

JURISPRUDENTIAL AND LEGAL ANALYSIS OF WMDS PROLIFERATION AND APPLICATION PROHIBITION, EMPHASISING ON BIOENVIRONMENTAL IMPACTS

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ABSTRACT

After the atomic bombardment of the two cities of Nagasaki and Hiroshima by the USA, the international communities figured out this important issue that the destruction by this type of weapons is beyond human imaginations and that they not only sacrificed the human beings and cities but also blindly annihilated all living beings and, more importantly, the environment for a long period of time; based thereon, they started thinking about restricting them and many efforts have been so far made in this regard by the foresaid communities.

But, the life-bestowing school of Islam has reminded the mankind of the importance of the environment centuries ago and made strict warnings concerning the destruction and damaging thereof. Islamic jurisprudence and law and, fortunately, international laws contain valuable materials and articles explicitly underlining the prohibition and forbiddance of proliferating and applying weapons of mass destruction (WMDS). The present article has been authored in line with the accomplishment of this goal so as to show that the proliferation and application of these weapons is taboo and completely forbidden and refuted from the perspective of the Book and Sunnah.

Keywords: *Weapons of mass destruction, Nuclear warfare, Microbial warfare, Chemical warfare, the Book, Sunnah, leaders' way of conduct, Global communities, Jurisprudence, Islamic law, International law.*

INTRODUCTION¹

The proliferation, accumulation, and application of weapons of mass destruction represent the culmination of political and military power of the world's political powers from the materialistic perspectives throughout history. These political powers launch ruthless massacres and tyrannically oppress the weak nations and drive them to the abyss of brutal slaughter to stabilize their authority. But, school of Islam carries a prophetic mission and teachings inviting the mankind, disregarding their color, religion, and race and or their specific spatial and temporal zones, to have peaceful life and it never accepts violence, blind killings, imposition of loss to the other fellow human beings and also even animals and environment as well as the unlimited and unconditional domination of an individual and/or a society on the others.

Islam gives abundant importance to the environment and healthiness of the earthly sphere and its cleanliness from any kind of pollutions endangering the health of the human beings and the other creatures living therein because the earth is the only birthplace of the human civilization

¹ Hint: In this article, the translations by Ayatollah Makarem Shirazi (May Allah keep his sublime shade continuing) have been utilized for the meanings of the Holy Quran's ĀYĀT.

and it is on this same earthly sphere that the human talents flourish and the ground is set for human perfection. The Holy Quran realizes the destruction of the environment as an example of promoting corruption in the whole earth and denounces it.

The Holy Quran, narrations, jurisprudential regulations of the two sects, Shiite and Sunni, and the perspectives of both Shiism and Sunnism all loudly and clearly express their opposition to the proliferation and application of WMDs. For example, the last clear-cut decree in this regard is the precious words by the Supreme Leadership who explicitly prohibits the proliferation and application of such weaponry in the following command: “In our opinion, besides the nuclear weapons, the other kinds of WMDs like chemical and microbial weapons are also serious threats to the mankind. Iranian nation that is itself the victim of the application of chemical weapons feels the danger of proliferation and accumulation of these types of warfare more than the other nations and it is ready to align all its facilities towards the fight against them. We declare the prohibition of the use of these weapons and know it the duty of everyone to make efforts for immunizing the mankind against such a huge disaster” (Supreme leader His Highness Ayatollah Khamenei, 04/27/2010). Efforts have been made in this article to investigate and analyze the Islam’s perspective regarding the devastating effects of WMDs on the environment. To do so, reference is made to the ĀYĀT and narrations indicating Islam’s attention to and protection of environment; then, the issue will be subjected to the jurisprudential and legal investigations.

1. Examples of Islam’s Attention to the Environment:

Holy Quran, narrations, and leaders’ way of conduct signify their attentions to the safeguarding and conservation of the environment and giving due to the importance to this civilization cradle.

A) Holy Quran:

Here, a number of countless divine ĀYĀT unveiling the importance of the environment will be pointed out. These ĀYĀT show it well that God gives so much value to the protection of the earth He has created.

- 1) Holy Quran introduces the destruction and degradation of environment, including human generations, natural resources, animals, farms, and ecosystems as examples of corruption and denounces them: “*Wa Ezā Tavallā Sa’ū Fi Al-Arz Li Yofsed Fihā wa Yohlek Al-Harth wa Al-Nasl wa Allah Lā Yohebb Al-Fasād*”² meaning “[its sign is that] when they turn their faces away [and leave your presence], they make efforts to corrupt the earth and destroy the domestic animals and cultivations; [while knowing that] God does not like corruption”.
- 2) From the perspective of the Holy Quran, the earth is the arena of human beings’ testing by God for the performance of the good deeds and behaviors so that the dimensions of thinking well and behaving well can be showcased. Based thereon, it is ordered that “we have decorated the earth so as to test you and see which of you behaves well” (*Ennā Ja’alnā Mā Alā Al-Arz Zayyanahū Lahā Li Nablowawhom Ayyohom Ahsano Amalan*)³.
- 3) In Ibn Harrani’s idea, the human beings are responsible before God for the gifts and blessings they are consuming for they have not been left on earth

²BAQARAH: 205

³KAHF: 7



purposelessly. “*Ayahsab Al-Insān An Yotrak Sodī’e?*” meaning “does mankind think he has been left purposelessly [and without any obligation and responsibility]?”⁴ (Ibn Harrani, 1990, p.325).

B) Narrations:

Islamic narrations, parallel to the Holy Quran, have emphasized on the importance of the environment and denouncing unkind treatment of it and have shown that the human beings need a healthy environment to reach the favorable perfection. This way, the human beings should know that the environment belongs to everyone and that they are responsible to do their best for conserving it and making it prosperous and striving so that they can also benefit from its gifts because as it is ordered by Imam Sādeq (PBUH) “*La Tatīb Al-Soknā Ellā Bi Thalāth: Al-Hawā ’a Al-Tayyeb wa Al-Mā ’a Al-Qaziz wa Al-Arz Al-Khawwārah*” meaning “one cannot live a pleasant and sweet life without a clean environment, i.e. clean air, abundant water, and fertile land” (Harrani, 1990, p.335).

Islam pays a particular attention to the environment and mentions a lot of material and spiritual reward for those who endeavor to restore and maintain it; the following narrations are some examples in this regard:

- 1) Planting trees in Islam is the cause of great rewards; the great messenger of God (may Allah bestow him and his sacred progeny the best of His regards) orders that “*Mā Min Rajolen Yaqras Qarsan Ellā Katab Allah Lahū Min Al-Ajr Qadra Mā Yakhroj Min Thamare Zāleka Al-Qars*” meaning “when a person plants a tree, God writes rewards for him [or her] as long as it produces fruits” (Saywati, 1994, 2:514).
- 2) But, on the other hand, if the nature and the material facilities are not properly and appropriately utilized, it will be followed by harmful and occasionally irreparable outcomes such as polluting waters needed by people such as contamination of water behind the dams and water of the ditches, springs, wells, and reservoirs that will be followed by punishment. Imam Sādeq (PBUH) orders that “*Lā Tabol Fi Mā ’a Naqi’e, Fa Ennahū Man Fa’ala Zālek Fa Asābahū Shay’on Fa Lā Yalumonna Ella Nafsahū*” meaning “do not urinate in the stagnant and non-flowing water, for the person who does so would be inflicted with a disaster for which she/he should not reproach anybody but his or her own self” (Sheikh Saduq, 1965, p.283).
- 3) Islamic narrations are also not silent regarding the reconstruction and rendering lands prosperous and there are many everlasting recommendations made in this regard. Imam Ali (PBUH) orders Malek Ashtar in this regard that “*Walyakon Nazaroka Fi Emārah Al-Arz Ablāqa Min Nazareka Fi Estejlāb Al-Kharāj Li Anna Zāleka Lā Yodrako Ella Bi Al-Emārahū wa Man Talaba Al-Kharāj Bi Qair Emārehi Akhrab Al-Bilād wa Ahlak Al-Ebād*” meaning “You should pay attention to the reconstruction and prosperity of the land more than focusing on taking tributes because tribute cannot be attained except by reconstruction and prosperity and



⁴ QIĀMAT: 36

he who demands tribute without reconstruction and prosperity would destroy the cities and perish God's servants" (Makarem Shirazi, 1995, 11:78).

This is while the weapons of mass destruction cause such a widespread destruction that is not consistent under any title with the humanitarian teachings of Islam. Of course, it is worth mentioning that the prohibition of these weapons has not only been proved in Islamic jurisprudence but it has also been verified from legal perspectives and the Islamic law's articles affirm it. The forthcoming part deals with the investigation and offering of jurisprudential regulations and Islamic thinkers' ideas and analysis of its legal articles.

2. Weapons of Mass Destruction:

The term weapons of mass destruction (WMDs) was first offered in 1937 by a journalist in Times Newspaper and it was later on taken as synonymous to the unconventional warfare in the literature on disarmament laws (Sa'ed, 1997, p.43).

Then, in 1948, the phrase "weapons of mass destruction" was applied in one of the documents of the commission for "conventional armament" and it has been since then used in the form of the currently applied expression (Sa'ed, 2008, p.43).

3. Examples of Weapons of Mass Destruction:

"Weapons of Mass Destruction"⁵ include chemical warfare, biological warfare, and atomic warfare that are abbreviated as A.B.C. and conventional armaments are used as the opposite point to them. The use of nuclear bombs in WWII by the US and the other countries' tendencies towards having WMDs and their efforts for gaining access to such devastating armaments caused the global community to become sensitive to them more than before and make twice as much effort in the international arena for controlling and eradicating them, especially nuclear weaponry (Momtaz, 1998, p.12).

4. Devastating Effects of WMDs:

As mentioned above, these weapons are blind and make no distinction and difference between military men, civilians, lifeless nature, plants, and animals and separation does not make any sense to this type of weapons. Some of the most important devastating effects of these weapons can be realized as the followings:

A) Chemical Weapons:

The destructive effects of chemical weapons are varied and diverse and some of the most important ones of them include physical and mental defects, creation of nervous-psychological disorders, blood infection, and annihilation of plants and animals. As for the damaging effects of these weapons, it should be noted that they neutralize the military vigor of the opposite party making it deprived of the fighting power.

Chemical weapons that cause vast massacres do so through disrupting the nervous system. The other effect of the chemical weapons is rendering the soil infertile and they are used for contaminating the land and preventing or slackening the plant growth (Momtaz, 1998).

B) Biological Weapons:

The biological weapons can be divided into three sets of bacteria, viruses, and fungi. The application of the first set of these weapons leads to diseases like anthrax, plague,

⁵ UN.DOC.S/C.3/32/Rev.1, The Commission on Conventional Armaments, 12th of August, 1948



brucellosis, typhoid, and dysentery; the use of virus weapons would be accompanied by diseases like yellow fever, pox, and encephalitis (Momtaz, 1998, pp.94-106).

C) Atomic Weapons:

Atomic weapons are the most devastating warfare discovered and constructed by making up to now. The vast destruction range of these weapons is beyond the present study's scope but attentions can be summarily directed to the point that, besides the direct destructive impacts, "the thing that is released in testing the nuclear weapons expands invisibly and latently on earth and causes cancer, congenital defections, mental retardation, immunity system destruction, stillbirth, and other physical problems" (Momtaz, 1998).

5. Weapons of Mass Destruction and Their Prohibition Basics:

Prohibition of weapons of mass destruction can be proved from numerous aspects and, according to the foundations mentioned below, it will be shown that the production and application of these weapons have been given no room in the Islamic teachings. Even such a phenomenon as Jihad in Islam should be also carried out within the humanitarian frameworks and regulations. For instance, the basics of Islam's humanitarian laws, i.e. life right, justice, and valuing the human veneration are amongst the cases that cannot be flawed at all even in the arena of fighting the enemy. The present study also explored the issue in adherence to this same goal.

5.1. Weapons of Mass Destruction and Life Right:

Life right is amongst the most important rights that every human being and any other living creatures can and have to have. Having life is the natural right of every human being. Discussions and conversations can be made about the other rights as long as such a right is preserved and respected for the society members and speaking about any other right would be useless without it. Life right has been given so much importance in the Islamic teachings that the deprivation of it from even one human individual, even with mental retardation and physical disability and even insanity, is equivalent to the murdering of all the human beings from the beginning to the end of the history; it is as if one has murdered the entire humanity.

Murdering and slaughtering the human beings have been prohibited in the Holy Quran and narrations from the Immaculate Imams (peace be upon them) with an unprecedented emphasis and explicitness and the sinfulness of killing a single human individual has been recounted as being equal to killing all the human beings: "... *Man Qatala Nafsan Bi Qaire Nafsen Aw Fasād Fī Al-Arz Fa Ka Annamā Qatala Al-Nās Jami'an Wa Man Ahyā hā Fa Ka Annamā Ahyā Al-Nās Jami'an*"⁶ meaning "he who kills a person not for Qisās (retaliation) or out of corruption on earth is like the one who has killed all the human beings and he who saves a person's life is like the one who has saved all the human beings".

5.1.1. Investigating the Surface Meaning and Purport of the Honorable ĀYA:

- 1) Undoubtedly, the above ĀYA has this surface meaning that the term "Nafs" [person] incorporates all the human beings "other than those who



⁶ MĀ'IDA: 32

have perpetrated crimes and deserve punishment and retaliation” (Allameh Ja’afari, 1991, p.250).

- 2) Allameh Fazlollah was of the belief that “There are only two reasons for the legitimate killing of a human: murder and corruption on earth; based thereon, the individuals’ mere being the wives and children of an enemy or being Kaffirs without instigation of fight against Muslims cannot be an excuse for killing of them” (Fazlollah, 2001, p.261)
- 3) Allameh Ja’afari and others of the two sects’ jurists believe that the resuscitation and saving of the humans’ lives is not a recommended matter as viewed by the ethereal canons rather “the life right of the respected soul is a fixed axiom and not only no one’s life can be harmed due to the expediencies of this right but also every person having the ability of protecting the respected soul from damage and murder is obliged to do so by any possible means (Ibit).
- 4) The honorable ĀYA introduces the saving and guidance of every human being as reviving of the entire human beings’ lives; therefore, the continuation of the human beings’ lives is so valuable from the perspective of the Holy Quran that if a person can save a person from physical death and spiritual annihilation, its value will be as if she/he has saved all the human beings’ lives; on the other hand, from the perspective of the Holy Quran, the valuable position of the human life is so much important that the life of no human being can be harmed without access to the definite divine verdicts (Javadi Amoli, 2009, p.176).

This type of right, i.e. life right, is completely different from the other rights human beings are enjoying because the possession of life right does not render it permissible for them to make unbridled changes in their material or spiritual lives leave alone their paving of the way for the others to make interferences with them.

Therefore, from the perspective of Islam, “life is a beloved manifestation of God’s magnificence and every person should do his or her best to the extent she/he has the ability to prepare the means of its optimal continuation and repel the life losses (to one’s own and others’ life) otherwise she/he has perpetrated a crime and deserves punishment” (Allameh Ja’afari, 1991, p.255).

5.1.2. Islamic Jihad and Extents of Life Right:

Since jihad is closely interlaced with life right in Islam, it is seminally necessary to clarify this relationship. The thing striking the general public’s mind when speaking about Islamic jihad is raid, plunder, burning of the farms, destruction of the cities and homelands of the enemies, and brutal and uncalculated murder solely for the occupation of the lands of Islam’s enemies, whereas the Islamic jihad’s spirit is completely strange to such perceptions.

Islam’s essential mission is getting human beings arrived at perfection, establishing human justice and preparing them for the servitude of God and deliverance from the servitude of the tyrannical powers. In Jihad on the path



of God, the efforts for guiding and saving the human beings from deviation and getting killed in ignorance and illiteracy are amongst the sublime goals and killing the foes to the largest possible number is not at all an objective. Based thereon, as agreed in a consensus by the Imamiyyeh and Sunni jurisprudents, it is necessary and compulsory to invite everyone to Islam even those who are considered as the ready military force of the enemy in the battlefield before instigating war (Najafi, 2019, 21:51-52).

Sokuni quotes Imam Sādeq (PBUH) in the following words: “*Qāl Amir Al-Mo’menin Ba’athani Rasūl Allah (Salla Allah Alayhe wa Ālehe) Elā Al-Yemen wa Qāl Li Yā Ali La Toqatelna Ahadan Hattā Tad’ūho Wa Ayyem Allah Alā Yadayka Rajolan Khairan Lak Mimmā Talla’at Alayhe Al-Shams wa Qarabat ... Yā Ali*” meaning “Amir Al-Mo’menin ordered that God’s apostle dispatched me to Yemen and ordered it to me that O’ Ali, do not fight with anyone unless you have first invited him [to Islam] and I swear to God that it would be better for you than the thing for which the sun rises and sets if a person is guided by you” (Kolaini, 1986, 9:176).

The other point is that the war is permissible after invitation to Islam with those who instigate war against Islam not with the non-warriors and children and women, old people, sick persons, those who refrain from fight and even the impartial human groups. This divine verdict is also explicitly understood from the honorable ĀYA 190 of SŪRAH BAQARAH that orders “*Wa Qatelū Fi Sabil Allah Al-Lazina Yoqatelūnakom wa Lā Ta’atadū Enna Allah Lā Yohebb Al-Mo’tadin*”⁷ meaning “exercise jihad on the path of God with those who rise up in war and enmity towards you and do not abuse for God does not like abusers”.

In this honorable ĀYA, the eminent God orders the fight with those who have risen up to combat with Muslims and simultaneously prevents the Islamic warriors from any sort of abuse and invasion beyond fairness in war, defense and so forth and considers the individuals doing so as deserving the wrath of God so as to rebuke and denounce the abusers (Javadi Amoli, 2008, 9:569).

The reference to the jurisprudential chapters related to jihad in the jurisprudential sources makes this truth clear that the late Allameh Helli attributes the aforementioned individuals’ enjoyment of such a support and immunity in the course of armed hostilities to the consensus by Imamiyyeh jurisprudents; it has also been ascribed to a hadith from the great apostle of Islam (may Allah bestow him and his sacred progeny the best of His regards) as evidenced in the words of the majority of Sunni jurisprudents (Helli, 1992, 14:98).

In *Osul-e-Kafi*, it is narrated from Imam Sādeq (PBUH) through Muhammad Ibn Hamran and Jamil Ibn Darraj that “*Kāna Rasūl Allah (Salla Allah Alayh wa Ālehe) Ezā Bā’tha Sariyeh Da’ū Bi Amirehā Fa Ejlasahū Elā Janbehi wa Ejlas*



⁷ BAQARAH: 190

*Ashābahū Baina Yadayhe Thomma Qāl Sirū Bi Esmē Allah wa Bi Allah wa Fi Sabil Allah wa Alā Mellata Rasūl Allah La Toqayyarū Wa Lā Taqollū Wa Lā Tomathelū Wa Lā Taqta'ū Shajarahū Ella An Toztarrū Elayhā Wa Lā Taqtofū Shaikhan Fāniā Wa La Sabiyyan Wa La Emra'ahū Wa Ayyomā Rajolon Min Adnā Al-Moslemin Wa Afzalehem Nazara Elā Ahadon Min Al-Moshrekin Fa Howa Jaro Hattā Yasma'o Kalām Allah Fa Ezā Same'a Kalām Allah Azza Wa Jalla Fa En Taba'akom Fa Akhūkom Fi Dinekom wa En Abā Fa Esta'einū Bi Allah Alayhe Wa Ableqūho Ma'amanahū*⁸ meaning “when God’s messenger (may Allah bestow him and his sacred progeny the best of His regards) wanted to dispatch an army, his highness invited the commander and sat him on his side and asked the assistants to sit in front of him and subsequently ordered that be dispatched to the name of God and by the assistance of God and in adherence to your prophet’s rituals; do not break your promises, do not practice disloyalty in the tributes, do not skin the enemy troopers and do not cut the trees unless you are incumbently forced to do so; do not annoy the old men and do not kill the children and women; and, when a man from the Muslims or their virtuous individuals announces the immunity of one of the polytheists who wants to listen to the divine words consider him as your religious brother if he follows your orders (accepts your religion) after hearing the divine words otherwise seek assistance from God if he refrains and get him to his safe position (homeland)”.

Now, the question has to be proposed considering these canonical documents on the immunity and veneration of the innocent individuals’ lives in the armed hostilities that how can the implementation of humanitarian rights be doubted or how can the application of weapons of mass destructions against the innocent and civilian human beings be attributed to Islam and its brilliant verdicts while the abuse to the life of the same human groups has been explicitly prohibited even without the existence of mutual treaty and agreement? (Tusi, 1997, 2:13)

How the school of the messenger of which is eagerly concerned day and night for saving the human beings, even the stubborn Kaffirs, can be accused of seeking violence and demanding the application of weapons of mass destruction against the innocent human beings while the Eminent God describes the very messenger of His in the following words: “*Laqad jā 'akom Rasulon Min Anfosekom Azizon Alayh Mā Anettom Harison Alaykom Bi Al-Mo'menin Ra'uffon Rahim*”⁹ meaning “verily, a messenger came to you from amongst you; grievous is to him what you suffer; [he is] concerned over you and he is kind and merciful to the believers”. It means that not only he does

⁸ This narration can be found in the following sources: Faiz Kashani, Al-Wāfi, v.15, p.95; Abu Ja'afar Ahmad Ibn Muhammad Ibn Khalid Al-Barqī, v.2, p.355, hadith 51; a similar example of this same narration can be also found in the Sunni narrative sources, including 1) Al-Bayhaqi, Al-Sunan Al-Kobra, v.9, p.90; 2) Al-Zilaqi, Nasb Al-Ro'yah, v.4, p.235; and 3) Ibn Abdullah, Al-Tamhid, v.24, p.232

⁹ TAWBEH: 128



not become happy about your pains but he will not be also indifferent; he feels severe pain about your sufferings and his insistence on your guidance and burdensome and troublesome wars serves your own safety and release from the claws of the tyranny and oppression and sin and misery (Makarem Shirazi, 1995, 8: 207).

Yes, God's messenger (may Allah bestow him and his sacred progeny the best of His regards) is the manifestation of the divine attributes and he is kind and benevolent towards the servants of the Eminent God and continuously demands their felicity and material and spiritual happiness and he never wants them to be afflicted in their lives with the least distress and disruption (Mostafavi, 1995, p.314).

It is stated in the narrative sources that Amir Al-Mo'menin Ali (PBUH) made the following recommendations to his assistants before the onset of Saffain Battle: "*Lā Toqātelūhom Hattā Yabda'ūkom Fa Ennakom Bi Hamd Allah Alā Hojjaten Wa Tarkokom Iyyāhom Hattā Yabda'ūkom Okhrū Lakom Alayhem; Fa Ezā Kānat Al-Hazimatun Bi Ezn Allah Fa Lā Taqtaḷū Modberann Wa Lā Tosibū Moevran Wa La Tojhezū Alā Jarīh Wa Lā Tahijū Al-Nisā'a Bi Azan Wa En Shatamna A'arūzakom Wa Sababna Omarā'ekom ...*"¹⁰ meaning "Do not fight with them unless they started war because, thanks to God, the proof is with you and leaving them to begin fight with you would be another proof for you against them; if they were defeated and escaped by the will of God, do not kill the ones who have turned their backs on you and do not harm those who cannot defend themselves and do not kill the injured; do not incite the women by beating them even if they defame you or insult your commanders".

The Islamic teachings declare their message with such an utmost eloquence while "in the contemporary world, the preemption of some despotic powers for achieving the WMDs including the nuclear, biological, and chemical weapons has provoked a daily increasing competition between the countries and, considering their extraordinary explosive and destructive power, they have no possibility for restricting the devastation range and separating between the military and civil forces" (Momtaz, 1998, p.13).

Anyway, considering the eternal and universal goals of Islam for the guiding and saving mankind as the creatures of God and included in the circle of His reverence without any discrimination in terms of race, color, nationality, and special citizenships, it can be concluded in a scrutinizing and fair investigation of Islam's heavenly teachings that "*Al-Khalq Kollohom Ayā Allah Fa Ahabbahom Elā Allah Azza Wa Jall Anfa'ahom Li Ayālahū*" meaning "all of the people are the members of God's family and the dearest of them to the magnificent and eminent God is the one who is the most useful to His family" (Horr Ameli, 1988, 16: 345).



¹⁰ NAHJ AL-BALAQA, Letter 14, translated by Shahidi

If the Islamic teachings were different from this, why is it so that the great prophet (may Allah bestow him and his sacred progeny the best of His regards) did not kill all those stubborn Kaffirs and Islam's enemies when in the peak of the Islamic government's authority and why is it so that Amir Al-Mo'menin Ali (PBUH), the leader of the greatest global governance in the then era, regretfully speaks of foreigners' taking away of a Jewish woman's anklet and wished death?

So, it can be asserted and confessed based on the evidence and proofs in the Quranic and narrative documents that the attentions to the humanitarian right issues is well evident in religious texts and leaders' way of conduct and the abuse to the innocent and non-warring human beings are commanded to be illegitimate and contradictory to the felicity-bestowing goals of Jihad on the path of God; Imam Ali (PBUH) addresses Malek Ashtar Nakha'ei in a governance charter in the following order "... *Iyyaka Wa Al-Demā'a wa Safakohā Bi Qaire Hellehā Fa Ennahū Laisa Shay'en Adnā Li Neqmah Wa Lā A'azam Li Tabe'ahū Wa Lā Ahrū Bi Zavāl Ne'ema Wa Enqetū'a Moddah Min Safk Al-Demā'a Bi Qaire Haqqihā Wa Allah Sobhānahū Mobtade'on Bi Al-Hokm Bain Al-Ebād Fimā Tasāfakū Min Al-Demā'a Yawm Al-Qiāmah Fa Lā Toqaviyyana Soltānaka Bi Safk Dam Harūm Fa Enna Zāleka Mimmā Yoz'efohū Bal Yozilahū Wa Yanqolahū ...*"¹¹ meaning "avoid illegitimately shedding blood and stay away from unjust shedding of blood for nothing like unjust shedding of blood can quicken the divine chastisement and enlarge the punishment and accelerate the destruction of the gifts and speed the decline of the government; on the Judgment Day, the praised God will judge the blood shed unjustly before trying the servants for other things so do not strengthen your government by shedding a forbidden blood because the unjustly shed blood weakens and downgrades the pillars of the government and eradicates its foundation and gives it away to another".

5.1.3. *Semantic Paradox in the ĀYĀT on Killing and Life Right:*

When studying or reading the Holy Quran, many ĀYĀT are seen in which intensive and severe fight against Kaffirs and polytheists is ordered and Muslims are commanded to kill and expel them from their lands; these ĀYĀT appear in the first glance paradoxical to the other Islamic teachings. As a specimen, some of these ĀYĀT have been mentioned below:

- 1) "*Fa Man E'etadā Alaykom Fa E'etadū Alayh Bi Mithle Mā E'etadā Alaykom Wa Ettaqū Allah Wa E'emalū Anna Allah Ma'a Al-Mottaqin*"¹² meaning "abuse the others the way they have abused you and be afraid of God [and do not go on extreme] and know that God is with the virtuous persons".

¹¹ NAHJ AL-BALAQAH, Letter 53, cases 141-142

¹² BAQARAH: 194

- 2) “*Wa Eghtalū Haitho Thaqeftomūhom Wa Okhrejūhom Min Haitho Akhrajūkom Wa Al-Fitnah Ashaddo Min Al-Qatl ...*”¹³ meaning “and kill them [the idol-worshippers who do not withdraw from perpetrating any crime] wherever you found them and expel them out from where they have expelled you [Mecca]! And, mutiny [idolatry] is worse than murder”.
- 3) “*Fa Oghtelū Al-Moshrekin Haitho Vajadtoomūhom Wa Khozūhom Wa Ohserūhom Wa Ogh’edū Lahom Kolla Marsaden Fa Enn Tābū Wa Aqāmū Al-Salah wa Atū Al-Zakāt Fa Khallū Sabilahom Enna Allah Qafūron Rahim*”¹⁴ meaning “kill the polytheists wherever you found them; and imprison them and siege them and wait to ambush them. When they repent and start saying prayers and pay Zakāt, leave them; because God is merciful and forgiving”.

In the above honorable ĀYĀT, it is seen that it has been ordered to kill the polytheists wherever they are found so the question might be asked as to how the authentication of life right, especially in war time, can be justified? Are these ĀYĀT not sufficient for resorting to and application of various war instruments, including WMDs, against polytheists and non-Muslims?

The answer to the above question can possibly be this that it is not correct to interpret the Quranic ĀYĀT alone and without taking into consideration the other ĀYĀT that determine and ensure the final strategy and the spirit of the Islam’s message cannot be attained only from inside an ĀYA. Such a perception and blind interpretation of Holy Quran’s ĀYĀT is exactly the same thing done by ISIS that is perpetrating non-canonical and even inhuman slaughters around the Islamic territories; however, in order to ensure the existence of such a goal, one should search for its specifications so that the above ĀYA can be generalized to all the similar cases “as the same thing has happened for the ĀYA 190 of the honorable SŪRAH BAQARAH that explicitly distinguishes between the ones to be killed and the ones not to be killed and any sort of the abuse and invasion to the non-warring persons has been prohibited; according to the notions of some Imamiyyeh interpreters and some of the other Sunni commentators (Fakhr Razi, 1992, 5:137), this honorable ĀYA has not been rendered obsolete by its forthcoming ĀYĀT” (Makarem Shirazi, 1995, 2:21).

5.1.4. Islam’s Great Apostle (PBUH) and Immaculate Imams’ Ways of Conduct and the Islamic Jurisprudents’ Consensus:

The explicit affirmation of the impermissibility of the women and children and non-warring persons’ abuse and murder in the countless Islamic narrations in Shiite and Sunni resources, the great apostle (may Allah bestow him and his sacred progeny the best of his regards) and immaculate Imams’

¹³ BAQARAH: 191

¹⁴ TAWBEH: 5



constant ways of conduct and the consensus reached by the Islamic jurists all confirm what has been claimed herein¹⁵.

Some of the writers have pointed to certain Sunnis sources regarding the unpleasantness of the abuse to the civilians under the title of special victims in Islam. Some of these resources have been mentioned beneath:

A) It has also been narrated in a more complete narration that the prophet ordered in an answer to the person who had said these are the children of polytheists (so killing them is not denounced) that “the best of you has been the offspring of these polytheists”. Then, his highness repeated it three times that “Every child is intrinsically created monotheist and she/he is later on guided towards Judaism and Christianity and she/he may happen to speak by his or her tongue against what she/he really feels inside” (Ibid, 59, cited in Al-Sonan Al-Kobra)¹⁶.

Besides the decrees by Imamiyyeh Jurists, it is ruled in a consensus by the Sunni jurists that women and children should not be abused as long as they are not considered accomplices and warriors¹⁷.

5.1.5. *Fighting against the Enemy in Proportion to its Threat and Abuse:*

Besides the other interpreters' perspectives, there are many documents indicating that the above-mentioned ĀYĀT pertain to the way of treating Mecca's polytheists who have perpetrated any and all sorts of oppressions, tortures, and murders to the Muslims for their inclinations and submission to Islam (Javadi Amoli, 2018, 9:604). The history of Islam has details of the polytheists' crimes and inhuman behaviors in its memory and retells them for us (Sobhani, 1985, p.268).

Therefore, the honorable ĀYĀT pertain to the way of confronting and treating polytheists who in addition to perpetrating any crime against Muslims in the past and in the very beginning of the rise of Islam's sun have been seeking for any opportunity meanwhile threatening to abuse the Muslims. Of course, it is

¹⁵ This issue can be found in the following resources: a) Tusi, Al-Mabsūt, v.2, p.13; b) Terablosi, Ibn Borraj Qazi Abd Al-Aziz, Al-Mohazzab, v.1, p.303, researched and revised by a group of researchers and revisers under the supervision of Sheikh Ja'afar Isfahani, 1st ed., Islamic Publication Office, Qom, 1985; c) collection of decrees by Ibn Jonaid, p.154

¹⁶ Al-Sonan Al-Kobra Li Al-Bayhaghi, “Kitab Al-Ashreba Wa Al-Hadd Fihā “Bāb Bay’e Al-Ta’ām Fi Dār Al-Harb”: ... An Al-Aswad Ibn Sari’e Razi Allah Anho, Qāl: “Atayto Rasūl Allah Salla Allah Alayhe wa Sallam, Fa Qazawto Ma’ahū, Fa Asabnā Zafaran, Fa Qatala Al-Nās Yawma’ezen, Hattā Qatalū Al-Zorriyah, Fa Balaqa Zāleka Rasūl Allah Salla Allah Alayhe wa Sallam, Fa Qāla: Mā Bāla Aqwām Jāvāra Behem Al-Qatl Hatta Qatalū Al-Zorriyah? Fa Qāl Rajolon: Yā Rasūl Allah, Enna Mā Hom Abnā’a Al-Mohrekin, Qāl: Alā Enna Khiārakom Abnā’a Al-Moshrekin, Thomma Qāl: Lā Taqtolū Al-Zorriyah, Qālaha Thalathan wa Qāl: Kollo Nasamah Tūlado Alā Al-Fitrah Hatta Yo’rab Anhā Lisānohā, Fa Abawāhā Yahūdānehā Wa Yonasserānehā”, Qāl Abu Ja’afar Ahmad Ibn Obayd: Ma’ani Qawlehi: Kollo Nasamah Tūlado Alā Al-Fitrah, Ya’ani: Al-Fitrah Al-Lati Fatarahom Alayhā Hina Ekhrajahom Min Solb Adam, Fa Aqarrū Bi Tawhidehi Wa Kazāleka Rawaho Hoshaimon, An Yūnes Ibn Obayd wa Zakara Fihe Samā’a Al-Hasan Min Al-Aswad Ibn Sari’e”

¹⁷ The following resources from Sunnis have been used for this issue: a) Ibn Najim Al-Mesri, Zain Al-Din Ibn Ibrahim Ibn Muhammad, Al-Bahr Al-Ra’eq, v.5, p.131, Zabatahū wa Kharaja Ayātehi and Ahadithahū: Al-Sheikh Zakariyya Amirāt, Manshūrat Muhammad Ali Bayzūn, Al-Taba’ah Al-Awla, Dar Al-Kotob Al-Elmiyyeh, Beirut, 1997; b) Abu Bakr Al-Kashani, Bada’e’e Al-Sana’e’e, v.7, p.101; c) Ibn Abedin, Hashiyah Radd Al-Mokhtar, v.4, p.308; d) Shams Al-Din Al-Sarakhsi, Al-Mabsut, v.10, pp.5-6; e) Fat-h Al-Qadir, v.12, p.411; f) Al-Sarakhsi, Sharh Kitab Al-Sair Al-Kabir, v.1, pp.449-450; and, g) Wabbah Al-Zahili, Ibid, pp.494-502



necessary to remind that these polytheists of Mecca are the clear-cut and true examples of the above-mentioned honorable ĀYĀT's implications; but, because the above-mentioned ĀYĀT have not been obliterated as believed by Shiite interpreters, every polytheist that pursues the same goals of the then Mecca's polytheists at any other time should be included by the verdicts implied in the above ĀYĀT. Anyway, two essential results can be obtained from the above justifications and analyses:

- A) Islam's jihad system is a dynamic and active system that has never been passive and indifferent to the conspiracies and invasive measures to Islam's sacred domain as well as in regard of the abuses to the life and properties and prestige of the Muslims and it would react properly and crushingly to any invasion; "Fa Man E'etadā Alaykom Fa E'etadū Alayh Bi Mithle Mā E'etadā Alaykom Wa Ettaqū Allah Wa E'elamū Anna Allah Ma'a Al-Mottaqin"¹⁸.
- B) The jihad system and mechanism in Islam has been designed in such a way that meanwhile ordering the defense and fight against the warring persons prevents the Islamic warriors from any sort of abuse to the life and properties and veneration of non-warring persons, particularly women and children, and it is not waiting for the mutual and/or agreement by the enemy in enforcing such a support because, as it is viewed by Islam, this life is a gift of God and equivalents the life of the entire human beings: "Man Qatala Nafsan Bi Qaire Nafsen Aw Fasād Fi Al-Arz Fa Ka Annamā Qatala Al-Nās Jami'an Wa Man Ahyāhā Fa Ka Annamā Ahyā Al-Nās Jami'an"¹⁹.

5.2. *Weapons of Mass Destruction and Human Veneration:*

The main philosophy of the emergence of religions and the appointment of the prophets, especially the last of them His Highness Muhammad (may Allah bestow him and his sacred progeny the best of His regards) who has brought the most perfect religion, Islam, is hidden in the veneration of the human beings and the religion without human veneration would be merely a hollow ritual. Thus, it has to be asserted that the human veneration plays a pivotal role in the emergence of religion and the Holy Quran orders in this regard that "Wa Laqad Karramnā Bani Adam wa Hammalnāhom Fi Al-Barr wa Al-Bahr wa Razaqnāhom Min Al-Tayyebāt Wa Fazzalnāhom Alā Kathiren Mimman Khalaqnā Tafzilā"²⁰ meaning "verily, we venerated the offspring of Adam and carried them [on carriages we provided them with] on sea and in land and gave them clean blessings as their sustenance and made them superior to many of our creatures".

This way, it has to be asserted that the human veneration is amongst the most significant concepts that have been taken into account in support of the offspring of

¹⁸ BAQARAH: 194

¹⁹ MĀ'IDA: 32

²⁰ ISRĀ'A: 70



mankind and human beings' position by the ethereal religions, legal systems, international and regional documents of human right and the essential rules of the countries.

Some of the experts believe that “more than and before all the legal systems, Islam's holy school has underlined the respect to human veneration as one of the fundamental principles and prohibited the insult to and humiliation of human beings. Islam realizes the veneration right and social respect of the human beings as being credible and necessary even if not more than all the schools but at least on the same row with them” (Mesbah Yazdi, 2001, p.294). As put by Allameh Ja'afari, “it is in such a way that even individuals themselves have been prohibited from abuse to their human veneration as a gift of God” (Ja'afari, 1991, p.269).

But, since the war scene can be transformed to the scene of the manifestation and/or decline of the human veneration, it is necessary for the religion that claims the globalization of its content to investigate and analyze the human veneration in this regard. The solution to these contradictions is latent in the spirit of the Islamic jihad and the limitations within which it has to be done. The followings are some of the ĀYĀT in the Holy Quran and narrations in this regard:

- 1) The limits and realm of the jihad activity that can be performed by a Muslim warrior in the scene of war with the individuals who are standing and fighting with bare swords against the Muslims and nothing beyond it is authorized “*Lā Yanhākom Allah An Al-Lazina Lam Yoqātelūkom Fi Al-Din Wa Lam Yokhrejūkom Min Dīrekom An Tabarrūhom wa Toqsetū Elayhem Enna Allah Yohebb Al-Moqsetin*”²¹ meaning “[but] God does not prevent you from treating benevolently and justly those individuals who have not fought with you in [the issue of] religion and have not expelled you from your land because God likes the just persons”.
- 2) Ayatollah Javadi Amoli believes that “contemplation over the above-mentioned honorable ĀYA makes it clear that the Holy Quran sets this essential goal for the Muslims and Islamic nations and Islam's fundamental order is originally this that the Muslims should respectfully and loyally treat the global family and only turn their back on the individuals who have imposed political and social pressure on them” (Javadi Amoli, 2018, p.151).
- 3) Every person of Muslims who exceeds this defined limit has perpetrated a sin reaching in size to the massacre of the entire human generations “*Man Qatala Nafsan Bi Qaire Nafsen Aw Fasād Fi Al-Arz Fa Ka Annamā Qatala Al-Nās Jami'an Wa Man Ahyāhā Fa Ka Annamā Ahyā Al-Nās Jami'an*”²² meaning “he who kills a person not for Qisās (retaliation) or out of corruption on earth is like the one who has killed all the human beings and he who saves a person's life is like the one who has saved all the human beings”.

²¹ MMOTAHENA: 8

²² MĀ'IDA: 32



- 4) From the perspective of the Islamic teachings, the lives of human beings with any color and from every race and in every era and from any generation are respected in general except the lives of the murderers and corrupts; it is especially holding true in the case of the women and children and individuals who do not want to enter a fight against Muslims; Holy Quran orders with utmost explicitness in this regard that “... *Fa Enn E’etazalū kom Fa Lam Yoqatelū kom Wa Alqū Elaykom Al-Salm Fa Mā Ja’ala Allah Lakom Alayhem Sabilā*”²³ meaning “so, if [the enemy] stepped away from you and did not enter a fight with you [rather] suggested peace, God does not allow you to abuse them”.
- 5) Another example is the story of Mas’adah Ibn Sedqeh who narrates the following words from Imam Sādeq (PBUH): “Amir Al-Mo’menin (PBUH) sent five Vasaq²⁴ of date to a man who was generous and never asked anything from Amir Al-Mo’menin (PBUH) or anybody else. A person told the man that ‘I swear to God that this person has not asked anything from you [however] one Vasaq of the five Vasaqs sufficed him’. Then, His Highness ordered that ‘*Ezā Ana Lam A’ate Al-Lazi Yarjūni Ella Min Ba’ad Al-Mas’alah, Thomma A’atih Ba’ada Al-Mas’alah, Fa Lam A’atehii Ella Thamana Mā Akhazto Minh wa Zā leka Li Anni Arraztahū An Yabzel Li Wajhahū Al-Lazi Ya’arafahū Fī Al-Torūb Li Rabbi Wa Rabbeh Azza Wa Jall Enda Ta’abbodahū Lah ..*’” (Sheikh Saduq, 1965, 2:72) meaning “If I do not give him what he hopes from me unless until he asks it from me, I have not given him anything but the price of what I have taken away from him because I have exposed him in this way to defamation (to wit, I have compelled him to spend his fame for the receiving of five Vasaqs of date) of the face he rubs onto the soil when worshipping His and my God”.

Considering the Quranic and narrative documents presented above and many other ĀYĀT and narrations that have not been mentioned here for avoiding verbosity as well as the perspectives of the Islamic scientists, it can be concluded that all of the human beings deserve divine veneration and enjoying inherent reverence.

5.3. *Weapons of Mass Destruction and Justice:*

Justice can generally and specifically play a very important and key role in the arena of the armed dispute that might be the ground of the largest human atrocities. From the perspective of Islam, justice is to be necessarily exercised in all of the areas of mankind’s material and spiritual life and, especially, in the scene of war. This is while the principles of separation, proportion, and restriction are enumerated amongst the fundamental regulations of jihad jurisprudence and contemporary international system and negligence of any of them causes the abuse of the divine limits and orders as it is also ordered in the honorable SŪRAH BAQARA that “*Wa Qatelū Fī Sabil Allah Al-Lazina Yoqatelūnakom wa Lā Ta’atadū Enna Allah Lā Yohebb Al-Mo’tadin*”²⁵

²³ NISĀ’A: 90

²⁴ Each Vasaq is nearly equal to 60 Sā’a which is almost equal to three kilograms, i.e. 15 kilograms.

²⁵ BAQARAH: 190



meaning “Exercise jihad on the path of God with those who rise up in war and enmity towards you and do not abuse for God does not like abusers!”

As it is observed, this ĀYA has intensively prohibited from any abuse to the non-warring persons with the excuse of the war likelihood and there is another ĀYA wherein the individuals violating the divine limits have been recounted as sinners “*Wa Man Yata’adda Hodūd Allah Fa Olā’eka Hom Al-Zālemūn*”²⁶. Basing their reasoning on this honorable ĀYA, some jurists state that “*Li Anna Al-E’etedā’a Zolmon Wa Allah Lā Yohebb Al-Zolm Abadān*”; then, in elaborating their reasoning, they write that “abuse is an example of tyrannical and oppressive treating of the other for the reason that it leads to the destruction of the mankind and is in contradiction to the world’s justice-oriented system on the foundation of which the world of existence is laid (Hosseini Shirazi, 2005, pp.265-266).

6. *Prohibition of the WMDs Proliferation and Application from Jurisprudential Viewpoint:*

Islamic jurisprudence is like a roadmap for the Islamic society and Muslim thinkers and it has proved assistive in all the epochs of history and determined the strategies in accordance with the scales of religion for them. Due to the same reason, the WMDs should first pass through the filter of jurisprudence and it has to be answered whether they can be granted a permission and certificate for proliferation and application or not?

A) WMDs and World-Inclusive Corruption:

“Fasād” and Efsād” are Arabic words literally meaning “wasting”, “confusion”, “sabotage”, “loss and damage”, “creation of corruption” and “squandering”, “getting wasted”, “tyranny and oppression”, “wickedness and mischievousness”, “perversity”, “mutiny and turmoil” (Qarashi, 1991, 5:174).

Some of the interpreters express that the opposite point of “corruption” and “performing depravities” is “correction” that means advantages and benefits stemming from an action by the way of which it becomes characterized by correction. “Depravity”, as well, includes the losses and harms originating from an action by the way of which it becomes characterized by “corruption” (Tayyeb, 1999, 1:381).

- 1) “*Wa Ezā Qila Lahom Lā Tofsedū Fi Al-Arz Qalū Ennamā Nahno Moslehūn*”²⁷ meaning “when they are told not to perpetrate depravities on earth, they say we are the correctors”.
- 2) “*Al-Lazina Yofsedūna Fi Al-Arz Wa Lā Yoslehūn*”²⁸ meaning “they are those who perpetrate depravities on earth and do not make corrections”.
- 3) “*Enna Allah Lā Yosleh Amal Al-Mofsedin*”²⁹ meaning “verily, God [never] corrects the actions of the vices”.

To answer a possible question, it is worth mentioning that this ĀYA and the similar ĀYĀT express the examples of corruption and each ĀYA shoulders the elucidation of

²⁶ BAQARAH: 229

²⁷ BAQARAH: 11

²⁸ SHO’ARĀ’A: 152

²⁹ YŪNES: 81



some examples of corruption and none of them seeks to restrict the meaning of corruption (Javadi Amoli, 2018, 2: 566).

Although there is not opened an independent chapter in the Islamic jurisprudential texts under the title of “corruption on earth”, some of the jurists or Islamic interpreters, Shiite and Sunni, have posited certain crimes under the title of “world-inclusive corruption” and considered heavy punishments like death for them. For example, the followings can be pointed out:

- 1) Sheikh Mofid writes: “*Wa Al-Khonāq Yajebu Alayhe Al-Qatl Wa Yastarje'e Minho Mā Akhazahū Min Al-Nās wa ... Kazāleka Kollo Mafsadah*” meaning “The extortionist should be killed and she/he has to give back what she/he has taken away from the people and ... this also holds true for every vice” (Sheikh Mufid, 1992, p.58).
- 2) Sheikh Tusi believes that “*Wa Man Sararqa Horran Fa Bā'ahū Wajeba Alayhe Al-Qat'e Li Annahū Min Al-Mofsedin Fi Al-Arz*” meaning “If a person kidnaps a free person and sells him or her, his or her hands should be cut because she/he is one of the corrupt persons” (Sheikh Tusi, 1997, 1, p.722).
- 3) It has also been stated in the book “*Al-Fiqh Alā Al-Mazāheb Al-Arba'ah wa Mazhab Ahl Al-Bayt (Salla Allah Alayhem)*” that “*Wa Kazā Al-Efsād Fi Al-Arz Yatlaq Alā Anwā'a Min Al-Sharr Hattā Qāla Kathiran Min Al-Salaf Minhom Saeed Ibn Al-Masib: Enna Qabz Al-Darahem Wa Al-Danā nir Min Al-Efsād Fi Al-Arz Wa Qad QāI Allah Ta'ūlā: Wa Ezā Tavallā Sa'ū Fi Al-Arz Li Yofseda Fihā Wa Yohlek Al-Harth wa Al-Nasl Wa Allah Lā Yohebb Al-Fasād*”³⁰ meaning “and, also, corruption on earth refers to various kinds of mischievous actions in such a way that many of the past scholars, including Saeed Ibn Al-Masib state that taking away the money and properties of the people [by force] is an example of wrongdoing on earth as it is ordered by the eminent God that “and when he returns [or finds a tenure] she/he would make efforts to perpetrate depravities on earth and destroy the cultivations and generations and God does not like corruption” (Jaziri et al., 1998, 5:606).
- 4) Amongst the Sunni scholars, Sheikh Sayed Sabeq cites Tafsir Al-Minar in his book “*Fiqh Al-Sunnah*” and writes “*QāI Fi Al-Manār: Ravā Abd Ibn Hamid wa Ibn Jarir An Mujāhid Anna Al-Fasād Honā: Al-Zenā wa Al-Serqah wa Qatl Al-Nisā'a wa Ehlāk Al-Harth wa Al-Nasl wa Kollo Hāzehi Al-A'amāl Min Al-Fasād Fi Al-Arz*” (Sheikh Sayed Sābeq, no date, 2:478) meaning “Abd Ibn Hamid and Ibn Jarir quote Mujāhid that adultery, robbery, killing of women, destruction of the farms, and genocide and all of these actions are examples of corruption on earth” (Jariri et al., 1998, 5:24-25).

Anyway, in a short glance at the jurisprudential ideas of the Imamyeh and Sunni and other scholars that were mentioned above and considering some of the examples of the world-inclusive wrongdoing and corruption like extortion, burning the



³⁰ BAQARAH: 205

people's houses and destruction of the public places, perishing and destroying of the farms and plants, killing of the people and genocide, kidnapping, warring Islam and so forth, it can be concluded that jurists consider world-inclusive wrongdoing as "any mischievous action that causes the security, health and life of the Islamic community to be inflicted with disruption and disorder" (Abu Meitham, 2000, p.118). Here, several viewpoints by some jurists are pointed out:

- 1) Ayatollah Fazel Lankarani has the following words about Hodūd [limits] in the book "*Tafsil Al-Shari'ah*": "*Wa Al-Zāher Anna Al-Ahkam Al-Arba'ah Al-Mazkūrah Fi Al-Āya Al-Sharifah Ennamā Tatarattob Alā Al-Mohāreb; Li Ajl Kūnahū Yas'ā Fi Al-Arz Fasādan Bi Ma'ani Anna Al-Mohāreb Bemā Annahū Min Masādiq Al-Mofsed Fi Al-Arz wa Min Afrūdehi Yatarattob Alayh Hāzehi Al-Ahkām wa Alayh Fa Yastafūd Min Al-Āya Hokm Al-Mofsed Fi Al-Arz Bemā Annahū Mofsed*" (Lankarani, 2001) meaning "The apparent thing is that the verdict of the fourfold case mentioned in the honorable ĀYA pertains to the individuals rising up to fight against Islam".
- 2) Abu Meitham Shabib is another Imamiyyeh jurist who writes in the book "Jihad", which is compiled based on the notes from Ayatollah Safi's lessons that "*Enna Al-Efsād Fi Al-Arz Howa Kolla Mā Yakhtal Bi Amn wa Salāmah Hayāt Al-Mojtama'a Fa Howa Min Al-Efsād Fi Al-Arz*" (Abu Meitham, 2000, p.118) meaning "Corruption on earth points to any wrongdoing that causes disruption in the security and safety and health of the social life".

The general result that can be reached is that corruption on earth is any sort of wastage and mischievous action and sinful intervention that causes the deprivation of the society members' psychological and mental security or the creation of terror and fear or murdering of the innocent people and destruction and annihilation of the public and civilians' properties or disrupting the nature and the order governing the creation and evolution of the things (Hosseini Shirazi, 1999, pp.42&229-230).

1) Corruption in Islamic Jurisprudence:

There are many ĀYĀT in the Holy Quran in which the term "corruption" and its derivatives have been used and the Mighty God has in each of them showcased His dissatisfaction in a way or another such as the honorable ĀYA "*Wa Lā Tattabe'e Al-Fasād Fi Al-Arz Enna Allah Lā Yohebb Al-Mofsedin*"³¹ meaning "and never demand corruption on earth and do not use the things God has given to you of properties and positions and prestige for instigating corruption for God does not like corruption and wrongdoers" because the whole creation is laid on the foundation of correction and expediencies (Tabataba'ei, 1995, 16:112).

The point in this honorable ĀYA is the existence of the phrase "does not like", which serves prohibition not reluctance and dislike. Due to the same reason, many of the Shiite and Sunni jurists like Allameh Helli, Abdullah Ibn Qodāme, Shahid Thāni, Sayed Ali Ibn Muhammad Tabataba'ei, Sayed Abu Al-

³¹ QISAS: 77

Qāsem Musavi Khou'ei, Terablosi Maqrebi, Muhammad Ibn Hasan Fazel Isfahani, and others are of the belief that the abovementioned negations indicate prohibitions. Furthermore, a number of other contemporary jurists whose names will be mentioned beneath opine that this phrase serves indicating prohibition not reluctance:

- A) The late Khou'ei writes in response to the individuals who take the phrase “does not like” as meaning “dislike” that “the phrase ‘does not like’ does not indicate reluctance in its appearance and in its specific sense because the phrase has been most frequently applied to show the denouncement of a sinful action such as in the sentence ‘the god does not like corruption’, ‘God does not like the person who divulges the others’ scandals in his words’ and ‘malicious speaking of others is equal to the very forbidden backbiting’ as well as the ĀYĀT wherein the phrase ‘does not like’ has been used about individuals perpetrating certain sinful actions like in the command by the eminent God that ‘God does not like abusers’, ‘and God does not like those who violently treat others’, ‘God does not like Kaffirs’ and the other honorable ĀYĀT like ‘God does not like the corrupt persons’.

Therefore, the surface structure of such ĀYĀT serves the indication of the idea that the Eminent God does not like such individuals due to prodigality, abuse, blasphemy, and tyranny and also because such actions deserve God’s wrath; in addition, the phrase “I do not like” is commonly used amongst the intellectuals, as well, to show their anger about something” (Khou'ei, 1989, 27:209)³².

- B) Ayatollah Madani Kashani has presented such an expression in his book *“Kitāb Al-Foqahā wa Al-Khawās”* in this way that *“Fa Enna Al-Azāb Fawq Al-Azāb Ennamā Howa Bi Sabab Efsādahom Elā Qaira Zālek Min Al-Āyāt Al-Kathirah Al-Lati Lā Majāla Li Zekrehā Fi Hāz Al-Mokhtasar wa Kaifa Kāna Lā Rayba Fi Mabqūziyah Al-Efsād Wa Kūnahū Monhiyyan Anho”* (Madani Kashani, 1987, p.98) meaning “the chastisement mentioned in the above ĀYA and the great many of the other ĀYĀTs is surely due to the person’s perpetration of corruption and other wrongdoings but there is no doubt in the denouncement and condemnation of the corruption and prohibition of perpetrating wrongdoing and depravities”.
- C) **WMDs and Prodigality:**

³² The exact text of his expression is as shown in the following words: *“Fa En Jomlah ‘Lā Ahabb’ Qaira Zāherehi Fi Al-Kerāhah Bi Al-Ma’ani Al-Akhas Bal Esta’amalat Fi Al-Quran Al-Majid Fi Al-Mawāred Al-Mabqūzah Al-Moharramah Kathiran Ka Qawlohū Ta’alā: ‘Wa Allah Lā Yohebb Al-Fasād’ wa Qawlahū Azza Wa Jall: ‘Lā Yohebb Allah Al-Jahr Bi Al-Sū’e’ wa Howa Qaibah Al-Moharramah Wa Kazāleka Mā Nasaba Elā Al-Zawwāt Ka Qawlahū Azza Min Qā’el: ‘Enna Allah Lā Yohebb Al-Mo’tadin; wa Allah Lā Yohebb Al-Zālemin; Fa Enna Allah Lā Yohebb Al-Kāferin’; Wa Qaira Zālek Min Al-Āyāt Al-Karimah, Fa Enna Al-Zāher Minhā Ennahū Ta’alā Lā Yohebbahom Li Ajl Esrāfahom Wa E’eteda’ahom Wa Kofrethem Wa Zolmehem wa Li Mabqūziyah Hāzehi Al-Af’al Endahū Ta’alā Bal Tasta’amel Hāzehi Al-Jomleh Fi Al-Mabqūziyah Hattā Fi Al-Mohāwerāt Fimā Bain Al-Oqalā’a”*.



One of the very vast and extensive concepts seen in the Islamic jurisprudence is prodigality that can show up in every corner of the human beings' lives and boastfully show off more than other examples.

In Islamic teachings, Quranic culture and the narrations remained from the leaders of religion, prodigality, and lavishness have things to do with concepts like immodesty, corruption, wastefulness, abuse, extremism, seeking superiority, rebellion, shedding of blood, perpetrating sin, and so forth. Anyhow, the term "Esrāf" –Prodigality] has been derived from the root "Saraf" in Arabic, which means wastefulness, lavishness, extravagance, spending a thing not in its right place, fault, ignorance, stupidity and negligence, and going to extreme and moving away from the moderation and middle way (Dehkoda, 1998, 2:2269). The term "prodigality" and its derivatives have been frequently used in the Holy Quran. The followings are but some examples of the kind:

- 1) Reference has been made to excessive indulgence in such simple issues as eating and drinking that has also been denounced: "*Kolū Wa Eshrabū wa La Tosrefū Ennahū Lā Yohebb Al-Mosrefīn*"³³ meaning "Eat and drink but do not exercise prodigality for God does not like the lavish spenders".
- 2) As for going to extreme for revenge and retaliation, it is ordered that "*Fa Lā Yosref Fi Al-Qatl Ennahū Kāna Mansūrū*"³⁴ meaning "Do not go to extremes in killing because he is supported".
- 3) Regarding the individuals who become doubtful about the right and the robust proofs, it is ordered "*Kazāleka Yozell Allah Man Howa Mosrefon Mortāb*"³⁵ meaning "God makes every doubtful prodigal person go astray this way".

Some writers believe that the scrutiny in the cases and examples of prodigality in the Holy Quran clarifies vast and comprehensive significations that "are used to refer to any sort of excessiveness and abuse and violation of moderation and these cases have been taken into account in the canon, intellectual maxims and mores" (Mostafavi, 1995, 5:109). The relationship between prodigality and WMDs can be investigated in two respects:

The first pertains to the use of WMDs in which case there would be no control over their explosive power and prevention of the murder of the civilians and destruction of the environment; based thereon, the extreme actions occur inevitably. In fact, to the same extent that the explosive power of these weapons cannot be limited, their extreme outcomes become inevitable; for instance, the devastating outcomes of each of the atomic, microbial, and chemical weapons are summarily explained underneath:

- 1) The explosion of a nuclear bomb can easily lead to the demolition of one or several cities. The use of the biological weapons, as well, the results in

³³ A'ARĀF: 31

³⁴ ESRĀ'A: 33

³⁵ QĀFER: 34

the slaughter or sickening of a large number of the human beings and these impacts can be easily transferred through the sick individuals as the carriers that leads to the expansion of the diseases amongst the other individuals and formation of outbreaks in national, regional, or global levels (Sa'ed, 2008, p.415).

- 2) Although the chemical weapons have more limited effects than the nuclear and biological weapons, the use of them behind the frontlines on the civilian targets would surely have their impacts transferred to the other regions and the attack to the largely crowded centers makes these impacts more serious (Kordbacheh Hussein Abad, 2007, p.70). Mustard gas is amongst the agents that stably remain in the environment enabling it to detrimentally influence a region's environment for a long period of time.

The second is the cost of these weapons maintenance; besides the extensive devastating effects of these weapons, their maintenance costs are colossal and back-breaking. Due to the same reason, the losses incurred by countries producing such types of weapons are more than their contingent interests because these costs exceed well beyond their benefits and, intellectually, as well, making investment in issues that their losses are a lot more than their interests, is heinous and unpleasant. Of course, the Holy Quran, as well, points to the inequality between the cost and benefit as an unpleasant criterion: "*Yas'alūnaka An Al-Khamr Wa Al-Meisar, Qol Fihemā Ethmon Kabir wa Manāfe'eon Li Al-Nās Wa Ethmohomā Akbar Min Naf'ehemā*"³⁶ meaning "They ask you about wine and gambling; tell them that there is a huge and dead sin in them but they also have interests (of material type) for the people [but] their sin and loss are higher than their interests". In fact, such costs are to be envisioned as prodigality and wasting of properties and they are examples of spending money in unintellectual and illogical affairs (Naraqī, 1996, p.365).

7. Prohibition of the WMDs' Proliferation and Application from the Perspective of Law:

As mentioned before, environment is the cradle of fostering and developing the offspring of mankind and protection of the environment has been entrusted to the human beings by God, so they are responsible for it; they should not only protect the environment against the destructions but also should make efforts every day to make it prosperous, clean, and sublime. After long years of doing their best for destroying the environment, the human beings have finally figured out the irreparable damages thereto and they have finally come to the conclusion that "the importance of environment conservation has become so extensive in recent decades that many of the outstanding law schools in the USA have taken measures in line with offering lessons for the study of the legal accountability to the bioenvironmental problems in international level" (Musavi, 2001, p.32).



³⁶ BAQARAH: 219

In line with this, Act 50 of the Islamic Republic of Iran's constitution, as well, stipulates considering such an important issue that "in Islamic Republic, environment conservation in which today and future's generation should have a growing social life is the duty of everyone. Thus, economic and other activities that become related to the environmental pollution or the irreparable destruction of it are prohibited"³⁷.

It is exactly due to the same reason that the global perception of mankind's offspring about the environment conservation has caused the performance of such interventions more or less at the international level. The followings are some examples of these interventions:

- 1) Deep concern about the environment destruction during Iraq-Kuwait war that was recrystallized in the resolutions during 1991 and 1992 by the general assembly of the UN caused the naming of November 6 in each year as the "international day of preventing the misuse of environment in the armed conflicts and wars" (Henckaerts, 2008, p.250).
- 2) Judge Vira Mantry, a judge from the international court of justice, was of the belief in the course of trying the request by the UN's general assembly regarding the nuclear weapons that "international environment rights are directly enforced for the prohibition of the use of nuclear weapons and the use of nuclear weapons are contradictory to the rights of the future generations" (Antonie Bouvier, 1991, pp.567-578).
- 3) Judge Koroma, as well, explicitly reminds about the importance of the impacts of these weapons on the future generations, health, agriculture, natural resources, and so forth and declares the prohibition of their application based on the destruction it is followed by for humankind (The nuclear non-proliferation treaty (N.P.T.).
- 4) Prohibition of imposing intensive, long term and severe damages to the natural environment has been repeated in the document known as "guidelines to the support of environment during armed clashes" and in the bulletin of UN's secretariat regarding the observance of humanitarian international rights by the UN forces (Henckaerts, 2008, 257).
- 5) In its advisory notion regarding the legitimacy of using nuclear weapons with an emphasis on the idea that the environment belongs to all the human generations, the international court of justice attends to the states' responsibility for its protection and conservation and states that "The environment is not an abstract and imaginary issue rather it is the life space, life quality, and hygiene and health of the living beings including the future and unborn human beings [in such a way that] the states' general commitment for ascertaining that these interventions are made within their jurisdiction (sovereignty and control domain), the jurisdiction of the other states or the regions beyond the national control in adherence to the environment conservation regulations has currently become a part of the set of international rights in respect to the environment" (ICJ reports, June, 1996, Para. 29).

³⁷ The constitution of the Islamic Republic of Iran, Act 50



Besides this general international criterion, there are codified documents and regulations in the international laws guaranteeing the special and particular supports of the environment against the destruction and damages resulting from wars.

CONCLUSION:

- Islam, religious teachings, jurisprudential regulations, Islamic laws, and the notions of Shiite and Sunni jurists recommend it to the human beings to treat other fellow human beings as well as all the other creatures, including humans and natural elements, kindly and leniently and simultaneously do their best with all their hearts to protect and conserve the environment.
- Besides the legal articles existing in the Islamic teachings and laws, the international laws, as well, emphasize on the prohibition of the proliferation and application of the weapons of mass destruction.
- From the Islamic international perspectives, a mechanism should be devised by which the entire countries can be obliged to protect the environment and additionally take measures in line with rendering it more increasingly prosperous and thriving so that it can be soundly delivered to the future generations.

References

- Abu Meitham, Al-Sh., (2000), *Al-Jihad*, 1st ed., notes taken in the classes of Ayatollah Muhammad Mahdi Al-Āsefi, Islamic Promotion Office Publication.
- Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, ICJ Reports, June 1996, para.29.
- Allameh Helli, (no date), *Mokhtalef Al-Shi'ah fi Ahkām Al-Shari'ah*, Qom: Society of seminary teachers.
- Allameh Helli, (no date), *Montahā Al-Matlab Fi Tahqiq Al-Mazhab*.
- Allameh Helli, H. Ibn Y. Ibn Al-Motahhar Al-Asadi, (1992), *Qawā'ed Al-Ahkām Fi Ma'arefah Al-Halal wa Al-Haram*, 1st ed., Qom: Mo'assessah Al-Nashr Al-Eslami Al-Tābe'ah Li Jamā'ah Al-Modarresin
- Allameh Tabataba'ei, S. M. H., (1995), *Tafsir Al-Mizān*, tr. Sayed Muhammad Baqer Musavi Hamadāni, Qom: Islamic Publication Office.
- Antonie Bouvier, Protection of The Natural Environment In Time of Armed Conflict, International Review Of The Red Cross, No 285, p.567-578, 31/12/1991
- Dehkhoda, A. A., (1998), dictionary, under the supervision of Muhammad Mo'ein and Ja'afar Shahidi, Tehran.



Fakhr Razi, M. b. O., (1992). *Al-Tafsir al-Kabir*, Fourth Edition, Islamic Propagation Office Publications, Qom.

Henckaerts, J.M., (2008), *International humanitarian law*, 1st ed., tr. international affairs office of Islamic Republic of Iran's judicature

Hosseini Shirazi, S. M., (1999), *Al-Fiqh Al-Bay'ah*, 1st ed., Qazā Institution, treasury of the judicial inquiries, no.7368, Lebanon, Beirut: Mawsū'ah Al-Wa'ay Al-Eslami

Hosseini Shirazi, S. M., (2005), "Al-Fiqh", 1st ed., Lebanon, Beirut, Dar Al-Olüm Li Al-Tahqiq wa Al-Tabā'ah wa Al-Nashr wa Al-Tawzi'e.

Ibn Najim Al-Mesri, Z. Al-Din Ibn I. Ibn M., (1997), *Al-Bahr Al-Rā'eq*, 1st ed., compiling and extracting of the ĀYĀT and hadiths by Al-Sheikh Zakariyya Amirat, Muhammad Ali BAizūn Publication, Beirut, Dar Al-Kotob Al-Elmiyyeh.

Ibn Sho'beh Harrani, H. Ibn A. Al-Hussein, (1990), *Tohaf Al-Oqūl Min Āl Al-Rasūl*, tr. Ayatollah Kamare'ei, Qom, Islamiyyeh Publication Center.

Ja'afari, M. T., (1991), *Human rights from the perspectives of Islam and the West*, Tehran, International Law Services Office.

Javadi Amoli, A., (2009), *International relations in Islam*, 1st ed., Qom, Esrā'a Publication center.

Javadi Amoli, A., (2018), *Interpretation of Tasnim*, 45 volumes, Esrā'a Publication center.

Jaziri, Abd Al-R., Qerawi, S. M. & Māzeh, Y., (1998), *Al-Fiqh Alā Al-Mazāheb Al-Arba'ah wa Mazhab Ahl Al-Bayt (Alayhem Al-Salam)*, 1st ed., Beirut: Dar Al-Thaqalain.

Khamenei, S. A., (04/27/2010), a message to the first international conference on the nuclear disarmament and non-proliferation.

Kolaini, A. J. M. Ibn Y., (1986), *Al-Kāfi*, 4th ed., Tehran; Dar Al-Kotob Al-Eslamiyyeh.

Kordbacheh Hosseinabad, M., (2007) *Limitation of Chemical and Biological Weapons in International Law (with an Approach to Iraq's Imposed War on Iran)* / Mehdi Kordbache Hosseinabad, Publisher: Tehran: Sarir.

Lankarani, M. F., (2001), *Tafsil Al-Shari'ah Fi Sharh Tahrir Al-Wasilah (Kitāb Al-Hodūd)*, 1st ed., Qom, Immaculate Imams (Peace Be Upon Them) Jurisprudential Center, p.638.

Madani Kashani, R., (1987). Publisher: Jameat Al-Modarresin fi Al-Huza al-Almaii Baqem. Al-Nusra Al-Islami Institute, Publishing Place: Iran - Qom, Year of Publication.

Makarem Shirazi, Nasser, (1995), *Sample Commentary*, Dar al-Kutb al-Islamiyah, Tehran.



- Mesbah Yazdi Mohammad Taqi, (2001), Editing and Writing: Ghasem Shabnania, Publisher: Imam Khomeini Educational and Research Institute Publications, Poblisher: Negaresh: Writing Date and time of printing: First, Spring.
- Momtaz, J., (1999), *Resort to nuclear weapons and support of the environment as ruled by the International Court of Justice*, tr. Mahmoud Sur-e-Esrafil, journal of law, no.24.
- Momtaz, J., *International laws on the weapons of mass destruction*, tr. Amir Hussein Ranjbariyan.
- Mostafavi, H., (1995). *Al-Tahqiq fi Al-Qur'an al-Karim*, The First Edition, Ministry of Culture and Islamic Guidance, Tehran.
- Mousavi, Seyed Fazlallah, (2001), *International Criminal Law*, First Edition: Nashramizan, Tehran.
- Musavi Khou'ei, S. A., (2001), *Minhāj Al-Sālehin*, Qom: Madinah Al-Elm Publication Center
- Najafi, M. H., (2019), *Jawāher Al-Kalām Fi Sharh Sharāye'e Al-Islam*, researched and revised by Sheikh Abbas Qūchani, 7th ed., Beirut: Dar Ehyā'a Al-Torāth Al-Arabi.
- Naraqī, M. A., (1996), *Awā'ed Al-Ayyam fi Bayān Qawā'ed Al-Ahkām*, 1st ed., Qom: Islamic Promotion Office.
- Qarashi, S. A. A., (1991), *Qāmūs Al-Quran*, 6th ed., Tehran: Dar Al-Kotob Al-Eslamiyyeh.
- Sa'ed, N., (2008), *Humanitarian rights and nuclear weapons*, 1st ed., Tehran, Shahr-e-Danesh.
- Sa'ed, N., *Determining the framework of applying forbidden weapons in the humanitarian laws and Islam*, collection of articles presented to the conference on Islam and international humanitarian laws.
- Saywati, Jalāl Al-Din, Abd Al-Rahman Ibn Abu Bakr, (1445-1505), (1954), *Al-Jāme'e Al-Saqir*, Beirut, Dar Al-Fikr Li Al-Tabā'ah wa Al-Nashr Wa Al-Tawzi'e
- Saywati, J. Al-Din, Abd Al-Rahman Ibn Abu Bakr, (1445-1505), (1983). *Al-Dorr Al-Mansūr Fi Tafsir Al-Ma'athūr*, Qom: Ayatollah Mar'ashi Najafi's Library
- Shahid-e-Thāni, (1989), *Al-Rawzah Al-Bahiyyah Fi Sharh Al-Lam'ah Al-Dameshqiyyah*, 1st ed., Qom, Davari Bookstore.
- Sheikh Horr al-Ameli, Mohammed bin al-Hassan, (1988), *wasael Al- Shiate*, Sixth Edition, Tehran, Islamia Bookstore,



Sheikh Mufid, Al-Maqrnama, (1992). First Edition: Sheikh Mufid's Millennium World Congress, Qom.

Sheikh Saduq, M. Ibn A., (1965), Elal Al-Sharāye'e, researched and revised by Sayed Muhammad Sādeq Bahr Al-Olüm, Najaf Ashraf.

Sheikh Sayed Sābeq, (no date), Fiqh Al-Sunnah, anonymous.

Sheikh Tusi, A. J. M. b. H., (1997). Tahizib al-Ahkam, Sadough Publishing, Tehran.

Tabataba'ei, S. A. Ibn M., Riyadh Al-Masā'el, Sayed Abolqāsem Musavi Khou'ei, Mawsū'ah Al-Imam Al-Khou'ei.

Tayyeb, S. A. al-H., (1999), Atyab Al-Bayān Fi Tafsir Al-Quran, Tehran: Islam Publication Institution.

Terāblosi Al-Maqrabi, (2003), Mawāheb Al-Jalil Li Sharh Mokhtasar Al-Khalil, researched by Zakariyya Amirāt, Dar Ālam Al-Kotob.

Terāblosi, Ibn B. Q. Abd Al-Aziz, (1985), Al-Mohazzab, 1st ed., researched and revised by a group of researchers and revisers under the supervision of Sheikh Ja'afar Sobhani, Qom, Islamic Publication Office.

Tūsi, M. Ibn H., (1967), Al-Mabsūt Fi Fiqh Al-Emamiyyeh, 3rd ed., Tehran: Mortazavi Publication Institution.

UN.DOC.A/RES/47/37/, Protection of the Environment in Times of Armed Conflict, 25 November 1992.

