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Jurist Leadership in the Iranian Modern Cult and Political Mentality Intellectual Determinants of the Political Opposition

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The Iranian Regime claims legitimacy through the Shiite Doctrine Jurist Leadership (Wilayat Al-Faqih) that grants clerics supreme authority over the regime and all social categories. The Iranian 1979 revolution broke down the state's structure practically and theoretically. It abolished the legitimate monarchy and established a theocratic form of government where clerics took over the Iranian republic through the theory of the Jurist Leadership.

This study discusses the intellectual determinants of the Jurist Leadership Opposition in the contemporary Iranian literature. Although many previous studies handled this theory and its reflections on the Iranian political system and the opposition, there is a need to clarify the intellectual determinants of the Jurist Leadership opposition that contributed to the establishment of the contemporary Iranian cult and political doctrine.

The study discusses the evolution of the Jurist Leadership theory and then divides the intellectual determinants of its Opposition into two parts as follows:

I. Doctrinal Determinants

1. Imposition of Shirk and Takfir Sentences
2. Rejection of the Jurist Leadership for lack of evidence of being of Aal Albait (Prophet's family) legacy
3. Rejection of the Jurist Leadership for lack of evidence in the Shiite early pioneers' books
4. Rejection of the theocratic form of government

II. Political Determinants

1. Theory of the divine right
2. The Jurist Leadership contradiction with democracy
3. The call for Islamic Protestantism

Evolution of Jurist Leadership (Wilayat Al-Faqih)

The theory of the Jurist Leadership was established at the early beginning of the Shiite doctrine in the fourth century, Hijri date. It was first mentioned in the Shiite pioneers' books such as Al-Sheikh Al-Mufeed¹ in 413 and Al-Saied Al-Murtaza² in 436, Hijri date. In the beginning, the Jurist Leadership was limited to the theory: "All rulers in the time of the Imam's absence are claimers of his right of rule and must not be dealt with. The Imam is represented by an eligible Shiite Jurist who has all absent Imam's powers in judiciary, passing of sentences, custodian of those who do not have one, people placed under custodianship, and collecting of charities and giving them out to needy people under a tyrant ruler who claimed the right of the Imam."³ With the rise of the Shiite Safavid state at the beginning of the sixth century Gregorian date, some Shiite scholars acknowledged the Safavid Monarchy during the time of the Imam's absence in exchange for recognition of their political status through the appointment of Al-Muhaqiq Al-Karaki deputy of Al-Mahdi Imam,⁴ which means that the Shiite clergy materialized their status during the Safavid dynasty theoretically and practically.⁵

In 1245 Hijri date, Ahmed Al-Naraq⁶ made significant progress in theorizing Jurist Leadership (Wilayat Al-Faqih), starting with the necessity of the rise of the State at all times, breaking down "The Waiting" foundation in the Shiite ideology and condemning all rulers for claiming the right of the absent Imam. Al-Naraq also called for supremacy of Jurist Leadership over rulers in terms of necessity rather than legitimacy. However, his views were not supported by the Shiite scholars until the rise of Khomeini's theory of Jurist Leadership (Wilayat Al-Faqih) following the Iranian revolution in 1979.

Khomeini commenced his theory of the legitimacy of the Jurist Leadership based on the necessity of the rise of the state at the time of the Imam's absence through intellectual but not quoting proofs—from previous sources—through perception and analysis of Al-Sharee'ah rules and quoting the speeches of Al-Faqih (the Jurist), either the smaller Wilayat or consulting the ruler to direct rule, which was stated in the Iranian constitution, Article 5, which says, "At the time of the Imam Mahdi's absence, leadership and power in the Iranian Republic shall be in the hands of the Jurist Leader; the just, piety, pious, insightful of modern-day issues, and the courageous who is capable of handling and managing things."⁷ According to this article, the supreme leader provides political guardianship over the Iranian people and the nation, President of the Republic and high ranking political and religious authorities although the very next article states, "The state's administration should be run based on the public opinion through electing the president, the parliament, and local councils."

The two articles were extremely different in terms of decisiveness and openness in granting the Jurist Leader guardianship and imamate over the nation, and the president of the republic's powers in the structure of the Iranian political system. Based on that assumption, the rights of each of them had remained debatable until 1988 when Khomeini announced the absolute Jurist Leadership, which, according to a message he sent to Khomeini who was president of the republic at that time, means that the rules and decisions passed by the Jurist Leader are above law and the authorities of any person or organization in the Iranian republic.

The intellectual evidence provided by Khomeini on the validity of the absolute Leadership (Jurist Leadership) were compelling to his supporting current, but at the same time, provoked—and is still provoking—waves of rejection and opposition in Iran either within the framework of the Shiite doctrinal or the civilian political determinants.

I. Determinants of the Doctrinal Rejection of the Jurist Leadership

The doctrinal opposition to the Jurist Leadership emerged at the theory's early beginning by all Shiite scholars at that time except Ayatoallah Brojardi who approved it conditionally. In this study, we will discuss this opposition to the Jurist Leadership through the intellectual platforms it was initiated from as follows:

1. Imposition of Shirk (polytheism) and Takfir (Infidelity) Sentences

The imposition of Shirk and Takfir on the Jurist Leadership supporters stems from the fact that it is unsubstantiated in the Holy Quran; neither Ahmed Al-Naraqi nor Khomeini came up with any evidence from the Holy Quran to prove this theory. Many times, Khomeini mentioned that that the Jurist Leader has a divine right and has been appointed by the Prophet or the Imam to run the Muslims secular and religious affairs,

which appeared clearly in his response to the opponents of his appointment of Mahdi Bazirjian head of the transitional government after the 1979 revolution when he said, "I appointed him based on my divine right; his obedience is a must and people must follow him,"⁸ which is, in fact, slander and defamation of Islam.

The Takfir sentence on the Jurist Leadership followers was supported by Khomeini's letter to Khmeini in 1988 when he said, "The government is one branch of the absolute guardianship of the Prophet (peace be upon him). It is one of the fundamental principles of Islam and is above all other provisions even Prayer, Fasting, and Hajj." In his statement, Khomeini relied on a verse in the Holy Quran that included the word Provisions (Islamic Laws), while his opponents believed that this word refers to arbitration, judiciary, and the ethical and religious codes of Islam but not to forcing people on faithfulness, worship, nor to running the state's affair.⁹

This view was expressed by Ayatoallah Alsaied Abu Alfadl Bin Alriza Alborqu'i Alqumi¹⁰ in 1991 in his book "Sawanih Alayam" when he said that Shirk laws should not be cloaked in the Islamic religion because one might say that there are many news and speeches that refer to the Jurist Leadership. Although there is no verse or speech that approves Jurists have guardianship over the Believers in Islam, some might refer to some speeches such as "Scholars are successors of prophets" and apply it on the Jurist Leadership that might be inferred from the saying, "Consult our hadeeth (speeches) narrators," which, in fact, does not refer to the Jurist Leadership at all. News and sayings that oppose the Holy Quran must be rejected and those who want to force themselves on people through some early Jurists' sayings about the Jurist and ruler's guardianship over orphans, the immature, and the mindless if they do not have any guardians, are classifying all people within the category of the immature and mindless through the absolute Jurist Leadership and the turbans on their heads. In Islam, the obedience of the Muslim ruler is linked with his obedience of Allah. We obey him only if he is committed to the orders of Allah, not because of his rule, guardianship, and jurisprudence that only appeared in the fourth century, Hijri date. Alqumi added, "Personally, I did not expect that Shirk (polytheism) to be imposed officially in Iran since the absolute obedience of any creatures rather than Allah is an acknowledgement of Leviathan and setting up of Jurists as equal as Allah, the Almighty. Indeed, we should say the truth, although 'Most of them are haters of the truth,' Allah, the Almighty, says in the Holy Quran, 'You have neither guardian nor glorious protector except Allah' Al-Baqara: 107, which means that giving the absolute guardianship to anyone except Allah is an evidence for infidelity and Shirk (polytheism)."

Alborqu'i is one of Abdulkarim Alha'iri's disciples, founder of Qum scientific Hawzah. He received the license of jurisprudence in Najaf from Alsaied Abu Alhassan Alasfahani.

Alburqu'i belongs to "The Quran-Committed Shiites" group. When he was forty-five, he announced that the Shiite doctrine has many superstitions such as the reverence of Ali Bin Abi Taleb and begging the Imams. He added that the principle of the "Fifth" (a portion the Shiite Imams take from people's properties) concerns war trophies only and rejected the belief in the signs and miracles of the Imams' graves. His views triggered a burst of reactions in Iran, especially his book "A lesson about the Guardianship" and his translation of Sheikh Mohammed Bin Abdulwahab and Ibn Taimiah books such as "Altawheed" into the Persian language that escalated tension inside the Iranian society.¹¹

Some of Alburqui's views on Khomeini were when he said, "Mr Khomeini was drowned in the Greek philosophy but did not have significant knowledge of the Quran. He explains the Quran based on the views of philosophers and believes that the Word of Allah is impenetrable as he had never read what Allah says in the Quran, 'Preaching for people' and 'Clarification for people' (Imran Chapter, verse 138), and 'Guidance for people' (Baqara Chapter, verse 185). He concluded, "I can say that Mr Khomeini is highly drowned in superstitions."¹²

Alburqu'i was subject to severe criticism and accusation because of his rejection of the Jurist Leadership. He was imprisoned for accusations of following the Sunni doctrine and Imam Mohammed Bin Abdulwahab although his denial of these allegations in his diaries. Indeed, many Shiite scholars opposed the Jurist Leadership at the early beginning of the Iranian Republic for many reasons, but Alburqu'i was distinguished by the judgment of Khomeini's Atheism because of his sacrilegious views and lies that were not substantiated in the Holy Quran.

2. Rejection of the Jurist Leadership for lack of evidence of being of Aal Al-Bait (Prophet's family) legacy

Followers of this "Evidential" trend in the rejection of the Jurist Leadership did not say of Khomeini's Atheism. They contributed their rejection to the Jurist Leadership for lack of evidence from Aal Al-Bait legacy. In the beginning, they participated with Khomeini in the political work but broke up with him after his announcement of the absolute Jurist Leadership even more than that of the Shah. The most prominent figures of this trend were Ayatoallah Alohza Mohammed Hassan Tabtaba'i Qumi ¹³1905–2007 and Ayatoallah the Reference Mohammed Kazem Sharetmadari 1905–1986.¹⁴

Followers of this trend enjoyed esteemed scientific and scholastic status. Tabtaba'i and Sharee'atmadari were of the traditional references inside and outside Iran. Tabtaba'i rejected the narratives about the powers of the Jurist Leadership and said that it is only limited to his religious duties. He also believes that the term Hakim

(Judge or Ruler) for Ibn Hanzalah when he said, “I made him a Hakim over you” means a judge that decides cases between people and gives advisory opinion, but not an absolute ruler over all people’s affairs.¹⁵ As for Sharee’ati, he supported Khomeini at the beginning of the revolution and supported the establishment of the Islamic Republic in the referendum of 1980. However, he opposed the Jurist Leadership when it was included in the constitution and gave the Jurist Leader political, military, and administrative powers, especially Article 110 of the Iranian Constitution,¹⁶ which means that Sharee’ati’s opposition to the Jurist Leadership was driven by political motivations, although it was cloaked in jurisprudent evidence through re-translation of the narratives of this theory.

3. Rejection of the Jurist Leadership for lack of evidence in the Shiite early pioneers’ books

Some renewal writers, especially during the reign of Iranian reform president Mohammed Khtami, relied—in their rejection of the Jurist Leadership—on its lack of evidence in the Shiite scholar’s books since the fourth century, Hijri date until now except on judiciary cases, including punishments and guardianship over orphans, mindless, and incompetents in terms of control over their properties. Until the tenth century Hijri date, the Shiite political doctrine had not acknowledged a fallible ruler since impeccability is a condition of the ruler, which does not exist—as they believe in—except in the Prophet and Imams after him. Nevertheless, the Shiite scholars have never presented a political theory to run the society. Through tracking the evolution of the Jurist Leadership during a recent stage of the history of the Shiite doctrine,¹⁷ we find out that followers of this trend seek to prove that there is no divine source of the Jurist Leadership. They believe that it is just a political theory with no relation to religion, which denies the holiness and absolute powers of the Jurist Leader he receives—as he pretends—from Allah through the Imams.

The most prominent figure of this trend is Muhsin Kador, who influenced the Iranian doctrinal and political beliefs since the mid of the nineties of last century. His credibility came from the license he received from Ayatollah Montaziri after 17 years in Hawzas’ studies in the doctrinal jurisprudence and his Ph.D. in philosophy from the University of Tarbiyat Mudarris in Tehran. However, he was soon imprisoned and banned from teaching, and finally lived outside Iran.

4. Rejection of the theocratic form of government

Followers of this trend believed that the clerics’ taking administrative positions would make people like some of them to run their errands and hate others, which would influence their feelings toward religion itself once clerics fail to meet people’s needs, and prevail corruption that would damage the spiritual status of clerics through

diminishing their major role in the call for Allah and attracting people to faith and the righteous path. They believed that the scholars' job is to urge governments to be committed to the pillars and laws of Islam and advise people to vote for the righteous candidates, but not a theocracy at which the Jurist Leader has absolute powers and runs the state directly.

The most prominent figure of this trend is Ayatoallah Alsaied Riza Zanjani 1903–1983.¹⁸ He applied his ideas practically through his rejection of assuming any position in Musadaq's cabinet. Following the 1979 revolution, he and his big brother Alsaied Abu Al-Fadl and the two sons of the founder of Qum Hawza, Murtazi and Mahdi Alha'iri, also refused to assume governmental positions and asked Khomeini to ban clerics from interfering in the state's administration.¹⁹

The Iranian clerics' opposition to the Jurist Leadership is not confined to the jurisprudential evidence of the models presented in this study; there is a big list of clerics who rejected it that can be included within one of the three previous points. The Iranian regime was cruel with its opponents away from negotiations and talks clerics deserve such as Mohammed Al-Shirazi head of Shirazi current, Ayatoallah Mohammed Riza Jalbajani, Ayatoallah Mohammed Sadiq Tehrani, Ayatoallah Ali Safa'i Qumi that was house arrested until death, and Ayatoallah Ahmed Khawansari.

The most prominent figures that opposed the Jurist Leadership were: Ayatoallah Mohammed Al-Shirazi head of Al-Shirazi current, Ayatoallah Mohammed Riza Jalbajani, Ayatoallah Mohammed Sadiq Tehrani, Ayatoallah Ali Safa'i Qumi that was sentenced to house arrest until death, Ayatoallah Ahmed Khwansari that was house arrested until his mysterious death, the same fate faced Ayatoallah Hussein Ali Muntaziri, Ayatoallah Alsied Hassan Tabtaba'i Qumi, and Ayatoallah Yousef Sani'i, in addition to all that sympathized with the clerics who opposed the Jurist Leadership, especially the traditional Reference Ayatoallah Sharee'atmadary that was accused of inciting a coup to overthrow the Iranian regime at the beginning of the revolution. Furthermore, every cleric who attended Sharee'atmadary's funeral was either imprisoned, or house arrested such as Alsaied Riza Alsadr brother of Alsadr Imam, Ayatoallah Tasouji, and Ayatoallah Saied Rasoul.²⁰

II. Determinants of the Political Rejection of the Jurist Leadership Theory

The rejection of the Jurist Leadership in the Iranian literature emerged before the establishment of the Iranian republic and the emergence of the final shape of this theory. This rejection was accompanied by the constitutional revolution and the Iranian struggle to establish a parliamentary form of government and topple down the tyrant monarchy in 1906.

1. The theory of Divine Right

This theory was presented by Mohammed Hussein Algharwi Alna'ini who died in 1936 and states that:

- A.** Allah has granted the right to administer the Muslim nation to its own people to carry out his orders within the religious standards
- B.** People run their social affairs by divine right from Allah the Almighty, and no one can revoke them this right
- C.** People have to elect a Leader and an administration from those who have the legitimate conditions to manage and organize the society in compliance with the constitution that abides by with the rules of religion
- D.** Jurists guarantee compliance with laws passed by people with religion.²¹

Alna'ini included his views in his book "Tanbeeh Alomah Wa Tanzeeh Almillah" (Waking up the Nation and Honoring the Cult) that was introduced by two prominent traditional references in Najaf, Ayatoallah Alakhaw and Mohammed Kazim Alkhusani and Sheikh Abdullah Almazindarani; however, the Iranian society did not welcome Alna'ini's views at that time because of its ignoring of the Shiite principles in most of its introductions and its commencement from the general Islamic principles rather than the Shiite doctrinal ones. Moreover, his was clearly influenced by the book "Taba'i Alistibad" (Nature of tyranny) for Abdurrahman Alkawakibi.²²

Alna'ini's book had a great impact on the Iranian political beliefs during the Islamic Republic era through Ayatoallah Altalqani who wrote an introduction and reprinted this book in 1955 that has become one of the most important resources of the Iranian political beliefs since then. Alna'ini's views have incurred major change in the Iranian political discourse about the state's legitimacy through including the public right as a foundation for legitimacy to rule and submitting to the majority opinion, which was rejected in the Shiite literatures before due to the rejection of the Shura (Consultancy) principle and the provision of impeccability of the legitimate ruler.²³

Alna'ini did not reject the view that says, "Any rule in the absence of the Imam is an extortion of the Imam's right." On the contrary, he approved the rejection of the Imam Deputies' rule as an extortion of the absent Imam's and people's rights.²⁴ It is noted that Alna'ini did not use the term "Jurist Leadership" openly in his views, which refers to the nonproliferation of this principle at the beginning of the twentieth century although Alnaraqi's discussion of it a long time ago.

These enlightening ideas prevailed in Iran at the beginning of the twentieth century but were exposed to change and defamation during the reign of both Al-Qajari and

Albahlavi dynasties; however, it remained substantial in the Iranian political beliefs of democracy advocates who reject tyranny. With the development of the opposing currents against Shah Mohammed Riza Bahlavi, Ayatoallah Talqani was aware of the revival of Alna'ini's views to establish a modern rule theory that combines the religious teachings with people's sovereignty to attract all opposition currents; religious, Communists, and Liberals.

2. Contradiction of the Jurist Leadership with democracy

Khomeini's inclusion of the Jurist Leadership in the Iranian constitution in 1980 shocked his companions in the revolution and made the other political factions realize that clerics were about to carry out an exclusion campaign against all other parties and establish a theocratic rule through an invented Shiite doctrinal theory that had never been implemented as a foundation for the regime, not even during the Safavid dynasty.

The political currents reactions varied between rejection and rebellion and carrying out armed operations against the new regime. One of these political currents was, Nahzat Azadi Iran (Frontier of the Liberation of Iran) took a special ideological position through the issuance of a book titled "Explaining and analyzing the absolute Jurist Leadership"²⁵ as an official statement of the movement in response to the announcement of the absolute Jurist Leadership in Khomeini's speech directed to Khameini through a suggestion by Engineer Mahdi Bazarjan, head of the transitional government appointed by Khomeini after the revolution, which is the first political criticism of the Jurist Leadership in the Islamic Republic era.

Jabhat Tahreer Iran believed that the absolute Jurist Leadership opposes all liberties guaranteed by democratic laws such as freedom of religion, speech, and parties. It also opposes the concept of relying on people's opinion, damages the states' national sovereignty, and mislays people's and religious minorities' rights, which contradicts Khomeini's pledges he had made a long time ago to the Iranian people during his stay in exile in Najaf and Paris.²⁶

This movement asserted that the absolute Jurist Leadership had paved the way for dictatorship and tyranny, quoting from the views of Abdurrahman Alkawakibi's book "Taba'i Alistibdad" (nature of tyranny) and Alna'ini's views in his book "Tanbeeh Alomah Wa Tanzeeh Almillah" (Waking up the Nation and Honoring the Cult) of combining all powers in the hands of one person (the Supreme Leader) who controls the Legislative, Executive, and Judicial authorities. The Liberation of Iran movement supported Alna'ini's views, which states that religious tyranny is a filthy issue that leads to the divinity of clerics and that salvation from religious cruelty is harder than

salvation from political oppression.²⁷

The movement announced that the Jurist Leadership violates the Iranian constitution in Articles 6, 7, 8, 9 that state:

- A.** The state's administration should rely on people's opinions
- B.** The Islamic elected Shura Council and local councils are the sources of legislation in Iran
- C.** Promoting virtue and preventing vice is a group and mutual responsibility of all people
- D.** No one has the right to seize another's legitimate rights even through passing of laws.²⁸

Based on that assumption, we find that the Liberation of Iran Movement—the only political faction from outside the clerical circle that had practiced its political activities until 2009—believes that the Jurist leadership, which is the essence of the Iranian political system, is a tyrant theory that damages the democratic values, public liberties, and opposes the constitution.

3. The Call for the Islamic Protestantism

With the relatively political openness in Iran during former President Mohammed Khatami's era and his political development project, the Jurist Leadership re-faced severe criticism from Iranian political factions that had been excluded since the 1979 revolution. Some of the nearly prohibited Liberal current members represented by factions that belong to the National leader Mohammad Musaddaq, other individuals of the enlightened religious current, and the left powers of the various trends came to the forefront of the Iranian political arena.²⁹

Reformers directed their criticism during this stage to the clergy institution and their social status imposed on the Iranian society during the past years of the Islamic Republic. Criticism had no more been directed to the Jurist Leadership theory from religious or even political perspectives in order to prove its invalidity but to break down the priesthood structure that, according to reformers, stands behind these superstitions that enslave people. The most prominent reformer who called for that trend was Abdulkarim Soroush who stated: "When religion turns into a states' ideology, its theme changes from being a source of model virtues into a justification of the class domination."³⁰ The issue was extended to the rejection of the Shiite doctrinal bases from the clerical point of view such as classifying Muslims into jurisprudents and traditional; a licensed clergy is a jurisprudent while all other Muslims, although their scientific qualifications in their majors or social status, are traditional to the jurisprudent and follow his views and legislations, whatever they concern.

President Khatami enhanced the constitution's status above the Jurist Leader's. He believed that the constitution is the Iranian regime's supreme law and the Jurist

Leadership receives its importance from its inclusion in the constitution, which means that without the constitution, it would have just been like any other doctrinal theories.³¹

In his presentation of the Islamic Protestantism in 2002 in the memory of the Iranian thinker Ali Sharee'ati, Hashem Aqajri (Ph.D.) criticized the Iranian religious institution through resembling it to the Catholic Church before the emergence of the Christian Protestant Reform movement based on the belief that the Holy Book cannot be understood by normal people other than the clergy. He also compared between the church's hostile position against science in the Middle Ages and the Shiite Hawza's position toward learning the English language before 70 or 80 years old that, according to the Hawza, violates religion.

Aqajiri rejected the belief that the clergies' understanding of the Holy Quran during the past ages is compulsory to Muslims in the modern age, asserting that modern-age clergy has the same rights of jurisprudence and understanding as their ancestors. He added that the Iranian clergy believes that any student's attempt to understand the Holy Quran is a major crime because doing so, according to Aqajari, would destroy the clergies' business.

Aqajiri rejected the clerical classification. He considered their ranks as names they created during the Safavid era on the same priesthood ranking model of the church. In fact, Islam does not have ranks and titles like Ayatoallah, Hijjatollah, Thiqatolislam, Almarji', and Ayatoallah Alozmah. Aqajiri added, "Religion has turned into administrative positions and the clerics have a separate class away from the society they live in." All in all, Aqajiri believes that the Islamic Protestantism is a constant project to recover from extremism and hard lining.³²

The constant criticism to the Jurist Leadership since its beginning until now reflects the Iranian doctrinal and political beliefs rejection of this theory, which means illegitimacy of the Iranian regime that relies on the Jurist Leadership imposed on the Iranians by force. However, the aforementioned analysis does not mean that the majority of the Iranian people reject the Jurist Leadership. It is an influential part in the Iranian doctrinal and political beliefs dominating all components of the Iranian society by force. In fact, non-use of force in the imposition of the Jurist Leadership on people would result in a theoretical change in the source of the regime's legitimacy since the idea of rejecting this theory is available in the Iranian political beliefs.

Conclusion

1. The rejection of the Jurist leadership within religious determinants was more influential than the political determinants for the following reasons:

A. Its jurisprudent origin

B. The clerics' power during the Republic era was not linked with political conditions

C. The difficulty of accusing clerics of being agents and hostile to the regime except in rare cases

2. The political exclusion and the condition of the belief in the Jurist Leadership to practice politics in Iran diminished the political criticism to this theory.

3. The Jurist Leadership theory is combined with the religious institution in the Iranian political beliefs, which led to a state of hate and rejection to clerics that might extend to religion itself in the Iranian society.

4. The Iranian regime responded to the opposing current to the Jurist Leadership by raising the ceiling of the Jurist Leader's powers. The Jurist Leader's absolute powers have reached the point of no return on both sides; the regime can neither decrease the Jurist Leader's powers nor make any theoretical amendments, and the opposition is unable to acknowledge the Jurist leadership in its same form at the beginning of the republic, which means that the confrontation would be thunderous shall the regime weaken.

5. The Jurist Leadership criticism inside Iran diminished its ability to spread outside the Iranian borders and to be convincing to the Shiite communities abroad.

6. The Jurist Leadership theory has not justified the legitimacy of the Iranian regime to the Iranian Non-Shiite people. Precisely, how can the Iranian Non-Shiite or Non-Muslim citizens believe in the legitimacy of a regime that receives its jurisprudent theory from a religious doctrine they do not believe in?

..... Endnotes

1. Al-Sheikh Al-Mufeed; lived in the second half of the fourth century, Hijri date and the beginning of the fifth century. His name is Mohammed Ibn Mohammed Ibn Al-No'man. He wrote the origins of the Shiite doctrine and is the founder of the Shiite Jurisprudent School. He represents the moderate current between Al-Hadeeth and Al-Qisas doctrines and was inspired by his master Ibn Abi Aqeel Al-Omani, the electronic encyclopedia for Al-Albait <http://cutt.us/qWGve>
2. Al-Saied Al-Murtazi: Ali Ibn Mousa who was known as Al-Saied Al-Murtazi, Al-Shareef Al-Murtazzi, Alam Al-Huda. He was a Jurist of the Imamate sprakers. He was Born in 355, Hijri date and died in 436 Hijri date. He was one of the greatest Shiite scholars and Author of Al-Amali book. He is the disciple of Sheikh Al-Mufeed and master of Al-Sheikh Al-Tousi, the electronic encyclopedia for Al-Albait <http://cutt.us/qWGve>
3. Abu Mansour Al-Hassan Al-Hilli: the diverse Shiites, Tehran, Part4, p. 497.
4. Al-Muhaqiq Al-Karaki: Ali Ibn Al-Hussein Ibn Abdula'ali Al-Karaki Al-Amili, was known as Al-Muhaqiq Al-thani and Al-Muhaqiq Al-Karaki 940 Hijri date. He was of the greatest Shiite scholars who lived during Al-Safawi age. He migrated from Lebanon to Iran at the invitation of Shah Ismail Alsafawi to spread the Shiite doctrine. He had a big role in spreading the Shiite culture in Iran and has many jurisprudent writings such as, "Jami' Almaqasid fi Sharh Qawa'id Al'alameh," therefore, he was called, "Sahib Almaqasid. He also has other opinions supporting the Jurist Leadership. The electronic encyclopedia for Al-Albait <http://cutt.us/qWGve>
5. Malik Mustafah Al'amili: Itifaq Alkalimah Bain Olama' Al'omah Ala Wilayat Alfaqih, Beirut 2006, p. 130.
6. Ahmed Alnaraqi: Ahmed Ibn Mohammed Mahdi Alnaraqi. Oters said, Mahdi Ibn Abi Zar Alsafa'i Alnaraqi 1185-1245. He is a scholar, a jurist, and a poet from Naraq in the Iranian Kashan where he was born in 1185 or 1186 Hijri date. He traveled to Iraq to continue his Hawza studies in Najaf and Karbala and returned back to Kashan and faced the "Reference" theory after the death of his father in 1209 <http://cutt.us/mD7g5>
7. The constitution of the Iranian republic <http://cutt.us/xjh1x>
8. Al-Nour newspaper: Establishment of Organizing and Spreading Imam Khomeini's Legacy, Tehran 1358 Hijri date 1358, part HG 6, p. 31.
9. Muhsin Kadior: Nakhsatain Naqd Wilayat Faqih, website Rasmi Muhsin Kadior <http://cutt.us/ummfV>
10. Abu Alfadl Albirqu'i 1908-1992. A Shiite scholar from Qum. He is a descendent of Alsaied Ahmed Ibn Mousa Almubarqi' Ibn Imam Mohammed Altaqi Aljawad Ibn Ali Ibn Mousa Alriza. He was accused of following the Sunni doctrine because of his writings although his acknowledgement of following some of the Shiite references. His official website: <http://cutt.us/fgZr>
11. Ayatoallah Alozmah Abu Alfadl Alborqu'i: Sawanih Alayam, Dar Alaqaedah, 2013, p. 178.
12. Ibid, p. 180.
13. Ayatoallah Alozmah Mohammed Hassan Tabyaba'i Qumi. An Iranian Shiite reference born in 1329 Hijri date in Mashhad city and died in it in 1428. He was one of those who stood against canceling the third Shahadah in Azan (prayer call) in the Iranian Radio and was house arrested by the end of his life due to his rejection of the Jurist Leadership.
14. Ayatoallah the reference Mohammed Kazim Sharee'atmadary: an Iranian Shiite reference with a major political and religious role in both Iraq and Iran. One of his political achievements during the reign of Shah Riza Bahlawi was saving Khomeini from execution. He became a Reference in 1961 after the death of the Reference Hussein Albrojardi for a big number of Shiites in Iran, Pakistan, India, Lebanon, and the GCC countries.
15. Saied Muhsin Tabtaba'i: Nahj Albalagah: an analysis of Albai' Min Almakasib book for Alsheikh Alazam Alansari,

Intisharat 22 Bahman, Qum 1371 Hijri date, page 299, quoting from Jameelah Kadior, Tahawol Kaftman Siasi Shiite Der Iran, page 376, quoting from Alshaima' Aldamardash Alaquali: The Jurist Leadership theory and its Application, Beirut 2011, p. 190.

16. Tareekhjah Ai Az Hasr, Sanat Jomhouri Islami Brai Hadf Mu'tarizan Az Ayatoallah Kazim Sharee'atmadari Ta Mousawi Wakarroubi, Kambeen Bain Almilli Hqouq Bashr Der Iran <http://cutt.us/nNwt>

17. Muhsin Kadior (Ph.D.): Tamli Der Mas'alah Wilayat Faqih, website Rasmi Muhsin Kadior <http://cutt.us/K527K>

18. Ayatoallah Saied Riza Zanjani; the closest disciple of Abdulkarim Alha'iri, founder of Qum Hawzah. He studied in Qum with Khomeini who was one year older than him. He was the closest cleric to Mohammed Musadaq and founder of the National Resistance movement. He became Prime Minister and nationalized oil and was toppled down in the coup in 1953.

19. Muhsin Kadior: Saied Riza Zanjani Wa Takfeer Khomeini, website rasmi Muhsin Kadior <http://cutt.us/Cfy7S>, quoting from Ali Ashraf Fathi, Bradran Zanjani, Kazarshi Az Kafatko Ba Hussein, Torjan, 2 Mardad 1387.

20. Laisat Ayatoallah Hai Mukhalif Wilayat Faqih, Bilitreen <http://cutt.us/q5bLf>.

21. Muhsin Kadior (Ph.D.): Nazariah Hai Dawlat Der Fiqh Shiite, Nashr Ni, Tehran 1376 Hijri date, p. 49.

22. Muhsin Karimi: Bararsi Maqaisah Ai Nazariah Hokumat Islami Az Didkah Muhaqiq Na'ini Wa Imam Khomeini Bayan Namah Kar Shnasi Arshad, Danshkadah Oloum Insani, Danshkah Tarbyat Mudaris, Bah Rahmayi Mir Hussein Mousawi 1375-1376 AH, pp. 61-91.

23. Muhsin Kadior (Ph.D.): Nazaryah Hai Dawlat Der Fiqh Shi'i, p. 118-120.

24. Mohammed Hussein Alna'ini: Tanbeeh Alomah Wa Tanzeeh Amilah, p. 65.

25. The Liberation of Iran movement released two statements on the Jurist Leadership. The first on January 20, 1988 titled, "Bayan Harakat Tahreer Iran Hawl Wilayat Alfiqh Almutlaqah Aw Alinqilab Alrabi." This was criticism to the Absolute Jurist Leadership. The second statement was "Tafseel Wa Tahleel Alwilayah Almutlaqah Lilfaqih" book that was published through an internal journal for the Liberation of Iran movement in April 1988.

26. Tafseel Wa Tahleel Wilayat Mutlagah Faqih, page 48 <http://cutt.us/AwpT9>

27. Ibid, p. 55.

28. Ibid, p. 68.

29. Sa'ad Mohammed Saleh Ibn Nami (Ph.D.): Harakat Alislah Alsiasi fi Iran fi Ahd Khatami 1997-2005, Dar Alriza 2008, Cairo page 117

30. Jalal Aldin Mohammed Saleh: Wilayat Alfaqih Wa Ishkalyat Alsultah Alsiasiah I Alfiqh Alshi'i, Riyadh, 2015, page 330

31. Tawfiq Alseif: Hodoud Aldemocratiah Aldiniyah, Dar Alsaqi, Beirut, 2008, page 215.

32. Matn Kamil Sakhnarani Doktor Aghajri, Der Mo'arikh March 29, 1981, Talar Mu'alim Hamadan, Karamidasht Salroze Shahadat Dakar Sharee'ati, Muhajir <http://cutt.us/Kmdiv>