support faced opposition and criticism from *marja's* and Shi'i scholars. In Beirut, Ayatollah Seyyid Mohammad Hosseyn Fadhlullah was vilified because he did not believe in Khamenei's *marja'iyat* and qualification for *fatwas*, as he mentioned in his interview. In his last Friday prayer sermon in Jan 1994, Ayatollah Mousawi Ardabili explained that one *marja'* choosing the next was unorthodox in Shi'ism and that none of the previous *marja's*, including Ayatollah Khomeini, appointed anyone one after them.

Ayatollah Montazeri sent a written message to Khamenei via Ayatollah Mohammad Mo'men Qomi in Nov 1994, warning him about claiming power in realms in which he is utterly unqualified, such as issuing *fatwas*, *marja'iyat*, and appropriating religious funds. He expressed his concerns about the fact that the security forces under the Leader's control (i.e. clerical courts, Ministry of Intelligence, and the Revolutionary Guard) were denying independence of seminaries. For the first time, he mentions the deputy in clerical issues in the Ministry of Intelligence at the time of Ali Fallahian. This deputy had two responsibilities: eliminating and weakening independent and critical *marja's* and legitimizing the *marja'iyat* of the Leader. The aforementioned seven approvals were gathered through this deputy of the Ministry of Intelligence. At least six members of the *Jame'eye Moddaresin Hawzeye 'Elmiyeye Qom* (Association of the Teachers of the Qom Seminary) – Mo'men Qomi, Taheri Khorram Abadi, Taher Shams, Azari Qomi, Kaz'ali and Meshkini – disagreed with Khamenei's *marja'iyat*.

With the help of the deputy of clerical affairs in the Ministry of Intelligence and some governmental clerics, after the death of grand Ayatollah Khoiyi in Aug 1992, the road was paved from abroad for Khamenei to become a *marja'*. After the death of grand Ayatollah Araki on 29 Nov 1994 and a visit from Tehran to Qom by a committee consisting of three high-level officials – Velayati (foreign Minister), General Mohsen Rezayi (the chief commander of the Revolutionary Guard), and Javad Larijani (representative of the parliament) – at least eleven licenses were obtained, legitimizing Khamenei's *ijtihad* and qualification for *marja'iyat* in Qom and Tabriz. Although the first set of approvals were obtained regarding Khamenei's *ijtihad*, the second set approved his *marja'iyat*. None of these licenses were initially issued in isolation, but were written in response to a common question from the deputy of clerical affairs of the Ministry of Intelligence. Some of the approvers, including Seyyid Mohammad Baghir Hakim and Seyyid Mahmoud Hashemi Shahroudi, explain that this *marja'iyat* is based on the regime's expediency. Regardless of their motives, most of these approvers justify Khamenei's *marja'iyat*. These licenses are valid only if they are not met with contradictory testimonies.

Three days after Ayatollah Araki's death, in a declaration dated 2 Dec 1994 and signed by Ayatollah Fadhil Lankarani, the *Jame'eye Moddaresin Hawzeye 'Elmiyeye Qom* (Association of the Teachers of the Qom Seminary) introduced seven clergy as qualified *marja's*: Mohammad Fadhel Lankarani, Mohammad Taqi Bahjat, Seyyed Ali Khamenei (the Supreme Leader), Hosseyn Vahid Khorasani, Javad Tabrizi, Seyyed Mousa Shobeiri Zanjani, and Nasser Mokarem Shirazi. The *Jame'eye Rawhaniyyate Mobareze Tehran* (The Association of Combatant Clerics of Tehran) also introduced three clergy qualified for imitation: Seyyed Ali



## 17 Abstract

Khamenei (the Supreme Leader), Mohammad Fadhil Lankarani, and Javad Tabrizi. The *Majma' Jahani-ye Ahlul Bait* (The International Association of *AhlulBait*- The Iranian Shi'a center) also approved Khamenei as the *marja'* of the Shi'i community.

The declaration of *Jame'eye Moddaresin* contradicted its bylaws, and is hence invalid, for three reasons: 1. The meeting of seven did not meet the quorum of fourteen. Some also left the meeting in opposition. 2. Any legislation must be approved by one-third of all members, even though some telephonic votes were refuted as well. 3. In important matters, regulations must be approved by more than half of the members in writing, even though this legislation had only one signature!

The legislations of *Jame'eye Moddaresine-e Qom*, *Jame'eye Rawhaniyyate Mobareze Tehran*, and other religio-political groups are historical Shi'i innovations, because they introduced unqualified clergy as *marja'*, introducing one or two qualified *mujtahids* to the believers (not seven!), and chose the "most learned" *marja'* to avoid confusion instead of a select few. These assertions have reflected very negatively on seminarian circles and were considered to be the meddling of political powers in matters of *marja'iiyyat*.

The deputy of clerical affairs of the Ministry of Intelligence retrieved and published approvals for Khamenei's *marja'iiyyat* from Friday prayer imams, expert representatives, and other clerics. Eighteen licenses were included in the third set of approvals, the most important of which belonged to Ayatollah Taheri Isfahani, who was the Friday prayer imam of Isfahan. In a conversation with Ayatollah Montazeri, he explained that his approval was given with the persistence of the attorney general of the clerical court of Isfahan. Even Ayatollah Azari Qomi has written an approval with some hesitations under pressure.

For Ayatollah Montazeri, *marja'iyat* was trivialized and forced with the interference of security and judicial forces. Bribery (*tatmi'*), threats, and baseless imagination (*tawahhum*) [the glory of the only Shi'i State] played important roles in obtaining these approvals. Evidently certain prevalence (*shiya'-e mofid-e 'elm*) does not yield Khamenei's *marja'iyat* or absolute *ijtihad* for issuing *fatwas*. The licenses for *ijtihad* are problematic because of testimonies that disqualify absolute *ijtihad*. Either way, there are no valid religious methods for justifying Khamenei's absolute *ijtihad* and qualification for *marja'iyat*.

In a speech on 14 Dec 1994, Khamenei announced that he was unaware of his approval for *marja'iyat* and would restrict its announcement had he known about it. Proof and testimony exist from a number of sources, including those of Ayatollahs Mahdawi Kani, Montazeri, and Azari Qomi that show his awareness of the process and his years of efforts in planning for it. In the same speech, he expressed that since *marja'iyat* has no sufficient candidate abroad, he would humbly accept the responsibility. He was unaware that geographical borders have no role in religious law. Against his own claims, he responded to the Iranians' questions about *shari'a* and collected their religious funds.

Also, in the same speech, he ironically accused Ayatollah Montazeri of betrayal several times. Ten days after this speech, on 23 and 24 Dec 1994, undercover officers attacked Ayatollah Montazeri's classroom and destroyed his *hosseyniye*, using vile language to threaten the students to leave the class. The deputy of clerical affairs of the Ministry of Intelligence had ordered these attacks. Khamenei's treatise of *Ajwibat al-Istifta'at* was published in early 1995. The contradictions in this publication, such as those in its discussion of *Wilayat-e Faqih* and *Khums*, are themselves proofs of the lack of Khamenei's *ijtihad*.

### **The Melancholy of Supreme *Marja'iyat*: Imam Khamenei?**

In the summer of 1995, Azari Qomi and Montazeri found out that Khamenei was seeking absolute and sole *marja'iyat* through the *Jame'eye Moddaresin*. In other words, he wanted to use his political power to become the only *marja'* (monopoly of *marja'iyat* in himself). In a historical letter dated 27 Oct 1997, Azari Qomi warned President Khatami that with orders from Khamenei, a special deputy has been formed under the former minister of intelligence (Ali Fallahian) to establish Khamenei's *marja'iyat* and stifle the growth of other *marja's*.

The Supreme Leader had assumed that Leadership automatically provided him with the knowledge of *fiqh* and that *marja'iyat*, and that this was a conventional (*i'tibari*) matter! *Jame'eye Moddaresin* had only approved him in favor of the regime's expediency, but knowledge and expertise should be prioritized over expedience. The experts should find the most learned *marja'* based on religious criteria, not based on expediency. Evidently the Supreme Leader has failed as the most learned in *fiqh*, accordingly he is disqualified as the absolute guardianship of a jurist. It was not right for the Supreme Leader to accept *marja'yya*; imitating him is against the principles of the *shari'a* and the seminary. After *Jame'eye Moddaresin's* announcement, officers of the Intelligent Service, some ignorant seminarians, *basij*, and *Hezbollah*, chanting "death to the critics of *Wilayat-e Faqih*", terminated Azari Qomi's class forever. Azari Qomi was beaten and his vehicle was destroyed with bats and rocks.

On 14 Nov 1997 (the celebration of Imam Ali's birthday memorial of 13 *Rajab*) Ayatollah Montazeri expressed two main *shari'a* based challenges in his historical speech: the necessity of the condition of the Leader as most learned in

*fiqh*, and his lack of qualifications for *marja'yyat*. First, Montazeri considered Khamenei's Leadership and guardianship to be religiously hopeless, because of his incompetence in necessary conditions for being the most learned in *fiqh*. Second, he considered Khamenei's claim of *marja'yyat*, with his lack of absolute *ijtihad* and competence to issue *fatwas*, as a trivialization of Shi'i *marja'yyat*. Ayatollah Montazeri's expertise was enough to stop the plan for Khamenei's supreme *marja'yyat* after these concerns. In reality, Ayatollah Montazeri voided Khamenei's license for imitation by questioning his qualifications and ruined his plans for supreme *marja'yyat* or its monopolization.

Operations on 19 Nov 1997 to silence the opposition were the Leader's orders carried out by Mohammad Yazdi, the head of the judicial system. On the same day, the Supreme National Security Council put the two critical *faqih*s under house arrest without being charged by any court, claiming concerns for their lives. Grand Ayatollah Montazeri was imprisoned for his criticisms for more than five years and Ayatollah Azari Qomi died under house arrest after fifteen months in early 1999.

In a detailed speech on 26 Nov 1997, Khamenei accused his opponents of treason, betrayal, naïveté, imperialism, disturbance of public peace, stupidity, and selfishness. He responded harshly with baseless accusations to the polite criticisms of Grand Ayatollah Montazeri and Ayatollah Azari Qomi, while he did not respond to their technical criticism and *shari'a*-based objections. Khamenei's defensiveness is reminiscent of the Quran's description of the Pharaoh's response to Moses. His reaction contradicts Imam Ali's response to peace-seeking critics.

The most important indicators of Khamenei's lack of absolute *ijtihad* are his *fatwas*. In addition to his *fatwas* about *wilayat-e Faqih* and *Khums*, a *fatwa* regarding the public

## 21 Abstract

criticism of the regime's officials, published in Aug 2013, is an example of his baseless and dangerous *fatwas*. First, according to his *fatwa*, reports of the regime's injustices and their publications have no base. Second, if it leads to the corruption and weakening of the Islamic government, it is a sin. The content of this *fatwa* is the common habit of tyrannical and despotic governments in history. It is an innovation unprecedented in the history of Shi'ism and against Islamic teachings. The *fatwa* of banning the public criticism of officials has only one message: no criticisms allowed!

The story of Khamenei's sole *marja'iyat* has four parts. First, he was the capable orator serving the regime, with no claim to *ijtihad*, and wouldn't even dream of Leadership and *marja'iyat*: Hojjatol-Islam wal-Moslemin Khamenei. Second, he obtained Leadership and absolute authority as *faqih*-ruler based on the regime's expediency from 4 June 1989: Ayatollah Khamenei, Supreme Leader. Third, he planned for *marja'iyat* from late 1989 and officially announced it in Dec 1994: Grand Ayatollah Khamenei *Marja-e' Jayezol-Taqlid*. Fourth, he endeavored for supreme and unique *marja'iyat* from the summer of 1997: Imam Khamenei! And human greed has no limit. He is not the only one responsible in this problem; his clerical partners from Ayatollah Khomeini's school share the blame in this trivialization of Shi'i *marja'iyat*.

### **The Trivialization of Shi'i *Marja'iyat***

Ayatollah Khomeini became Leader while relying on his *marja'iyat*, and Khamenei became *marja'* while relying on his Leadership! His Leadership and *marja'iyat* were both accomplished by the principle of "protecting the regime is the most necessary of necessities". This is the result of the *marja'iyat* of the partial (*mutajjazi*) *mujtahid* in favor of the

regime's expediency. Critical *fuqaha*, including Ayatollah Montazeri, considered the Leader's *marja'iyat* as a "trivialization of Shi'i *marja'iyat*" and were imprisoned illegally and unjustly for this very criticism. This book is an explanation of these very three words: "trivializing Shi'i *marja'iyat*". The book's subtitle is the impeachment of Khamenei on his *marja'iyat*. The need for clarity leads to clarifying and resolving ambiguities. Impeachment is a moral and religious matter. The conclusion of this book is firstly, that it is impossible to qualify the Leader's *marja'iyat*, and secondly, that there exist numerous pieces of evidence and testimonies about his incompetence in issuing *fatwas* and in *marja'iyat*. Khamenei and his supporters have the right to publish evidence in their support, and nine of them have published their defenses. These defense are good examples for testing the strength of their justification and evidence for the Leader's *marja'iyat*.

This author has written extensively on this issue before, and ardently opposes absolutely all kinds of the political authority of a *faqih*. He does not consider valid any of the governmental positions on *fiqh* and *ijtihad*, either absolute or partial, so he is not concerned about losing them. However, in *marja'iyat*, competences in issuing *fatwas* and in *ijtihad* are crucial criteria and this book is concerned with Khamenei's *marja'iyat*, not his Leadership. Impeaching the Leader (reviewing the résumé of his 21-year Leadership based on the Islamic Republic's constitution) is the topic of another one of this author's works, the first edition of which was published on 17 Jul 2010 as a letter to the head of the Assembly of Experts at the time, Hashemi Rafsanjani.

In this research, fairness has been exercised, leading to the inclusion of both arguments for and against Khamenei's *marja'iyat*. The opinions and proofs offered by supporters have been presented along with the justifications of

## 23 Abstract

opponents. The author is in search of the truth, not proving his own views. Although Khamenei has treated this author and his mentor unjustly, the author has tried his best to remain fair. It is up to the reader to determine how successful he has been in this endeavor.

This book is targeted to those who are concerned with religion on a daily basis, especially *marjas*, *faqih*s, seminarian students, professors, researchers and students of Theology and Islamic Studies. Others will also find proof of the difficulties that come with fusing religion and political powers in Iran and recent Shi'i thought. The rational conclusion of this research is the moderate secularism or separation of religious institutions (seminaries, clerics, *marja'iyat*, and the mosque) from the state.

Collecting these sources and references has been very time-consuming. The author has tried not to make any unsupported claims. However, humans are not without their faults and the author is sure that, were this research conducted in Iran, more documents would be available for inclusion in this book and its argument. Knowledgeable readers are encouraged to share their comments and criticisms, whether publicly or privately, with the author. Reviewing this research and examining it closely would be a great service to the modern history of Iran, to recent Shi'i thought, and to the author.

I wish that freedom in Iran will one day allow books such as these to be published on paper and that authors are not stripped of their basic religious and legal rights, including their right to live in their homeland, for writing such books.

**Mohsen Kadivar**

May 2015