

Revisiting Ayatollah Khomeini's Doctrine of *Wilāyat al-Faqīh (Velāyat-e Faqīh)*

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Much has been written about Ayatollah Ruhollah Musavi-Khomeini's (1902-1989) doctrine of *wilāyat al-faqīh*, or the mandate of the jurispudent. In this article, I will focus on the following two questions: how consistent was he in espousing the doctrine, and what was his major addition to the doctrine? After reviewing his educational and scholarly background, I will first reconstruct constituent components of the doctrine and revisit his relevant writings and statements to determine how consistent his views were over his long academic and political career. Drawing on the existing studies on the divergent doctrines of *wilāyat al-faqīh*, I will also identify one possible innovation Ayatollah Khomeini likely added to the doctrine. My examination of his 1944 tract, *Kashf al-asrār*, shows that Khomeini as a young seminary teacher had already believed in *wilāyat al-faqīh al-siyāsīyah*, or the divine mandate of the jurispudent to rule. This suggests that his views on *wilāyat al-faqīh* most likely had solidified much earlier than the existing Western studies surmised and that they remained rather consistent throughout his scholarly and political career. The results will help better discuss various implications of the doctrine as political theory and also in the context of actual political developments in Iran over the last fifty some years.

Keywords: Khomeini, *wilāyah (velāyat)*, *faqīh*, *Kashf al-asrār*, *ḥukūmah (ḥokūmat)*

Introduction

Much has been written about Ayatollah Seyyed Ruhollah Musavi-Khomeini's (1320-1409 A.H./1902-1989) doctrine of *wilāyat al-faqīh (velāyat-e faqīh)*, or the mandate of the jurispudent. Of the various aspects of the doctrine, the issue of proofs (*adillah*) has attracted a great deal of attention both inside and outside Iran.¹ This has not been unexpected, as Ayatollah Khomeini himself indicated as early as in 1944:

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The mandate of the jurispudent (*velāyat-e mojtahed*) has been an issue and discussed from day one among the jurispudents themselves, both in terms of having or not having such a mandate (*aṣl-e dāshatan-e velāyat va na-dāshatan*) and in terms of the extent of his mandate and the scope of his state (*ḥodūd-e velāyat va dāmaneh-ye hokūmat-e ū*). And this is a part of applied jurisprudence (*az forū‘-e feqhīyeh*) over which the both sides [of the contention] have brought proofs that are, at the end of the day, *ḥadīths* of the Prophet and the Imam [sic]. (Khomeini [1944], 185)²

In this article, I will instead focus on the following two questions: how consistent was he in espousing the doctrine, and what was his major addition to the doctrine? Efforts have been made to place his doctrine of the mandate of the jurispudent in historical perspective (see, for example, Calder 1982; Rose 1983; Sahebi 1990; and Mazinani 1998). However, many scholars outside Iran have focused on his pre-1979 writings, thereby neglecting important pronouncements that Ayatollah Khomeini made in the post-revolutionary period. Furthermore, some have argued, both inside and outside Iran, that his expressed views on the temporal political authorities underwent significant changes, while others have insisted to the contrary. In the following, after reviewing his educational and scholarly background, I will first reconstruct various constituent components of the doctrine and then revisit his relevant writings and statements so as to determine how consistent his views were over his long academic and political career. Drawing on some of the existing studies on the divergent doctrines of *wilāyat al-faqīh* (*velāyat-e faqīh*), I will also identify one possible innovation Ayatollah Khomeini likely added to the doctrine. The results will enable us to better discuss various implications of the doctrine as political theory and also in the context of actual political developments in Iran over the last fifty some years.

I. The Educational and Scholarly Background of Ayatollah Khomeini

Ruhollah Khomeini was born on 20 Jumada al-Akhirah 1320 A.H. (corresponding to 1 Mehr 1381 A.H.S. and 24 September 1902), in the town of Khomein, some 160 kilometers to the southwest of Qom in central Iran, as the third and youngest son of Seyyed Mostafa (1855-1903).³ As his father, a *mujtahid* trained in ‘Atabāt in the 1890s by, among others, Mirza Hasan Shirazi (1230-1312 A.H./1815-95), was killed just several months after his birth, Ruhollah was brought up by his mother and then his eldest brother, Morteza (b.

1313 A.H./1895-96, known later as Ayatollah Pasandideh, d. 1417 A.H./1996). In 1339 A.H./1920-21, he was sent to study in Arak (then Soltanabad-e 'Eraq) where Sheikh 'Abd al-Karim Ha'eri-Yazdi (1276-1355 A.H./1859-1937), a former student of Mirza Shirazi, had arrived several years earlier and begun teaching. Khomeini followed Ha'eri-Yazdi to Qom soon after the latter moved to the shrine city in 1340 A.H./1922 (Rouhani 1977, 26; Rajabi 1998, 115-116). In Qom, Khomeini studied *sotūh* with 'Ali Yasrebi-Kashani, and then *dars-e khārej* with Ha'eri-Yazdi from 1345 A.H./1926-27 to the latter's death in 1355 A.H./1937 (Rouhani 1977, 27; Rajabi 1998, 116).⁴ The other notable teacher of Khomeini during his student years in Qom was Mirza Mohammad 'Ali Shahabadi (d. 1369 A.H./1950), with whom he studied *'erfān* for seven years from 1347 A.H./1928-29 to 1354 A.H./1935-36 (Ostadi 1990, 143). While studying with Mirza Shahabadi, Khomeini also started teaching *'erfān* himself in 1347 A.H./1928-29 at age twenty-seven (Rouhani 1977, 38); one of his first students, Mehdi Ha'eri-Yazdi, younger son of 'Abd al-Karim Ha'eri-Yazdi, recounted that he read the entire *Asfār*, or *al-Ḥikmah al-muta'ālīyah fi al-asfār al-arba'ah* written by Mulla Sadra (d. 1050 A.H./1640), with Khomeini over a ten-year period (Hairi-Yazdi 2001, 98).

Upon the death of Sheikh Ha'eri-Yazdi, Khomeini began teaching jurisprudence in the Qom seminary, which at the time was jointly managed by three Ayatollahs Shihab al-Din Sadr, Mohammad Hojjat and Mohammad-Taqi Khonsari. Four years later, Reza Shah was sent into exile and a period of political and socio-literary openings set in.⁵ It was during this period and just before Ayatollah Hosein Borujerdi (1292-1380 A.H./1875-1961) arrived in Qom in late 1944 to assume the helm of its seminary that Khomeini authored and published his first political tract, a 334-page book entitled *Kashf al-asrār* (Ostadi 1990, 158). After the entry of Borujerdi, Khomeini attended the newly-arrived Ayatollah's *osūl* (*uṣūl al-fiqh*) classes to help establish the latter's *marja'iyat-e motlaqeh*.

At around the same time (1364 A.H./1323 A.H.S./1944-45), Khomeini began teaching his *dars-e khārej* classes (Rouhani 1977, 41; Rajabi 1998, 120). From the mid-1940s until about 1950-51 (1370 A.H./1330 A.H.S.) and again until about 1957-58 (1377 A.H.), Khomeini twice taught his *osūl* classes and authored books in this branch of jurisprudence that were later published in *Tahdhīb al-uṣūl* (partially transcribed by Ja'far Sobhani) and *al-Rasā'il* (first published in Qom in 1385 A.H./1965-66) (Ostadi 1990, 154, 159; Va'ez-Khorasani 1981, 330-331). Khomeini continued his *dars-e khārej* classes until his forced exile in Turkey in November 1964 (this excludes the ten-month

period following his June 1963 arrest during which time he was placed under detention in Tehran), while publishing such works as *al-Makāsib al-muḥarramah* after the death of Borujerdi. His biographers note that the *khārej* classes of Ayatollah Khomeini attracted the largest number of students in the history of the Qom *houzeh*, reaching twelve hundred at the end (Rouhani 1977, 42; Algar 1988, 281). His third *osūl* classes also reportedly attracted as many as five hundred students at the beginning of 1960s (Va‘ez-Khorasani 1981, 331).

Upon his entry in Najaf in 1965, he resumed *dars-e khārej*, but not *osūl* classes. He continued them until he was expelled from Iraq in the fall of 1978 (Forati 2006, 68-69). It was during this period that he completed and published his most important *feqh-e estedlālī* work, *Kitāb al-bay‘* (Book of Sale),⁶ in which he espoused his doctrine of the mandate of the jurispudent. Separately but around the same time in 1391 A.H./1971, he published his 184-page Persian tract entitled *Hokumat-e Eslāmī* from his thirteen consecutive lessons in early 1970 on *velāyat-e faqīh*.⁷

As for books in *feqh-e ‘amalīyeh*, while he had written a *hāshiyeh* (marginal commentary) on Ayatollah Borujerdi’s *Touzīh al-masā’el* and, after the death of Borujerdi, published it as his own *Resāleh* in Qom in 1381 A.H./1961-62, Khomeini wrote another practical jurisprudence work during his exile in Bursa, Turkey, in 1384 A.H./1965, this time in Arabic and entitling it *Tahrīr al-wasīlah* (In Qom, he had also written a *hāshiyeh* on Mohammad Kazem Yazdi’s *‘Urwat al-wuthqā* and another on Abu al-Hasan Esfahani’s *Wasīlat al-najāt*) (Ostadi 1990, 155-156). In this new work, Khomeini took up issues that he had not discussed in his *Resāleh*, notably, issues in “*al-amr bi al-ma‘rūf wa al-nahy ‘an al-munkar*” (enjoining the good and prohibiting the evil) and “*al-difā’*” (defense). Thereafter, the Persian translations of these two sections were added in the later editions of his *Resāleh* (Ostadi 1990, 157; Moin 1999, 137-138).⁸

II. The Overview of Ayatollah Khomeini’s *Wilāyat al-Faqīh (Velāyat-e Faqīh)* Doctrine

The doctrine of the mandate of the jurispudent that Ayatollah Khomeini espoused by the end of his life can be summarized as follows:

VF1. The divine ordinances (*aḥkām*) of Islam necessarily require the state (*ḥukūmah*) and the divine mandate (*wilāyah*) for their implementation. Without the state and the ruler with the divine mandate (*wālī al-amr, walī al-amr [walī-ye amr]*), the supremacy of divine law (*siyādat al-qānūn al-ilāhī*)

cannot be maintained; nor is it possible to keep the affairs of Muslims from being disturbed. These necessities constituted the proof for the *Imāmat* (Khomeini 1985, 461; Khomeini 1994, 29-31; cf. Khomeini 1985, 497); they remain forceful during the occultation of the infallible Imam (Khomeini 1985, 464; Khomeini 1994, 39).

VF2. The Islamic state (*al-ḥukūmah al-Islāmīyah*) that Islam has brought into existence is a state based entirely and solely on the divine law (i.e., the divine ordinances). The necessary qualification of the ruler (*wāli*) of the Islamic state comprises (a) the knowledge of the divine ordinances (*al-'ilm bi al-aḥkām*) and (b) the justness (*al-'adālah*) as leader of the community and executor of the ordinances (Khomeini 1985, 461, 464-465; Khomeini 1994, 32-39).

VF3. Since no specific individual is appointed during the occultation, the divine mandate (*al-wilāyah*) belongs rightly to the just jurisprudent (*al-faqīh al-'ādil*) in that capacity (and no one else) (Khomeini 1985, 464-465).

VF4. Establishing the Islamic state and forming the basis for the Islamic government, therefore, constitute a collective obligation (*al-wājib al-kifā'ī*) on the part of the just jurists (*al-fuqahā' al-'udūl*); their appointed status (*manṣīb*) will not lapse even if they are unable to establish the Islamic state (Khomeini 1985, 465-466; Khomeini 1994, 42, 44).

VF5. As ruler of the Islamic state, there is no difference between the jurisprudent, on the one hand, and the Prophet and the Imam, on the other; the jurisprudent has all that the Prophet and the Imam had for rulership and politics (*al-ḥukūmah wa al-siyāsah*) (Khomeini 1985, 466-467, 488, 497; cf. Khomeini 1994, 40). The ruler with the divine mandate and the Islamic state may even suspend certain substantive divine ordinances (*ahkām-e far'īyeh*), because the state is a branch of the absolute mandate of the Prophet (*sho'beh'ī az velāyat-e motlaqeh-ye rasūl Allāh*) and the mandate of the jurisprudent and his ruling ordinance (*hokm-e hokūmatī*) are among the primary ordinances of Islam (*ahkām-e avvaliyeh-ye Eslām*) (Khomeini 1990, 170-171, 174⁹; cf. Khomeini 1985, 483).

VF6. People have the obligation to obey the commands of the ruler with the divine mandate, be he the Prophet, the Imam, or the jurisprudent (Khomeini

1985, 467; cf. Khomeini 1994, 40, 81, 91); obeying the commands of the Prophet and the Imam is obeying God (Khomeini 1985, 477; Khomeini 1994, 75).

III. Critical Discussions

Although related to its principal meaning of “being proximate,” *wilāyah* (*velāyat*) as a juridical term signifies “being in charge, to control or govern, and to exercise authority” (*tasaddī-ye amr, tasallot, seitareh, saltanat* and *emārat*) (Kadivar 1998b, 21, 45; Khomeini 1994, 40). In English, it has been variously rendered as authority, guardianship, mandate, governance and rulership (see, for example, Amir Arjomand 1980; Calder 1982; Enayat 1983; Rose 1983; Mottahedeh 1995; and Akhavi 1996). In this article, I will settle for mandate, or divine mandate, so as to highlight the vast discretionary authority supposedly given to the just jurists (*al-fuqahā’ al-‘udūl*) in accordance with the views advocated by Ayatollah Khomeini and by Molla Ahmad Naraqī (1185-1245 A.H./1771-1829) before him. As will be noted, what to render—or, for that matter, make of—*wilāyah* (*velāyat*) will depend critically on a key assumption as to what is possible during the occultation of the infallible Imam. Alternatively, rulership could be a good substitute.

Velāyat-e shar‘ī is a part of applied jurisprudence (*az forū‘-e feqhī*), not a principle of faith nor a pillar of Shi‘ism. *Wilāyah* (*velāyat*), as employed in Islamic law, is a divine ordinance (*hokm-e shar‘ī*); it is not an injunctive one (*hokm-e taklīfī*), but a declaratory one (*hokm-e vaz‘ī [hukm waḍ‘ī]*), that is, an ordinance that sets up an institution from which a variety of obligations subsequently flow.¹⁰ It was not until the thirteenth century A.H./early nineteenth century, however, that jurists started to discuss *velāyat-e shar‘ī* as a topic of its own (*bāb*) and treat it as a juridical principle (*qā‘ede-ye feqhī*) (Kadivar 1998b, 43-44, 49). *Velāyat-e shar‘ī* possesses the following four aspects: (1) the grantor of the mandate (*jā‘el-e velāyat*); (2) the holder of the mandate (*valī*); (3) the subjects of the mandate (*movallā ‘aleih*); and (4) the scope of the mandate (*houzeh-ye velāyat*) (Kadivar 1998b, 46-47).

1. The consistency question

It is possible to presume that Khomeini’s juridical views had been more or less solidified by the time he began teaching his *dars-e khārej* classes in the mid-1940s. Yet, given his penchant for working through the established workings within the *houzeh* systems and seeking a unified clerical voice on sociopolitical issues of the time, it is not surprising that Khomeini was rather slow to openly

express his own politico-judicial views. It is, therefore, useful to distinguish four periods in his lengthy scholarly and political career: (1) the first, or pre-Borujerdi, period (from 1937 when Ha'eri-Yazdi died till December 1944 when Borujerdi entered Qom); (2) the second, or Borujerdi- and post-Borujerdi-era Qom *houzeh modarres*, period (from December 1944 when Borujerdi assumed the directorship of the Qom *houzeh* till March 1961 when Borujerdi died and also from March 1961 to November 1964 when Khomeini emerged as the most politically active *mujtahid* in Qom); (3) the third, or exile, period (from November 1964 to January 1979 including an important period from November 1965 to October 1978 when he was a Najaf *hawzah mudarris*; and (4) the fourth, or Islamic State, period (from February 1979 till his death in June 1989).

It is generally recognized among those who have studied the writings of Khomeini that he most clearly presented his mandate of the jurisprudent views, as noted earlier, during the third period when he was teaching in the Najaf *hawzah*. It has also been pointed out by his biographers that Khomeini had, for some time, refrained from openly revealing his dissenting views, particularly on sociopolitical matters, due to his deference to the senior *mujtahids* and recognized *marja'* of the time, particularly Ayatollah Hosein Borujerdi (for example, Algar 1988, 279). It does not seem to have been a coincidence, therefore, that Khomeini's oral and written elucidation of the mandate of the jurisprudent views took place in early 1970 when Ayatollah Muhsin al-Hakim fell fatally ill and the directorship of the Najaf *hawzah* was about to be transferred to Ayatollah Khu'i.

Given the above, the first order of examination becomes whether or not it is discernible from his 1944 *Kashf al-asrār*, a rare and important work composed at the close of the first (i.e., pre-Borujerdi) period, that Ayatollah Khomeini held the same mandate of the jurisprudent views that he espoused later during the third period, notably in his 1971 books, *Kitāb al-bay'* and *Hokūmat-e Eslāmī*. On this question, the views of the scholars have been divided. On the one hand, Hamid Algar (1988, 277) argued that Khomeini had clearly set forth the "main principles of the doctrine, together with the same arguments and evidences [sic]" that he marshaled again and in more detail in his 1970 Najaf lectures. In Iran, Rajabi (1998, 195-203)¹¹ and Akhvan-Kazemi (1998, 63-67) argued that Khomeini had upheld in *Kashf al-asrār* the same absolute mandate of the jurisprudent views that he later espoused in his 1971 books and his 1988 pronouncements. On the other hand, Vanessa Martin (1993, 38-39), while arguing that since the book was not a work of *feqh*, his juristic positions cannot be found therein, suggested that what Khomeini advocated for the *fuqahā'* was

“no more than the generally recognized legal functions” as representatives of the Imam of the Age. Similarly, Shahrough Akhavi (1996, 235) suggested that he did not see any clear indication in *Kashf al-asrār* that Khomeini espoused the view expressed by Ahmad Naraqī more than a century earlier that the scope of *wilāyat al-faqīh* extends to political authority.

One of the most fundamental premises of the mandate of the jurispudent views as espoused by Khomeini is that a state with *shar‘ī* legitimacy (*hokūmat-e shar‘ī*)—that is, a fully legitimate Islamic state—is conceivable even during the occultation of the infallible Imam. Those who did not subscribe to this view, among whom notably were Shaykh Murtada Ansari (1214-1281 A.H./1799-1864) and Abu al-Qasim Khu‘i (1317-1413 A.H./1899-1992), based their rejection on the premise that such a state was among the prerogatives of the infallible Imam, thereby limiting the scope of *wilāyat al-faqīh* to the guardianship roles for certain infirm persons (Enayat 1983, 161-162; Kadivar 1998b, 106). Accordingly, the appropriate translation of the term *wilāyat al-faqīh* in the context of the views espoused by Shaykh Murtada Ansari and Ayatollah Khu‘i would be the guardianship of the jurispudent, not the mandate of the jurispudent.

On the aforementioned question, it is discernible that Khomeini made a two-part argument in *Kashf al-asrār*. On the one hand, referring to the Qur’anic verse “Obey God, and obey the Prophet and those with authority (*uli al-amr*) among you” (al-Nisā’, 59), he asserted that God has, in this verse, ordered the establishment of the Islamic state (*hokūmat-e Eslāmī*) without dwelling on the reasons behind this assertion (Khomeini [1944], 109). Years later in *Kitāb al-bay‘*, however, Khomeini discussed the same Qur’anic verse and went on to make the following argument: for the Muslims to obey the divine ordinances that the Prophet and the Imams reported is to obey God and not the Prophet or the Imam, whereas to obey the Prophet and the Imam that this verse refers to is to obey their orders that are related to their capacity as *al-wālī* (Khomeini 1985, 477). In *Kashf al-asrār*, Khomeini then argued that *uli al-amr* is “someone who will not contradict nor violate the entire divine ordinances from his first to final dealings” and further asserted that “his state (*hokūmat-e ū*) will be the same as the divine state that the Prophet had” (Khomeini [1944], 111-112). To use the terminology that Khomeini used later in his life, what is asserted here can be summarized, as Akhvan-Kazemi (1998, 66) did, as a theory of *hokūmat-e motlaqeh-ye elāhī-ye uli al-amr*, or of the Islamic state headed by *uli al-amr* with the same discretionary divine mandate to rule that Prophet Muhammad had. He did not, however, clearly state that the just *faqīh* was entitled to this vast

mandate; nor did he suggest that just *fuqahā'* could be considered *uli al-amr*, a separate and much stronger claim that were contrary to the consensus view that the Qur'an refers here only to the infallible Imams.¹²

On the other hand, Khomeini made it known that he firmly believed that during the occultation of the infallible Imam, the *fuqahā'* must direct the state. He wrote:

we who say that the state and the divine mandate (*hokūmat va velāyat*) during this time [i.e., the occultation of the infallible Imam] are with the *fuqahā'* do not want to say that the *faqīh* must be king or minister . . . but the *faqīh* must have supervision over the legislative and executive branches of the Islamic country." (Khomeini [1944], 185, 232)

This is because "the state must be administered with the divine law, which defines the interests of the country and the people, and this cannot be achieved without clerical supervision (*nezārat-e rouhānī*)" (Khomeini [1944], 222). The underlying premise here is that God has ordered the establishment of the Islamic state, a condition that it is unreasonable to think has changed with the occultation of the infallible Imam. Along with this rational reasoning (*dalīl 'aqlī*), Khomeini also briefly mentioned four *ḥadīths* of the Imams, including the *maqbulah* of 'Umar ibn Hanzalah, and presented them as the juridical bases of the views that the *fuqahā'* are the successors of the infallible Imam and that they have been given the mandate to rule (Khomeini [1944], 187-188).

The brief examination above of this 1944 tract makes it clear that, at the minimum, Ayatollah Khomeini had already believed in the kind of *wilāyat al-faqīh* that may appropriately be termed *wilāyat al-faqīh al-siyāsīyah*, or the divine mandate of the jurisprudent to rule.¹³ In other words, it was clear that Khomeini had already sided with Molla Ahmad Naraqī who had a century earlier presented a similar state-by-the-jurisprudent argument with the term *al-saltānah al-shar'īyah* (Kazemi Moussavi 1985, 41-44), and not with Shaykh Murtada Ansari, a student of Naraqī who went on to refute his teacher's views. As noted above, Naraqī's version of *wilāyat al-faqīh* doctrine was premised on the belief that a state with *shar'ī* legitimacy (*hokūmat-e shar'ī*) is conceivable even during the occultation of the infallible Imam. The above examination shows that Ayatollah Khomeini's apparent consistency as regards this fundamental belief in *wilāyat al-faqīh al-siyāsīyah* has been inadequately emphasized by many of the existing Western accounts of *Kashf al-asrār*.¹⁴

It is not clear, however, whether he had already held the view that the qualified *faqīh* possessed the same vast discretionary mandate as the Prophet had, as some Iranian scholars argued. Ayatollah Khomeini called this aspect of divine mandate with the term *al-wilāyah al-‘āmmah* in his 1971 *Kitāb al-bay‘* (1985, 464, 483), and *velāyat-e motlaqeh* in his 1988 pronouncements (see VF5 above). As noted above, in *Kashf al-asrār*, he argued that *uli al-amr* possesses the same vast discretionary mandate as ruler as the Prophet had. But he did not clarify the relations between *uli al-amr* and *valī-ye faqīh*. It is possible, however, that he intentionally left the matter vague in order to avoid setting off a controversy over a Qur’anic interpretation.

Furthermore, rather than discussing the scope of the mandate of the jurispudent, Khomeini in this tract repeatedly played down the prospect of a *faqīh* replacing a king as head of the Islamic state (Khomeini [1944], 185-187, 232). Khomeini did discuss an ideal monarch whom he called *soltān-e ‘ādel* “who does not violate the divine laws, abstain from oppression, and does not transgress on property, life and honor of [the people]” (Khomeini [1944], 185). But, as Algar pointed out (1988, 276-277), his acceptance of even such a monarch was conditional—“as long as no better system can be established” (Khomeini [1944], 186).

2. The innovation question

As noted above, Molla Ahmad Naraqī was the first Shi‘i jurispudent to argue for *wilāyat al-faqīh al-siyāsīyah*, or the divine mandate of the jurispudent to rule. He did so in his technical *fiqh* work entitled *Awā'id al-ayyām* (Kadivar 1998a, 17-18; 94-96; Kadivar 1998b, 105; Kazemi Moussavi 1985, 40-44; Dabashi 1989, 293-296). As Ayatollah Khomeini acknowledged it in his own work, Naraqī had also held that all the *wilāyah* that the Prophet and the Imams possessed are given to the just jurispudent as well (Khomeini 1994, 64-65, 114; also Kazemi Moussavi 1985, 41). While both agreed many doctrinal aspects of *wilāyat al-faqīh al-siyāsīyah*,¹⁵ Molla Naraqī, in practice, never tried to establish, nor even insisted on establishing, what Khomeini later called the Islamic state (*al-ḥukūmah al-Islāmīyah*) (see, for example, Hairī 1988, 277-280). As noted above, Khomeini forcefully asserted that establishing the Islamic state constitutes a collective obligation (*al-wājib al-kifā'ī*) on the part of the just jurispudents (*al-fuqahā' al-'udūl*) (VF4 above).

Among the doctrinal aspects, however, there apparently was an important development. As noted above, Ayatollah Khomeini discussed the issue of the divine mandate of the jurispudent to rule, using the term *al-wilāyah al-‘āmmah*

in his 1971 *Kitāb al-bay'* (Khomeini 1985, 464, 483), and *velāyat-e motlaqeh* in his 1988 pronouncements (Khomeini 1990, 170-171, 174). This shift in terminology has created slight confusion about what exactly the term *velāyat-e motlaqeh-ye faqīh* meant. For example, one Qom-based scholar argued that *velāyat-e motlaqeh* only meant comprehensive, and thus not limited (*muqayyad*), *velāyat* in administering affairs of the country and that Ayatollah Khomeini, therefore, did not break new ground (Mazinani 1998, 18-19). Others, such as Mohsen Kadivar (1998a, 107-109) argued that *motlaqeh* in this context meant “not limited in the framework of substantive divine ordinances” (*'adam-e taqayyod-e chahārchūb-e ahkām-e far'īyeh-ye elāhīyeh-ye avvalīyeh wa thānavīyeh*).

This is a very fine point with potentially profound consequences, and requires a separate examination.¹⁶ Yet it is possible that in the area of the discretionary authority (*ekhtiyārāt*) of the *valī-ye faqīh*, the doctrine of the absolute mandate of the jurispudent (*velāyat-e motlaqeh-ye faqīh*) as espoused by Ayatollah Khomeini in January 1988 went beyond what Naraqī had argued. The idea that the Islamic state may suspend, if not revoke, substantive divine ordinances (*ahkām-e far'īyeh-ye elāhīyeh*) (Khomeini 1990, 170-171) does seem novel, as Kadivar argued (1998a, 24).

Conclusion

In this article, I reviewed the educational and scholarly background of Ayatollah Khomeini, and reconstructed the constituent components of his doctrine of the divine mandate of the jurispudent (*wilāyat al-faqīh*). Then I examined his 1944 tract, *Kashf al-asrār*, to determine how consistent his views were over his long academic and political career.

My examination of the tract showed that Khomeini as a young seminary teacher had already believed in *wilāyat al-faqīh al-siyāsīyah*, or the divine mandate of the jurispudent to rule. This suggests that his views on *wilāyat al-faqīh* most likely had solidified much earlier than most of the existing Western studies surmised and also that they remained rather consistent throughout his scholarly and political career. Drawing on some of the existing studies on the divergent doctrines of *wilāyat al-faqīh* (*velāyat-e faqīh*), I also identified one possible innovation Ayatollah Khomeini likely added to the doctrine. These results will likely help better discuss various implications of the doctrine as political theory and also in the context of actual political developments in Iran over the last fifty some years.

Notes

- ¹ For recent examples, see Kadivar, 1998b, 217-392, and Mavani, 2001.
- ² His first political tract, this book was originally published in Tehran in 1323 A.H.S. See Ostadi, 1990, 158.
- ³ For his early life, see Rouhani 1977; Rajabi 1998; Algar 1988; and Moin 1999.
- ⁴ Khomeini married a daughter of a prominent Tehrani cleric, Mirza Mohammad Thaqafi, in 1348 A.H./1308 A.H.S./1929-30. Nearly three decades later, he became a relative of his teacher's family when his eldest son, Mostafa (1309-1356 A.H.S./1930-1977), married a daughter of Morteza Ha'eri-Yazdi (d. 1406 A.H./1985-86), the eldest son of 'Abd al-Karim Ha'eri-Yazdi, in 1335 A.H.S./1956-57. See Rouhani 1977, 31-32; Hairi-Yazdi 2001, 97.
- ⁵ Khomeini thus spent the entire reign of Reza Shah (1925-1941) as a member of the Qom *houzeh*—first as a *talabeh* and then as a young *modarres*.
- ⁶ This five-volume work in Arabic was published successively from 1391 A.H./1971 to 1397 A.H./1977. See Ostadi 1990, 153.
- ⁷ Ostadi 1990, 158; Khomeini 1994, v-vii. This Persian tract has been published in different editions. At least two different pre-Revolutionary editions existed, one with 208 pages (the edition later reprinted by Tehran's Enteshārāt-e Amir-e Kabir in 1357 A.H.S./1978) and another with 184 pages (the smaller-sized one occasionally distributed under the title *Nāmeḥ 'ī az Emām Mūsavi Kāshif al-Ghitā'* and printed together with his another tract entitled *Jahād-e Akbar* [263 pages in total]). The post-Revolutionary (1994) Mo'asseseh-ye Tanzīm va Nashr-e Āthār-e Imām Khomeinī edition has 142 pages plus indices.
- ⁸ Ayatollah Khomeini had reportedly questioned the omission of these topics from the existing *Resālehs* in a 1962 conversation with visiting Tehran bazaaris. See Moin 1999, 80-81.
- ⁹ His letter to President 'Ali Khameneh'i dated 16 Dey 1366/6 January 1988, and his statement in the meeting with Guardian Council Secretary Ayatollah Lotfollah Safi, 22 Dey 1366/13 January 1988, respectively.
- ¹⁰ For the distinction between injunctive and declaratory ordinances (rulings), see, for example, Sadr 2003, 55-56 (as well as the translator's glossary, 176, 182).
- ¹¹ Rajabi had made the same argument in the first edition of this book published in 1992 by Iran's National Library. See Akhvan-Kazemi 1998, 64.
- ¹² For example, 'Allamah Mohammad Hosein Tabataba'i rejected the view that *fuqahā'* may be considered among *uli al-amr* in his famous Qur'anic commentaries *al-Mizān* (Kadivar 1998b, 72).
- ¹³ In Persian, it could also be termed *velāyat-e hokūmatī-ye faqīh*. For, as summarized in VF5 above, Ayatollah Khomeini seemed to equate politics (*al-siyāsah*) with rulership (*al-ḥukūmah*) in this context. For the term and concept *velāyat-e siyāsī-ye faqīhān*, see, for example, Kadivar 1998a, 20; 1998b, 12, 105.
- ¹⁴ The exception was, again, Algar (1988, 277).
- ¹⁵ For example, both Naraqi and Khomeini held that the *velāyat-e siyāsī-ye faqīh* is entirely divinely derived (*intiṣābi*). See Kadivar 1998a, 81, 96.
- ¹⁶ I have discussed one possible implication, drawing on the argument made by Sa'id Hajjarian, in "The Secularization of a *Faqih*-headed Islamic Revolutionary State in Iran: Its Mechanisms, Processes, and Prospects" (unpublished manuscript).

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