

The Fatwa That Never Was: On Khamenei's Phantom Nuclear Edict, the Logic of *Taqiyya*, and the Posthumous Reinvention of a Tyrant

Elio Bonazzi - May 2026

Summary

For more than two decades, Western diplomacy with the Islamic Republic of Iran rested on a document that almost certainly never existed. Ayatollah Ali Khamenei's "fatwa" prohibiting nuclear weapons was cited by American presidents, treated as a load-bearing assumption in the negotiations that produced the JCPOA, and pressed into service as evidence that the Supreme Leader was, at heart, a man of religious scruple. Yet no written text of the fatwa has ever surfaced. The most authoritative attempt to defend its existence in book form — Shameer Modongal and Seyed Hossein Mousavian's *Religion and Nuclear Weapons* (Vij Books, 2022) — concedes on page 69 that no written fatwa exists, and falls back on the claim that an oral pronouncement is sufficient. The "fatwa" is, on inspection, a paragraph from a 2010 message to a disarmament conference, retrofitted as a binding religious edict by Iranian negotiators who explicitly described its introduction into diplomacy as a tactical improvisation.

This essay argues three connected propositions. **First**, the nuclear fatwa is best understood as an artefact of strategic deception, intelligible within the Shia jurisprudential category of *taqiyya* — though not in the sense in which Western polemicists often use the term. **Second**, the claim that *taqiyya* simply means "Muslims are allowed to lie" is a vulgarisation that misrepresents both the classical doctrine and the wider attitude of Islamic jurisprudence to truthful speech, which is more permissive of instrumental falsehood than is sometimes realised but is not reducible to a licence for deception. **Third**, the recent rehabilitation of Khamenei — accelerated since his killing in the joint US-Israeli strikes of 28 February 2026 — as a "moderate" whose restraint the West has now foolishly squandered, is itself a continuation of the same propaganda apparatus that produced the fatwa in the first place. The figure being mourned is largely an invention.

I. The Documentary Vacuum

A fatwa, in any meaningful jurisprudential sense, is a formal religious opinion issued by a qualified jurist (*mufti*) in response to a question (*istifta*). In Twelver Shia practice, the canonical form is a written ruling, often compiled in a *risala amaliyya* — a treatise of practical rulings — and signed by the issuing *marja*. Even where fatwas are delivered orally, they are typically recorded by students and published. There is, in short, a paper trail.

For Khamenei's nuclear fatwa, there is none. The Iranian government has produced no original text, no signed *istifta*, no entry in a *risala*. The closest approximation, posted on Khamenei's official website in the section reserved for fatwas, is a 2010 statement that begins "We believe..." — a formula that no Shia jurist of standing would use to open a juridical ruling. As several analysts at *Iran International* have observed, heads of state issue messages to conferences; *muftis* do not begin fatwas with "we believe."

The negotiator who introduced the fatwa into Western diplomacy has himself admitted its improvisational origin. Hassan Rouhani, who would later become president, told the magazine *Mehrnameh* in 2012 that during the 2004 talks with the foreign ministers of France, Germany, and the United Kingdom: "The idea struck me to introduce the concept of a fatwa during the

negotiations. There was no coordination in advance." Rouhani described his subsequent assertion to the Europeans — that Khamenei had issued a fatwa forbidding nuclear weapons, and that this fatwa was "more important for us than the NPT" — as a stroke of inspiration. It was, in the most exact sense, made up on the spot.

The defence of the fatwa offered by Modongal and Mousavian deserves close attention because it represents the most considered and academically credentialled rebuttal that the regime's apologists have been able to produce. Mousavian, formerly the spokesperson for Iran's nuclear negotiating team and now a research scholar at Princeton, is not a marginal figure. His co-author, Shameer Modongal of Kerala University, has published with Routledge and Vij Books. Their argument, when stripped of rhetorical packaging, comes down to this: it does not matter that no written fatwa exists, because oral fatwas are valid in Shia tradition, and Khamenei has spoken against nuclear weapons many times. What the authors decline to address is the obvious objection — namely, the difference between a political declaration delivered by a head of state and a formal religious edict issued by a *mufti* in his juridical capacity. The two functions are conceptually distinct in Shia law, and the conflation of them is itself the rhetorical operation under examination.

There is, moreover, a further difficulty that Modongal and Mousavian do not confront: Khamenei's standing as a *mufti* has been contested from within the Shia hierarchy itself. Grand Ayatollah Hossein-Ali Montazeri, once Khomeini's designated successor, said plainly of Khamenei: "He is not at the level of religious authority; he has no right to issue a fatwa." Several seminaries in Qom have echoed this assessment. The 1989 revision of Article 5 of the Islamic Republic's constitution — permitting a non-*mufti* to occupy the position of Supreme Leader — was, in its origins, an accommodation to precisely this problem.

II. *Taqiyya*: What It Is and What It Is Not

The argument advanced by some Western critics — that the fatwa is a fabrication, and the fabrication is itself an instance of *taqiyya*, the Shia doctrine permitting Muslims to lie — moves too quickly and gets the doctrine wrong on the way through. *Taqiyya* deserves a more careful treatment, both because the popular caricature is misleading and because the substantive point being reached for is, in the end, defensible.

Classical *taqiyya* — the term derives from the Arabic root *waqa*, meaning "to shield" or "to guard" — is the practice of concealing one's faith or religious identity to protect oneself from danger. Its historical home is in the early Imamate, when the Shia community lived as a persecuted minority under hostile Sunni caliphates. The Imams themselves are recorded as having practised it: al-Baqir, for instance, is not known to have publicly criticised the first two caliphs, presumably because public denunciation would have exposed his followers to lethal reprisal. *Taqiyya*, in this original setting, is a doctrine of survival under persecution. It is closer to the position of the *Marranos* of post-1492 Spain, who outwardly conformed to Catholicism while continuing to practise Judaism in secret, than it is to anything resembling a generalised licence to deceive. Indeed the Iberian *Moriscos*, overwhelmingly Sunni, practised what was functionally identical to *taqiyya* without the term, which underscores that the underlying logic — outward dissimulation under persecution — is not exclusively Shia.

The classical doctrine, then, has a narrow and defensible structure. It is permissive of concealment when (a) there is genuine danger to life, property, or the community, (b) the concealment does not extend to active harm against innocents, and (c) inward conviction is preserved. It is, in this sense, the analogue of what Christian moral theology has called *mental reservation*, and what Talmudic tradition has worked through under the rubric of *pikuach nefesh* — the displacement of ordinary religious obligations when life is at stake. Treating *taqiyya* as a peculiarly sinister Islamic invention requires ignoring its structural parallels in other traditions and the historical conditions that produced it.

The popular Western polemic against *taqiyya*, then, is largely wrong as a description of the classical doctrine. It is more interesting as a description of how the doctrine has been deployed by the Islamic Republic, which is a different question.

For there is a second observation, more uncomfortable, that does need to be made. The wider Islamic juridical tradition — Sunni as much as Shia — is markedly more permissive of instrumental lying than the popular Western imagination assumes. *Umdat al-Salik (Reliance of the Traveller)*, the fourteenth-century manual of Shafi'i jurisprudence by Ahmad ibn Naqib al-Misri, certified by Al-Azhar in its 1991 English translation as conforming to orthodox Sunni practice, contains at section r8.2 a remarkable formulation. Speaking, the manual holds, is a means to an end. If a praiseworthy aim is attainable through both truth and falsehood, lying is unlawful because it is unnecessary. But — and this is the operative clause — "when it is possible to achieve such an aim by lying but not by telling the truth, it is permissible to lie if attaining the goal is permissible, and obligatory to lie if the goal is obligatory."

The proposition is jurisprudentially striking. It establishes a consequentialist test for the lawfulness of speech: the moral status of an utterance depends not on its correspondence to reality but on the permissibility of the goal it serves. This is not *taqiyya* — *Reliance of the Traveller* is a Sunni text and does not address the Shia doctrine — but it does indicate that the standard Western contrast, in which Sunni Islam upholds an absolute duty of truth-telling while Shia Islam licenses dissimulation, is too clean. The Shafi'i school, on the most authoritative manual of its jurisprudence, holds that lying for a permissible purpose is itself permissible. The honest position is that classical Islamic jurisprudence as a whole — across the major schools — operates with a more instrumental conception of truthful speech than the absolute prohibition that has, since at least Augustine, been the dominant Christian position.

What follows for the present argument is this. The fabrication of a non-existent fatwa, repeatedly affirmed by senior officials of the Islamic Republic over two decades, is intelligible within the resources of the tradition itself. Whether one classifies the operation under the Shia rubric of *taqiyya* — extended, in the regime's hands, well beyond its classical limits — or under the Sunni jurisprudential principle that lying is permissible when the goal is permissible, the philosophical apparatus is available. The regime's apologists have access to a moral grammar in which the strategic invention of a religious ruling, in defence of what its authors take to be the survival of the Islamic Republic, is not straightforwardly a lie in the sense that would carry condemnation in the Western Christian or Kantian traditions. This is not an attack on Islam; it is a description of how the regime appears to reason.

What it is not — and this is where the regime's defenders most often try to escape — is consistent with the standards of probity that international diplomacy formally requires. Mousavian, addressing Western audiences in English, cannot simultaneously claim the fatwa's existence as an unconditional binding edict and concede, in the same volume, that no text of it exists. The contradiction does not resolve itself by appeal to the validity of oral fatwas in classical jurisprudence; it resolves itself by recognition that the audience for the English-language claim and the audience for the page-69 concession are different audiences, and the doctrine being deployed is not a Western-style commitment to consistent truth-telling. To name this is not Islamophobia. It is reading the text.

III. The Flexible Fatwa

A further feature of the fatwa undermines the role assigned to it in Western diplomacy. Even on the most charitable interpretation — that the 2010 statement was a real fatwa, that Khamenei had the standing to issue it, and that it had not been withdrawn — fatwas in Shia jurisprudence are, by their nature, revocable. They are issued in response to circumstances, and they may be modified when circumstances change.

This is not a Western analyst's reconstruction; it is the position taken by senior Iranian figures themselves. Amir Mousavi, a former Iranian diplomat, told al-Mayadeen television in January 2021: "A fatwa is not permanent, according to Jaafari Shia jurisprudence. A fatwa is issued in accordance with developing circumstances. Therefore, I believe that if the Americans and Zionists act in a dangerous manner, the fatwa might be changed." Esmaeil Khatib, then Iranian intelligence minister, said in 2021 that Iran "may behave differently" if "pushed in that direction" — comparing the regime to "a cornered cat." Sabbaghian Bafghi, a member of the Majlis, declared in August 2022 that the parliamentary bloc would formally request that Khamenei revise the fatwa if Western pressure continued. Mahmoud-Reza Aghamiri, president of Shahid Beheshti University, observed in an interview that the prohibition rested on the Supreme Leader's *opinion* as a *mujtahid*, and that "maybe he will change it tomorrow."

There is no contradiction between asserting that the fatwa exists and asserting that it can be revoked at any time. Both can be true. What cannot be true is that a ruling subject to revocation at the regime's discretion, in response to "developing circumstances" defined by the regime itself, can do the diplomatic work that the fatwa was asked to do — namely, to provide an external observer with reliable evidence that Iran will not seek nuclear weapons. The fatwa, on the regime's own account, was always conditional. It was sold to the West as unconditional because that was the version the West needed to buy.

The Washington Institute for Near East Policy has, over more than a decade, documented this pattern under the rubric of *maslahat-e nezam* — the principle of regime expediency, formally enshrined in Iranian constitutional law since the 1989 revisions. *Maslahat-e nezam* makes the survival of the Islamic Republic the paramount concern overriding ordinary religious rulings. A fatwa, however framed, is in the final analysis subordinate to this principle. The regime cannot — and indeed has not — committed itself to any course of action that it would be unable to revise in the name of regime survival. That is the constitutional architecture, and it has been so since the founding revision of 1989.

IV. The Posthumous Moderate

Khamenei was killed on the morning of 28 February 2026 in a joint US-Israeli strike on his Tehran compound, on the first day of what would become the 12-day Iran war. His son Mojtaba was elevated by the Assembly of Experts on the explicit criterion, as one observer put it, that he should "be hated by the enemy." Iran's largest stockpile of 60-percent-enriched uranium — some 440 kilograms, the most ever held by a non-nuclear-weapon state — was largely beyond the reach of the strikes, sequestered in an underground complex at Isfahan. The fatwa, such as it ever was, was bound to the life of the issuing *marja* under the doctrine that a Shia fatwa lapses with its author unless reaffirmed by his successor. Mojtaba has not reaffirmed it.

It is in the aftermath of the killing that the most peculiar reinvention of Khamenei has begun. Across a certain segment of Western commentary — particularly that aligned with the *International Crisis Group*, parts of *Zeteo*, segments of European policy analysis, and the surviving network of Mousavian-adjacent academics — Khamenei has been retrospectively cast as a figure of restraint. He had, this argument runs, dismissed talk of nuclear weapons. He had refused IRGC requests for longer-range ballistic missiles. He had — and here the fatwa, never quite confirmed in his lifetime, becomes suddenly indispensable — issued a religious prohibition against the bomb. The man whose death the regime's supporters are now mourning is presented as the last barrier against a more dangerous successor regime, and his removal as a strategic blunder of the first order.

The argument has a certain internal logic. Mojtaba Khamenei, by all available indicators, is more closely tied to the IRGC than his father was, more dependent on Revolutionary Guard support for his elevation, and less encumbered by even the rhetorical commitments his father had accumulated. The new regime is more radical; this part is true. But the inference that follows — that

Khamenei the elder was therefore a moderate, and that the United States would have done better to leave him in power — depends on a series of moves that the underlying record will not support.

It depends, first, on the fatwa being real, which it almost certainly was not. It depends, second, on Khamenei's restraint of the IRGC being genuine rather than tactical; on the available evidence, his refusals to authorise weaponisation appear to have been governed by *maslahat-e nezam* — by his judgment of when the regime could survive the consequences — rather than by religious conviction. The Atlantic Council has noted that Khamenei himself described Iran's entry into the JCPOA as an act of *taqiyya*. If the agreement that supposedly *operationalised* the fatwa was, on the issuer's own description, a tactical deception, then the fatwa was never the unconditional theological prohibition it was sold as. It was an instrument, deployed when useful and retractable when not.

The argument depends, third, on a counterfactual that cannot be tested but can be assessed: that an Iran with Khamenei still in power would not have moved toward weaponisation. The available evidence — the February 2025 IRGC pressure on Khamenei to rescind the fatwa, the March 2025 statement by his advisor Larijani that Iran would have no choice but to develop nuclear weapons if attacked, the May 2024 declaration by his advisor Kamal Kharrazi that Iran already possessed the technical capability and would change its doctrine if its existence were threatened — suggests that the elder Khamenei's restraint had a clearly identifiable termination point. He was not refusing weaponisation in principle; he was deferring it pending the right circumstances. The Israeli strikes on Iran's enrichment facilities at Natanz on 13 June 2025, and the deeper US strikes that followed, almost certainly accelerated the regime's internal decision to weaponise — but the trajectory existed before the strikes. The argument that the war "created" the threat assumes a baseline of restraint that the documentary record does not establish.

What the posthumous rehabilitation of Khamenei achieves, then, is the same operation that the original fatwa achieved: it provides Western audiences with a version of the Islamic Republic they can do business with. In life, Khamenei was the issuer of a moderating fatwa. In death, he is the moderate whose moderation was insufficiently appreciated. The function — making the regime appear safer than its own internal logic would suggest — is identical. The actors performing the operation are largely the same: Mousavian and his network at Princeton, the academic apologists who have built careers on access to Iranian negotiating teams, the columnists who have spent two decades insisting that the regime would have moderated had only the West given it more space. The instruments have shifted from the fabricated fatwa to the fabricated moderate. The grammar is unchanged.

V. Conclusion

The Khamenei nuclear fatwa is the most consequential successful piece of religious propaganda of the twenty-first century. For more than twenty years, it shaped Western diplomacy with a regime that had, in fact, made no binding religious commitment to refrain from nuclear weapons, and never had any intention of making one. The operation succeeded because it exploited two specific weaknesses in its target audience: a tendency, particularly among Western analysts of Iran, to treat religious framing as more authentic than political framing, and an aversion to any analysis that would require taking seriously the proposition that an Islamic government might be deceiving its interlocutors as a matter of doctrine.

Whether one understands the operation as an extended exercise in *taqiyya*, weaponised well beyond its classical bounds; or under the wider Sunni jurisprudential principle, codified in *Reliance of the Traveller*, that lying is permissible when the goal is permissible; or simply as the secular cynicism of any state acting under the imperative of *maslahat-e nezam* — the conclusion is the same. The fatwa was an instrument. It was deployed when useful. It is being deployed again now, in the form of a posthumous Khamenei whose imagined restraint serves the same purpose his

fabricated fatwa once served: to recommend the Islamic Republic to its enemies as a regime worth preserving.

The most important question raised by all of this is not whether Western diplomacy was deceived. It plainly was. The question is why. The fabrication was crude — page 69 of Mousavian's own book concedes the absence of a written text — and the regime's domestic statements about the revocability of the fatwa were openly available throughout the period during which Western negotiators were treating it as binding. The deception was not particularly skilful. It worked because it told its audience what its audience wanted to hear. That is a problem of diplomacy, and of analysis, that did not die with Khamenei on 28 February 2026, and shows no sign of dying with him now.