



No Nuke Weapon: How Khamene'ei thinks?

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Abstract: Jurisprudence is a knowledge that provides responses to individual and societal behaviors of a Muslim. So, to find the proper behavior patterns, the Islamic government has to refer to jurisprudence. Islamic Republic of Iran has been recently accused of being in pursue of acquiring nuclear weapons and such an allegation has been faced with a recent decree issued by the supreme leader Ayatullah Khamene'ei in which it is clearly stated that any sort of keeping, proliferation and use of nuclear arms is canonically forbidden. Of course, this has per se been always a controversial issue for the Islamic communities that whether it is permissible to make use of such weapons in confrontation with the danger of an enemy equipped with them or not? The current article is seeking to find an answer to the question as to "what are the canonical proofs of banning the nuclear weapons application from the perspective of Ayatullah Khamene'ei?" I used descriptive-analytical method based on first hand sources. It has been made clear that one should transcend beyond the instrumental levels to gain a clear insight of the embargos and the following fundamental questions within the three realms, namely the philosophy of creation, political philosophy and the mankind's position in Islam, should be first answered. The type of the answers forms the interpretations of the Ayat (Verses) and Narratives are conceived, especially when conflicts arise.

Keywords: Ayatullah Khamene'ei, mass destruction weaponry, nuclear arms ban, Proliferation regime, Rule of cultivation and offspring.

Introduction

In the literature of international relations, nuclear issues are studied under the topics of strategic studies, disarmament and arms control. While the liberal approach encourages a disarmament regime, the realist approach introduces arms control regime as rational. In strategic studies, it is asked how does nuclear weapons change the balance of power?

Jurisprudence is the knowledge that responds to the individual and societal behaviors of every obliged Muslim or a constellation of Muslims (like an Islamic society, an Islamic organization or an Islamic state) based on canonical proofs. Micro-level behaviors capture the smallest acts performed by a Muslim legal or real person. Macro-level behaviors point to the overall performance and approach of an individual or an assemblage of Muslims. Saying prayers and forbidding raid on the territories with which no-war pacts are signed are respectively examples of macro- and micro-level behaviors.

Significance: One of the issues the Islamic government is concerned with is maintaining, producing and using nuclear weapons. All jurists agree that although nuclear weaponry, as a technology, is a new topic but there are verdicts for it in Islam because besides Islam's general principles there are examples existent in the *Ayat* (Verses) and *Revayat* (Narratives) plus the logical and jurisprudential rules that provide unambiguous verdicts on such types of arms(1).

Necessity and Goals: The reason for the importance of coming up with a verdict regarding the maintenance, production and application of nuclear arms for the Muslims, more specifically for the Islamic Republic of Iran as the religious player in the secular international system, is that the main powers in Non-Muslim Territories accuse Iran of having covert programs for the production and use thereof; however, this accusation has always been refuted by Iran who knows it contradictory to its government's religious foundations and its foreign policy principles. In an outstanding decree, the supreme leader Ayatullah Khamene'ei has announced canonically forbidden any sort of maintenance, production and use of nuclear arms and things of the like such as chemical and microbial weapons.

Ayatullah Khamene'ei (20/04/2015) ordered that forbidding the use of nuclear weapons has been held both based on canonical rules

as well as based on intellectual grounds. By intellectual grounds-based decrees, he intends to point out the practical use of such weaponry that in his idea has more disadvantages. Now, free from any sort of practical approaches towards such a matter, the present research paper is looking for jurisprudential premises that render nuclear weaponry application canonically forbidden.

The main question is based on what canonical proofs the use of nuclear arms has been decreed forbidden by Ayatullah Khamene'ei?

Although Ayatullah Khamene'ei has pointed to the canonical forbiddance of forging, maintaining and applying nuclear arms in a great many of his sermons the sources of jurisprudential proofs and principles of his decree have been rarely pointed out. Therefore, the current article tries to extract the canonical reasons behind such a decree from the Holy Quran's *Ayat* and the *revayat* of the Immaculate Imams (peace be upon them) as well as through relying on long centuries of the Shiite jurisprudents' scholarship.

Of course, not all the Shiite jurisprudents and thinkers agree to the supreme leader's decree. In the present study, the ones, like him, who have decreed the forbiddance of such weaponry, have been introduced as the opponents and the ones who have decreed the permissibility of such arms are called proponents.

Procedure: A descriptive-analytical method, based on first hand sources, i.e Quran, narratives and Jurisprudential texts, have been run. In the research process, it was looked at what reasons the jurists themselves cited and how they reasoned. They were collected and based on that, the arguments were reconstructed and categorized. After the reasoning notions opined by both of these two groups are reviewed, the religious premises of his decree will be extracted in the conclusion.

1. The Opponents' Proofs

All the jurisprudents who have decreed the forbiddance of nuclear weaponry analyze it under the title of nonconventional mass destruction arms. Therefore, the all textual and intellectual proofs(2) that can be used for the forbiddance of massive destruction arms can also be used for the nuclear weaponry because such arms exterminate a vast and uncontrolled mass of humans, most probably civilians,

besides the destruction of the environment. Alidoost, quoting the military experts, describes these arms with two properties, namely 1) massive destruction power and 2) the uncontrollability of their effects (Alidoost, 28/04/2013). Pointing to Paris Agreement Statement regarding Germany's accede to NATO, in 1954, in which such weaponry have been characterized by two criterion of massive destruction and demolition and causing vast toxicity on the ground surface, Fazel Lankarani himself introduces another criterion that is the slaughtering of the civilians (Fazel Lankarani, no date, sections 11-12). Some researchers, in their studies, have concluded that, in this regard, the primary principle's expediencies are laid upon the foundation of forbiddance and the preliminary principles form the basis of the decrees when the textual proofs do not offer the necessary adequacy in implying what is intended by the canonical ruler (Rahmani, 2011).

1-1. Quranic Proofs

In prohibiting the nuclear arms from the religious perspectives, Ayatullah Khamene'ei has defined it under the title "the forbiddance of massive destruction arms". Corresponding to this perspective, these arms are against the divine command and wisdom for reasons such as causing degeneracy on earth, in a generation and occasionally in consecutive generations. The only verse that he has attributed his reasoning thereto is the verse 205 of the Surah Baqarah that orders: "and when they turn their faces away they try to perpetrate corruptions on earth and destruction of the lands and extermination of the human generation and this is while the God does not like depravity"(3) (Ayatullah Khamene'ei, 30/02/2009; Khamene'ei, 16/07/2004 and Khamene'ei 28/05/2010). he orders "... based on our religious principles, our theological principles, applying such massive destruction arms is originally forbidden, canonically impermissible; this is demolition of land and human that is disallowed by the Holy Quran; we are not seeking for this, we go after the thing that truly scares the bully powers ..." (Ayatullah Khamene'ei, 30/ 02/2009).

In defining land and offspring, Allameh Tabataba'ee points, in Al-Mizan, to a *Hadith* (narration of holy Imam) from Imam Sadiq (peace be upon him) which is also cited in "Majma'a Al-Bayan"

implying that "land" is religion and "offspring" is human generation. Also, he adds that one's wife or farmland can also be enumerated amongst these. He believes that the disbelievers and hypocrites' vice have canonical nature. It means the creation of the world is based upon order and wisdom but the decisions and the programs of these people have logic and consequences that lead to the disruption of the natural order (Tabataba'ee, 2012: 145-148). Therefore, correction and depravity can be considered as the intellectual and behavioral logics of the monotheists and Muslims against disbelievers and hypocrites, respectively.

Plus the aforementioned verse, there are numerous other verses that emphasize the same content(4). For instance, in the Surah Baqara, verses 11&12, it is explicitly highlighted that the behavioral logic of the hypocrites is committing vice on earth (including land, women, generation, offspring and so forth), though they try to introduce themselves righteous (possibly through scientific justifications and fallacy). In the Surah S, verse 27&28, the God draws a subtle discriminating line between the right-doers/monotheists and vices/disbelievers. On the one side, there are those who do not consider the nature as being purposeful and having an underlying truth and recount the truth as the same daily material transient reality. These are the ones who step in the path of depravity and wrongdoing because the truth and, resultantly, following the truth that leads to canonical correction does not make sense to them. On the contrary, there are the ones who believe in God and know the order in the heavens and earth as real and based on a smart order purposefully established by the God.

Alidoost states that the principle of not doing depravity on earth does not exclusively belong to the disbelievers rather it is pervasive that means the God's forbiddance in this regard does not take into account the doer of the action (the goodness of the doer) rather it underlines the quality thereof (the goodness of the action). Thus, neither Muslims nor the Islamic government have the right to perpetrate corruptions on earth by any means and weapons of mass destruction are an example of this (Alidoost, 28/02/2013).

Of course, basing the proofs on the verse(5) "gather for them whatever the force you can and whatever the amble horses so as to

make the enemies of the God and your own foes terrified thereby", is only for dismaying and scaring the enemies as claimed by the opponents (Alidoost, 28/04/2013). The use of the preposition "لام" in the initial position of the pronoun "هم" (the enemies) in "اعدو لهم" in lieu of the preposition "على" per se implies deterring military approaches in Islam. That is because the preposition "على" more intensely implies the animosity and hostility, but by the use of "لام" the attentions are most pronouncedly directed towards inside and one's own self and it implies getting prepared and internally robust to defend and counteract(6). Of course, according to some ideas, the term "terrify" conveys a sort of ultimacy and it is not of the potential of getting prepared in practice for terrifying to wit it is imaginable that the Islam army might reach to a good grade of preparedness that does not necessarily scares the enemies.

There is also this idea that the verse "ما استطعتم من قوه" implies the permissibility of being equipped and applying various kinds of defensive and deterring weaponry including microbial and atomic. There are also other verses beside this verses that bear the absolute use of weaponry for terrifying, deterring and defending the Islam's system including "فأفقتلوا المشركين حيث وجدتموهم وخذوهم واخصروهم واقعدوا لهم كل مرصد" meaning "Kill the polytheists wherever they are found and capture them and restrain them and establish for them all the observatories" (Towbeh: 50) and "يا أيها الذين آمنوا خذوا جنركم فانفروا ثبات أو انفروا جميعا", meaning "O, you who have found faith in God, be cautious, then either go forth in companies or go forth all together" (Nisa'a:71).

But, in contradiction to the verses that deny acting tyrannically and forbid depravity and prohibit killing innocent humans, such arms get exited from the verse's absoluteness (*etlagh*; طلاق). Also, the Imams' way of conduct and the narrations can restrict the verses' absoluteness. For example, the God's apostle repeatedly prohibited the killing of the innocents and damaging the farms and domestic animals (Fazel Lankarani, no date, sections 19-20). This way, after restricting the verses that imply the permissibility of using any type of weaponry, it becomes evident that the use of such a specific type of weapons is exclusively forbidden otherwise the prohibition of forging and maintaining such weaponry is not inferred solely from the verses that

imply the prohibition of acting tyrannically and perpetrating vice (Fazel Lankarani, no date, sections 22-23).

If the verse 194, from Surah Baqarah, is adduced for justifying defense by the same means in ordering that "whenever an enemy attacks you, you should attack by the same means with which you are attacked", it has to be said in response that although this is absolute but based on the other explicit verses (*ayate mohkam*; آیات محکم) that interpret and restrict the quality of counteracting by the same means as well as based on the Imams' way of conduct the verse is rendered inapplicable (conditional; مقید); however, the rule of retaliation and the principle of reciprocity by the same means are definitively legitimate but the quality of such counteractive measures depend on Islam's sense not the disbelievers' logic. Of course, Fazel Lankarani does not consider the applicability of the verse and he, even, casts the suspicion that it might perhaps be expressive of the Muslims' restrictions so as not to try more intensive retaliative responses (Fazel Lankarani, no date, sections 24&25). verse 90, Surah Baqarah, can also strengthen the same doubt(7).

Rahmani extracts two principles from the foresaid verse. One is the principle of proportion in warfare and the other is the principle of combatant enemy and non-combatant enemy that can be extended to the civilians, as well. Also, the prohibition of damaging the environment can also be inferred (Rahmani, 2011).

1-2. Narrated Proofs

Sokuni quotes Imam Sadiq (peace be upon him) who has ordered that "His Highness Amir Al-Mu'menin quotes the God's apostle that throwing poisons in the territories of the polytheists is prohibited (Horr Ameli, v.11, chap.16). Based on the same narratives, some jurisprudents have decreed the forbiddance of applying poison and some others have decreed the heinousness of applying poison in the territories of the disbelievers (Soroush Mahallati, 11/01/2013).

These narratives are considered as being authentic and based thereupon and aided by the other verses and narrations, he has put forth the following deductions: "firstly, absolute priority: because if the use of poison that harms a limited region is forbidden then the use of atomic bombs and chemical weapons is rendered definitely

forbidden; secondly, there is not mentioned any name of water and/or land and/or air in the narrative itself, rather His Highness orders in absolute terms that spraying poison on the land of the polytheists (enemies) is forbidden, so it can be generalized to the intoxicating tools contaminating land, air, water and so forth; Thirdly, these verdicts do not posit worship-related aspects so as to urge us to only consider poison's denotations and therefore become unable to attribute other features thereto rather these are connotative verdicts. Thus, revocation of attributes is permissible and other connotations such as weapons of mass destruction that like poison, rather in a quite larger extent, cause demolition can also be taken into account. Fourthly, then other verses and narrations are discussed, including the verse "battle" (*eteda*; اعتداء), that forbid drawing war to civilians. It does not differ whether be it via poisoning the regions or the use of non-conventional and nuclear weapons. Some researchers have reasoned that the narrative "whatever by way of which victory is attainable" (8) is a permit encouraging Muslims to gain victory by whatever the means available but this narrative is ignored when confronted with a great many of the other most successive narratives (*motevater*; متواتر) and proofs" (Rahmani, 2011).

There is another narration from the prophet of Islam to the war commanders as well as to the assistants and the troopers, ordered that "commence the assault in the name of God and only kill the ones who do not believe in God and do not resort to deception and trickery and do not betray and do not torture, do not kill children and the ones who are wounded and injured and do not set on fire the palm trees, do not drown unbelievers in water, do not cut fruit trees and do not set on fire the farmlands" (Tusi, no date, v.6, p.138; Kolehini, v.5, p.29 and Horr Ameli, v.15, p.58).

Moreover, there are narratives that prohibit perpetrating disgusting acts like burning the humans. As a specimen, the God's apostle ordered "do not punish by fire, because no one chastises another by fire except the God" (Tusi, no date, v.6, p.143). It can be inferred from this set of the narratives that the inhuman and disgusting acts including the use of weapons of mass destruction that have horrible corruptive and tyrannical effects are forbidden (Fazel Lankarani, no date, section 29 and Rahmani, 2011). However, a group

of jurists like the writer of *Javaher* take the intentions of the narrative that denote the prohibition of applying such methods and instruments as being more prevalent to the narratives that append stipulations to the use of such measures and tools. In his opinion, the principle of such interventions as application of poison and flooding the land and destruction of the farms by the Muslims were undertaken under compulsive circumstances. So, the narrative is principally issued in an exceptional and emergency case. So, it cannot be stipulated for emergent situations rather it per se has been expressed under an emergency condition. More vividly, Muslims are not sinless in doing so even in case of emergent use of such measures. Therefore, some interpretations by the jurists who have accepted the narrative such as "by whatever the means that gives rise to victory" or "by whatever the tools the victory can be fetched" cannot be axiomatic (Fazel Lankarani, no date, section 33). Fazel Lankarani rejects this saying due to a narration from Hafas Ben Qiyas unless it is said that the narration by Hafas is less authentic than Sokuni's (Fazel Lankarani, no date, section 42). Of course, in regard of the catapult (*manjanigh*; منجنیق) narrations in which the holy Imams allow the use thereof and burning the city albeit the women and children therein get killed, the writer of *Javaher* has reluctantly expressed that it is permissible when emergency arises. Fazel Lankarani does not think so and says it seems referring to forbidden unless in emergency conditions where permission is granted (Fazel Lankarani, no date: Sections 39&40).

Izdehi, in a study of the subject matters, essentially considers the catapult and other narrations of the like as being specifically out of the scope of the main issue since he does not regard it comparable in terms of the target, the destruction range and the negative consequences with the weapons of mass destruction but the narrations on throwing poison are comparable with such weaponry, particularly with chemical and microbial ones (Izdehi, 2013). After collecting the notions of the elders of Shiite jurisprudence, from Sheikh Tusi to Ayatullah Khu'ee regarding Sokuni narration and the other narrated proofs, he points out that the application of any means and any war methods for conquering over unbelievers is permissible except by means of throwing poison (Izdehi, 2013).

1-3. Jurisprudential Proofs

Ayatullah Khamene'ei knows scathed the proposition of rational rules such as "repelling contingent loss" or retaliation or preventive frightening according to the highly detrimental and inhuman consequences of these weapons. He orders, "of course, internal solidification does not mean what they [the enemies] think -i.e. acquiring [nuke] weapon - and as it was pointed out by Mr. President nuclear weaponry is not the solution. Moreover, logically and basically, we do not by any means agree to the weapons of mass destruction in this form. At the time of the war [with Saddam], we forbid the microbial and chemical weapons; at that very moment, as well, our government announced this" (Khamene'ei, 15/08/2003 and Khamene'ei 01/04/2003).

Also, in a message to the nuclear weapon disarmament and non-proliferation conference, Ayatullah Khamene'ei orders: "though many countries have taken measures to manufacture and accumulate nuclear weaponry that can per se be considered as a prelude to the perpetration of crime and that excessively threaten the global peace ... in our ideas, the other kinds of weapons of mass destruction plus chemical and microbial ones are also serious threats to the humanity ... we forbid the application of weapons and know it a duty of everyone to make efforts so as to immune the offspring of Adam from such a huge calamity" (28/04/2010). In another place, by pointing to a verse from the Holy Quran that prohibits corruption and perishing of land and offspring, he highlights nuclear weapons as a modern example of such a prohibition and then extends such a perishing and depravity in the course of time to indicate it includes more of one generation that will hold most heavily duty before the God (16/07/2004). In spite of vividness, it is needed to refer to the similar notions by the other thinkers to analyze the underlying foundations of such standpoints.

The jurisprudential principle of justice is a neglected but most frequently applicable and essential rules in Shiite jurisprudence. Although it is left subjectively ignored up to the fourth hegira century by the Imammiyyeh jurisprudents the foot trace of the principle or denial of tyranny can in sum be found in every single corner of the decrees issued by the Imammiyyeh jurisprudence elders. Justice in

arbitration, Friday Imamate and group imamate and leadership (*velayat*; ولایت) are the most prominent manifestations of justice as an individual/collective feature or a jurisprudential rule (Motahhari, 1989; Motahhari, 2009; Ghabel, 2014 and Asghari, 2009). In Alidoost's mind, one rule that can be deduced from the Holy Quran is the axiom of justice a sub-branch of which is inter-generation justice. That means if an intervention is regarded useful for the individuals and society at present time but it jeopardizes the future of a generation it is against justice and it has to be avoided. Weapons like these that have uncontrolled effects on the future generations and the environment in the long-run are absolutely contradicting the inter-generation justice (Alidoost, 28/04/2013).

If the effects of this weaponry are offered to the reason, it opines in favor of the heinousness of such weapons' application albeit for retaliation by the same means because the criteria of both of corruption and tyranny are similar by reason (Fazel Lankarani, no date, section 14). Of course, since these criteria reveal themselves in practice and such an assumption does not hold for just manufacturing and maintaining or gaining the knowledge of the way these weapons can be produced then these weapons cannot be considered as denounced by reason in absolute terms unless it is said that the manufacturer and the maintainer are logically considered likely to participate in tyrannical and vice acts in future (Fazel Lankarani, no date: 15).

The principle of attendance (*Mulazemeh*; ملازمه) holds that "whatever is ordered by the religion is also confirmed by reason and whatever is ordered by reason is also confirmed by religion" and it can be applied herein. When it is made sure that a verdict has been issued by the sacred canonical ruler then it is ascertained that it is not against reason and vice versa; if there is no narration on a subject matter but there is an absolute reasonable verdict it can be attributed to the canonical ruler (Alidoost, 28/04/2013 and Fazel Lankarani, no date, section 15). If the science gives the news on the numerous and painful dangers of atomic weapons application on the human generations and nature in absolute terms and the reason prohibits the use of such weapons for the same causes, then such a prohibition can be considered as a canonical forbiddance.

Of course this recent idea is controversial because pure reason cannot judge the heinousness or the beauty and the goodness or the badness of a thing. The foresaid look is based on the idea that pure reason contains positive ethical predicates that are perfectly corresponding to what the sacred canonical ruler wants. Also, another predicate derived from such a look is that the pure reason can, in case of independent contemplation away from caprice, conclude the same verdicts that are issued by religion. However, it seems that reason is the only decision-making and analysis device and it cannot value independently. In the meantime, every ethnicity has its own specific intellectualities. The hypocrites' intellectuality affirms some things that are called vice from Islamic perspectives but they are reasonable for them.

One well-known jurisprudential issue is excluding the order for performing preliminary Jihad from the authorities and duties of non-immaculate rulers albeit a completely qualified jurispudent (Mo'emen, 2001). Though considering fixed for the supreme jurispudent whatever the qualifications that are firmed for the apostle and his immaculate executor, Imam Khomeini in proposing the theory of absolute guardianship of the jurisprudents in the period of occultation, proposes an exceptional provision and that is preliminary Jihad (Imam Khomeini, 2007: 459). Ayatullah Khamene'ei is among the few jurisprudents in the Shiite history that considers preliminary Jihad as the duty of the vice-immaculate Imam (Khamene'ei, no date). It is not wrong if we take a look at Islam's overall approach towards Jihad in response to the main question raised herein. If the main proposition of the issue is prohibiting Jihad and the originality goes to soundness and peace, in such a way that bloodshed is not preferred in Islam, so the result is non-application of mass destruction weaponry. Believing in the permissibility of preliminary Jihad does not make any difference in the foresaid result.

The jurisprudential axiom of "the priority goes to the most important" (*Alaham falaham*; لا هم فالاهم) does not hold here. If it is said that the disentanglement of certain emergency cases or the survival of the religious government or an Islamic territory or overcoming unbelievers rationally depends on the application of such weaponry and if the reason knows it heinous in the first place but considers it

permissible in the second, the answer would be though the reason decrees such an application, on the contrary, there are explicit narrations denoting the forbiddance and that the narrated proofs are superior to the reasonable proofs (Fazel Lankarani, no date, section 35).

Basing his reasons on the axiom of terror forbiddance, Rahmani extends it to the prohibition of weapons of mass destruction because such weapons are examples of such an advanced terror that is exercised on every single one of the murdered individuals (Rahmani, 2011). Probably, for him, killing in places other than the battlefield and the element of surprise that constitute terroristic operations are the common feature of these two methods.

Deducing from the verses and narrations, Rahmani has extracted the jurisprudential rules associated with the discussion on the war ethics and regulations in Islam that reach to a total of twenty rules. They include prohibition of taking revengeful measures and blood-shedding, prohibition of commencing a war before inviting to do right and giving ultimatum, prohibition of tormenting the enemies' killed troops, prohibition of violating one's promises and war pacts, prohibition of uprooting and burning the trees and farmlands, prohibition of arresting before giving ultimatum and inviting to do right, the prohibition of killing the enemy soldiers with taking them as captive being possible, the prohibition of killing or skinning the animals, prohibition of war after submitting to Islam, prohibition of entering war with the "fellows of the book" while they are ready to sign Islam's obligation contract, prohibition of continuing war when peace offers are suggested by the enemy, prohibition of buildings' demolition and destruction of the villages, the prohibition of turning off water to the enemy, prohibition of killing enemies' escaping soldiers, prohibition of killing civilians including children, women, old-aged people, road guards, nurses, injured individuals, patients, messengers and others of the like, prohibition of killing those of the soldiers who have been compelled to take part in war, prohibition of killing the ones who are hired in the course of war, prohibition of allowing children to participate in war, prohibition of blind fights with no aim and prohibition of recruiting disabled individuals (Rahmani, 2007).

2. Proponents

The proponents of production or application of weapons of mass destruction including nuclear ones agree to some extent with the opponents in that Islam generally opines the prohibition of war and bloodshed and the originality (Asalat; اصالة) goes to peace. But, in their ideas, if guarding the Islamic sovereignty is tied to the application of such weaponry then these can be used in cases of necessity. It means if no such weapon, no survival.

2-1. Quranic Proofs

Verse 194, Surah Baqarah, orders “فمن اعتدى عليكم فاعتدوا عليه بمثل ما اعتدى عليكم”, meaning “when an enemy assaults you, then assault exactly the same way you are attacked”. Now, if the enemy makes use of unfamiliar weapons to destroy the Muslims’ lands or to overturn the religious governments, shouldn’t Muslims take retaliative measures?

Verse 5, Surah Hashr, orders that “whatsoever leaves you have cut from palm trees or whatsoever the trees you have left unharmed has been by the order of the God and it has been for making the lewd suffer losses”. The explicit text of the verse implies the permissibility of cutting the trees in fight with lewd persons. The idea that some jurisprudents have accepted such interventions solely in emergency cases does not conform to the appearance and the explicit denotation of the verse; leave alone the ideas that disallow these interventions even in emergency cases.

Following a discussion on the explicit intentions of the verse that imply getting military equipped and terrifying enemies, Shafi’eeniya deals with the verse 80 from Surah Anbia’a that states “and we taught him [His Highness] David the armor-forging industry so as to be guarded against the intensities [fight], so are you thankful?” Some interpreters, in discussions on the foresaid verse, know the term “intensity” (تأس) as implying severe fight and strife (Tabataba’ee, 2012; Makarem Shirazi, 1994 and Meshkini, 2002). Two usages can be made from the verse. The first points to the God’s volition for the believers’ community to get ready the best industries and instruments to fight back the enemy. The second is that “guarding against the intensities of fight” is the effect that is caused by teaching how to forge armor from which *any sort* of industry that guards against the intensities of war can be inferred (Shafi’eeniya, 2011).

2-2. Narrative Proofs

Hosseini Khurasani states that the verses and narratives, especially narrative of Sokuni from Imam Sadeq (peace be upon him) regarding the prohibition of throwing poison in the polytheists' lands, solely refer to the normal conditions of war. So, under special circumstances, in situations that the survival of Islam's territories and Islamic government are in danger, the majority of the jurists opine those forbidden methods like throwing poison or destruction of the environment or mass destructive bombs can then be applied. It is from the same perspective that all the jurists have accepted the axiom of shield (principle of *tatarros*; قاعده تترس) (Motahhari, 1997: 23-24; Shafi'eeniya, 2011:246-248 and Hosseini Khurasani, 11/06/2014). Fazel Lankarani does not consider keeping such weaponry as being reasonably heinous and possibly permits it (Fazel Lankarani, no date, Section 15). In other words, if the enemy uses unfamiliar methods and mass destruction, why should not Muslims defend themselves by the same intensity and acuteness that is used against them?

A narrative from the prophet Muhammad (peace be upon him) states that "killing women, children and old-aged people and destroying the environment is prohibited unless in emergency cases". For instance, Mo'aviyeh Ben Ammar cites Abu Hamzeh Somali who quotes Imam Sadeq that "when the God's apostle dispatched an army to a fight, he ordered them to battle in the name of God and not to cheat, betray, torture and kill the old-aged people, children and women unless [victory] becomes necessarily dependent on doing so" (Al-Tahzib, v.6, p.138; Al-Kafi, v.5, p.27 and Wasa'el, v.15, p.58). Based thereupon, a fraction of the jurists like Saheb Ershad, Mohaghegh Helli and Mohaghegh Sani have accepted the principle of emergency in the above-cited cases, and some others like Saheb Lom'eh have reluctantly accepted Sokuni narrative quoting Imam Sadeq (peace be upon him) considering the prohibition of throwing poison in the polytheists' territories.

There are narrations that meanwhile authenticating the use of catapult even with the Muslim women and children and captives' presence among the casualties allow the demolition of the city walls and burning of the city. On one occasion that the God's apostle used catapult in Ta'ef war, his highness destroyed Bani Nazir clan's city

walls and Khaybar's fortress (Wasa'el, v.11, chap.16). In an authentic narrative by Hafas Ben Ghiyas quoting Imam Sadeq (peace be upon him), His Highness permits the use of catapult even with women and children getting killed on the condition that the Muslims' victory is deemed dependent thereupon and there is no atonement and expiation to be paid for the murdering of them [civilians] (Wasa'el, v.11, chap. 16, Hadith: 2).

2-3. Jurisprudential Proofs

All the individuals hold supportive positions are the ones that look at it from deterrence theory. For them, such types of weapons or unfamiliar interventions are originally invalid and forbidden unless the Islamic state's life depends thereon. At least, having them at hand is permitted in case that it brings about deterrence.

The jurisprudential axiom of "whatever the means by which victory can be achieved" which is inferred from various narratives (Shafi'eeniya, 2011: 234) can be considered as the underlying premise for making deductions. For example, there are narrations that the God's apostle ordered his troopers not to cut any tree in any war unless the tree barred Muslims from reaching to Kaffirs (unbelievers) or unless it was made necessary by war emergencies (Al-Kafi, v.5, p.30).

Another proof is the reason's order "to repel the contingent loss" which is considered as one of the reason-oriented characteristics. Jurisprudents have resorted thereto in a great many of the verdicts. The inclusion circle of repelling the contingent loss for some scientists expands to the corporeal matters such as saving one's own life and properties (Shafi'eeniya, 2011: 218). In such a specific case as well, if the Muslim community is faced with an enemy who is likely to impose harms and his intensive danger is not considered improbable by reason, then it orders the necessity of repelling the contingent loss (Shafi'eeniya, 2011: 219).

The jurisprudential axiom of "denial of Kaffirs' control over Muslims" (قاعدة نفى سبيل) can also be used in this regard. It has to be explained that corresponding to this axiom, the life conditions or the social, economic and political transformations should not go on in a way that lead to the Kaffirs' domination over Muslims. Now, if the war conditions take the form that make the Kaffirs' domination over

Muslims imminent or nearly imminent due to their access to weapons of mass destruction, Muslims are logically and canonically obliged to equip themselves with such weaponry (Shafi'eeniya, 2011: 221). Essentially, situations may arise in wars that render permissible and rather necessary the conditions that are forbidden and abominable at peace times and this is what all the world's intellectuals agree on. Islam, as well, accepts it as a war policy. Thus, many of the peace-time forbidden affairs are legitimate at war time and why should the application of weapons of mass destruction remain as illegitimate in case that necessity arises (Shafi'eeniya, 2011: 222). This issue would look heinous if Islam aimed at conquering the other countries and collecting wealth and power while the application of such weapons is permissible in legitimate defensive positions and on occasions when necessity and emergency arise (Shafi'eeniya, 2011: 223).

The axiom of "retaliation by the same means" with such solid proofs as the verses 194 and 228, Surah Baqarah, verse 45, Surah Ma'edah, verse 160, Surah An'am, verse 126, Surah Nahl, verse 40, Surah Qafer, and verse 40, Surah Showra, that are also confirmed by the general wisdom of the mankind is applicable in a manner that if the enemies hurt the Muslims by any means it is the duty of Muslims to use the same means, and not more, to assault the enemies (Shafi'eeniya, 2011: 224-227).

Conclusion

Regarding the discussion on the prohibition or permissibility of applying nuclear weapons, it was said that such a topic is debated under the title of weapons of mass destruction in Islam and it was proposed that there have been two general looks at the forbiddance or allowance of such weaponry application during the course of Shiite jurisprudence history. These looks were classified under the titles of the "proponents" and the "opponents" of the application herein.

Whatever the verdicts issued by the jurisprudents against the application of weapons of mass destruction are authentic and there is no fundamental discrepancy between them and the proponents because both have consensus on the primary principle of the prohibition of war in the first place and the prohibition of applying weapons of mass destruction in the second. The discussion arises when the preservation of the Islamic government and overcoming the war-

seeking Kaffirs becomes necessarily dependent thereon about which some jurists have issued verdicts indicating its abomination and necessity. This is a matter of ethics before being a jurisprudential question. The issue extends well beyond the quality of instruments and it transcends beyond the philosophy of creation, philosophy of governments and the mankind's stance and their interrelationships in the inquiry level. Therefore, those of the jurists, who want to extract the related decrees related to such an important issue based on several principles and a number of verses and narratives some of which bear unique or suspicious news, are required to contemplate over important assumptions relevant to the abovementioned subject matters beforehand and clear-cut conclusions should have been reached thereof. Disagreements stem from the different responses to the three aforementioned areas.

Ayatullah Khamene'i knows it necessary to venerate the mankind and realizes the objective of creation in reaching to the close proximity of the God. In his mind, humans by themselves should be respected. The goal of the Islamic government is protecting mankind's dignity. Thus, the antihuman rules and regulations, in his idea, are anti-Islamic, as well. He imagines the Islamic government as an ethical state and the others should have the same positive and non-heinous image in their minds. Governments are liable before the humans and God hence they cannot carry out unjust acts. Islamic government like a Muslim individual is not solely liable within certain and limited time span and spatial locus rather it is responsible for the people who have lived in the past and the ones who are going to come in future. For a Muslim individual the Islamic government's survival should not be achieved at any cost; property remains with disbelief but not with oppression. Based on this, His Highness makes a greater use of the verse 205, Surah Baqarah, in prohibiting weapons of mass destruction. Moreover, keeping nuclear weapons for the reason that it is a preface to corruption and perishing of the land and offspring is also forbidden canonically. An Islamic government procuring the preps of crime perpetration is denounced.

If it is said that there are authentic narrations that allow the application of forbidden weapons and methods at war times upon the emergence of necessity, Ayatullah Khamene'i probably would

answer that based on the expediencies of the modern era and the substantially negative consequences of such weapons on the nature and the mankind's offspring as well as on the Islamic government's image in the world's public thoughts, such weaponry exclusively gets out of the inclusion circle of such narrations.

As for the interferences brought about by the necessities and the authenticity of the reasonable and jurisprudential rules governing the general decrees, Ayatullah Khamene'ei knows all cases as not holding true based on the proposed ethical introductions. Rules like repelling the contingent loss, retaliation by the same means, denial of terror, deterrence by any way based upon which there is the hope of victory and the axiom of the denial of Kaffirs' domination over Muslims all take governing positions in a great many of the canonical verdicts but due to the highly risky nature of the issue there is a more superior rule that governs the issue and that is guarding the land and offspring.

Note:

1. This method in Islamic jurisprudence called *Tanghihe Manat* (Extraction of Reason)
2. In Islamic jurisprudence there are two sources as proofs to discover canonical decrees: text (Quran, narrations of the holy Imams, Imams' form of life) and reason.
3. "وإذا تولَّى سعى في الأرض ليفسد فيها و يُهلك الحرث والنَّسل و الله لا يحبُّ الفساد" (Baqarah:205)
4. Some of these ayat are: Surah Baqara: 11, 12 & 205; Al-e-Emran: 89; Sho'ara: 151 & 152, A'araf: 56&142, yunus: 81; Naml: 48; Ra'ad: 25 and Sad: 28.
5. و اعدو لهم ما استطعتم من قوه و من رباط الخيل، ترهبون به عدو الله و عدوكم
6. One writer has deduced the following: "after dismaying and terrifying the enemy, including the other Muslims, such a decision is for the good of the enemies as well because war needs equipment and programming and costs and it is followed by unwanted negative consequences that are avoided by the enemy upon not getting engaged in one" (Hosseini Khurasani, 11/06/2014).
7. "و قاتلوا في سبيل الله الذين يقاتلونكم و لاتعتدوا ان الله لا يحب المعتدين" , meaning "and kill on the path of the God the ones who kill you and do not go to extremes and, verily, the God does not like transgressors".
8. كل ما يرجي به الفتح

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