

The Dissident Ayatollahs of the Islamic Republic of Iran Series (2)

The Rise and Fall of Azari Qomi

The Evolution of Ayatollah Ahmad Azari Qomi's Thought

Mohsen Kadivar

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The Dissident Ayatollah of the Islamic Republic of Iran (2)
(*Movajeheye Jomhuri Eslami ba 'Ulamaye Muntaqid*)

The Rise and Fall of Azari Qomi

Faraz wa forud-e Azari Qomi

**The Evolution of Ayatollah Ahmad Azari Qomi's Thought
(1923-1999)**

*Seiri dar tahawwol-e mabaniy-e afkar-e Ayatollah Ahmad Azari
Qomi (1302-1377)*

Mohsen Kadivar (1959-)

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Epilogue

1

Ayatollah Ahmad Azari Qomi (1923-1999) has expressed the largest authority for the jurist guardian (*wali faqih*) in the history of Shi'ism. After Ayatollah Khomeini's announcement of the jurist's absolute guardianship (*wilayat mutlaqay-e faqih*) in Jan. 1988, Azari Qomi tried extensively to clarify the concept, contributed the most amount of literature on the topic, and published the closest interpretation to Khomeini's own. Although until 1998 he was a conservative critic of Ayatollah Khomeini, Azari Qomi became one of the most well known supporters, propagators, and advocates of the Supreme Leadership during the first five years of *hojrat ol-eslam* Khamene'i's rule.

These are the major thoughts and beliefs of Azari Qomi between Feb. 1978 and Dec. 1994: Azari categorized the orders of the jurist guardian (*wali faqih*) as orders of guidance (*ershadi*) and master-hood orders (*mawlawi*) between 1984-1985 (when he was the representative of the people of Qom in the Parliament); he entered the concept of an absolute guardianship of the jurist (*wilayat-e mutlaqay-e faqih*) in the revised constitution of Islamic Republic of Iran in 1989 (when he was a member of the constitution's review council); he defended Ayatollah Golpayegani's leadership and Khamenei's position as executive deputy in the Assembly of Experts on the Constitution (*Majles-e Khobregan-e Ghanoon-e Asasi*) in 1989, when he was a member of the Assembly of Experts on the Supreme Leadership (*Majles-e Khobregan-e Rahbari*); Azari expressed that the jurist guardian (*wali-ye Faqih*) may suspend practical monotheism (*Tohid-e 'Amali*), meaning that he authorized the worship of an-other-than-God, in a letter to Khomeini in 1988, which was then published in July 1989; and finally, he declared in the second half of June 1989 that the religious taxes (*wojuhat-e shar'iya*) should be paid exclusively to the jurist guardian, and that the payment of

the *khums* (Shi'ite tax or 20%) to the sources of imitation (*maraji'-e taqlid*) is no longer expected.

Azari Qomi was a founding member and the first secretary of the Association of Seminary Instructors of Qom (*Jame'ey-e Modarresin-e Hawze-ye 'Elmiye-e Qom*). The public declaration of the deposal of Ayatollah Shari'atmadari as the source of imitation (*marja'iyat-e taqlid*) by the Association of Seminary Instructors of Qom took place during his time as secretary. Mohammad Yazdi, the chief of that association's political committee, wrote its draft.

Azari could be considered one the most notable representatives of jurisprudential Islam (*Eslam-e feqahati*) in the economic sphere during the administration of prime minister Mir Hoseyn Musavi. Azari advocated the free market and opposed any interference by both the government and any corporation in the market. He also believed that the expansion of an Islamic economy depended on the elimination of the ominous "bank, insurance, and stocks" triangle, even non-usury banks, from the foundation of economic activity. At that time, Azari bounded the guardianship of the jurist (*wilayat-e Faqih*) to the framework of the primary and secondary religious ordinances (*ahkam-e awwali wa thanawi-e shar'i*) for the realization of this section of the teachings of jurisprudential Islam (*Eslam-e feqahati*), which was also the source of his criticism of Ayatollah Khomeini.

Azari, who believed that Ayatollah Golpayegani was the most learned (*a'lam*) Shi'ite authority (*marja'*) after Ayatollah Khomeini's death, edited his own and published a handbook of fatwas in the name of *Resaley-e 'Elmiya* (not *'Amaliya*). It was completed a few months before Ayatollah Araki's death and the first volume titled, *Taghlid, Marja'iyat, wa Rahbari* (Imitation, Religious Authority, and Leadership) was prepared for publication. However, surprisingly, he was not permitted to publish! Although Azari, according to his beliefs of that time, had offered the most support for the absolute guardianship of the jurist (*wilayat-e motlaghe-ye faqih*), he had also determined that it was necessary for the source of imitations to be learned in jurisprudence (*a'lamiyyat-e feqhi*).

At the time, Khamene'i was trying to achieve spiritual authority (*marja'iyat*), and stipulation of this condition meant that Khamene'i was disqualified for *marja'iyat*, which to the ministry of culture (*wezarat-e Ershad*) meant that Azari had insulted the Supreme Leader! Hence, the publication of the handbook of Azari's Fatwas was considered to be in direct conflict with the

expediency of the regime. Azari's efforts to publish the work of his scholarly career were futile.

2

A meeting of the Association of Seminary Instructors of Qom (*Jame'ey-e Modarresin-e Hawze-ye 'Elmiye-e Qom*) was organized to declare the qualified sources of imitation (*maraji'-e ja'iz al-taqlid*), even though it had not reached the necessary number for issuing declarations. Only one person (Ayatollah Fazel Lankarani) signed the published declaration giving permission for imitation from the Supreme Leader. Azari Qomi was one of four members who opposed this decision, but Mohammad Yazdi and Ahmad Jannati were running this show. At that time (1994), Ayatollah Montazeri was the first person to mention Khamene'i's incompetence for being a source of imitation (*marja'iyat*) to him in a private letter. Azari Qomi was the first jurist (*faqih*) to publicly declare the Supreme Leader's incompetency as a *marja'* in Nov. 1995, based on the criteria of the superior knowledge of fiqh as a requirement for *marja'iyat*.

The announcement of the incompetence cleric's (Khamene'i) *marja'iyat* was Azari's breaking point. The expediency of the regime was not an elixir that could legitimize even temporally the *marja'iyat* of an incompetent cleric (*mujtahid-e mutejazzi*). Since about Dec. 1994 to Nov. 1995, Azari, who was a fervent devotee of the absolute guardianship of the jurist (*wilayat-e mutlaqey-e faqih*), realized the truth. The early Azari gave way to the later Azari.

Azari was being marginalized because of his new findings. At first, the *Resalat Daily* newspaper – founded and owned by Azari himself – stopped publishing his articles. In Dec. 1995, he was publishing his interviews and articles in the rival daily newspaper, *Salam*. His presence in the meeting of the Association was met with hostility and disagreement. After Ayatollah Araki, he became a proponent of Ayatollah Behjat's as the most learned *marja'*.

Azari took advantage of the new circumstances after Khatami's election as president in June 1997 and wrote an open letter of 34 pages to the new president, clarifying his new opinions and criticizing the Supreme Leader. In this historical letter, Azari found Khamene'i's absolute guardianship, even his whole guardianship, completely void based on the fact that he did not meet the necessary conditions of a qualified *mujtahid* for imitation (*ja'iz al-taqlid*). He expressed that Khamene'i's supreme leadership was permitted in a state of urgency (*dharurat*) and he could not continue except by the permission of the most learned

mujtahid (jami' al-shara'it) in the Shi'ite hierarchy. He held the Leader responsible for the murders of the *wizarat-e Etela'at* (Ministry of Intelligence) and for the first time, mentioned the illegal pressures of this ministry put on independent Shi'ite authorities (*maraji's*), such as Ayatollahs Montazeri, Seyyed Mohammad Rowhani, and Seyyed Mohammad Shirazi.

Azari's letter was welcomed in the religio-political circles in Qom and Tehran. The Association of Instructors (*Jame'ey-e Modarresin-e Hawze-ye 'Elmiye-e Qom*), however, attacked Azari in two harshly written declarations and either banned him from attending the meetings of the Association or Azari himself denied to attend. Two days later, assailants dressed as seminary students raided his classroom in *Madrasay-e Feiziya* and attacked him while chanting "death to the anti-*wilayat-e faqih*" and ended his teaching career. His complaints to the "unrespectable and irresponsible head of the *Wizarat-e Etela'at*" (Ministry of Intelligence) went unanswered.

In the summer of 1997, Azari learned that the Supreme Leader planned on monopolizing Shi'ite authority (*marja'iyat*) in addition to guardianship (*wilayat*) through the Association of Seminary Instructors of Qom. In other words, he was planning for Supreme *Marja'iyat*. Azari discussed this issue with Ayatollah Montazeri in Khaveh, a village near Qom and presented Motazeri with evidence. Khamene'i's goal of Supreme *Marja'iyat* was the basis for Azari and Montazeri's public lecture on 14 Nov. 1997, in which they criticized the *marja'iyat* of the Supreme Leader. Montazeri's point overshadowed Azari's and the result of Montazeri's objection was the suspension of the Supreme Leader's plan for supreme *marja'iyat*. Montazeri clearly expressed the inadequacy of Khamene'i for *marja'iyat* and considered him and his intelligence agents' interference with the matter of *marja'iyat* a "trivialization (*ibtizal*) of Shi'i *marja'iyat*". Montazeri's objection was the most effective objection to the legitimacy of the second Supreme Leader of the Islamic Republic.

The Association of Instructors (*Jame'ey-e Modarresin-e Hawze-ye 'Elmiye-e Qom*), along with the Ministry of Education and other official agents of Qom and Mashhad canceled classes, closed schools and offices, and organized governmental protests in opposition to the Leader's critics. They raided and destroyed Ayatollah Montazeri's *hosseyniya* and Ayatollah Azari's office. The Supreme National Security Council, with order from the Supreme Leader, put the two "traitors" under house arrest for their own security in order to make examples out of them!

In the first hours of his arrest, Azari wrote in a declaration, "Khamene'i kills and tortures dissidents, abuses his authority, orders the sacrifice of the innocent, and continues to usurp the Leadership... I express my disgust of his cruelty and oppression. His Guardianship is void and all related institutions, from the Friday prayer leadership (imamat-e *Jum'a*) to other positions, are void as well."

In a letter to Razini, the head of the justice department in Tehran, in Dec. 1997, Azari wrote, "The *wilayat-e faqih* troops, just like the Shah's troops, broke windows, broke doors, threw Qurans, prayer books (*mafatih*), and book of *hadith* from the window, and covered the street with their pages. They left nothing whole. They ushered the voices of today's Zeynab's (sister of Imam Husain), saying: 'O, Yazid! Hit, you hit well! This is the *wilayat-e faqih's* beating stick, enjoy it.' They showed no mercy to my ill family and my ill child, and left them without medicine and rest for days."

Both dissident *faqihs* continued their criticism while under arrest. The head of the judiciary warned both that if they were to continue their criticisms, the "people" would take their next step more harshly! Azari became comatose twice during his 15 months of house arrest. Although he was cured twelve years prior, his leukemia returned. The regime became flustered with his second coma and sent him to Germany for medical attention. Upon his return to Iran and to health, doctors warned of his eventual death under house arrest. Ayatollah Mu'men Qomi appealed to the Supreme Leader, requesting Azari's freedom, to which Khamene'i replied "To hell with it!"

Azari reconsidered most of his ideas and *fatwas* while under house arrest. He asked Allah and the Prophet for forgiveness and apologized to the people for the delegation of *Khums* (Shi'i funds) to the Supreme Leader through an "untimely *fatwa*". He declared Montazeri as the most learned *Marja'* (the highest in Shi'ite hierarchy), and in a letter to Khamene'i he warned him of oppressing the helpless and murdering the religious dissidents (*amran-e be ma'roof wa nahyan az monker*). He also advised Khamene'i that the Leader must be humble and modest.

In an open letter written in May 1998 to the youth, Azari apologized for the steps he had taken for Khamene'i's Leadership. He identified one of the cleric's mistakes as his supposed guardianship of the people in matters other than *fiqh*, which the people and university professors were more capable of addressing. He claimed that this cause would fail if exposed to reactionary anti-West sentiments; and it had already failed. Azari ordered the youth to strike and revolt in this letter by expressing the illegitimacy of the government. In his last piece of writing, Azari corrected his previous standpoints with the clarification of

two points: 1) absolute and executive Leadership and other mandates belong to the Prophet and infallible Imams and Ayatollah Khomeini alone. Previous sayings and writings claiming otherwise are incorrect, for which Azari apologized to God, the Prophet, the people, and especially the religious intellectuals. 2) The “*wali-ye faqih* or the Supreme Leader does not have any mandates outside of the constitution. What I have said before is about *wilayat-e faqih* regarding scripture and hadith, and what I am saying now is about *wilayat-e faqih* regarding the Constitution”.

In his last piece of writing before his final trip to the hospital, Azari writes: “Mr. Khamene’i is facing the crisis of the legitimacy of the Leadership, since according to the old constitution, he was not qualified (he was not a actual *Marja’*), and according to the new constitution, he is again not qualified, since he does not possess comprehensive (*mutlaq*) *ijtihad*. His selection took place in urgent circumstances and based on Imam Khomeini’s declaration, which was only supposed to continue until the public referendum. On this basis, appointment was not legal. Even though if he might be considered most learned in the subjects (*mowzoo’at*), no one considers him as the most learned in Shari’a rules (*ahkam*). I am not looking to weaken or destroy the *wilayat-e faqih*. I am hoping to cleanse it of ornamentations that have raised it above the constitution, an endeavor that no one is willing to accept in the modern world. Delegating everything to the *wilayat-e faqih* is a mistake; religious despotism is the worst kind.”

Azari Qomi learned of serial murders in the daily newspapers while in the hospital, and exclaimed that he would reveal a truth about those behind the murders were he to live long enough. However, the news of Azari’s death was heard on the radio ten days before his passing! Eventually, in a dubious and cruel manner, Ayatollah Ahmad Azari Qomi passed away on 11 Feb. 1999. Ayatollah Montazeri is the only *marja’* who issued his condolences for Azari’s death.

4

It was the later Azari’s defense of human rights that led me to this research, not the firmness of his opinions. Azari’s opinions are weak in discipline and moderation. However, despite his later opinions, Azari contributed the most service to the notion of an absolute Supreme Leadership until Dec. 1995. Regardless, the Islamic Republic confronted its critic in the most cowardly and merciless fashion, imprisoning, suppressing, and eliminating him against the law and *shari’a*. Although Montazeri’s criticism overshadowed Azari’s, we cannot deny the importance of the latter. I subscribed to *Resalat Daily* in the 1980s and the

beginning of the 1990s. Azari's articles were extremely influential in my exposure to this aspect of political Islam. The absolute guardianship of the jurist (*wilayat-e mutlaqey-e faqih*) of which Khomeini spoke was congruent to Azari's ideas from the 1987. I must also mention that I was never in agreement with and in favor of any of the economic and political positions of early Azari, even most of his later political standpoints.

Azari looked at matters through theories of expediency-oriented jurisprudence (*fiqh-e maslehati*), political Islam, and absolute guardianship of the jurist (*wilayat-e mutlaqey-e faqih*). For a few decades now, I have understood the absoluteness of the Supreme Leadership (*wilayat-e faqih*) to lack any religious or rational foundations or evidence, and have considered the idea to be a branch of religious despotism. Without constructional reform in Islamic thought (*ijtihad dar mabani wa 'usul*), and without the separation of religious institutions and the state (secularism), I do not think that any reform in Iran and Shi'i societies would be successful.

It is quite ironic, that the head of the Assembly of Experts on Constitution (Montazeri), who played the biggest role in including the guardianship of the jurist (*wilayat-e faqih*) in the 1979 constitution, and the influential member of the Constitutional Review Committee (Azari), who played the biggest role in including an absolute guardianship of the jurist (*wilayat-e mutlaqey-e faqih*) in the constitution of 1989, were both suppressed by the second Absolute Supreme Leader for their unfavorable criticism of his religious greed. Both revised their opinions about the immediate (*bil-mubasherah*) executive Leadership of the *faqih* and came to agree on the skillful supervision of the most learned *marj'a* as the role of the Supreme Leader, and this meant the rejection of political guardianship of the jurist by its original proponents.

The ideas of the later Azari are unknown even among experts. It was not possible to publish, or even distribute, most of his writings after Dec. 1994. Many still know him as the early Azari with his previous positions. Even though in my books such as *Nazariye-haye Dowlat dar Fiqh-e Shi'e* (The Government's Theories on Shi'i Fiqh) (1997) and *Hokoomat-e Vala-yi* (The Guardian Government) (1998) I explained the absolute guardianship of the jurist with repeated reference to Azari's ideas and even though these books were published after his death, I was unaware of the change in Azari's thought. Since I am sure almost all of the readers are also unaware of the later Azari's position, I hope that this book will contribute to correcting this shortcoming.

5

I had not prioritized research about Azari's opinions until, extraordinarily, I gained access to a collection of his hand-written notes (from 1995 to 1998) that brought this topic to my attention. I am thankful to Sa'eed Montazeri for providing the access to this valuable collection. A collection of articles, "*Zekr-e Mosibat-e Ayatollah Azari Qomi*" ("Remembering the Tragedy of Ayatollah Azari Qomi"), was published in eight segments from Mar. 2013 to July 2013 on my website and on the JARAS website.

I would like to thank Azari's brave daughter, Fatemeh Azari, for responding to my questions. Her comments, especially about the house arrest, ill health, and passing of her father, were extremely valuable sources of first hand information for this research. The product of the second edition is *The Rise and Fall of Azari Qomi: The Evolution of Ayatollah's Ahmad Azari Qomi's Thought (1923-1999)*.

One of my students accepted the task of collecting newspapers, especially for the sixth, seventh and eighth chapters, another student volunteered to format and prepare the book, and the third translated the first draft of this epilogue. I thank them, even though I am not able to mention their names for the sake of their security. The full text of the most important letters and declarations of later Azari are in the appendix: 1): his Letter of 27 Oct. 1997 to President Khatami, and 2): his 15 Nov. 1997 critical analysis of the viewpoint of the Association of Seminary Instructors of Qom (*Jame'ey-e Modarresin-e Hawze-ye 'Elmiye-e Qom*). The scanned manuscripts of Azari's most important documents and photos are in their sections.

I admit that this research is not yet complete. I do not yet have access to all of the needed material, including the complete text of two important and extensive letters from Azari to Ayatollah Khomeini in 1984 and 1988. Unfortunately, I have not had a chance to read all of Azari's earlier works either. This research, with all of its shortcomings, is an initial step in examining the theoretical and political transitions in Azari's thought. Although he was stubborn, precipitous, and extremist, we cannot deny his purity, piety and simplicity. I hope that scholars expand research on this brave cleric.

6

11 Feb. 2014 will be the fifteenth anniversary of his passing. I am thankful for the honor of compiling this book and hope that grand *marja's*, the Supreme Leader, religious scholars and students, politicians, judiciaries, reformist and conservative

political activists, security and intelligence officials, the illegal clerical court, the commanders and the officers of the Revolutionary Guard, the militia (*Basij*), undercover officers, and the members of pressure forces all have a chance to consider their actions in light of this book and know that their actions today will also be made the target of criticism and analyzed one day. Most importantly, they will be questioned on their actions and positions in the next realm.

The Rise and Fall of Azari Qomi (*Faraz wa forud-e Azari Qomi*) is the second volume of a series titled, *Movajeheye Jomhourī Eslami ba 'Ulamaye Muntaqid* ("The Dissident Ayatollahs and the Islamic Republic of Iran"). This series will analyze the opinions of critical Marja's, senior clergy, and ulama on the one hand and the ways in which the Islamic Republic has responded to religio-political critics and peaceful opponents on the other hand. This series will show that most influential criticisms and disapprovals of the Islamic Republic came from the Marja's and senior clergy, even though they were heavily suppressed. Information and documents about these criticisms have also been omitted, censored and destroyed, or distorted and falsified. I hope that the publication of this series is a step toward correcting both the recent history of Iran and Shi'ism and the ways in which officials respond to political critics and peaceful opponents.

The first volume of this series was published in January 2014 in 417 pages as an e-book titled: "Evidence of Dishonoring the Revolution: Examining the last years of Ayatollah S. Kazim Shari'atmadari's life" (*Asnadi az Shekaste Shodan-e Namous-e Enqelab: Neghahi fe Salhaye Payani-e Zendeghani-e Ayatollah Seyyed Kazim Shari'atmadari.*) The third volume of this series titled "The Revolution and the Regime in Criticism: the Stories of Ayatollah Seyyed Muhammad Rawhani" (*Enghelab wa nezam dar butey-e Naqd: radhayay-e Ayatollah Seyyed Muhammad Rawhani*) will be published soon. The impossibility of publishing this book in Iran is the best sign of lack of freedom of expressing in the thirty-fourth anniversary of the victory of 1979 revolution. In addition to independence/ sovereignty, this revolution was supposed to give Iranians freedom, justice and Islamic Republic, and to say good-bye the personal absolute monarchy. And now we should seek for freedom, justice, republicanism and companionate Islam the same as thirty-four years ago.

I welcome criticisms and suggestions from knowledgeable readers and consider their comments to be a tool for further clarifying the truth.

Mohsen Kadivar

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