

Evaluating the Incongruity of Prohibiting the Use of Mass Destruction Weapons in Emergencies

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(Received: April 18 2021- Accepted: August 8 2021)

Abstract

One of Islam's jurisprudential and moral issues is the competence or inadequacy of using weapons of mass destruction, predominantly nuclear weapons in war or defense. The present study aimed to analyze this issue and incongruity of do not use weapons of mass destruction with necessities such as the need to maintain the Islamic system or urgency such as preventing harm when there is a suspicion of death and severe embarrassment for Muslims. The results indicated that the use of weapons of mass destruction, both conventional and unconventional, has a jurisprudential and moral prohibition under normal circumstances. There are various reasons for this prohibition: the interdiction of using poison, the ban on killing women, children, the elderly, the prohibition of using inhumane tactics, the aggression rule, the observance of animals and the environment, and the rule of sin. The use of unconventional and prohibited weapons of mass destruction, such as nuclear weapons, according to the term of international law, even in cases of necessity, has jurisprudential prohibition and moral incompetence. Evidence of use permit is distorted and inadmissible.

Keywords: Weapon, Mass Destruction, Jurisprudence, Atomic Bomb, Emergency.

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Introduction

War or defense is an issue that human beings face in their lives, so we should explain the ideological, moral, jurisprudential, and legal issues of war and Jihad according to Islam, and every science is responsible for examining some of these problems.

On the other hand, updating various tactics, techniques, tools, and methods of warfare and defense have caused the issues mentioned above always to need a new study and evaluation.

According to the above two introductions, one of the topics under consideration is the use of weapons of mass destruction, predominantly nuclear and atomic weapons, in war or defense from the Islamic perspective. Although the moral and jurisprudential ruling on this issue may appear under normal circumstances, the challenging point is the ruling on the use of nuclear weapons in cases of urgency and necessity that must be evaluated.

The argument hypothesizes that using unconventional weapons of mass destruction, such as nuclear and atomic bombs, is not permissible in ordinary and necessary circumstances. Supreme Leader says: “We do not believe in nuclear weapons, and we do not intend to build it. According to our religious beliefs, using such tools of mass murder is strictly forbidden. It is a waste of time and generation that the Qur'an forbids. We do not pursue this” (Statements in the meeting of Jamaran destroyer construction workers - 2010-02-19 = 1388-11-30).

The view or hypothesis that agrees with the use of these weapons when necessary is rejected.

The necessity and importance of examining the benefits of this issue become clear concerning the following points:

1) Given the actions of Western governments in the face of the peaceful nuclear energy program of the Islamic Republic of Iran, it is essential to examine the essence of the problem and the urgency and necessity that sometimes cause issues and objections, and its solution has numerous benefits.

2) The false propaganda of the Islam enemies to show the stern face of Islam, especially the doctrine of jihad and related issues, reinforces the necessity and importance of this research.

3) The ideas and practices of extremist Wahhabism and affiliated or similar groups such as al-Qaeda, the Taliban, ISIS, and the like, highlight the importance of this research.

Regarding the article's background, some works have been published on the principle of non-use of weapons of mass destruction in jurisprudence

and law. However, no jurisprudential, legal, or moral research has been published about the conflict between this issue and emergencies, such as the principle of the need to preserve the Islamic system.

1. Vocabulary Research

1.1. Weapons of Mass Destruction

The term weapons of mass destruction were first used on December 28, 1937, by the Archbishop of the Church of Canterbury to describe the devastation caused by the bombing of Guernica, Spain. The term is considered synonymous with unconventional weapons (Saed, 2008, 43). Some believe that Rafael Lumken first used the term weapon of mass destruction in 1944 to denote Nazi atrocities in Europe (Ardabili, 1989, 39). The first international document to explicitly use mass destruction was the indictment of October 18, 1945, against German war criminals at the Nuremberg Trials (ibid).

A weapon of mass destruction is a weapon that can kill many people and cause significant damage to manufactured structures or the environment. Weapons of mass destruction are divided into conventional and unconventional parts. Traditional weapons of mass destruction are like defensive missiles that can hit and control specific targets and not harm civilians. However, unconventional weapons of mass destruction, such as chemical, microbial, atomic weapons, and cluster bombs, are classified as weapons. In other words, unconventional weapons of mass destruction are generally classified into three categories: nuclear, chemical, and biological.

In the difference between conventional and unconventional weapons of mass destruction, we can say:

“Unconventional weapons of mass destruction have great destructive power and lead to the destruction of both classes without separating the military from the civilian (Fazel Lankarani, 2013, 10). Using unconventional weapons destroy many human beings without separation and uncontrolled, and caused a lot of damage to the environment (Alidoust, 2013, 9). Unconventional weapons of mass destruction are weapons that, when used for military or military purposes, also harm civilians or cause damage to the environment, and this damage is irreversible” (Abdi and Hashemi, 2018, 720). But conventional weapons of mass destruction, such as non-nuclear and atomic defense missiles with no such properties, have been controlled.

Weapons of mass destruction are any means and tools that cause significant damage to non-invaders, civilians, human infrastructure, and the environment. Whether this tool or weapon is primitive, such as pouring poison in the old form into the water of a village or city, or it is very advanced,

such as nuclear and nuclear weapons.¹

It should be noted that there is a difference between the production, maintenance, and use of weapons of mass destruction. The present study aimed to discuss the usage of these weapons. But from the result of the discussion, we can determine the order of production and maintenance. Therefore, if the use of unconventional weapons of mass destruction is prohibited, it will also ban their production and maintenance.

1.2. Necessity and Urgency

Necessity means need (Wasiti, 1993, 7/124) and is the infinitive of urgency. Urgency means appealing to the solution: المضطر الذي أحوجه مرض قد (Toreihi, 1995, 3/373). أو فقر أو نازلة من نوازل الأيام إلى التضرع إلى الله تعالى اضطرَّ إلى الشيء أي ألجئ لسان (Ibn Manzur, 1993, 4/483). In other words, man finds himself in a predicament that is forced to do something against his inner desire to get rid of it. According to Toreihi, urgency means need; need due to necessity such as poverty and other troubles that lead to supplication to God (Toreihi, 1995, 3/373).

2. Use of Weapons and Prohibitions

2. 1. Using the Weapons of Mass Destruction in the Normal Situation

The first question is ‘whether the use of weapons of mass destruction that caused the killing of several civilians or thousands and millions of civilians under normal circumstances is right or wrong according to Islamic jurisprudence, or is it permissible or forbidden?’

There are various reasons for the inappropriateness and prohibition of using these types of weapons, including:

2.1.1. Prohibition of Pouring Poison in the Lands of the Pagans

Imam Sadiq (AS) says: “The Prophet forbade pouring poison in the lands of the polytheists” (Koleini, 1986, 5/28; Tusi, 1986, 6/143).

In Islamic books, pouring poison into the lands of the pagans is forbidden. Some scholars have stated that this is not permissible (Tusi, 1979, 293; Helli, 1987, 1/283).

1. Ayatollah Khamenei stated: “In our opinion, in addition to nuclear weapons, other types of weapons of mass destruction, such as chemical weapons and microbial weapons, are also considered a serious threat to humanity. The Iranian nation, which is itself a victim of the use of chemical weapons, feels the danger of producing and accumulating such weapons more than other nations, and is ready to put all its resources in the way of confronting it. We consider the use of these weapons haram, and the effort to protect human beings from this great calamity is the duty of all (Message to the First International Conference on Nuclear Disarmament and Non-Proliferation - 1/28/2010).

According to these narrations, Islamic scholars have stated that shedding poison will cause the death of women, children, and civilians. Since this is not permissible, it will not be acceptable to pour poison (Tusi, 1979, 313; Ameli, Zayn al-Din (Shahid Thani), 1992, 3/25).

We conclude that any weapon of mass destruction that causes the death of civilians in war is not recommended and is forbidden by Islam. There is no difference between primitive and ancient tools and chemical, microbial, atomic, and similar bombs, and using these tools is against the ethics and jurisprudence of war in Islam.

Of course, Sheikh Tusi, Ibn Idris, Mohaqeq, Allameh, Shahid Aval, Mohaqeq Thani, and many other jurists believe shedding poison provided non-urgency circumstances that the sanctity of mass destruction weapons in an emergency is not used from the above narration. In this narration, the owner of Al-Jawahir has set aside the basic rules and has not constrained the generalization of the hadith with pieces of evidence of urgency. Because he believes that can not restrict the application of the narration because pouring of poison was in an emergency (Najafi, 1983 21/67). Therefore, it is impossible to separate pouring poison and urgency to rule generalization.

But it is not acceptable the lack of emergency rule over the narration application due to the prevalence of pouring poison in emergencies. Because the implementation of the regulations can not be assigned simply because of dominance, the applications, in this case, are subject to restriction. Therefore, the sanctity of inducing poison must be proven by another reason.

2.1.2. Prohibition of Killing Women, Children and the Elderly¹

According to some narrations, a woman and a child should not kill someone who is not military or aggressive. In war and defense, it is also used not to use weapons that kill women, children, and the elderly who are not in the military. For example, Imam Sadiq (AS) says: “The Prophet forbade killing women and children on the battlefield unless they also fought, and if they also fought, do not deal with them as much as possible and do not be afraid of disorder” (Koleini, 1986, 5/29).

Prophet (PBUH) says: “Fight the polytheists and do not do anything with the elderly and their children” (Tusi, 1986 , 6/142).

Riyah ibn Rabia narrates that “I was with the Prophet during one of the battles, he saw the body of a woman and forbade the killing of women and

1. The reason for not using the term (prohibition of attacking civilians) is that these narrations forbid attacking women and children, etc. Even in some cases, for example, if women take military action, they are still forbidden to attack them (see: Horre Ameli, 1988, 15/64).

children” (Al-Hindi, 1988 , 4/391).

Imam Ali (AS) said before the battle of Siffin: “If they fail and flee, by God's leave, do not kill the one who turned his back, and do not harm the one who does not have the defend power, and do not kill the wounded. Do not provoke women by harassing them, even if they discredit you or insult your rulers” (Nahj al-Balaghah: Letter 14).

The Prophet had recommendations when sending the armed forces to the battle of Mutah, including not to attack men who were in worship places and monasteries and had a neutral position in the war, and not to attack women, children, and the elderly (Majlisi, 1983, 21/60).

2.1.3. Prohibition of Inhumane Tactics

In Islam, inhumane actions are forbidden, such as closing the water even if in war with the enemy. For example:

In the battle of Khaybar, when the armies of Islam besieged the Jewish fortress, a Jew told the Prophet to save my life, property, and family so that I could guide you to the conquest of this fort. The Prophet said: “You are safe”. ‘What is your advice?’ The Jew said: “Command them to dig this place until they reach the water of the castle, then you can prevent the water and force the people of the castle to surrender”. The Prophet said: “I will not do such a thing until God shows us a way to conquer; of course, you are safe” (Majlisi, 1983, 21/30).

Also, in the battle of Siffin, Mu'awiyah's companions the Euphrates River and closed the water to the Imam's companions. The Imam ordered his troops to attack and take the water out of their possession. Then the Imam's companions said: “Now it is our turn to close the water on the enemy corps, but the Imam said: Take as much water as you need and then release the water” (Emadzadeh, 1982, 281).

According to these narrations, any inhuman act contrary to the human values principles and mass destruction weapons is not approved.

2.1.4. The Aggression Rule

In verse 190 of Surah Al-Baqarah, the Holy Qur'an devotes war and killing on the military personnel of the enemy and warns the warriors of Islam against the aggression and killing of people who have no role in the war: “وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ”

The Sunni and Shia commentators state that: “You should fight only the infidels who are at war with you” (Tayyib, 1999, 2/351). Never attack civilians (Makarem Shirazi, 1995, 2/19) whose killing is an example of "Aggression."

2.1.5. Observance of Animals and the Environment

Preservation of the environment is one of the examples of military rules

and ethics and war in Islam. One of these teachings is to prevent damage to trees, fields, and the like. In Islamic traditions, it is forbidden to damage trees, especially fruit trees, meadows, and lots, to cut them down and burn them (Cf. Majlisi, 1983, 19/179).

Islamic scholars, following the narrations, have condemned this practice, except in urgency when there is no choice to damage the trees and natural resources. It is permitted as much as necessary (Tusi, 1979, 299; Helli, 1987, 1/283; Najafi, 1983, 21/67; Ibn Hamza, 1987, 201).

Whenever the Holy Prophet sent Muslims to war, he advised them: "Do not cut down a tree except in emergencies" (Koleini, 1986, 5/27; Tusi, 1986, 6/138).

Elsewhere, the Prophet said: "Do not burn the palm tree and do not drown it in water and do not cut down the fruit tree and do not burn the cultivated land" (Horre Ameli, 1988, 15/59).

Indeed, only trees and fields do not have, so by eliminating characteristics of such narrations, this ruling can be applied to all-natural sources and landscapes, and damaging, destroying, and burning them can be considered immoral, except in cases of emergency.

Other teachings include the prohibition of the demolition of buildings such as schools, hospitals, and settlements. Islamic scholars have also emphasized this issue in their books and have not considered it harmful to damage people's buildings except in emergencies. Some scholars have even regarded military installations as subject to this ruling, and they are permissible to avoid destroying them except in an emergency (Tusi, 1967, 2/11)

Sheikh Tusi believes that the permission to destroy houses and castles is conditional on the prevailing suspicion in the necessity of military action; otherwise, it is better to leave it (Tusi, 1967, 2/11).

The Prophet also instructed the military: "Do not destroy the buildings" (Majlisi, 1983, 21/61).

Another teaching is the prohibition of harming animals that do not interfere in the war and are not in the enemy's service or have not been trained for the enemy's benefit, which Islam forbids except in an emergency.

In some narrations, the Holy Prophet forbade animals' mutilation, even crazy dogs (Nahj al-Balaghah / Letter 47; Alam al-Huda, 166). These narrations are absolute and include the battlefield and the time when animals are alive.

Also, narrations forbid damaging trees and fields (Cf. Majlisi, 1983, 19/179).

In other words, considering the condemnation of damaging trees and fields, it would be wrong to harm animals not involved in the war

(Vahedjavan, 2011, 102).

Accordingly, the Islamic jurisprudential and moral system that does not allow these affairs will certainly not allow the use of mass destruction weapons, including the destruction of innocent human beings, animals, trees, and so on.

2.1.6. The Rule of Sin

In the case of nuclear and atomic weapons, more than the above documents, there is the rule of sin. According to this rule, if the corruption in an act is more significant than its benefit, it would be sanctioned and prohibited, and nuclear weapons are an example of sin. These weapons have far more significant disadvantages than benefits, and we can claim that nuclear weapons have no practical use. The verse “إِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا” (Al-Baqarah/219) is about "Wine and Gamble, "but as a rule, it is applicable in any case where the greater sin is approved. Regarding atomic and nuclear weapons, all scholars agree on their corruption and greater evil. Accordingly, the use of tools that cause the death of civilians is inappropriate and contrary to the jurisprudence, law, and ethics of war and defense in Islam.

3. Conflict of the Prohibition of Using the Mass Destruction Weapons with Necessities

Using the weapons of mass destruction becomes even more challenging with the question, ‘what is the duty if this ban conflicts with emergencies?’ For example, suppose:

A) the enemy to win has made innocent people of himself or some of the Muslims hostages and captives a human shield for itself. So that without destroying that human shield with weapons of mass destruction, there is no possibility of victory, and the Muslims will be defeated and destroyed.

B) Sometimes the enemy uses these weapons of mass destruction against the Muslims, and the Muslims will be defeated and destroyed if they do not use them.

C) If the Islamic system depends on using these weapons, it will destroy its principle due to the enemy's invasion.

We face two issues :on the one hand, there is an emphasis on banning the use of mass destruction weapons. On the other hand, emphasizing the dignity, victory, and permanence of Islam and Muslims, maintaining the Islamic system, the obligation of Jihad (defense) of the lives, property, honor, and religion of Muslims, and the need to prevent the defeat and

destruction of the Islamic community.¹ Regarding the emphasis on preserving the Islamic system and defending the lives, property, honor, and religion of Muslims, we should say: “Preserving the Islamic system is a fundamental obligation” (Khomeini, 1994, 2/619).

According to the valid and abundant rational and narrative arguments, Imam Khomeini says in this regard: “The preservation of Islam is a divine duty above all other obligations, and there is no obligation in Islam is higher than preserving Islam itself. Therefore, it is upon all of us, you, the nation, and the clerics to protect this Islamic Republic from significant duties” (Khomeini, 1981-10-26, 2001, 15/329).

According to verses and hadiths, other Islamic scholars have emphasized Jihad and the defense of the boundaries of Islam and the protection of the lives, property, honor, and religion of Muslims from any aggression (Qomi, 1997, 57; Tusi, 1979, 289; Helli, 9/5; Ameli, 1996, 2/29).

‘Which is preferable between using weapons of mass destruction or the destruction of the Islamic system or Muslims?’ and ‘which one to choose?’ ‘Which issue is more important?’ according to Islam, ‘should the use of weapons of mass destruction be stopped, or should the destruction of the Islamic system and the lives, property, honor, and religion of Muslims be prevented?’

In contrast to this basis, the need to preserve the Islamic system and the lives, property, honor, and religion of Muslims; there is secularism and the separation of religion from politics. Assuming the validity or acceptance of secularism, in the conflict or antagonism of these two issues can be said: “The destruction of the Islamic system is a priority, not the use of weapons of mass destruction. According to this basis, the Islamic system and the religious government have no originality or credibility to maintain it. However, protecting the lives, property, and honor of Muslims is also contradictory and disturbing to the prohibition of weapons of mass destruction”.

3.1. Preservation of the Islamic System and the Lives and Dignity of Muslims Based on Jurisprudential Rules

The rule of "La Zarar" according to the prophetic hadith "La Zarar va La Zihar fi Al-Islam," acknowledges the removal of the necessary action and non-acceptance of harm in Islam, and two rational rules refer to the preservation of Islam. When the two activities intersect, one of its sub-principles and the rule of urgency maintain society's system and prioritizes the most important, more corrupt repulse.

1. This is especially clear with the theory of Velayat-e-Faqih, which was completed by Imam Khomeini.

According to the necessity of maintaining the Islamic system based on "La Zarar," harm to another and acceptance of damage is forbidden; the enemy can not harm the Muslim. The rule of preserving the system of society, life, property, honor, and borders of Muslims first shows that the principle of the Islamic system and the life and reputation of Muslims is more important, and this issue is more worthy of preservation. Therefore, using weapons of mass destruction is legal in an emergency.

In other words, using weapons of mass destruction is wrong if the state of war or defense is normal, not the state of necessity.

The main reason for this is the "Priority of More Important on Important" rule, which is intellectually and narratively acceptable. There is no choice but to sacrifice the critical order and act on the more substantial order in such cases. The "Priority of More Important on Important" rule is a rational rule that all wise people understand and adhere to, and Islamic law confirms it (Makarem Shirazi, 2001, 505; Javadi Amoli, 2015, 245).

One of the effects of preserving the Islamic system is issuing the religious ruler's secondary rulings and governmental rulings. Sometimes the Supreme Leader, due to the critical expediency of maintaining the system, or preventing the destruction of the origin of the system and the border of Islam, stops implementing some of the first Shari'a rules and orders the execution of secondary Shari'a rules.¹ For Example:

A) spy on the people's private affairs to identify the enemies of the Islamic system who are secretly working against Islam and the people's public interests is permissible, while spying on the people's internal affairs - which is not related to the government is prohibited.

B) The verdict issuance on the elimination of Islam opponents who cause corruption and disorder in the Muslim system and spy for the benefit of the enemies is permitted. However, the first principle implies not killing others.²

One of the jurisprudential rules is "Tatarros," which means that the permission to kill civilians and Muslims that the enemy has used as a shield against the army of Islam.

Imam Khomeini says: "According to the Islamic Jihad ruling about the believers and warning against killing the believer is that if the infidels put a group of believers, Muslims, jurists, and scientists as their shield, kill them because all are considered martyrs and go to paradise. The infidels will also go to hell. This action is to preserve the borders of Islam and the

1. To study how this issue and its arguments, refer to the relevant books, including the book *Velayat-e-Faqih*, written by Ayatollah Javadi Amoli, 2015, 242.

2. The arguments for these issues have been presented in the relevant books, and we have mentioned them as an example.

system. Keeping the boundaries of Islam is a duty that is no higher than it” (Khomeini, 2001, 16/465).

Other Imamiyyah jurists have specified the permission to kill civilians and even Muslims in cases of necessity (Tusi, 1979, 293; Helli, 1987, 1/283; Najafi, 1983, 21/68).

According to Sheikh Tusi: “Muslims in the difficult situation, can strike the enemy with catapults, fire and other things that lead to their conquest, even if there is a group of Muslims among the enemy (for example, they have shielded them). When Muslims killed among them or destroyed their property, neither Muslims nor anyone else is obliged to pay compensation like blood money” (Tusi, 1979, 293).

3.2. Conditions for Using Weapons of Mass Destruction in an Emergency

Assuming the competence and permissibility of using weapons of mass destruction in an emergency, ‘is it permissible to use any weapons of mass destruction in case of urgency and at the discretion of the Sharia ruler, i.e., the Valy-e Faqih?’

‘Is it permissible to use only some weapons of mass destruction?’

‘Is the use of ordinary surface-to-surface missiles, air-to-ground, and ordinary bombs and missiles dropped by planes on cities the same as chemical, nuclear, and atomic bombs and missiles?’¹

The more challenging problem is the using chemical, nuclear and atomic missiles and bombs have far worse effects and, for a long time, seriously endangers the lives of humans and other living organisms. Such weapons, by definition, will destroy all existing movement in the region for decades to come.

The primary point in this challenge is the natural difference between chemical, nuclear, and atomic weapons of mass destruction and conventional weapons of mass destruction (such as missiles and ordinary bombs).

In the "Tatarros" rule, a human shield against a military target may or absolutely would be killed; it is permissible as a matter of urgency and in compliance with the law “in urgent cases should be content oneself with necessary” .But in nuclear and atomic weapons, there are no conditions fulfillment of urgency and necessity, and it is impossible. Still, many killed people who were not shields and destroy the next generation and mortals.

1. The difference between the two is that only the latter, according to international definitions, are prohibited means of mass murder. It shows the precision of the religion of Islam, which considers even the use of ordinary weapons of mass destruction, which are not forbidden by custom, inappropriate in normal circumstances and allows only in cases of urgency and necessity.

Human casualties and environmental damage, and the harmful effects of using such a weapon remove the purpose of legitimacy. According to the "Tatarros" and the like, rationally, a few innocent victims have been forgiven in the face of a greater goal in some circumstances.

In other words, the nature of nuclear and atomic weapons of mass destruction is evil, and there is no permissible use of it. Hence, its use has no intellectual and narrative authorization.

To protect the Islamic system and the lives, property, honor, and religion of Muslims, or if the enemy uses these chemicals, nuclear and atomic weapons (i.e., in times of emergency), 'can Muslims be allowed to use them?'

'Can these devices not be used because the device must have some intellectual or customary licenses?'

In the first case (absolute permission), the Valy-e Faqih can also order the use of nuclear weapons and atomic bombs in matters of vital necessity and practicality. In the second case (conditional permission, not absolute), the Valy-e Faqih can only permit those who have rational or customary licenses in case of need. The use of non-nuclear and non-atomic bombs is expected to be ordered by the Valy-e Faqih. But non-atomic missiles and bombs that they are using in war are not under custom or international law, according to Valy-e Faqih, are forbidden.

A third view is after the enemy attack with nuclear weapons, the Valy-e Faqih can order retaliation.

Another viewpoint is if the Supreme Leader can use weapons if we believe in the absolute Velayat-e Faqih, but it is not acceptable according to the particular Velayat. Great people like Imam Khomeini, who were based on the absolute Velayat-e Faqih, did not believe to this extent the authority of the jurist and even excluded the elementary Jihad (Cf. Mousavi Khomeini, 2000, 1/482). When the Supreme Leader cannot order a primary Jihad, he cannot authorize using the prohibited weapons of mass destruction, such as nuclear and atomic weapons.

Using weapons of mass destruction (such as nuclear and atomic weapons), which are indecent in custom or has an international ban, causes the international community to distrust religion and Muslims and endangers the reputation of religion and Islam. This issue could be another reason or evidence for the inadequacy of using nuclear weapons of mass destruction, even in cases of urgency.

Considering the previous contents and assuming the acceptance of the discussion and challenges assumptions, the following points are significant:

First, the challenge is the importance of necessity and practicality, not the

ordinary situation. The premise inflicts a significant defeat on Muslims, destroys the Islamic system, or uses these weapons against Muslims. If there is no retaliation, it will ruin Islam or Muslims or the borders of Islamic society.

Then, using these weapons and recognizing necessities and interests is Valy-e Faqih's duty or representative in such matters, not every Muslim; obviously, accurate diagnosis is complicated and requires particular criteria.

Due to these two issues, using nuclear and atomic weapons will also be allowed.

Because the issue of necessity and urgency depends on different conditions and assumptions, and in each case, it has its requirements.¹

The essential and more essential rule applies here as well.

This rule is derived from religious texts:

“فَمَنْ اعْتَدَى عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَى عَلَيْكُمْ وَ اتَّقُوا اللَّهَ” (Al-Baqarah/194)

“وَ إِنْ عَاقَبْتُمْ فَعَاقِبُوا بِمِثْلِ مَا عُوقِبْتُمْ بِهِ” (Al-Nahl/126)

Both verses present the issue of retaliation. Therefore, if the enemy uses a nuclear weapon, the Muslims can also use it.

If the Islam enemies are sure that even if they use nuclear weapons against Muslims, they will not do so, they will courage to attack Muslims with such weapons in necessity. Conversely, if the enemy assumes that Muslims will retaliate if they use nuclear weapons; and even this will significantly reduce the likelihood of enemy use.

Quran says: “وَ أَعِدُوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ وَ مِنْ رِبَاطِ الْخَيْلِ تُرْهِبُونَ بِهِ عَدُوَّ اللَّهِ وَ “ (Al-Anfal/60): “And to fight the enemy [prepare against them to the utmost, such as armed forces and strong horses and provisions for fighting, to frighten the enemy of Allah as well as your enemy and others besides them, whom you do not know them, but Allah knows them; and whatever you spend in Allah's way will be repaid to you, and you shall not be dealt with, unjustly”.

Because despite the hostility and vigorous opposition of the Islam enemies who did not give up anything, this issue is one of the most important factors preventing the enemies' invasion and the survival of Islam and the lives and property of Muslims.

But Valy-e Faqih can authorize using any weapon, even nuclear or atomic, in case of recognition of necessity or important expediency.

However, in which the authority of Valy-e Faqih is not so much even based on absolute Velayat, according to the issue assumption, this problem is eliminated.

Islamic scholars believe that in defending the borders of Muslims, life,

1. Depending on the circumstances, sometimes it is necessary to kill only one person and sometimes to kill thousands.

honor, and religion, the permission of the Imam or his deputy is not a condition (Khomeini, 2000, 1/485). And presumably, it is a matter of defense, not elementary Jihad and the like.

Defensive Jihad in Islam means that Muslims are obliged to confront and defend any individual or group that has invaded their lives, honor, property, border, and everything that belongs to them (Ameli, 1990 ·2/377).

It is even permissible for Muslims to fight behind a cruel leader to save the unity of Islam and the Islamic society from the aggressors. Provided that in this Jihad, they do not intend to help the oppressive ruler, but intend to liberate the Islamic land (Helli, 1997, 1/109; Shakuri, 1998, 370).

The discussion and assumption will eliminate the international community's distrust of religion and Muslims and the faith and Islam discrediting.

3.3. Altered Evidence for Using the Unconventional Weapons of Mass Destruction

What was argued and concluded is distorted.¹ The primary necessity claimed in the above argument is the destruction of Islam, the Islamic system, and Muslims' lives, property, and honor.

The question is, 'does this presuppose the disappearance of all Islam, Muslims or Shia, or only the disappearance of a part of Islamic lands territory, some Muslims and a government system?'

If the intention is the first case, it will never fulfill this assumption externally. In other words, this assumption is usually impossible.

The whole of Islam and all Muslims will never perish; because:

First, God Almighty has promised the preservation of the Qur'an (Al-Hijr / 9) and the permanence of the religion of Islam and has even predicted its pervasiveness (Al-Tawbah / 33 and Al-Saf / 9).

Secondly, according to the Shia, there is always an alive Imam after the Prophet (PBUH) and will preserve the religion, even if he is absent.²

Thirdly, intellectually and empirically, the enemy can't destroy all the religions of Islam or Muslims, or Shia, even with nuclear weapons and atomic bombs.

Therefore, the destruction of the whole of Islam or the life, property, and honor of all Muslims is a hypothesis that cannot be realized externally. So, we cannot consider it as a matter of necessity. Necessity has degrees,

1. The point of discussion in this section is the special use of unconventional weapons of mass destruction, such as nuclear weapons, when necessary. In other words, the same term that is known in international law as a weapon of mass destruction and has a customary and legal prohibition.

2. The reasons for this have been explained in Shia theological books such as *Kashf al-Murad* by Allama Helli.

and the need is not enough to prescribe a nuclear weapon.

But in the second case, we have no reason to say using unconventional weapons of mass destruction, such as nuclear weapons, is allowed; because we can maintain this necessity with other things. Those are creating a robust defensive shield that prevents the collapse and destruction of the Islamic system or the lives, property, and honor of Muslims, or preventing a nuclear attack or thwarting atomic attacks.

‘What is our duty if we can not create such an obstacle or shield or use other conventional issues to defend?’ We respond that we are not allowed to use prohibited and unconventional devices such as nuclear weapons, even in this case. The reason is that a religious license is required to use devices that cause widespread loss of life to innocent or civilian people, animals, the environment, etc., and we do not have such a license. It is forbidden to kill innocent humans, animals, and civilians. We have no valid reason to get out of this ban. In Islamic events, too, the Imams did not do so. The best explanation for this is the event of Karbala. Imam Hussein was embodied Islam, and the absolute right knew that he and his companions would be martyred and his family would be captured; he did not take any unusual activity during the war. He did not even start a war to finish the job in his favor. When the companions of Imam Hussein faced the forces of Horr bin Yazid Riahi, Horr said: “You have no right to return, and I am on duty to be with you”. Zuhair Ibn Qayn suggested to the Imam that fighting this small group now is easier to fight this group with auxiliary force. Imam said: “I do not want to start a war” (Majlisi, 1983, 44/380).

The Prophet and Imams' tradition is the opposite. The Prophet never used unconventional acts of war even when the Muslims were defeated and suffered casualties. Imam Ali never used uncommon actions in the battles of his rule and even forbade them (Majlisi, 1983, 21/30).

The more essential and essential rule is here, but the discussion introduction has a problem. The most important is not to use weapons of mass destruction, and it necessary is to preserve the appearance of the Islamic system in a country or to preserve the life and property of some Muslims. Therefore more critical has precedence significant even though some Muslims are martyred.

But the argument to the two verses of the Holy Qur'an and other religious texts that seemingly say retaliate is limited to the ordinary, not the unusual and the like of nuclear weapons. Imams' behavior in the wars, who interpreted the meaning of retaliation and did not allow the use of inhumane tactics and unconventional methods (such as closing the water) even when used by the enemy. This group of texts or appearances aims to

retaliate against the aggressor and the military enemy, not the innocent and non-aggressors.

The issue of possible deterrence to preserving the rule of maintaining social order, using such weapons in case of the enemy's initial use is potential requires a valid intellectual and narrative license that does not currently exist. And as we have seen, we have various reasons for banning the use of mass destruction weapons. Secondly, it creates new tensions between Muslims and the enemies, and the fire of war and the resulting casualties may even become more widespread. Finally, with the disappearance of necessity, the international community's distrust towards religion and Muslims and the disgrace of religion and Islam remain in force.

According to potential sense and arguments context, the production and maintenance of unconventional weapons of mass destruction and their use are prohibited, improper, and not permissible.

Conclusion

Under normal circumstances, using both conventional and unconventional mass destruction weapons has jurisprudential and moral prohibition. There are various reasons for this ban: the ban of using poison, the prohibition of killing women, children, the elderly, the prohibition of using inhumane tactics, the aggression rule, the observance of animals and the environment, and the rule of sin.

Also, the production, maintenance, and use of unconventional and prohibited weapons of mass destruction, such as nuclear weapons (as defined by the term of international law), even in cases of necessity, is not permitted and has jurisprudential and moral incompetence. Evidence that confirms their use is distorted and inadmissible.

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