Journal of Ethnic and Cultural Studies
2026, Vol.13, No. 5, 152-171
http://dx.doi.org/ 10.66815/ejecs/2988

Copyright 2026
ISSN: 2149-1291

# The Fatwa as Sovereign Instrument: Political Theology and Kurdish Ethnic Erasure in Iran

Kamal Soleimani[1]
*El Colegio de México, Mexico City, Mexico*

***Abstract:*** This article examines how Ruhollah Khomeini's 1979 pronouncements on Kurdistan transformed the fatwa from a juristic form within the Islamic legal tradition into an instrument of sovereign command in the modern nation-state. Through contextualized discursive and textual analysis, it examines Khomeini's statements alongside constitutional provisions, writings on velāyat-e faqīh, revolutionary judicial practices, Kurdish responses, and human rights documentation. It argues that Khomeini's combined authority as jurist, revolutionary leader, and emerging sovereign collapsed the practical distinction between religious opinion and governmental decree. Kurdish demands for political recognition were recoded through categories of unbelief, hypocrisy, rebellion, and apostasy, lending theological legitimacy to military and revolutionary judicial coercion. Drawing on scholarship on Islamic law as well as Benjamin's mythic violence, Foucault's state racism, and Butler's grievability, the article shows how the fatwa functioned as a mediating form between religious classification and state violence. The case illuminates the dangers of joining sacralized nationalism to the coercive authority of the modern nation-state.

***Keywords:*** fatwa, Kurds, political theology, sovereign violence, Islamic Republic of Iran

Ruhollah Khomeini issued a fatwa declaring *jihād* (*holy war*) against the Kurds on August 19, 1979, only a few months after the Iranian Revolution (Saeidi & Osmanzadeh, 2025a, 2025b; Soleimani & Mohammadpour, 2020). This fatwa, followed by a series of related pronouncements in the following weeks, remains one of the most harrowing and consequential episodes in the modern political memory of Eastern Kurdistan (Rojhelat), the Iranian-administered part of Kurdistan. These pronouncements did more than authorize a military response to an unfolding political conflict. By describing Kurdish political opponents through the overlapping categories of *towteʿeh* (*conspiracy*), *kufr* (*unbelief*), *nifāq* (*hypocrisy*), *fitna* (*sedition*), and *ʿadam-e eṭāʿat az ūlī al-amr* (*disobedience to those vested with Islamic authority*), Khomeini transformed political dissent into a form of theological transgression. Because the issuing jurist simultaneously occupied the positions of revolutionary leader and emerging sovereign, the conventional distinction between juristic opinion and enforceable governmental command effectively collapsed.

[1] Corresponding author; an Associate Professor *at El Colegio de México. E-mail;* ksoleimani@colmex.mx
Copyright © 2026 by the author(s). Published by CECS Publications, United States. This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution 4.0 International License (CC BY 4.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

The Islamic state's 1979 campaign and its consequences have generated sustained debate within Kurdish political and intellectual circles (Mofidi, 2015, 2022a, 2022b; Osmanzadeh & Saeidi, 2025; Saeidi & Osmanzadeh, 2025a, 2025b; Soleimani & Mohammadpour, 2020). Nevertheless, its juridical-theological dimensions remain underexamined in non-Kurdish scholarship on Iran, both within Iran and across the diaspora, as well as in Anglophone Iranian studies. Studies of the Iranian Revolution have frequently treated the state's campaign against Kurds in Rojhelat (Eastern Kurdistan) as a peripheral security crisis, an ethnic "revolt" (Dabashi, 2008, p. 165), or an episode in the consolidation of revolutionary power. Less attention has been paid to the classificatory process through which the state recoded Kurdish demands for political recognition and autonomy as religious deviance. This recoding rendered their proponents subject to exceptional forms of theologically sanctioned sovereign punishment.

Dabashi's work illustrates one aspect of such a Persianizing, state-centered tendency in historiography. Rather than interpreting the Kurdish boycott of the nascent Islamic Republic's initial sham referenda as a largely peaceful act of political dissent and refusal, he characterizes Kurdish opposition as a "revolt" (Dabashi, 2008, p. 165). This characterization echoes, even if unintentionally, the language of fitna (sedition) through which Khomeini framed Kurdish opposition and justified state violence. The term carried particular theological force because the Qur'an describes *fitna* (*sedition*) as "graver than killing" (Qur'an 2:217), establishing a hierarchy in which killing could be construed as the lesser evil when weighed against *fitna.* Khomeini invoked this Qur'anic formulation against Kurdish opposition, giving the classification of Kurdish dissent as *fitna* direct implications for the theological justification of state violence. Such representations risk reproducing the state's ethnoreligiously informed, security-centered understanding of Kurdish political action. They also leave insufficiently examined the theological and juridical construction of the Kurdish population as a collective threat.

To move beyond this security-centered account, the present study reads Khomeini's pronouncements through what it terms a *thanatogaze*: a mode of sovereign perception through which Kurdish existence becomes intelligible primarily in relation to danger, ethnoreligious alterity, and potential negation. This mode of perception was particularly consequential in 1979 because Kurdish society was overwhelmingly Muslim, notwithstanding the stronger secular orientations that subsequently emerged within segments of Kurdish political life. Kurdish dissent could not, therefore, be excluded simply as an external religious threat; it had to be theologically reclassified as hypocrisy, rebellion, unbelief, or deviation from legitimate Islam. These classifications were not merely rhetorical. They drew upon established strands of Islamic juridical and political thought in which political dissent and collective difference could be understood as threats to both political and moral order.

The fatwa provided a juridical form through which this theological reclassification could be translated into sovereign action within the institutional and territorial framework of the modern nation-state. Understanding this transformation requires situating Khomeini's pronouncements within the broader history of the relationship between juristic interpretation and political authority. Scholarship on Islamic law commonly treats the fatwa as a juristic opinion formally distinct from a judicial judgment or executive decree, often giving less attention to its contingent political uses and its consequences for entire communities. In juristic theory, its authority depends on perceptions of the competence and reputation of the issuing jurist within a community of interpretation or, in some historical contexts, by a ruler. In practice, however, its effects also depend on the institutional power supporting it (Awass, 2023; Hallaq, 2009; Masud et al., 1996). This distinction has been valuable in correcting reductive depictions of Islamic law. Nevertheless, repeated emphasis on this formal distinction can assume an

Journal of Ethnic and Cultural Studies
2026, Vol.13, No. 5, 152-171
http://dx.doi.org/ 10.66815/ejecs/2988
Copyright 2026
ISSN: 2149-1291

apologetic function when it abstracts juridical doctrine from the institutional power, political conditions, and coercive consequences that determine how a fatwa operates in practice.

Scholarship on modern Islamic governance further complicates this formal distinction by showing how modern states have centralized, bureaucratized, and nationalized Islamic authority, incorporating juristic institutions into projects of governance and political legitimation (Agrama, 2012; Lombardi, 2006; Menchik, 2014; Messick, 1993; Soleimani, 2016). The separation between juristic opinion and enforceable command becomes particularly difficult to sustain when the issuing jurist simultaneously possesses executive, military, constitutional, and revolutionary authority. Khomeini's 1979 pronouncements on Kurdistan constitute a particularly consequential instance of this convergence.

In the Iranian case, studies of the Islamic Republic have examined the consolidation of the postrevolutionary state, the constitutional institutionalization and subsequent development of *velāyat-e faqīh*, and the production of religious and ideological authority under the new political order (Akbar, 2025; Amirpur, 2006; Barry, 2017; Chehabi & Schirazi, 2012; Matsunaga, 2009; Sancılı, 2025). Kurdish scholarship and human rights documentation have provided important evidence of the revolutionary repression, military campaigns, summary trials, and executions that marked the events of 1979 (Mofidi, 2015, 2022a, 2022b; Osmanzadeh & Saeidi, 2025; Saeidi & Osmanzadeh, 2025a, 2025b). What these different bodies of literature have not adequately explained, however, is the juridical mechanism connecting religious classification to sovereign violence: specifically, how Kurdish political claims were translated into categories of theological transgression and how those classifications acquired military, judicial, and administrative force.

Against this background, the present study addresses three interrelated questions. First, how did Khomeini's 1979 pronouncements recode Kurdish political dissent through the juridical-theological categories of unbelief, hypocrisy, rebellion, sedition, and apostasy—including his instruction that designated political opponents be treated as "apostates from Islam" (Khomeini, 1979/1999a, Vol. 9, pp. 351–352)? Second, through what institutional and discursive mechanisms did these pronouncements acquire the practical force of sovereign commands and translate into military action and revolutionary judicial practice? Third, what does this process reveal about the convergence of Shi 'i political theology, Persian-centered state nationalism, and the differential protection of Kurdish life in the Islamic Republic?

Methodologically, the study employs a historically contextualized discursive and textual analysis of Khomeini's pronouncements on Kurdistan in August 1979. Its primary textual corpus includes Khomeini's statements, the Constitution of the Islamic Republic, and his writings on *velāyat-e faqīh*. Particular attention is given to the Constitution's construction of the *velāyat-e faqīh* as a personal locus of sovereign authority and to the preamble's designation of the ruling jurist as the guarantor of the Islamic state against deviation. This configuration can be read in decisionist and personalist terms (*cf*. Schmitt, 1922/2005).

These texts are read alongside documentary evidence of revolutionary court rulings, summary trials and executions, and Kurdish political and religious responses, as well as relevant historical and human rights scholarship. The analysis examines how Kurdish actors were named and classified and which scriptural and juridical categories were invoked. It also considers whether distinctions were maintained among political organizations, armed actors, peaceful dissenters, and civilians. The analysis then traces how these classifications were translated into governmental and coercive practices. Rather than presuming that every statement attributed to Khomeini possessed the same formal juridical status, the article investigates how fatwas, public speeches, revolutionary directives, and governmental commands converged in the authority of the ruling jurist. Thus, this study argues that Khomeini's simultaneous authority as jurist, revolutionary leader, and emerging constitutional sovereign collapsed the practical distinction

between fatwa and sovereign command. By recoding Kurdish demands for political recognition and autonomy as disobedience to Islam, his pronouncements enabled repression to be presented as both religious and governmental duty.

The significance of this argument extends beyond the Iranian case. Although this is not a comparative study, the analysis identifies a political and epistemological mechanism that can be examined in other contexts: the rearticulation of selective interpretations of inherited sacred sources within the modern nation-state to shape law, legitimate state power, define national authenticity, and make political belonging conditional upon conformity. Any comparison must remain limited to this mechanism rather than imply equivalence in institutional form, coercive capacity, scale, or consequences. When a historically situated interpretation of morality is sacralized and placed beyond legitimate contestation, it can restrict human agency and foreclose open public deliberation. The invocation of sacred tradition can thereby become a claim to superior political legitimacy, allowing its proponents to portray opponents not merely as politically mistaken but as morally deviant, religiously suspect, or inauthentic members of the nation.

This framework may therefore inform studies of Christian nationalism and right-wing populism in Western societies, where religious traditions are likewise invoked in political struggles over national identity, public morality, and legitimate authority (Armaly et al., 2022; Perry et al., 2024). These cases are not equivalent to the Islamic Republic in their institutions, coercive capacities, scale, or consequences. Rather, the Iranian case reveals, in an especially concentrated and violent form, the dangers that arise when one interpretation of transcendent truth is joined directly to the coercive powers of the state.

## Fatwa and Juristic Authority: From Juristic Opinion to State Instrument

A recurrent tendency in modern scholarship defines the fatwa as a "nonbinding legal opinion" issued by a qualified *mufti*.[2] Although this description identifies a formal distinction between juristic advice, judicial judgment, and executive decree, it is analytically insufficient. It describes neither the fatwa's historical formation nor its political operation. Treating formal nonenforceability as evidence of political neutrality can therefore have apologetic effects: it obscures the unequal social relations, institutional channels, and coercive capacities through which particular fatwas acquire practical force.

Historical scholarship demonstrates that fatwa practice has long intersected with structures of governance and judicial power. At least from the Umayyad period onward, relations among jurists, judges, rulers, and administrative institutions complicated any clear separation between scholarly interpretation and political authority (Hallaq, 2005, pp. 85–95). The issuance of fatwas developed through jurisprudential norms and communal recognition rather than a universally standardized system of certification. Their production and reception, however, were frequently shaped by political hierarchies, institutional arrangements, and socioeconomic relations.

This absence of a universally standardized system also complicates the category of the "qualified *muftī*." In juristic theory, issuing a fatwa was reserved for scholars trained in *fiqh* and recognized for juristic competence and moral probity (Hallaq, 2009, pp. 146–150; Powers,

[2] A *muftī* is a jurist who issues fatwas, conventionally distinguished from a *qāḍī*, who delivers binding judicial judgments. A Twelver Shiʿi *marjaʿ*, by contrast, is a senior *mujtahid* recognized as a "source of emulation" whose fatwas guide followers through the institution of *marjaʿiyyah* and the practice of *taqlīd*. Khomeini's authority therefore exceeded that of a conventional *muftī*: as a *marjaʿ*, ruling jurist, revolutionary leader, and head of state, he combined religious interpretation with constitutional and coercive power (Darwish, 2009; Masud et al., 1996).

Journal of Ethnic and Cultural Studies
2026, Vol.13, No. 5, 152-171
http://dx.doi.org/ 10.66815/ejecs/2988
Copyright 2026
ISSN: 2149-1291

2017). These criteria were not neutral or uniformly verifiable. While juristic competence could be assessed through training and scholarly performance, moral probity rested on normative judgments about what constituted a good and pious Muslim man. Muslim societies, moreover, did not develop a universally accepted, trans-sectarian, and institutionally enforceable framework for determining who qualified as a *muftī* (Masud et al., 1996, pp. 1–32). Legal schools articulated demanding criteria, including mastery of foundational texts, upright character, and the capacity for *ijtihād*. In practice, recognition also depended on sectarian affiliation, scholarly lineage, communal reputation, professional networks, institutional office, and political endorsement (Jackson, 1996; Repp, 1986).

Rulers often appointed official *muftīs* and *qāḍī al-quḍāt* (*chief judges*), thereby embedding legal interpretation within the administrative structures of political authority (Heyd, 1969; Imber, 2002, pp. 229–245). A state-appointed *muftī* did not automatically become an executive official, nor did every fatwa become a governmental order. What mattered was who issued the pronouncement, the institutional position from which it was issued, the audience it addressed, the channels through which it circulated, and the coercive capacities available to those who treated it as authoritative. As Muhammad Iqbal observed, the concentration of interpretive authority in state-sanctioned individuals could weaken more collective forms of juridical reasoning and render Islamic legal interpretation vulnerable to political instrumentalization (Iqbal, 1934/1989, pp. 137–140). The consolidation of modern centralized states greatly expanded the institutional conditions for such instrumentalization. Contemporary fatwa-issuing institutions and individual jurists, whether state-sanctioned or nominally autonomous, retain elements of classical models of juristic authority, but now operate within bureaucratic, territorial, and nationalist structures (Awass, 2023; Caeiro, 2011; Menchik, 2014).

From Egypt's *Dār al-Iftāʾ* and Turkey's Diyanet to Saudi Arabia's Council of Senior Scholars and Indonesia's Majelis Ulama Indonesia, modern governments have not simply regulated Islamic interpretation; they have sought to monopolize, discipline, and deploy it. The bureaucratization of *iftāʾ* has not secularized Islamic jurisprudence in the stronger sense of severing it from its claims to divine normativity. Rather, it has repositioned juristic authority within the institutional machinery of the nation-state, making it administratively managed, territorially bounded, and available for projects of state legitimacy, moral regulation, and political control.

Official fatwas and religious rulings can actively reproduce and authorize majoritarian religious, ethnic, and national hierarchies. Politically inflected fatwas issued beyond formal state institutions likewise circulate through religious organizations, media networks, political movements, and communal institutions. The boundary between state-controlled and autonomous religious authority is therefore neither fixed nor clear. Official and unofficial juristic actors operate within a contested field in which religious authority can define political loyalty, stigmatize dissent, and mobilize religious publics around competing projects of power (Agrama, 2010; Hossain, 2002; Sofuoğlu & Iskandar, 2025; Whyte, 2022; Widigdo & Hamid, 2018).

Against this background, the problem cannot be reduced to the "abuse" of fatwas by the state, as though such abuse were an external distortion of an otherwise politically innocent institution. The fatwa's historical elasticity and unstable boundary between juristic interpretation, public morality, and political authority make it available both for state appropriation and, often, for anti-state mobilization. Modern states can retain or reactivate fatwa authority alongside constitutions, penal codes, bureaucracies, and security institutions, enabling political coercion to be presented not merely as lawful but as religiously necessary.

The incorporation of fatwa authority into the modern nation-state brings a premodern form of religio-juridical authority, grounded in claims to transcendent truth, into a state

endowed with vastly greater administrative and coercive capacities. When moral or legal claims are placed beyond human contestation by virtue of their purported divine or supra-human source, they can erode democratic deliberation and political accountability and facilitate authoritarian forms of rule.

This logic is neither uniquely Islamic nor reducible to Islamic exceptionalism. Christian nationalism and right-wing populism can similarly carry premodern religio-moral worldviews into modern politics, sacralizing political authority and placing inherited claims to truth beyond democratic deliberation (Armaly et al., 2022; Perry et al., 2024). The historical traditions and institutional forms differ, but the political logic can resemble one another: transcendent authority is brought into the modern state while remaining resistant to the contestability on which democratic politics depends. Recognizing this resemblance, however, should not obscure the specific political work performed by fatwa authority. Where claims of divine normativity retain institutional force, fatwa authority can translate theological and juridical classifications into modern administrative, judicial, and military practice, with material consequences for dissidents, women, religiously minoritized communities, and minoritized nations.

Nor does this political use of Islamic language require a state formally constituted as Islamic. Officially secular authoritarian regimes have also incorporated Islamic language and legal symbolism into governance through religious ministries and *awqāf* institutions. Baʿthist Iraq under Saddam Hussein provides an especially consequential example. The genocidal Anfal campaign against Kurds in the late 1980s took its name from the Qur'anic term *al-Anfāl* (*spoils of war*). The campaign resulted in the disappearance and killing of tens of thousands of Kurds, with Kurdish sources commonly citing a figure of 182,000 victims. Its designation situated a modern campaign of mass destruction within a scriptural vocabulary of warfare, conquest, and appropriation (Human Rights Watch, 1993; McDowall, 2004). A similar appropriation of Qur'anic language appears in recent Syrian Islamist official discourse. On January 18, 2026, the Ministry of Endowments issued a circular invoking language from *Sūrat al-Anfāl* in relation to military operations involving Kurdish forces in Rojava Kurdistan under Syrian rule (Saeidi & Osmanzadeh, 2026). The example shows how a state-aligned religious institution can insert theological categories directly into the language of security and military governance, making them part of the administrative and political practices of the postcolonial state (Soleimani, 2016).

**Figure 1**

*Circular Issued by Syria's Ministry of Endowments*

Syrian Arab Republic
Ministry of Endowments

الجمهورية العربية السورية
وزارة الأوقاف

الرقم: ٢٥٠

بِسْمِ اللَّهِ الرَّحْمَٰنِ الرَّحِيمِ

- تعميم -

إلى السادة أئمة المساجد الكرام

قال الله ﷻ: ﴿ إِذْ تَسْتَغِيثُونَ رَبَّكُمْ فَاسْتَجَابَ لَكُمْ ﴾ [سورة الأنفال: ٩]

في ظل الظروف الراهنة التي تشهدها بلادنا في المناطق الشرقية العزيزة، والبطولات التي يسطرها جنود جيشنا، والجهود المباركة والمساعي الحثيثة التي تقودها دولتنا الكريمة لتوحيد الصف وجمع شمل البلاد، نهيب بكم:

- القنوت في الصلوات الخمس في عموم مساجد الجمهورية العربية السورية، والدعاء لأبطال جيشنا بالنصر والتأييد.
- حثّ الأهالي وعموم شعبنا الكريم على التضرع والالتجاء إلى الله سبحانه وتعالى، بالفرج العاجل وتمام التمكين.
- رفع التكبير في المساجد فرحاً بالفتوحات والانتصارات.

راجين من الله عز وجل أن يحفظ البلاد والعباد، وأن يُنعم علينا بالأمن والاستقرار وأن يتقبل شهداءنا ويكتب الشفاء العاجل لجرحانا.

دمشق في: ٢٩ / ٧ / ١٤٤٧ هـ – الموافق: ١٨ / ١ / ٢٠٢٦م.

وزير الأوقاف

الدكتور محمد أبو الخير شكري

صورة إلى:
- مديرية/ فرع التساهد مع الأصل – للعيان.
- مديريات الأوقاف في المحافظات والشعب الوقفية التابعة لها

Copyright 2026
ISSN: 2149-1291

*Note.* Circular issued by Syria's Ministry of Endowments under Minister Mohammad Abu al-Khair Shukri on January 18, 2026. The circular invokes language from Sūrat al-Anfāl (Qur'an 8) in reference to military operations against Kurdish forces in Syrian Kurdistan (Rojava). Translation by the author. Reproduced from Saeidi and Osmanzadeh (2026).

Contemporary fatwa institutions invoke international human rights norms, secular legal theory, and religiously neutral conceptions of citizenship. Yet such accommodation remains structurally limited where juristic authority rests on the premise that inherited scriptural and legal norms possess enduring divine validity. Within this framework, reforms may restrict, reinterpret, or suspend inherited rulings, but they cannot recognize the underlying norm itself as historically contingent or morally unjust without calling its divine authority into question. Modern legal norms therefore remain subordinate to an ultimately nonnegotiable claim of divine authority (Lombardi, 2006; Mayer, 2018). This constraint becomes politically consequential when the state joins an authoritative interpretation of divine law to the requirements of political loyalty. Disagreement with the government can then be recast as disobedience to religion and political opponents as theological deviants. The practical force of a fatwa depends not on its abstract doctrinal classification but on its articulation with institutions capable of directing military, judicial, and administrative coercion.

Khomeini's 1979 pronouncements on Kurdistan demonstrate this conjunction with particular clarity. The Islamic Republic's campaign was described in the language of *fatḥ* (*conquest*), while Khomeini's *jihād* (*holy war*) pronouncement invoked Qur'an 48:29, from the chapter entitled "Conquest." State violence was thereby framed within a scriptural vocabulary of divine victory and severity toward those cast as unbelievers (Saeidi & Osmanzadeh, 2025b; Soleimani & Mohammadpour, 2020). Kurdish political dissent was represented not merely as resistance to a particular government but as opposition to an Islamic order claiming transcendent legitimacy.

A similar invocation of Qur'an 48:29 accompanied Turkey's 2019 military incursion into Kurdish-majority regions of northern Syria. The Diyanet coordinated sermons across more than 90,000 mosques citing the passage describing the followers of Muhammad as "harsh against the disbelievers." In this context, scriptural language reinforced state discourse presenting Kurdish secular forces as existential adversaries (Mohammadpour & Soleimani, 2024). Together, these cases show how fatwas, sermons, circulars, and related religious pronouncements can frame military campaigns as morally necessary and scripturally authorized.

The Iranian case, however, differs in a decisive respect. Under *velāyat-e faqīh*, juristic authority was not confined to advising a ruler or interpreting religious law for a community of believers. It was incorporated into the constitutional structure of the state and joined directly to sovereign decision-making. Khomeini spoke simultaneously as religious jurist, revolutionary leader, head of an emerging political order, and ultimate authority over its coercive institutions. The distinction among fatwa, public proclamation, governmental ruling, and sovereign command was thus institutionally collapsed.

Against this broader history of juristic authority and sacralized sovereignty, Khomeini's 1979 pronouncements acquire their particular significance. They were not symbolic religious statements appended to an otherwise secular security campaign. They entered state practice and provided a framework in which Kurdish political dissent, Kurdish identity, and Sunni religious affiliation could be treated as overlapping categories of threat. The following section examines this convergence in Khomeini's language: how Kurdish political claims were translated into categories of unbelief, hypocrisy, rebellion, and disobedience, and how these classifications prepared the juridical and moral ground for coercive state action.

## From Fatwa to Sovereign Command

Although fatwas and other forms of juristic authority have long been entangled with political power, this article does not offer a general history of Kurdish religious intermediaries under premodern Muslim empires. Its concern is the distinctively modern configuration that emerged in Iran, where Shiʿi juristic authority was openly incorporated into the constitutional machinery of the Islamic Republic and joined directly to executive, military, and judicial power. This arrangement concentrated sovereign and disciplinary authority in ways that enabled theological classification to regulate everyday life while also legitimating exceptional state violence (Foucault, 1997/2003; Soleimani & Mohammadpour, 2023). The question, then, is not whether premodern Kurdish scholars participated in imperial projects, but how the modern Iranian nation-state transformed theological classification into an instrument for governing, disciplining, and criminalizing Kurdish political dissent.

This analysis does not treat Kurdish society in Rojhelat (Eastern Kurdistan) as religiously homogeneous. Its communities include Sunni, Shiʿi, Yarsan, and other religious traditions, but these affiliations neither exhaust Kurdish political identity nor adequately explain politically active Kurdish constituencies. Kurdish political organizations, including in regions conventionally classified as Sunni, have often been markedly secular. The concern here is therefore not to explain Kurdish politics through confession, but to examine how the Islamic Republic classified and acted upon confessional difference. The state selectively mobilized Shiʿi affiliation within a broader colonial strategy and, at particular moments, accommodated or instrumentalized Sunni Islamic actors against Kurdish nationalist organization. At the same time, it repressed independent Sunni movements and leaders whose authority remained outside state control (Mofidi, 2022a, 2022b). Sunni, Shiʿi, and religious-secular distinctions thus appear here primarily as categories of state perception, administrative differentiation, and political strategy rather than fixed descriptions of Kurdish political actors.

In an August 17, 1979, pronouncement, Khomeini invoked Qur'an 48:29— "[Believers are] harsh against the unbelievers, merciful among themselves"—and situated "the conspirators in Kurdistan" within a theological vocabulary of sedition and unbelief (Khomeini, 1979/1999a, Vol. 9, pp. 280–284). In a later address, he again described Kurdish opponents through the language of conspiracy, unbelief, and disobedience while directing state institutions to act decisively (Khomeini, 1979/1999a, Vol. 9, pp. 340–346). Political dissent and demands for autonomy were thereby recoded as theological transgression, allowing coercive state measures to be articulated in a juridical-religious register.

Khomeini also invoked Qur'an 4:59 to place political obedience within an explicitly religious imperative: "Drive these traitors away … arrest their leaders … These people have no belief in Islam … If they truly believed … the Qur'an says: 'Obey God, and obey the Messenger, and those in authority among you'" (Khomeini, 1979/1999a, Vol. 9, pp. 340–346). Kurdish relations with the Islamic Republic were thus recast as a test of faith rather than a question of rights, representation, or political disagreement. "Why, then, do they not obey the authority?" Khomeini asked (Khomeini, 1979/1999a, Vol. 9, p. 344). Kurdish demands for autonomy were consequently delegitimized through the religio-juristic category of *ulī al-amr* (*those vested with authority*), under which obedience to political authority acquired the force of religious obligation.

Khomeini's language established no stable juridical boundary among armed actors, party leaders, peaceful political organizers, and the broader population. It framed Kurdish opposition in terms closely associated with the juridical logic of *baghy* (*armed rebellion against a legitimate ruler*), while extending suspicion far beyond identifiable armed actors or party members. Demands for regional autonomy were recoded not as political claims within a constitutional order but as religiously inflected rebellion. Kurdish political opposition was

Journal of Ethnic and Cultural Studies
2026, Vol.13, No. 5, 152-171
http://dx.doi.org/ 10.66815/ejecs/2988
Copyright 2026
ISSN: 2149-1291

thereby exposed to collective coercive measures justified in both religious and governmental terms. The emerging state under Khomeini also adopted the language of *fatḥ* (*conquest*) for its campaign in Kurdistan, a term historically associated with Islamic territorial conquest. Kurdistan was thus approached not simply as a political constituency with claims to be negotiated, but as a space to be conquered and brought under an Islamic political order. This logic of *fatḥ* anticipated the normative hierarchy later enshrined in the Islamic Republic, in which political and legal legitimacy was subordinated to an authorized interpretation of Islam.

The Constitution adopted later in 1979 gave this emerging order a formal institutional structure. Its Preamble and the doctrine of *velāyat-e faqīh* (*guardianship of the jurist*) constructed the ruling jurist as guardian of the state's Islamic orientation and protector of the political order against *enḥerāf* (*deviation*), a category with juridical, political, and theological force. Article 4 subjects laws and regulations to *mavāzīn-e eslāmī* (*Islamic criteria*) and assigns the jurists of the Guardian Council authority to determine their compatibility with those criteria. More broadly, the constitutional arrangement subordinated statutory law and governmental institutions to clerically authorized interpretations of Islamic norms. Religious normativity was therefore not merely introduced into the state apparatus; clerical interpretation became a constitutional source of legal authority and a means of identifying and countering perceived ideological threats (Constitution of the Islamic Republic of Iran, 1979/1989, preamble, arts. 4, 5, 57, & 110; Soleimani & Mohammadpour, 2023).

This arrangement gave Khomeini's pronouncements exceptional political force. Under *velāyat-e faqīh* (*guardianship of the jurist*), the ruling jurist's authority was embedded in the constitutional structure of the state itself. Khomeini spoke simultaneously as a *mujtahid* (*independent jurist*), revolutionary leader, head of an emerging political order, and ultimate authority over its coercive institutions. The issue is therefore not whether every statement he issued possessed identical formal juridical status. It is how fatwas, public pronouncements, directives, and *ḥokm-e ḥokūmatī* (*governmental rulings*) converged in an authority capable of directing military, judicial, and administrative institutions. The distinction between juristic interpretation and sovereign command remained formally recognizable but collapsed in practice (Dokhanchi, 2020, p. 3; Seifzadeh, 1994, p. 200; Shevlin, 1998, p. 358).

This fusion of juristic, sovereign, and disciplinary authority gives Khomeini's 1979 pronouncements their particular significance. They were not symbolic religious statements appended to an otherwise secular security campaign. They entered state practice and furnished a framework in which Kurdish political dissent and Kurdish identity could be constructed as overlapping categories of threat, while state institutions differentiated Kurdish society through shifting confessional and political classifications. The following section examines this convergence in Khomeini's language: how Kurdish political claims were translated into categories of unbelief, hypocrisy, rebellion, and disobedience, and how those classifications prepared the juridical and moral ground for coercive state action.

## Operationalizing the Fatwa

The preceding section showed how Khomeini's 1979 pronouncements classified Kurdish political dissent through the theological language of unbelief, hypocrisy, rebellion, and disobedience. The question here is how those classifications acquired practical force. As *valī-ye faqīh* (*Guardian Jurist*), Khomeini stood at the apex of the emerging political order. The doctrine of *velāyat-e faqīh* (*guardianship of the jurist*) charged the ruling jurist with safeguarding the state's Islamic orientation against *enḥerāf* (*deviation*), a category at once juridical, political, and theological. Khomeini's authority was therefore not confined to

religious interpretation. As jurist, revolutionary leader, and supreme political authority, he occupied a position from which theological judgment could become state action.

This concentration of authority gave Khomeini's fatwas, speeches, and directives exceptional political force. Their significance does not depend on assigning every statement an identical formal juridical status. Unlike pronouncements by jurists without sovereign authority, Khomeini's interventions did not require adoption by a separate political sovereign before acquiring governmental force. Fatwas, public pronouncements, revolutionary directives, and *ḥokm-e ḥokūmatī* (*governmental rulings*) converged in the authority of the ruling jurist and could be enforced through military, judicial, and administrative institutions. The formal distinction between juristic interpretation and sovereign command consequently remained recognizable in doctrine but collapsed in practice (Barzegar & Eftekhari, 2022, p. 14; Dokhanchi, 2020, p. 3; Seifzadeh, 1994, p. 200; Shevlin, 1998, p. 358; Vafaei & Mirahmady, 2018, p. 86).

The Constitution formalized this convergence. Article 4 subjects laws and regulations to *mavāzīn-e eslāmī (Islamic criteria)* and gives the jurists of the Guardian Council authority to determine their compatibility with those criteria. Articles 157, 162, and 163 further embed clerical-juristic authority in the judiciary. Although particular senior judicial offices carry specific juristic qualifications, the Constitution does not require every judge to be a *mujtahid (independent jurist)*. Article 163 instead leaves judicial qualifications to legislation framed according to religious criteria. Most significantly, Article 167 requires judges to decide cases from authoritative Islamic sources and authentic fatwas when codified law provides no answer. The constitutional order thus authorizes judges who are not necessarily *mujtahids* to move beyond statutory law into an uncodified juristic field. Subsequent legislation and recruitment rules likewise permitted judicial service by candidates without independent *ijtihād*, subject to state-defined educational and religious qualifications. The authority of Islamic jurisprudence therefore did not depend on every judge independently possessing the scholarly capacity to derive law from its sources; the state itself institutionalized access to, and enforcement of, clerically recognized Islamic norms.

Articles 5, 57, and 110 complete this structure by placing the Supreme Leader above a political and coercive order already subordinated to Islamic criteria. These provisions did not merely add religious language to a modern state apparatus. They subjected statutory law, judicial practice, and governmental authority to a hierarchy in which clerically authorized interpretations of Islamic norms possessed superior constitutional authority (Constitution of the Islamic Republic of Iran, 1979/1989, preamble, arts. 4, 5, 57, 110, 157, 162–163, & 167; Soleimani & Mohammadpour, 2023).

The subsequent penal order preserved and codified theological categories already present in revolutionary discourse. Qur'an 5:33 prescribes severe punishments for *muḥārabah (waging war against God)* and *ifsād fī al-arḍ* (*corruption on earth*). The 2013 Islamic Penal Code defines *muḥārabah* through armed action producing public insecurity and makes death, crucifixion, amputation, or exile available as punishments. It defines *ifsād fī al-arḍ* broadly enough to encompass extensive offenses against internal or external security (Islamic Republic of Iran, 2013, arts. 279, 282–283, & 286). Qur'anic categories of enmity, insecurity, and corruption were thus incorporated into the punitive vocabulary of a modern penal state.

The practical consequence was the subordination of ordinary law to a higher, clerically authorized conception of Islamic order. Political disagreement could be recoded as religious and security deviance, while coercion could appear simultaneously as governmental necessity and religious duty. Girard's analysis of sacrifice is useful here: sacralization does not abolish violence but transforms its moral status, distinguishing violence represented as legitimate and necessary from violence condemned as criminal (Girard, 1972/1977). In Rojhelat, this theological legitimation enabled military intervention, revolutionary trials, executions, and

Journal of Ethnic and Cultural Studies
2026, Vol.13, No. 5, 152-171
http://dx.doi.org/ 10.66815/ejecs/2988
Copyright 2026
ISSN: 2149-1291

collective punishment to be presented as enforcement of Islamic order rather than as coercive responses to a contestable political conflict.

The arbitrariness of revolutionary justice is starkly illustrated by an account of Sadeq Khalkhali, one of the most prominent *ḥākem-e sharʿ* (*sharia judge*) figures of the early Islamic Republic and a central agent of postrevolutionary executions. In a 2020 interview reported by Hamshahri Online, Mostafa Mir-Salim recalled that Khalkhali was prepared to execute accused persons without adequate investigation or trial, reportedly saying: "We execute them; if they are innocent, they go to paradise, and if they are guilty, they go to hell" (Hamshahri Online, 2020). The significance goes beyond the rejection of due process. Judicial determination of guilt becomes dispensable because the consequences of wrongful execution are transferred to divine judgment after death. Innocence therefore ceases to operate as an absolute limit on state killing. Killing that would otherwise constitute injustice can instead be reconciled with divine justice: earthly authority may kill without certainty because God is imagined to rectify its errors beyond the reach of human institutions.

A related logic appears in Khomeini's declaration that "whether we are killed or we kill, we are victorious" (Khomeini, 1980/1999b, Vol. 13, pp. 440–442). Echoing the Qur'anic motif of *iḥdā al-ḥusnayayn* (*one of the two best outcomes: victory or martyrdom*), the formulation absorbs both killing and being killed into the putative victory of Islam. Military success and human loss become subordinate to the defense of the sacred order. Death becomes sacrifice, martyrdom, divine reward, or divine punishment, while the individual is absorbed into a larger religious purpose defined by the ruling authority.

Read together, Khalkhali's and Khomeini's formulations reveal more than revolutionary arbitrariness. They disclose a juridical-theological order in which the state's obligation to establish guilt and protect life is subordinated to a presumed divine purpose. In Khalkhali's formulation, God rectifies wrongful execution after death; in Khomeini's, both killing and being killed become victory when undertaken for Islam. The result is a theological purification of state violence: the victim ceases to appear primarily as a rights-bearing person and becomes a sacrifice, martyr, enemy, or object of divine judgment.

Operationalizing the fatwa therefore involved far more than circulating a religious text. It joined theological classification to institutions empowered to investigate, arrest, try, punish, and kill. Khomeini's pronouncements were consequential not because fatwas are inherently sovereign commands, but because the ruling jurist could give his religious judgments coercive effect through the institutions of the state. The following section examines the broader political logic of this arrangement: how Persian-centered nationalism and Shiʿi political theology produced Kurdish political dissent as an existential threat to the Islamic Republic.

## The Kurdish Question and a Racialized Sovereign Theology of Suspicion

The institutional mechanism outlined above operated within a wider Persian-centered and Shiʿi political order. The issue was not only how Khomeini's pronouncements acquired coercive force, but how that force transformed Kurdish political dissent into a threat to the religious, national, and moral order claimed by the Islamic Republic.

Kurdish political organizations and actors largely rejected the antidemocratic project advanced by the new Persian-centered Shiʿi ruling class in Tehran, including the March 1979 referendum and the subsequent constitutional order (Saeidi & Osmanzadeh, 2025a, 2025b; Soleimani & Mohammadpour, 2020). The new state refused to recognize this rejection as ordinary political dissent or a legitimate dispute over autonomy, representation, and citizenship. Instead, it recoded Kurdish opposition through the theopolitical categories of conspiracy,

unbelief, hypocrisy, apostasy, rebellion, and deviation. Contestable political demands were thereby transformed into existential threats against Islam and the Islamic Republic itself.

This transformation at the colonial center cannot be explained by reducing Kurdish politics to sectarianism. Kurdish society in Rojhelat includes Sunni, Shiʿi, Yarsan, and other religious communities, while its major political movements have often been markedly secular, including in predominantly Sunni regions. Nor was Kurdish resistance in 1979 constituted against Islam as such, notwithstanding the Islamic state's depiction of it. Prominent religious scholars, including Jalal Hosseini, Mela Khedir Abbasi (Sârkê), and Sheikh Ezzeddin Hosseini, participated centrally in Kurdish political life, while clerics also operated within networks of the Kurdistan Democratic Party of Iran (Mofidi, 2015, 2022a, 2022b). Casting Kurdish dissent as irreligious or heretical was therefore not a description of Kurdish society. It was an act of political classification through which the Islamic Republic monopolized the meaning of Islam and invalidated competing Kurdish religious and political authority.

Khomeini's earlier writings supplied a sectarian vocabulary for this monopolizing project. In *Kashf al-Asrār*, he presented Sunni jurisprudence as a product of the political interests of the early caliphs rather than divine revelation and made acceptance of ʿAli's guardianship a criterion of authentic Islam (Khomeini, 1943, pp. 238, 245). As *valī-ye faqīh*, Khomeini later occupied a sovereign position from which departures from his conception of authentic Islam could become *enḥerāf* (*deviation*) against which the Islamic state claimed authority to act. In *Taḥrīr al-Wasīlah*, he also assigned severe legal and ritual consequences to hostility toward the *ahl al-bayt* (*family of the Prophet*) (Khomeini, 1981b, p. 118). These texts need not be treated as a blueprint for every subsequent policy. They supplied a moral and juridical hierarchy that, once joined to the coercive institutions of the nation-state, could intersect with ethnic and political classifications in governing Kurdish society. The Kurdish crisis of 1979 made this intersection explicit.

Khomeini's August 1979 statements reveal the movement from theological hierarchy to a racialized theology of suspicion. On August 17, while denouncing "corrupt strata" and conspiratorial groups across the country, he invoked the reported execution of seven hundred members of Banū Qurayẓa by ʿAli.[3] He described Banū Qurayẓa as "like Israel" and suggested that contemporary conspirators "might be their descendants" (*shayad īnhā az nasl-e ānhā bāshand*) (Khomeini, 1979/1999a, Vol. 9, pp. 280–284). On August 30, during the Kurdish crisis, he described Kurdish dissenters as "worse than the Jews of Banū Qurayẓa" and stated that they "must be executed" (Khomeini, 1979/1999a, Vol. 9, pp. 369–373). Political conspiracy was thus given a genealogy, and Kurdish opponents were placed within—and beyond—a scriptural archetype of collective treachery. They appeared not simply as political dissenters but as enemies more dangerous even than the scriptural archetype against which elimination could be represented as religiously warranted.

This classification loosened judgment from identifiable individual conduct and relocated it within a logic of collective danger. Theological deviance, ethnic difference, political opposition, and an imagined genealogy of betrayal converged in a single field of suspicion. Such discourse does not by itself establish the specific intent required for a legal finding of

[3] The invocation of Banū Qurayẓa carries particular weight in Muslim anti-Jewish historical memory. According to the traditional Islamic accounts, following the tribe's surrender after the Battle of the Trench, its adult males were executed and its women and children enslaved; Ibn Isḥāq's account, preserved by Ibn Hishām and al-Ṭabarī, gives the number of those killed as approximately 600–700, while other reports give higher figures (Ibn Hishām, 1955; Ibn Saʿd, 1967; al-Ṭabarī, 1997). Khomeini himself invoked the killing of 700 men. More importantly for the argument here, he recalled the episode not as an atrocity but as an exemplary act of religious severity necessary to defend the nascent Islamic order. By describing Kurdish opponents as "worse than" Banū Qurayẓa, he invoked both an inherited genealogy of Jewish betrayal and a sacred precedent for mass killing represented as religiously necessary violence.

Journal of Ethnic and Cultural Studies
2026, Vol.13, No. 5, 152-171
http://dx.doi.org/ 10.66815/ejecs/2988
Copyright 2026
ISSN: 2149-1291

genocide. It does, however, furnish an ideological grammar through which collective punishment and mass violence can be rationalized as defense of the political and sacred order. In the hands of a state possessing military, judicial, administrative, and propaganda capacities, such classification can turn a population into a reservoir of presumptive enemies and facilitate genocidal violence.

Article 14 of the Constitution exposes a related logic of conditional protection. It requires the state and Muslims to treat non-Muslims with "Islamic justice and equity" and respect their human rights only insofar as they refrain from "conspiracy or activity against Islam and the Islamic Republic" (Constitution of the Islamic Republic of Iran, 1979/1989, art. 14). The provision does not govern Muslim Kurds as such or provide the legal basis for the 1979 campaign. But it makes explicit a constitutional principle relevant here: legal protection is conditional upon a state-defined standard of religious and political loyalty. The 1979 campaign extended a comparable logic through a racialized theological regime of suspicion, in which conspiracy could be attributed through intersecting religious, ethnic, and political classifications rather than demonstrated individual conduct. Once the state defines opponents as conspirators, unbelievers, or apostates, the distinction between protected political subject and legitimate target of coercion becomes dangerously unstable.

This political theology did not displace Persian-centered nationalism. It absorbed and intensified it by making Shiʿi clerical authority an overt and institutionally commanding principle of state legitimacy. The Pahlavi state had already treated Kurds, Arabs, Baluch, Turks, and other non-Persian peoples as problems of national integration, linguistic homogenization, and security (Bayat, 2003, p. 228; Katouzian, 2003, p. 28). The Islamic Republic preserved this centralized structure while grounding political authority in an explicit claim to divine legitimacy. Persian-centered national hierarchy and Shiʿi clerical power became mutually reinforcing: the former defined the cultural and territorial boundaries of the state, while the latter sacralized those boundaries and placed them beyond ordinary political contestation.

Marx's critique of the religious state helps explain this fusion. In "On the Jewish Question," he argued that the religious state does not eliminate mediation between divine authority and worldly power; it makes the state itself a mediator through which religious transcendence enters political life (Marx, 1843/1975). Under *velāyat-e faqīh* (*guardianship of the jurist*), the ruling jurist does more than offer spiritual guidance. The state claims privileged authority to translate divine obligation into constitutional criteria, judicial judgments, governmental policy, coercive action, and administrative regulation. It does not become God; it claims an enforceable monopoly over defining what obedience to God requires politically.

Joined to the infrastructure of the modern nation-state—courts, prisons, security agencies, armed forces, media, schools, and administrative systems—this claim gives transcendent authority a vastly expanded capacity to classify and regulate populations (Soleimani, 2024; Soleimani & Osmanzadeh, 2022). Arendt helps identify the political danger: when ideological conformity organizes public life, conformity can be transformed from political expectation into moral duty (Arendt, 1951/1973). Once the state's interpretation of sacred truth becomes a measure of legality, loyalty, and moral worth, political disagreement is no longer adjudicated within a shared field of contestation. The state itself defines the normative limits of legitimate political existence.

The Kurdish case shows how this sacralized sovereignty operated through both sovereign and disciplinary power. Sovereign power appeared in the capacity to declare enemies, deploy armed force, impose exceptional punishment, and expose populations to death. Disciplinary power operated through surveillance, theological and racialized classification, the policing of speech and association, and the administrative production of loyalty. In Foucauldian terms, these powers distributed protection and vulnerability through hierarchies of normality,

danger, and political usefulness (Foucault, 1997/2003). Kurdish political life was not merely repressed. It was reconstructed as a field requiring continuous theological, political, and security management.

Violence against Kurdish political society was therefore neither external to the Islamic Republic's legal order nor an episodic excess interrupting an otherwise neutral constitutional system. It was sacralized through the state's claim to enforce divine order and participated in the founding and preservation of the regime's normative framework. Benjamin's lawmaking violence captures the implication: violence helped determine who could appear as a legitimate political subject and who could be constituted as an enemy. The 1979 campaign demonstrates how law and violence become "necessarily and intimately bound" when power, rather than justice, determines the political meaning of legality (Benjamin, 1921/1996, p. 248).

Kurdish demands for autonomy, recognition, and equal citizenship were thus displaced into a lexicon of religious and national deviation. Kurdish political identity became simultaneously suspect, potentially heretical, and conditionally protected. The effectiveness of this order did not require a single, inflexible confessional policy. It rested precisely on the state's capacity to differentiate, co-opt, surveil, discipline, and punish through shifting intersections of ethnic, political, and religious classification.

The 1979 campaign demonstrates the danger at the center of modern theological sovereignty. When the state monopolizes the translation of transcendent truth into binding political judgment, dissent ceases to function as a legitimate claim within public life. It becomes an object of correction and punishment and, under conditions of escalating violence, elimination.

## Conclusion

Khomeini's 1979 pronouncements on Kurdistan transformed theological classification into an instrument of sovereign action. Kurdish political dissent was not treated merely as a security problem or a dispute over autonomy, representation, and citizenship. Through the categories of conspiracy, unbelief, hypocrisy, apostasy, rebellion, and deviation, it was recoded as transgression against Islam and against a political order claiming transcendent legitimacy. Religious language did not simply accompany the campaign in Rojhelat; it supplied a normative framework through which military intervention, revolutionary justice, and exceptional coercion could be presented as both governmental necessity and religious duty.

The formal definition of the fatwa as a nonbinding juristic opinion cannot explain its operation in this setting. A fatwa acquires practical force through the authority of its issuer, the institutions through which it circulates, and the power available to enforce it. Khomeini spoke simultaneously as *mujtahid* (*independent jurist*), revolutionary leader, ruling jurist, and emerging sovereign. His fatwas, public pronouncements, revolutionary directives, and governmental rulings therefore did not operate in separate institutional worlds. Their formal distinctions remained recognizable, but their practical boundaries collapsed in the authority of a jurist whose judgments could be translated into military, judicial, and administrative action.

This convergence was institutional, not merely rhetorical. The constitutional elevation of the ruling jurist, the subordination of statutory law to clerically authorized Islamic criteria, and the continued availability of theological categories such as *muḥārabah* (*waging war against God*), *ifsād fī al-arḍ* (*corruption on earth*), rebellion, and deviation allowed political opposition to be translated into theological and security deviance. Stable distinctions among armed actors, political organizers, peaceful dissenters, and broader populations could consequently give way to collective suspicion. The fatwa thus became a mediating form between religious classification and the coercive power of the modern state.

Journal of Ethnic and Cultural Studies
2026, Vol.13, No. 5, 152-171
http://dx.doi.org/ 10.66815/ejecs/2988
Copyright 2026
ISSN: 2149-1291

The racialized logic of this process is especially visible in Khomeini's invocation of Banū Qurayẓa. By giving conspiracy a genealogy and portraying Kurdish opponents as "worse than" a scriptural archetype of collective treachery, his language did more than criminalize political opposition. It placed Kurdish dissent within a racialized theology of suspicion in which religious deviance, political opposition, ethnic difference, and inherited enmity could converge. Such classification does not by itself establish genocidal intent. Backed by the military, judicial, administrative, and propaganda machinery of the modern state, however, it can transform a population into a reservoir of presumptive enemies and prepare the ideological ground for collective punishment and genocidal violence.

Nor did theological sovereignty displace Persian-centered nationalism. It joined and intensified an already centralized national order by investing its territorial and political boundaries with explicit religious authority. Kurdish demands for autonomy and recognition could therefore appear simultaneously as challenges to national unity, political sovereignty, and divine order. The Islamic Republic's power lay not in a single, inflexible confessional policy but in its capacity to differentiate, co-opt, surveil, discipline, and punish through shifting intersections of ethnic, political, and religious classification.

This conjunction has also been obscured in historiography. Much non-Kurdish scholarship on Iran has treated the 1979 conflict as a Kurdish "revolt," a peripheral security crisis, or an episode in revolutionary state consolidation. Such categories reproduce a state-centered field of vision in which Kurdish political claims become the object requiring explanation, while the Persian-centered and Shiʿi structures of state violence recede from view. Recovering the juridical-theological architecture of the campaign therefore also challenges a Persianizing historiography that has rendered the specifically Perso-Shiʿi character and legitimation of violence in Kurdistan insufficiently visible.

The Khalkhali episode exposes the human consequences of this order with unusual clarity. Once divine judgment is permitted to compensate for wrongful execution, innocence no longer functions as an absolute limit on state killing. Khomeini's parallel claim that "whether we are killed or we kill, we are victorious" incorporates both killing and being killed into the putative victory of Islam. In this moral universe, state violence undergoes a theological purification: coercion that would otherwise demand justification as political violence is represented instead as the defense of a sacred order.

This argument does not depend on Islamic exceptionalism. Christian nationalism, civilizational politics, and formally secular states can also sacralize inherited moral claims and mobilize them against minoritized populations. The danger arises when claims placed beyond ordinary human contestation are joined to the coercive power of the modern nation-state. The Iranian case is distinctive because *velāyat-e faqīh* (*guardianship of the jurist*) constitutionally joins juristic interpretation to sovereign authority, allowing an authorized interpretation of divine obligation to enter directly into law, administration, punishment, and war.

This study therefore challenges both juridical and historiographical accounts of the 1979 campaign. The central question is not what a fatwa is in abstract juridical doctrine, but what it becomes within a particular configuration of authority—and what disappears from view when the resulting violence is narrated simply as a response to Kurdish "revolt." In the Islamic Republic's formative campaign in Kurdistan, inherited theological classifications were joined to Persian-centered nationalism and the coercive machinery of the modern state. When the state monopolizes the translation of transcendent truth into binding political judgment, dissent can cease to appear as a claim to be negotiated within public life. It becomes an object of correction, punishment, and, under conditions of escalating violence, elimination.

## Declarations


### Funding

This research received no external funding.


### Ethical Considerations

This study is based exclusively on publicly available historical documents, published primary sources, legal texts, and secondary literature. It did not involve human participants, personal data, interviews, surveys, or experimental procedures. Institutional Review Board (IRB) approval and informed consent were therefore not required.

### Conflicts of Interest

The author declares no conflict of interest.

### Publisher's note

All claims expressed in this article are solely those of the authors and do not necessarily represent those of their affiliated organizations, or those of the publisher, the editors and the reviewers. Any product that may be evaluated in this article, or claim that may be made by its manufacturer, is not guaranteed or endorsed by the publisher.

### References


Agrama, H. A. (2010). Ethics, tradition, authority: Toward an anthropology of the fatwa. *American Ethnologist, 37*(1), 2–18. https://doi.org/10.1111/j.1548-1425.2010.01238.x

Agrama, H. A. (2012). *Questioning secularism: Islam, sovereignty, and the rule of law in modern Egypt*. University of Chicago Press. https://doi.org/10.7208/chicago/9780226010700.001.0001

Akbar, A. (2025). Post-revolutionary support of the Guardianship of the Jurist theory in Iran: Ayatollah Abdollah Javadi-Amoli's approach. *Politics, Religion & Ideology, 26*(4), 522–541. https://doi.org/10.1080/21567689.2025.2581690

Al-Ṭabarī. (1997). *The history of al-Ṭabarī: Vol. 8. The victory of Islam* (M. V. McDonald & W. M. Watt, Trans.). State University of New York Press. (Original work published ca. 915)

Amirpur, K. (2006). A doctrine in the making? *Velāyat-e faqīh* in post-revolutionary Iran. In G. Krämer & S. Schmidtke (Eds.), *Speaking for Islam: Religious authorities in Muslim societies* (pp. 218–240). Brill.

Arendt, H. (1973). *The origins of totalitarianism*. Harcourt Brace Jovanovich. (Original work published 1951)

Armaly, M. T., Buckley, D. T., & Enders, A. M. (2022). Christian nationalism and political violence: Victimhood, racial identity, conspiracy, and support for the Capitol attacks. *Political Behavior, 44*, 937–960. https://doi.org/10.1007/s11109-021-09758-y

Awass, O. (2023). *Fatwa and the making and renewal of Islamic law: From the classical period to the present*. Cambridge University Press. https://doi.org/10.1017/9781009260923

Barry, J. (2017). Monologue and authority in Iran: Ethnic and religious heteroglossia in the Islamic Republic. In M. Tomlinson & J. Millie (Eds.), *The monologic imagination* (pp.

Copyright 2026
ISSN: 2149-1291

143–158). Oxford University Press. https://doi.org/10.1093/acprof:oso/9780190652807.003.0008

Barzegar, M., & Eftekhari, L. (2022). Examining the role of faqih in system building according to Imam Khomeini: From supervision to *velāyat* regarding the Qur'an teachings and etrat. *Journal of Contemporary Research on Islamic Revolution, 4*(12), 1–19.

Bayat, K. (2003). Riza Shah and the tribes: An overview. In S. Cronin (Ed.), *The making of modern Iran: State and society under Riza Shah, 1921–1941* (pp. 213–219). Routledge.

Benjamin, W. (1996). Critique of violence (E. Jephcott, Trans.). In M. Bullock & M. W. Jennings (Eds.), *Selected writings: Vol. 1. 1913–1926* (pp. 236–252). Belknap Press of Harvard University Press. (Original work published 1921)

Butler, J. (2009). *Frames of war: When is life grievable?* Verso.

Caeiro, A. (2011). *Fatwas for European Muslims: The minority fiqh project and the integration of Islam in Europe*. Amsterdam University Press.

Chehabi, H. E., & Schirazi, A. (2012). The Islamic Republic of Iran. *Journal of Persianate Studies, 5*(2), 175–204. https://doi.org/10.1163/18747167-12341243

*Constitution of the Islamic Republic of Iran*. (1989). *Constitution of the Islamic Republic of Iran (1979, amended 1989).* (Original constitution adopted 1979)

Dabashi, H. (2008). *Iran: A people interrupted*. The New Press.

Darwish, L. (2009). *Texts of tension, spaces of empowerment: Migrant Muslims and the limits of Shiʿite legal discourse* [Doctoral dissertation, Concordia University]. Spectrum: Concordia University Research Repository.

Dokhanchi, M. (2020). Genealogy of *velāyat-e faqīh*: From short occultation to the modern era. *Manchester Journal of Transnational Islamic Law and Practice, 16*(1), 3–34.

Foucault, M. (2003). *"Society must be defended": Lectures at the Collège de France, 1975–1976* (D. Macey, Trans.). Picador. (Original work published 1997)

Girard, R. (1977). *Violence and the sacred* (P. Gregory, Trans.). Johns Hopkins University Press. (Original work published 1972). https://doi.org/10.56021/9780801819636

Hallaq, W. B. (2005). *The origins and evolution of Islamic law*. Cambridge University Press.

Hallaq, W. B. (2009). *An introduction to Islamic law*. Cambridge University Press.

Hamshahri Online. (2020, March 15). *میرسلیم: خلخالی برای اعدام عجله داشت / خلخالی می‌گفت اعدام می‌کنیم اگر بی‌گناه بود می‌رود بهشت!* [Mirsalim: Khalkhali was in a hurry to execute; Khalkhali would say: "We execute them; if they are innocent, they go to paradise!"].

Heyd, U. (1969). Some aspects of the Ottoman fetvā. *Bulletin of the School of Oriental and African Studies, 32*(1), 35–56. https://doi.org/10.1017/S0041977X0009368X

Hossain, M. (2002). The story of fatwa. *Interventions, 4*(2), 237–242. https://doi.org/10.1080/136980102760200861

Human Rights Watch. (1993). *Genocide in Iraq: The Anfal campaign against the Kurds*. https://www.hrw.org/report/1993/07/01/genocide-iraq/anfal-campaign-against-kurds

Ibn Hishām. (1955). *The life of Muhammad: A translation of Ibn Ishaq's Sirat Rasul Allah* (A. Guillaume, Trans.). Oxford University Press. (Original work published ca. 8th–9th century)

Ibn Saʿd. (1967). *Kitab al-Tabaqat al-Kabir: Vol. 2. The companions of Badr* (S. Moinul Haq, Trans.). Pakistan Historical Society. (Original work published ca. 845)

Imber, C. (2002). *Ebu's-su'ud: The Islamic legal tradition*. Stanford University Press.

Iqbal, M. (1989). *The reconstruction of religious thought in Islam*. Stanford University Press. (Original work published 1934)

Islamic Republic of Iran. (2013). *Islamic Penal Code*. United Nations Office on Drugs and Crime.

Jackson, S. A. (1996). *Islamic law and the state: The constitutional jurisprudence of Shihāb al-Dīn al-Qarāfī*. Brill.

Katouzian, H. (2003). Riza Shah's political legitimacy and social base, 1921–1941. In S. Cronin (Ed.), *The making of modern Iran: State and society under Riza Shah, 1921–1941* (pp. 15–37). Routledge.

Khomeini, R. (1943). *Kashf al-asrār* [The unveiling of secrets]. Intishārāt-i Amīr Kabīr.

Khomeini, R. (1981a). *Islam and revolution: Writings and declarations of Imam Khomeini* (H. Algar, Trans. & Ed.). Mizan Press.

Khomeini, R. (1981b). *Taḥrīr al-wasīlah* (Vol. 1). Daftar-e Nashr-e Islāmī.

Khomeini, R. (1999a). *Ṣaḥīfeh-ye Imām* (Vol. 9). The Institute for Compilation and Publication of Imam Khomeini's Works. (Original speeches and pronouncements delivered 1979)

Khomeini, R. (1999b). *Ṣaḥīfeh-ye Imām* (Vol. 13). The Institute for Compilation and Publication of Imam Khomeini's Works. (Original speeches and pronouncements delivered 1980)

Lombardi, C. B. (2006). *State law as Islamic law in modern Egypt: The incorporation of the Sharīʿa into Egyptian constitutional law*. Brill. https://doi.org/10.1163/9789047404729

Marx, K. (1975). On the Jewish question. In R. C. Tucker (Ed.), *The Marx-Engels reader* (2nd ed., pp. 26–52). W. W. Norton. (Original work published 1843)

Masud, M. K., Messick, B., & Powers, D. S. (1996). Muftis, fatwas, and Islamic legal interpretation. In M. K. Masud, B. Messick, & D. S. Powers (Eds.), *Islamic legal interpretation: Muftis and their fatwas* (pp. 3–32). Harvard University Press.

Matsunaga, Y. (2009). Revisiting Ayatollah Khomeini's doctrine of *wilāyat al-faqīh* (*velāyat-e faqīh*). *Orient, 44*, 77–90. https://doi.org/10.5356/orient.44.77

Mayer, A. E. (2018). *Islam and human rights: Tradition and politics* (5th ed.). Westview Press.

McDowall, D. (2004). *A modern history of the Kurds* (3rd ed.). I.B. Tauris.

Menchik, J. (2014). Productive intolerance: Godly nationalism in Indonesia. *Comparative Studies in Society and History, 56*(3), 591–621. https://doi.org/10.1017/S0010417514000267

Messick, B. (1993). *The calligraphic state: Textual domination and history in a Muslim society*. University of California Press. https://doi.org/10.1525/california/9780520076051.001.0001

Mofidi, S. (2015). Religion and politics in Eastern Kurdistan: With a focus on Maktab Qur'an during the Iranian Revolution, 1979. *Journal of Politics and Law, 8*(3), 36–50. https://doi.org/10.5539/jpl.v8n3p36

Mofidi, S. (2022a). *Political function of religion in nationalistic confrontations in Greater Kurdistan*. Transnational Press London.

Mofidi, S. (2022b). The political function of religion in Kurdish and Perso-Iranian nationalist confrontations after the 1979 Revolution. *International Journal on Minority and Group Rights, 29*(5), 953–983. https://doi.org/10.1163/15718115-bja10080

Mohammadpour, A., & Soleimani, K. (2024). The racial policies of de-development in the Middle East: A comparative study of Palestine and Rojhelat (Eastern Kurdistan). *Current Anthropology, 65*(6), 965–989. https://doi.org/10.1086/733239

Osmanzadeh, D., & Saeidi, F. (2025). Muslim Brotherhood legacies and local adaptations in Iran: The Iranian Call and Reform Organization. *Politics, Religion & Ideology, 26*(4), 542–562. https://doi.org/10.1080/21567689.2025.2604580

Perry, S. L., Schleifer, C., Whitehead, A. L., & Frantz, K. E. (2024). Our kind of American: Christian nationalism, race, and contingent views of cultural membership. *The Sociological Quarterly, 65*(1), 126–156. https://doi.org/10.1080/00380253.2023.2229385

Copyright 2026
ISSN: 2149-1291

Powers, D. S. (2017). Muftis and fatwas. In A. M. Emon & R. Ahmed (Eds.), *The Oxford handbook of Islamic law* (pp. 145–168). Oxford University Press.

Repp, R. C. (1986). *The müfti of Istanbul: A study in the development of the Ottoman learned hierarchy*. Ithaca Press.

Saeidi, F., & Osmanzadeh, D. (2025a). Colonial sovereignty and religious necropolitics: The sacred victimization of infidel Kurds in the Middle East. *Ethnicities, 25*(5), 655–678. https://doi.org/10.1177/14687968241287204

Saeidi, F., & Osmanzadeh, D. (2025b). Religious rhetoric and genocidal violence: The massacre of Kurds in Rojhelat under Khomeini's fatwa. In K. Salih (Ed.), *The Palgrave handbook of Kurdish genocides* (pp. 399–421). Palgrave Macmillan. https://doi.org/10.1007/978-3-031-87612-7_17

Saeidi, F., & Osmanzadeh, D. (2026). The language of "conquest" in Syria's renewed war against Kurdish self-rule. *Mediterranean Politics*. Advance online publication. https://doi.org/10.1080/13629395.2026.2669863

Sancılı, F. (2025). Wilayat al-faqih and the Iranian Constitution: An analysis of Islamic governance. *Journal of Current Researches on Social Sciences, 15*(4), 291–312.

Schmitt, C. (2005). *Political theology: Four chapters on the concept of sovereignty* (G. Schwab, Trans.). University of Chicago Press. (Original work published 1922). https://doi.org/10.7208/chicago/9780226738901.001.0001

Seifzadeh, H. (1994). Ayatollah Khomeini's concept of rightful government: The *velāyat-e faqīh*. In H. Mutalib & T. ul-Islam Hashmi (Eds.), *Islam, Muslims and the modern state: Case-studies of Muslims in thirteen countries* (pp. 197–210). Palgrave Macmillan.

Shevlin, N. (1998). *Velāyat-e faqīh* in the Constitution of Iran: The implementation of theocracy. *University of Pennsylvania Journal of Constitutional Law, 1*(2), 358–382.

Sofuoğlu, H., & Iskandar, I. (2025). Constructing legal reasoning: A historical assessment of fatwa literature from the 4th to 19th century. *Jurnal Fiqh, 22*(2), 262–292. https://doi.org/10.22452/fiqh.vol22no2.3

Soleimani, K. (2016). *Islam and competing nationalisms in the Middle East, 1876–1926*. Palgrave Macmillan. https://doi.org/10.1057/978-1-137-59940-7

Soleimani, K. (2024). The immemorial Iranian nation? School, colonialism, nationalism, and modern Islamic thought. *Contemporary Islam, 18*, 69–86. https://doi.org/10.1007/s11562-023-00542-9

Soleimani, K., & Mohammadpour, A. (2020). The securitisation of life: Eastern Kurdistan under the rule of a Perso-Shiʿi state. *Third World Quarterly, 41*(4), 663–682. https://doi.org/10.1080/01436597.2019.1695199

Soleimani, K., & Mohammadpour, A. (2023). The everydayness of spectacle violence under the Islamic Republic: "Fire at will." *Security Dialogue, 54*(3), 231–251. https://doi.org/10.1177/09670106231156694

Soleimani, K., & Osmanzadeh, D. (2022). Textualising the ethno-religious sovereign: History, ethnicity and nationalism in the Perso-Islamic textbooks. *Nations and Nationalism, 28*(3), 1022–1039. https://doi.org/10.1111/nana.12705

Vafaei, F., & Mirahmady, M. (2018). An analysis of the nature of Imam Khomeini's *velāyat-e faqīh* theory. *Transcendent Policy, 6*(20), 81–98.

Whyte, S. (2022). Are fatwas dispensable? Examining the contemporary relevance and authority of fatwas in Australia. *Oxford Journal of Law and Religion, 11*(2–3), 314–342. https://doi.org/10.1093/ojlr/rwac015

Widigdo, M. S. A., & Hamid, H. (2018). The power of fatwa in Indonesia: An analysis of MUI's controversial fatwas. *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies, 14*(2), 146–165. https://doi.org/10.18196/AIIJIS.2018.0085.146-165

## Notes on Contributor

***Kamal Soleimani*** received his PhD from Columbia University in 2014. He taught at Mardin Artuklu University in 2014–2015 and was among the first academics dismissed during the Turkish government's crackdown on higher education. His books include *Islam and Competing Nationalisms in the Middle East, Islam, State,* and *the Kurds, The PKK and the Kurdistan Question,* and, with Behrooz Shojai, *The Kurdish Paradox of Statelessness: Öcalan's Strategies of Turkification.* He has published extensively in journals including *Current Anthropology, The British Journal of Sociology, Security Dialogue, Third World Quarterly,* and *Nations and Nationalism.*

## ORCID

***Kamal Soleimani,*** https://orcid.org/0000-0003-0370-5930