



Buying and Selling Weapons of Mass Destruction from the Perspective of Islamic jurisprudence

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<http://dx.doi.org/10.18415/ijmmu.v11i5.5776>

Abstract

The purchase and sale of weapons of mass destruction is the issue of this research, the main question of the research is, "What is the view of Islamic jurisprudence about the primary and secondary rulings of trading these types of weapons?" This research, Baroosh Ijtihadi, argumentative and analytical has given an answer to this question, based on which it can be said that from the perspective of Islamic jurisprudence, buying and selling weapons of mass destruction (such as nuclear, microwave, chemical weapons, except for their new generation) due to the sanctity of donations, are instruments of corruption, harm, corruption, extravagance and the principles of preserving the lives of animals and other creatures of the world and the environment, even in case of emergency and reciprocity, are prohibited. The point of view that buying and selling it for the purpose of defense, deterrence, in case of emergency and retaliating is considered permissible and is inconsistent with the principles and foundations of Islamic Jihad. Therefore, from the point of view of Islamic jurisprudence, buying and selling it is forbidden.

Keywords: *Jurisprudence; Ruling; Weapons of Mass Destruction and Buying and Selling*

Introduction

The issue of export and import of weapons of mass destruction does not have much history in Islamic jurisprudence. Therefore, no independent research has been done in this regard, naturally, this issue still needs a scientific research. Because this issue is a very challenging and important issue in the field of Islamic jurisprudence today. Although in the current situation, some states without nuclear weapons have joined the Treaty on the Prohibition of the Production and Proliferation of Weapons of Mass Destruction, but it is possible that due to the fear of other nuclear states and the possibility of a nuclear war, in order to maintain political sovereignty and for their own survival, move towards self-help and balance of power, and to punish or give a suitable response to the aggressor governments, move towards the acquisition or purchase of these types of weapons with secret mechanisms. On the other hand, it is possible that some of the states possessing knowledge and nuclear weapons have shown a desire to

cooperate in order to gain more profit, and by concluding profitable secret agreements, the process of transferring weapons of mass destruction to non-state countries. Have, provide. Hence, it is necessary. The mandatory and conditional ruling of buying and selling this type of weapons should be examined from the perspective of Islamic jurisprudence.

The First Topic: Concepts

Sentence; In the word, it means judging justice, knowledge and wisdom (Ragheb Esfahani, 1416, p. 126.) In the term, it refers to the law and the dos and don'ts forged by God (Sadr, 1406, p. 161). Fiqh is also understood in the word to mean understanding, which means a special type of understanding, perception and knowledge (Ibn Manzoor, 1414, vol. 13, p. 522; Ragheb Esfahani, 1416, the subject of fiqh.) In the term of this word, in different periods of History has had various uses; Jurisprudence is used in the Qur'an in the sense of insight and precise perception (Toba 122.) In narrations, (Majlesi, 1410, vol. 1, p. 210; Makarem Shirazi, 2015, vol. 1, p. 21.) also in the sense of insight and the group of religion - not especially the sub-rules. - It has been used that in the first period of Islamic history, fiqh was popular and used in the meaning of religious teachings (Allameh Tabatabai, Tafsir al-Mizan, vol. 9, p. 404; Karki, 1411, vol. 1, p. 5.) Another use of the word "fiqh" ", knowledge of Sharia rulings is secondary (Shaheed Sani, 1422, p. 34; Najafi, 1420, vol. 1, p. 52; Makarem Shirazi, 1385, vol. 1, p. 18.) but the common meaning of jurisprudence, its application is the meaning of a special scientific discipline: "Al-Fiqh He knows about the rules of the Shari'ah and the details of the arguments; Jurisprudence is a subsidiary science of Shariah rulings based on detailed evidence" (Shaheed I, 1419, vol.1, p.40; Makarem Shirazi, 1385, vol.1, p.22.) Therefore, today, jurisprudence is a scientific field, which, compared to other fields of Islamic sciences, like There are principles, theology, history, theology, mysticism and philosophy. In this research, jurisprudence refers to this meaning, not other meanings that have been used in it throughout history. "Weapon of mass destruction" in English equivalent (mass destruction, massacre weapons) Is. The term "weapons of mass destruction" was used for the first time in 1948 in one of the documents of the Commission on Classic Weapons, weapons of mass destruction include (atomic, bacteriological and chemical weapons) (Mommataz, 1377, p. 12). In the literature of disarmament rights, this term is synonymous It is unconventional weapons (Saed, 2016, p. 43). These types of weapons have high destructive power, and are used to destroy large targets, and have harmful effects, in which it is not possible to separate military and non-military targets (Momat, 1377, p. 12.)

The Second Topic: Buying and Selling Weapons of Mass Destruction from the Perspective of Islamic Jurisprudence

The First Speech: The Point of View of the License to Buy and Sell

Based on the permissible view of some Islamic world thinkers to increase the authority of Islamic forces, they emphasize on acquiring nuclear weapons and strict deterrence by any possible means (including purchase). On the other hand, the purchase and use of this type of weapons has a material conflict with many of the principles, foundations and religious and moral values of Islam, therefore, placing such weapons strategies in the macro defense policies of the Islamic State is really a Shariah and legal problem. But at the same time, some thinkers have considered the purchase of these weapons necessary - not with the intention of using them - but as a first order, to deter and increase the defensive authority of the Islamic government against the enemies.

A: Ruling on Buying and Selling from the Point of View of Jurists

Since the issue of buying and selling weapons of mass destruction has not been raised in Islamic jurisprudence and forbidden gains, it seems difficult to reach a Shari'a ruling on the issue. However, one of the ways to argue about the issue and reach its shari'a ruling is for thinkers and jurists to raise this debate in the section of mahram gains and discuss and examine the shari'a ruling of selling it alongside the sale of conventional weapons and other corrupting goods. put Therefore, with this approach, the

author has discussed and analyzed its transactions based on the evidence of selling conventional weapons and corrupting goods and other texts. Although the predecessors and contemporary jurists in their jurisprudence books have only stated the ruling of selling and not selling conventional weapons to the enemies of Islam. On the other hand, what has been mentioned in the narrations about the permission to sell weapons or not, the weapons were the conventional weapons of the age of evidence, not the weapons of today, whose existence is a serious threat to humanity. Therefore, it is appropriate to examine the approach of the trade permit of this type of weapons, first of all, the order of buying and selling materials and tools for its manufacture should also be briefly examined.

1- Buying and Selling Tools for Making Weapons of Mass Destruction

Despite the fact that placing the sale and purchase of such weapons strategies in the defense policy of religious and ethical governments really has a religious, moral and legal problem. However, those who believe in the license to produce and prevent nuclear weapons, in addition to the license to buy and sell peaceful nuclear tools and materials; which today is the elixir of social life for human societies, to the license to buy and sell equipment, information and manufacturing technologies, a method of storing, disposing and burying radioactive waste of nuclear weapons, and chemical substances and precursors and biological agents that are used in the manufacture of weapons of mass destruction They also believe that it works. Because buying the equipment to make it is the only way to get such weapons. Therefore, despite the fact that in terms of international law, any transfer of nuclear weapons and fissile materials, or equipment and materials that are used for processing, using, or manufacturing and producing fissile materials specifically for the manufacture of nuclear weapons, is prohibited (Mommataz, 1377, p. 36- 37.) But there is a possibility that some states without nuclear weapons, due to the fear of other states with nuclear weapons and the possibility of a nuclear war, for their survival, help themselves and buy materials and weapons production equipment, or the strategic weapons themselves move, and some governments possessing knowledge and nuclear weapons, in order to gain more profit, by concluding profitable secret contracts, in the field of transferring knowledge, technology, raw materials for the production of nuclear weapons provided for the seeking countries. Therefore, the Shariah ruling of such transactions, which are concluded secretly or openly by commercial channels of governments or special international companies and institutions, should be sought in Islamic jurisprudence. But since in jurisprudence, the discussion of buying and selling materials and specific tools for the production of these types of weapons has not been explicitly discussed, it seems difficult to reach its verdict. However, it is possible to obtain a Shariah ruling for these types of transactions through jurisprudence. Because in jurisprudence, there are examples of buying and selling things that are intrinsically corrupt or whose corruption is subject to the intention of the seller and the buyer. Selling wood to make idols and musical instruments, grapes to produce wine, and selling female singers, and selling war weapons to the enemies of Islam, which have been discussed by jurisprudential scholars. So, based on these cases and business evidence, it can be admitted that based on the idea of license to sell corruptible goods, the purchase and sale of special equipment and materials for making nuclear weapons will also be allowed. Because for the same reason that some have deemed it permissible to produce nuclear weapons to increase the authority of Islamic forces against the enemies (Mahmoud al-Salahin, 1426, p. 171-170; Yazdi, 1382, p. 83.) Based on the same arguments, equipping with knowledge and The technology of making nuclear weapons or the purchase of special tools and equipment to make them is permissible. In addition, from the evidence of trade and contracts, the license to buy and sell them can also be used, even if the seller knows that these purchased nuclear goods may enable the customer to build nuclear weapons. Because in Islamic jurisprudence, some jurists of the Islamic world have considered the contracts enabling some corrupt objects as permissible (Tusi, 1351, Vol. 8, p. 223; Ibn Adres, 1410, Vol. 2, p. 120) and they believe that the principle is based on the permissibility of donation. (Khoei, 1430, Vol. 1, p. 167.) So, based on the traditions of the permissibility of dealing in corruptible goods, such contracts will also be correct. Because the haram act done by the buyer is beyond the authority of the seller (ibid.). Because he, by concluding the contract and its provisions, has only transferred the permissible goods (Haramili, 1411, vol. 17, p. 230.) On the other hand, the mere transfer, the instrument of sin for the client, does not deprive him of his free will against

sin. Because, he can use the purchased goods in the right way. Therefore, in the discussion of the purchase of the means of making nuclear weapons, like other corrupting goods, the corruption of its construction and use belongs to the act of the buyer, not the act of the seller. Therefore, if the carrier does not claim to create a haram act, it is not only a prelude to a haram sin (Khoei, 1430, vol. 1, p. 180). Therefore, it can be said that buying special equipment for making these types of weapons is also permissible from the point of view of jurisprudence. Because purchasing tools and equipment for making strategic weapons will be permissible for deterrence. Because the production of deterrent weapons is dependent on having the tools and equipment to make these types of weapons. For this reason, there is no need to discuss and examine the sayings in this regard.

2- Buying and Selling Weapons of Mass Destruction

Although today, international trade of nuclear goods for peaceful use is a common phenomenon. But at the same time, international efforts have been focused on this matter so that these agreements do not cause the proliferation of nuclear weapons. However, some security treaties have been concluded at the level of several countries, in which the purchase and sale of nuclear submarines has been allowed. The "ACOS" security treaty, which was signed between the United States, Britain and Australia, aimed at countering the expansion of China's influence in the Pacific region¹. Therefore, the purchase and sale of weapons of mass destruction between some governments is being done slowly (Makaram Shirazi, 2010, vol.2, p. 353.) even though this type of contract is very dangerous and will create a chain of nuclear arms races in the world. Hence, it is necessary to know the jurisprudence point of view regarding these types of appointments. Of course, although some thinkers have deemed it permissible to produce nuclear weapons for deterrence, the decision to buy and sell them is in an aura of ambiguity. Because, in the jurisprudential tradition, the discussion of buying and selling these types of weapons has never been raised. Whereas, according to Islam, every type of transaction should be documented in text. But since some scholars of jurisprudence have raised the issue of buying and selling some corrupting goods, such as selling grapes to make wine, wood to make idols, singing maids, and also selling weapons of war, citing These cases can also be found in the purchase and sale of nuclear weapons. Based on the rules of trade, the first principle applies to the permission to buy and sell, unless there is a reason to the contrary, or the traded goods have no other use than haram, or are part of the specific tools of sin and haram. Because the purchase of nuclear weapons or its manufacturing materials and equipment is done with the consent of the seller and the customer «تِجَارَةٌ عَنِ تَرَاضٍ» also applies to it, on the other hand, this type of transaction has rational halal benefits (deterrence). In addition to the arguments about trade, the honorable verse of numbers: «وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ وَ مِنْ رِبَاطِ الْخَيْلِ تُرْهِبُونَ بِهِ عَدُوَّ اللَّهِ وَ عَدُوَّكُمْ...» (Anfal, verse 60.) also implies the permissibility of dealing in weapons of mass destruction. Because if it is not possible to build nuclear weapons, one of the ways to increase the number of forces is to import and purchase war weapons or tools and materials for their manufacture. So, on the assumption that we accept that its use is forbidden according to Islam. But it is permissible to buy it to strengthen the forces of Islam and deterrence. Because this idea has an apparent root in Quranic and jurisprudential concepts, in jurisprudence, some jurists have considered it permissible to buy and sell some corrupting and empowering objects, and they believe that the act of the seller is only related to the sale and implementation of the terms of the contract. has taken. However, the forbidden act, which has been realized abroad by the buyer, is outside the jurisdiction of the seller. Therefore, the principle of this type of contracts will be correct (Khoei, 1430, Vol. 1, p. 169.) because buying and selling and transferring the instrument of sin for the buyer does not deprive the buyer of his right against the sin, therefore, it only gives the buyer the power to commit the sin. It is not forbidden! Because the power that the buyer has found after implementing the provisions of the contract with the forbidden act, has nothing to do with the principle of the transaction. Therefore, the scope of the seller's choice is only within the scope of the provisions of the sale and the obligations arising from it, and not beyond. While what is forbidden by Sharia is the external act performed by the buyer (ibid.) For example, regarding the treatment of the singing maid, what is forbidden by Sharia is the

¹The "ACOS" strategic and security pact was signed between the leaders of America, Britain and Australia on September 15, 2021.

usufruct and the external act of singing, not the courtship of the singing maid (ibid. .) Therefore, among Sunni scholars, some Hanafi jurists have considered buying and selling a singing slave girl as permissible, but they have considered the illicit sale of a singing slave girl as haram (Al-Ziali, 1313, vol.3, p. 297). , especially the sale of weapons, which is intrinsically more dignified in creating haram and its use causes the destruction of innocent human lives (Ansari, 1411, vol. 1, p. 147; Khansari, 1405, vol. 3, p. 8; Montazeri, 1415, vol. 2, p. 383.) An enabling transaction is forbidden. However, some jurists have considered it permissible to sell it to the enemies of Islam, if it is expedient (Khomeini, Bita, vol. 1, p. 228.) or if there is no suspicion of using it against Muslims (Ansari, 1411, vol. 1). , 54; Karki, 1411, Vol. 4, p. 17; Esfahani, 1422, p. 321.) So, considering these cases, it can be said that the ruling on the permission to buy and sell corruptive transactions will also apply to weapons of mass destruction. Therefore, the supporters of the license to produce nuclear weapons also consider its purchase as permissible, and this is obtained from the application of their speech; Among them, the late Khoiu (Rh) considered Jihad with the infidels to war with the common weapons of each age as permissible: "Fighting against the infidels to war with any possible means and war tools of the same age is permissible according to the needs of that time, and jihad with them is reserved for special war tools. It doesn't exist" (Khoiu, 1410, Vol. 1, M, 16, p. 371.) So, what was obtained from the statement of the late Khoi is that (with all possible means) in addition to the production of weapons of mass destruction, there are also verses on the license to purchase them. Because according to his opinion, in the conditions where it is not possible to make common weapons of war, the only reasonable way to obtain these types of weapons is to buy and import them. From Imam Khomeini's point of view, the ruling of permissibility can also be taken: "If one of the Islamic countries is afraid of the invasion and attack of other countries, it is obligatory and necessary for all the Islamic countries to defend the threatened country by any possible means. (Khomeini, Bita, Vol.1, M7, p. 486.) Although the statement of the Imam (may God be pleased with him) only refers to the use of weapons of war, this sentence (by any means possible) even covers the case where the defense is limited to the purchase of defensive weapons. is also included. Because the use of weapons is a part of having and buying weapons. However, Imam's (RA) course of action in the Iran-Iraq war showed that he was an absolute opponent of the production and purchase of weapons of mass destruction, and he did not even allow the production and use of chemical and biological weapons at that time.

From the point of view of the late Montazeri (ra), the purchase license can also be used (Montazari, 1367, vol. 2, p. 111). Therefore, if it is not possible to produce modern and common weapons of every age, the ruler should provide the basis for the purchase of manufacturing equipment and the weapon itself. According to Seyyed Mohammad Sadr, the obligation to equip the forces of Islam with modern war weapons is also used: "Indeed, the preparation of weapons at the highest level of power is obligatory" (Sadr, 1427, vol. 2, p. 399). Therefore, one of the ways of preparation is the production of weapons. But if it is not possible to make it, the only way to get it is to buy it.

The late Yazdi also says: "The verse of Karima has clear numbers, that the believers should equip themselves at any time, according to the conditions and needs, with any kind of common weapon of that age, whether that weapon is made of wood and stone or prepared horses, or It should be like the nuclear weapon of the present age, which can be used in space, air, under the sea, and on the land surface" (Yazdi, 1382, p. 83.) since he explicitly mentioned having a nuclear weapon. It seems that, in a situation where its production is not possible, the best way to equip the forces of Islam is to provide the basis for its import. Therefore, some, based on the theory of deterrence of nuclear weapons, have considered it necessary for Muslims to learn it (Mahmoud al-Salaheen, 1426, pp. 171-170). Others based on the application of the verse of Numbers: «وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ...» (Anfal, verse 60.) The obligation to acquire and acquire nuclear weapons has been considered a sufficient obligation (Al-Balouisi, p. 86.) and the phrase "to acquire" generally includes any type of acquisition and purchase of modern weapons. Apparently, the license to purchase nuclear weapons can also be used for deterrence based on commercial reasons. For this reason, some scholars of Sunni jurisprudence have also considered the acquisition of weapons of

mass destruction permissible or sufficient as a deterrent (ibid.), but their export and sale to the enemies of the religion have been considered haram for contributing to the sin.

B: Evidence of Permission

1- Intellect

One of the Shariah arguments is reason. Apparently, from the point of view of reason, if the purchase of nuclear weapons or the equipment to make them is for the purpose of increasing power or deterring defense, not only is there no problem, but if there is no corruption, the purchase of it, if it really leads to the hegemony of the Islamic system, is also approved by reason.

2-Verses

Now the verses indicating the license to trade nuclear weapons and their manufacturing equipment are being examined.

2-1-Verse of Sale

One of the verses that permit the purchase of weapons of mass destruction and its manufacturing equipment is the verse of sale, the Quran says: «أَحَلَّ اللهُ الْبَيْعَ» (Al-Baqarah, verse 275.) God has made selling lawful. In this verse, absolute sale is considered halal and its meaning includes the sale of weapons of mass destruction and the means of making them and other corruptible goods. Because the word "Al-Ba'i" is a local word for Al-Af and Lam, and has a meaning, its general meaning includes the sale of nuclear weapons. Therefore, if there is no other obstacle, the principle is its authenticity. (Khoei, 1430, vol. 1, p. 175.) But the verse of donation (Maidah, verse 2) and corruption (Baqarah, verse 205) restricts the application of the verse of sale to contracts that do not cause corruption and are not examples of donation. Because the deals of nuclear weapons, which is part of the special tool of sin, is an example of contributing to evil and corruption. Of course, selling it will be forbidden and void due to contributing to evil, corruption, harm and "equating wealth with falsehood" (Makaram Shirazi, 2015, Vol. 2, p. 321.)

2-2- The Trade Verse

In addition to the verse of sale, the verse of trade also refers to the permissibility of the contract: «يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ» (An-Nasa', verse 29.) O you who have believed! Don't take each other's property between you (illegally) unless the business is done with the consent of both of you." According to the above verse, if the trading of commercial goods is with the consent of the seller and the buyer, then the trade is permissible. Since the sentence «تِجَارَةً عَنْ تَرَاضٍ» It has implications, its emergence will certainly include the purchase of nuclear weapons. So its transaction is clear «تِجَارَةً عَنْ تَرَاضٍ» Is.

2-3-Verse of Faithfulness to the Contract

The verse of faithfulness to the contract also implies the necessity of faithfulness to the provisions of this type of contract: «يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ» (Ma'idah, verse 1.) O you who believe, keep all your contracts. In this verse, contracts are absolute; Because the word "contracts" in the verse is the plural of alef and lam, and the local plural of alef and lam means the public. Therefore, the provisions of the verse, any transaction that the seller and the buyer; - such as dealings in nuclear weapons and their manufacturing tools - with consent, includes. Since the verse «أَوْفُوا بِالْعُقُودِ», has an individual and temporal application, therefore, it includes all sales persons at all times, and adherence to the contractual provisions of nuclear weapons is also necessary.

2-4- The Verse of Number

In addition to the generalities of the sale chapter, the permission to trade in weapons of mass destruction can also be used from the preparatory verse: «وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ وَمِنْ رِبَاطِ الْخَيْلِ تُرْهِبُونَ بِهِ عَدُوَّ اللَّهِ وَ عَدُوَّكُمْ» (Anfal, verse 60.) Proponents of the license to purchase nuclear weapons, due to its deterrent properties, rely on the verse of preparation for the license to import these types of weapons, and consider the verse as a document of the order of the license to purchase nuclear weapons. With the argument that if production is not possible, buying it is one of the ways of "power" numbers. (Mahmoud al-Salahin, 1426, p. 171; Yazdi, vol. 1, 1382, vol. 2, p. 254 and 258; Saifi Mazandarani, 1425, vol. 1, p. 237-238.) And one of the ways of "power numbers" is the import of these types of weapons. But it seems that the appearance of the verse on the permissibility of the transaction is fixed as long as its consequence does not lead to contributing to evil, personal and social harm, and is an example of oppression, extravagance, and the destruction of treasury property and corruption in the land. In any case, there are other verses in this regard, which have been claimed to indicate the permissibility of dealing in nuclear weapons and the means of making them! like Be ready verse (Al-Nisaa, verse 71.) Verse on the obligation to kill the infidels, (Repentance, verse 5.) and the verse of reciprocation, (Baqarah, verse 194.) but here their discussion is omitted because, The author's opinion on the appearance of these verses will be tied to conventional weapons, just like the verse "Numbers".

3-Narratives

There are several traditions that indicate the permission to purchase nuclear weapons and the specific means of making them.

3-1- Narratives of the Permission to Trade in Corruptible Goods

In the narrative tradition, there are many and correct reports, some of which are related to the permissibility of trading in corruptible goods, such as selling grapes to winemakers, singing maids, and weapons to enemies of religion, even if the seller It implies that the buyer intends to do the forbidden act (Hiraami, 1411, vol. 17, pp. 122-123-174-231-230-263.) and one of them is the narration of Abi Khams² He says: A man asked Imam Sadiq(peace be upon him) whether it is halal to sell grape juice to someone who makes wine. The Imam replied: "It is the same, we also sell our dates to people who we know will make wine with them" (Haramili, 1411, vol. 15, p. 263). In this narration, the Imam clearly stated Buying and selling grapes is considered permissible. So the content of the narration shows that this type of transaction was permissible at that time, otherwise such a transaction is definitely against the dignity of Imam Masoom.

Another narration is from Rifa'a: "Rafa'a bin Musa narrates that I was in the presence of Imam Sadiq(peace be upon him), he was asked about selling grape juice to someone who makes wine with it! The Imam replied: It is halal! We will sell our dates to someone who will use them to make impure wine" (Haramali, 1411, vol. 17, p. 231.) This tradition also considers selling grape juice to make wine permissible, even this tradition has poems that support Sin, it is not disgusting to this extent! Otherwise, this type of agreement would never have been issued by the infallible Imam. In Ibn Uthina's correspondence, selling grapes is also considered permissible: "Ibn Uthina narrates that I wrote a letter to Imam Sadiq (The late Imam (RA) also considered it haram to sell special haram tools that have no other use than sinning (Khomeini, 1415, p. 123), since nuclear weapons are part of haram special tools and

² .There are three people who have this nickname: 1. Haitham bin Abdullah, 2. Haitham bin Ubaid, 3. and Qasim bin Ubaid, whose authenticity has not been proven. In the chain of transmission, there is a person named Hanan, who is a Waqfia, and the authenticity of Hanan is also disputed among the scholars, so the narration has a problem in terms of the chain of transmission. (Abdullah bin Muhammad Hasan, Mamqani, Tangih al-Maqal, vol. 1, p. 380 and vol. 3, p. 32; Hossein Ali Montazeri, Derasat fi al-Makasib al-Muharmah, vol. 2, p. 288.)

have no other use than haram. Of course, buying and selling it will be forbidden according to their opinion.

Ayatollah Makarem Shirazi has also made the purchase and sale of nuclear weapons not only a tool of corruption and has absolutely banned its sale.) about a man who has a garden, he sells his grapes and dates to someone who knows that he has wine with them." It is correct. I asked, Imam said there is no problem. because the grapes and dates were sold at a time when drinking and eating were halal" (Haramali, 1411, vol. 17, p. 174.) This narration also considers the buying and selling of corruptible goods as permissible, and its explanation shows that when concluding a contract, Its sale is halal. Therefore, such a transaction has been considered permissible. Other narrations indicate the permissibility of buying and selling female singers, one of them is the narration of Abdullah bin Hasan Dinuri: "Dinuri says: I said that I will sacrifice you for Abi al-Hassan. I want your opinion about the Christian maidservant that I bought and gave to a man. What is I sell a Christian? Imam said: Buy and sell, then I said, can I also marry this slave girl? After a short silence and looking at me, he slowly said: "Yes, it is permissible for you" (Har Amili, 1411, vol. 17, p. 122). The late Khoei has preferred the implication of this narration to the permissibility of selling a singer's maidservant, compared to the implication of hindu narrations (Khoei, 1430, vol. 1, p. 169.) but some have considered it weak due to the presence of Abdullah bin Hasan Dinuri in the document. Makarem Shirazi, 1426, p. 134.) Therefore, these narrations cannot contradict the evidence of the sanctity of sale. Because the narrations of prohibition, due to the popular practice and agreement with the rules, take precedence over the narrations of permission to sell (Makaram Shirazi, 1426, p. 134; Haraami, 1411, vol. 17, p. 123). It is considered absolute or permissible under the conditions of reconciliation and peace. One of them is the narration of Hakam Siraj: "The narrator says: I was in the presence of Imam Sadiq(peace be upon him). It takes, what is the ruling? The Imam said: Since you are currently in peace and harmony like the companions of God's Messenger(peace be upon him), there is no problem. But if the conditions were Ayatollah Makarem Shirazi has also made the purchase and sale of nuclear weapons not only a tool of corruption and has absolutely banned its sale.) about a man who has a garden, he sells his grapes and dates to someone who knows that he has wine with them." It is correct. I asked, Imam said there is no problem. because the grapes and dates were sold at a time when drinking and eating were halal" (Haramali, 1411, vol. 17, p. 174.) This narration also considers the buying and selling of corruptible goods as permissible, and its explanation shows that when concluding a contract, Its sale is halal. Therefore, such a transaction has been considered permissible. Other narrations indicate the permissibility of buying and selling female singers, one of them is the narration of Abdullah bin Hasan Dinuri: "Dinuri says: I said that I will sacrifice you for Abi al-Hassan. I want your opinion about the Christian maidservant that I bought and gave to a man. What is I sell a Christian? Imam said: Buy and sell, then I said, can I also marry this slave girl? After a short silence and looking at me, he slowly said: "Yes, it is permissible for you" (Har Amili, 1411, vol. 17, p. 122). The late Khoei has preferred the implication of this narration to the permissibility of selling a singer's maidservant, compared to the implication of hindu narrations (Khoei, 1430, vol. 1, p. 169.) but some have considered it weak due to the presence of Abdullah bin Hasan Dinuri in the document. Makarem Shirazi, 1426, p. 134.) Therefore, these narrations cannot contradict the evidence of the sanctity of sale. Because the narrations of prohibition, due to the popular practice and agreement with the rules, take precedence over the narrations of permission to sell (Makaram Shirazi, 1426, p. 134; Haraami, 1411, vol. 17, p. 123). It is considered absolute or permissible under the conditions of reconciliation and peace. One of them is the narration of Hakam Siraj: "The narrator says: I was in the presence of Imam Sadiq(peace be upon him). It takes, what is the ruling? The Imam said: Since you are currently in peace and harmony like the companions of God's Messenger(peace be upon him), there is no problem. But if the conditions were war, it is forbidden for you to take saddles and weapons for them" (Haramali, 1411, vol. 17, p. 101; Kilini, 1407, vol. 5, p. 112). Some have considered him weak.³ However, from the provisions of the narration, it

³ . Nasser, Makarem Shirazi, Anwar al-Faqah, Kitab al-Tajarah, 136; But Abdullah bin Muhammad, Abu Bakr al-Hazrami, is reliable, correct: (Saidab al-Qasim, Khoi, Maajim Rijal al-Hadith, Vol. 11, p. 317) Some say: What is meant by al-Hazrami in the first narration is Abu Bakr Abdullah bin Muhammad al-Hazrami, and the chain of transmission to him is authentic. , and it

is only used to allow trading weapons for the opponents of the people of Haqq, who are in the conditions of peace, not between Muslims and infidels. However, some have put this narration as the reason for the permissibility of buying and selling weapons in times of peace between Muslims and infidels (Makaram Shirazi, 1426, p. 136).

According to Sayqal's narration, the license to sell weapons is also used: "Abul Qasem Sayqal narrates that I wrote before Imam Sadiq (peace be upon him) that my job is to polish swords. I will buy a sword and sell it to the Sultan of the time. Is this permissible?" In response, the Imam wrote, "There is no problem" (Haramali, 1411, vol. 17, p. 310). After this narration, the permission to sell weapons to the Sultan can also be used. Therefore, the release of the narrative includes the license to sell any type of war weapon to the enemies, even in the state of war. However, the narration has a problem in terms of the document, because in the document it is "Abul Qasem Sayqil", who is an unknown person, so the narration cannot be relied upon (Makaram Shirazi, 1426, p. 137.) Although its provisions are on the permission to buy and sell weapons, it refers to Sultan Jaer. On the other hand, it is possible that this narration is authentic (Muntzari, 1415, Vol. 2, p. 392; Sobhani, 1414, Vol. 1, p. 102.) Since the hadiths of permissibility have meaning, then it can also be used as permissibility of other corrupting goods. used. Because although these narrations regarding the permission to buy and sell grapes have been issued for wine makers, singing maids and selling weapons to enemies of religion. But it can be done by canceling the specificity of its ruling, in the case of other corrupting goods, such as weapons of mass destruction, materials and equipment for their manufacture, and the sale of explosives for terrorist groups, which the buyer is responsible for making and carrying out. The forbidden verb makes it powerful. As some have acknowledged the permissibility of trading other corrupting goods based on these narrations (without agreeing to the chapter), and he has made these narrations as proof of the permissibility of these goods (Khoei, 143, Vol. 1, p. 183). also believes that it is permissible to enter into a contract with the knowledge of haram usage. Because the narrations of the sale permit are preferred over the news of the transaction sanctity of corruptible goods. Because the news of the sanctity of marriage contradicts the verses of the obligation to be faithful to the marriage and the will of God. On the other hand, permissive narrations are more powerful than the news of sanctity, and the tradition has also been based on the permissibility of substituting for sins (Najafi, Jawaharlal Kalam, vol. 22, p. 30). Hanafi Sarkhsi also believe that even if the intention of the buyer is to use haram, this type of transaction is also correct. Because the seller does not have corrupt intentions, therefore, concluding such contracts is permissible, the reason for this is considered to be the authentic and original Qur'anic narrations: «وَلَا تَرَوْا وَازِرَةً وَزَرَ أُخْرَى» (An'am, verse 164 and Fater, verse 18.) Therefore, citing the verse of Wezer and traditions, he considered it permissible to sell some corruptible goods (Sarakhsi, 1406, vol. 12, pp. 24 and 26). The license to buy and sell corruptible goods is valid. (Khoei, 143, vol. 35, p. 282.)

But against the former approach, we have traditions that use the sanctity of buying and selling corruptible goods (Sheikh Sadouq, 1404, vol. 4, p. 8; Kilini, 1407, vol. 12, p. 775; Har Ameli, 1411, vol. 17, pp. 121-176 102-102 and 103-124.) According to the technique of ijtihad, the contents of the hadiths of permissibility and sanctity are conflicting. Therefore, the scholars of Islamic jurisprudence have expressed many solutions to resolve the conflict between the narrations of permissibility and sanctity (Ansari, vol. 1, pp. 47 and 48, Khoi, 143, vol. 1, p. 175; Montazeri, 1415, vol. 2, pp. 294-298.) but the best solution is to follow the provisions of both categories of narrations; That is, in the buying and selling of corruptible goods such as the sale of crosses, idols, and weapons of mass destruction, we respect the ruling according to the traditions of prohibition, but in the matter of selling wood for making instruments, selling grapes and other corrupting goods, based on the traditions of permissibility, the ruling has been given as a solution. (Khoei, 143, vol. 1, p. 175; Tabrizi, 1416, p. 36.) and this solution is also very helpful in our problem.

is also reliable or praiseworthy, if the narration is correct or good, and the fact that Hakam al-Sarraj is unknown does not harm the absence of the narrator. (Hossein Ali, Montazeri, Derasat fi al-Makasib al-Muharmah, Vol. 2, pp. 389-390).

3-2- Narration of Tohf al-Aqool

One of the narrations in which the trade license of weapons of mass destruction is used is the narration of Tohf al-Aqool, part of which refers to the license to buy and sell objects with halal and rational benefits: «وَكُلُّ شَيْءٍ يَكُونُ لَهُمْ فِيهِ الصَّلَاحُ مِنْ جِهَةٍ مِنَ الْجِهَاتِ فَهَذَا كُلُّهُ حَالَالٌ بَيْعُهُ وَشِرَاؤُهُ» (Harani, 1404, p. 346.) Anything that improves a direction of human life, in this case, buying, selling and keeping it is permissible and halal. This title has meaning, it includes all the issues that the social, political and military life of the people depends on today; such as the production and purchase of strategic weapons of war, which is very necessary to promote the authority of Islamic forces. Therefore, by referring to this paragraph of the narration, we can also reach the ruling of the license to purchase nuclear weapons.

3-3- Narration of Hafs

The narration of Hafs is also one of the most important narrations of the permission to purchase weapons of mass destruction, this narration is from Imam Sadiq (peace be upon him). It has been narrated (Kilini, 1407, vol. 5, p. 28.) and in it, Hazrat allowed the use of water, fire, and catapults, which at that time were considered weapons of mass destruction and killed civilians without discrimination (Sheikh Tusi, 1407, vol. 6, p. 156.) Since the use of this type of weapon in war is to acquire and buy it. It can also be used as a license to buy from this story.

The Second speech: The Theory of the Sanctity of Buying and Selling

Of course, in business and trade, Islam has taken into account criteria that are rooted in the worldview and its attitude towards human beings. One of those criteria is the expediency of transactions for Islam and the evolution of human societies. In the opposite direction, there are corrupt and harmful haram trades. Therefore, from the point of view of Islam, the prohibition and corruption of transactions are sometimes related to the commercial goods themselves, such as the buying and selling of corpses for eating, the trade in wine, prostitution, or drugs and weapons of mass destruction, which are exclusive tools of sin and have no use except for what is forbidden. Sometimes it is because this type of business helps and creates the basis for corruption, such as helping the oppressor, prostitution or buying and selling special equipment and tools for the production of weapons of mass destruction and other haram subsidies, which according to the mind, anything that causes a subsidy or contributes to it is illegal. It is illegal. Therefore, from the point of view of Islam, if a business becomes a source of corruption and deviation of human society, even if it is profitable, it will be forbidden. For this reason, among the jurisprudential traditions, it is not possible to find a text indicating the permission to buy and sell weapons of mass destruction. However, some speculations that have created this illusion (permission) for some scholars of jurisprudence based on unreliable evidence, are either not based on an authentic document or are justifiable and compatible with the texts that show the sanctity of purchasing weapons of mass destruction.

A: The First Ruling of Buying and Selling Weapons of Mass Destruction from the Perspective of Jurists

As mentioned, based on the basic principles, the first principle is valid for the sale license. But regarding weapons of mass destruction, the principle of sanctity will apply. Because the special tool is haram, therefore buying and selling it is illegal. However, if we want to examine the ruling of buying and selling it based on the evidence of narration, this issue is not mentioned or specified in jurisprudence. However, in jurisprudence, there is the capacity to obtain the decision to purchase nuclear weapons. Because some jurists considered buying and selling corruptible goods to be haram and incompatible with many rational and narrative evidences (Sheikh Sadouq, 1404, vol. 4, pp. 3 and 8; Kilini, 1407, vol. 12, p. 775.) and in conflict with the principles of religion and religion. (Khomeini, Bita, Vol. 1, p. 219; Makarem Shirazi, 1426, p. 119 and 120.) In addition, acting according to the provisions of permissible traditions is in line with contributing to sin and spreading negation. While we are obliged to forbid evil!

Therefore, the transfer of the item (nuclear weapon) of the contract by the carrier is considered as the beginning of the creation of evil and donation (Tabatabai, 1418, Vol. 8, pp. 146 and 147.) and the purchase and sale of nuclear weapons and special equipment for its production is one of the most corrupting examples. It's the day's deals. Because its transmission has no other benefits for all human societies except insecurity, fear and transgenerational destruction of humans and other living beings and the environment. While the preservation of human life is one of the most important purposes and interests that the Creator of the world pays special attention to (Maedah, verse 32.) Therefore, the purchase and sale of any weapon that endangers the lives of innocent human beings, living beings, and the environment is based on the principles And jurisprudential evidence is prohibited. With this approach, many great authorities of contemporary imitation and leadership (Dame Zallah) are opponents of the sanctity of production, purchase and use of weapons of mass destruction.

Including; The leader (Dame Zaleh) says: "In our opinion, in addition to nuclear weapons, other types of weapons of mass destruction, such as chemical weapons and biological weapons, are also considered a serious threat to humanity. The Iranian nation, which itself is a victim of the use of chemical weapons, is more than other nations. feels the danger of producing and accumulating such weapons and is ready to put all its resources in the way of dealing with it. We consider the use of these weapons to be haram and everyone's duty to protect mankind from this great calamity. (Khamenei, message to the International Conference on Nuclear Disarmament and Non-Proliferation, 28/1/2018.) We do not want atomic bombs and we are against even having chemical weapons, (ibid., speech, 1/1/2018.) We impose We consider the costs of building nuclear weapons and maintaining them to be an unnecessary and unnecessary burden on our Islamic nation! Because its production and accumulation have heavy and large costs, and we do not consider it permissible to impose these costs on the nation" (Ibid., speech, 1383/4/1.) Although the leadership (Dame Zaleh) regarding the sanctity of buying and selling This weapon is not specified. But since the production, accumulation, development and use of it is considered haram, certainly buying and selling it is also a clear example of wastage and haram work.

The late Imam (RA) also considered it haram to sell special haram tools that have no other use than sinning (Khomeini, 1415, p. 123), since nuclear weapons are part of haram special tools and have no other use than haram. Of course, buying and selling it will be forbidden according to their opinion.

Ayatollah Makarem Shirazi has also made the purchase and sale of nuclear weapons not only a tool of corruption and has absolutely banned its sale. (يحرم بيع آلات الفساد؛ و منها، الأسلحة الكيماوية وما أشبهها مما لايجوز الإنتفاع منها بحال» (Makaram Shirazi, 1426, p. 113.) Rather, he considered its destruction and complete destruction to be obligatory in order to eliminate the substance of corruption (ibid.). Seyyed Mohammad Shirazi also considered buying and selling it haram: "And this There are various forms of extravagance in different fields, and all of them are among the things that cause environmental pollution, the cases and evidence of which will be extracted, and these things are forbidden, such as..., and wasting a lot of property in the way of construction. And the purchase of very deadly and destructive weapons, which is one of the forbidden and haram acts of extravagance" (Hosseini Shirazi, 1420, pp. 201-227.) Therefore, the huge costs of purchasing a nuclear weapon that has no effect except the forbidden effect, based on the verses, traditions and opinion The jurists are one of the clear examples of extravagance and wastefulness, and are contrary to the first will of the Holy Shari'ah.

B: Secondary Ruling on the Purchase and Sale of Weapons of Mass Destruction Based on International Treaties

As mentioned, from the point of view of jurists, buying and selling weapons of mass destruction is haram, because they are the exclusive tools of sin and have no use other than haram. Therefore, the economic burden and the large costs of its purchase, also based on the verses and traditions, is one of the clear proofs of extravagance, haram and the use of wealth for vanity. For this reason, the first sentence of buying such a weapon and any new weapon that will be produced in the future and is included in the

category of weapons of mass destruction is certainly sacrilege, and it is not permissible under any circumstances. But the purchase and use of nuclear defense shields and less enriched nuclear defense weapons is permissible, because their use does not lead to the ugly consequences of weapons of mass destruction. Now, on the assumption that we accept that some Sharia proofs appear in the permission to buy and sell and use weapons of mass destruction. But this approach faces two very important problems:

First: As mentioned, the main discourse of Islam does not allow any kind of oppression, harm, contribution to sin, corruption, destruction, sedition and killing, to any human being, but to any living being. Therefore, the holy law is never satisfied with the explosion of cities or the mass killing of humans and other living beings and the destruction of the environment. Therefore, the juridical, legal and moral legitimacy of the purchase and use of weapons of mass destruction has been questioned. On the other hand, common sense, in line with Sharia's narrative texts, based on the first ruling, never gives permission to buy, produce, resort to, or threaten to use nuclear weapons. Secondly: On the other hand, the Islamic states that have accepted the membership of the international treaties banning the production, purchase and sale of weapons of mass destruction and nuclear protection, are basically obliged to observe the provisions of these treaties based on Islamic principles and loyalty to the treaties, so they are allowed according to the secondary ruling Such weapons will not be bought, sold or transferred. Because one of the provisions of international treaties has been the prohibition of transfer and purchase and sale of weapons of mass destruction. So, based on the evidence of keeping the covenant, which is also included in international treaties. The member states are required to comply with the general provisions of the contracts. For this reason, according to the second ruling, buying and selling nuclear weapons is definitely forbidden. Therefore, it must be acknowledged that from the point of view of Islamic law and jurisprudence, it is never permissible to purchase weapons of mass destruction. Because this idea, in terms of Shariah, basis and belief, is against many strong Shariah arguments. Therefore, many great authorities of contemporary imitation, with complete clarity, announced the first order banning the production, purchase and use of such weapons.

A: Proofs of Respect for Buying and Selling

1. Intellect

Since the purchase and sale of weapons of mass destruction is one of the instruments of sin, corruption and haram, from the point of view of customs and rationality, the purchase and sale of nuclear weapons and the special tools for their manufacture are the precursors to the creation of a haram act. Therefore, from the point of view of reason, it is forbidden according to reason to provide the necessary preparations for the haram work. In addition to that, the judgment of reason against the evil of creating reasons for the realization of a forbidden act in the outside is also never a vector allocation. Therefore, buying and selling weapons of mass destruction and the means of making them will also be forbidden from the point of view of reason.

2. Verses

One of the anecdotal evidence cited by the opponents of buying and selling nuclear weapons are verses from the Holy Quran, now the verses of corruption are being examined.

2-1 Verses of Corruption

The sanctity of buying nuclear weapons can also be used from the verse of corruption: «وَإِذَا تَوَلَّى سَعَى فِي الْأَرْضِ لِيُفْسِدَ فِيهَا وَيُهْلِكَ الْحَرْثَ وَالنَّسْلَ وَاللَّهُ لَا يُحِبُّ الْفُسَادَ» (Al-Baqarah, verse 205.) In this verse, the destruction of plants and generations of humans and cattle is considered as a clear example of corruption in the earth. Therefore, the purchase and use of weapons of mass destruction causes the destruction of the human race and the environment, and as a result causes corruption in the earth, and its purchase has also been banned. Because, among other things «سَعَى فِي الْأَرْضِ لِيُفْسِدَ فِيهَا» It is used, that not only the act of

corruption is forbidden, but even the preliminary effort to create corruption is also forbidden (Fakherrazi, 1420, vol. 5, p. 148; Hosseini Shirazi, 1420, p. 42). Like buying weapons, which in itself is considered a prelude to committing a crime and is against world security and peace, it will be forbidden.

2-2 Verses of Extravagance

The sanctity of buying and selling weapons of mass destruction can also be used from the verses of extravagance and waste. Because the purchase of nuclear weapons causes heavy and staggering economic and financial costs. According to Shari'i, extravagance is considered forbidden, and some verses also consider extravagance as companions of hell: «وَأَنَّ الْمُسْرِفِينَ هُمْ أَصْحَابُ النَّارِ؛ (غافر، آية 43). مسرفان اهل: Therefore, the jurists have considered the sanctity of extravagance and extravagance as one of the essentials of religion and among the major sins (Naraghi Hali, 1407, p. 616; Makarem Shirazi, 1385, vol. 2, p. 384.) For this reason, spending the funds of the treasury in irrational and haram ways ; (Naraghi Hali, 1407, vol. 2, p. 635; Eshtradi, 1417, vol. 6, p. 301; Saeed Hakim, Bitā, vol. 3, p. 649.) An example of extravagance is the purchase of nuclear weapons, which has no effect other than the forbidden effect. For this reason, some have considered the purchase of nuclear weapons from Masadiq as a clear example of extravagance. The Shari'i opinion of any ruling that has the process of production and storage of weapons of mass destruction, surely that ruling can be applied to its purchase and sale as well.

3. Traditions

Some of the narrations included in the narrative tradition are also used regarding the sanctity of buying and selling nuclear weapons.

3-1 Narration of Tohf al-Aqool

One of the narrations cited in this discussion is the narration of Tohf al-Aqool: «وَأَمَّا وَجُوهُ الْحَرَامِ مِنَ الْبَيْعِ وَ الشَّرَاءِ فَكُلُّ أَمْرٍ يَكُونُ فِيهِ الْفَسَادُ مِمَّا...؛ And as for the forbidden ways of buying and selling, all the corrupting and illegitimate transactions of food or drink, or marriage, or possession, or keeping, or giving or lending it, or any transaction in which there is some kind of corruption... ; Due to the corruption in it..., it is completely illegitimate and haram, so any possession of it is haram and prohibited" (Harani, 1404, p. 346, Haraami, 1411, vol. 17, p. 83-86.) Reasons, since the use of nuclear weapons is corrupting! Of course, buying and selling it is forbidden based on the above narration.

3-2 Narration of Tassim's Sanctity

The sanctity of buying a nuclear weapon can also be used from the narration of Tassim's sanctity: «عَنْ السَّكُونِيِّ، عَنْ أَبِي عَبْدِ اللَّهِ 7 قَالَ: قَالَ أَمِيرُ الْمُؤْمِنِينَ 7 نَهَى رَسُولُ اللَّهِ 9 أَنْ يُلْقَى السَّمُّ فِي بِلَادِ الْمُشْرِكِينَ؛ Imam Sadiq (peace be upon him) narrates from the Commander of the Faithful (peace be upon him): that the Messenger of God (peace be upon him) forbade spraying poison in the cities of polytheists" (Kilini, 1407, vol.5, p.28; Haraami, 1411, vol.15, p. 62.) Although some people have found problems in the chain of this hadith due to the fact that it is still. However, most of the religious scholars have considered him as Maqbool al-Rawiyah. Among others, the late Khoei has interpreted this narration as reliable, and many ancient and contemporary jurists have issued fatwas based on it. One of its provisions regarding the use of poison in enemy cities can be used. But since the use of poison is absolutely haram according to Islam, then surely buying and selling it will also be haram. Because "poison", which was one of the approved weapons of mass destruction in the era of issuing the narrative, not only has not been issued any clarification on the legality of its trade, but even its use has been banned, so this shows the sanctity of its sale. Is. Therefore, just as the use of poison and nuclear weapons is not legitimate, it is certainly forbidden to buy and sell them for illegitimate purposes.

3-3 Traditions of the Sanctity of Selling Instruments of Corruption

The sanctity of selling instruments of corruption is also used as the sanctity of dealing with nuclear weapons: «عَنْ ابْنِ أُدَيْبَةَ قَالَ: كَتَبْتُ إِلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَسْأَلُهُ عَنْ رَجُلٍ لَهُ خَشَبٌ فَبَاعَهُ مِمَّنْ يَتَّخِذُهُ صُلْبَانًا فَقَالَ: لَا؛ Ibn Uthina narrates that I wrote a letter to the presence of Imam Sadiq 7 and asked a man who sells his wood to a cross maker, the Imam replied no, that is, it is not permissible" (Haraami, 1411, vol. 17, p. 176). The narration of Amru bin Hurayth also supports Ibn Uthina's correspondence: «عَنْ عَمْرُو بْنِ حُرَيْثٍ قَالَ: لَا؛ Amroub bin Huraith says: I asked the imam about selling mulberry trees to build crosses and idols, and he said it is not permissible (ibid.). . These two narrations are correct from the point of view of the document (Makaram Shirazi, 1426, p. 103), but although their contents refer to the sanctity of buying and selling wood for making idols and crosses. But the sanctity of buying and selling corrupting instruments is like that; Idols, crosses and nuclear weapons are also used. Because in these narrations, the imam forbade the sale of wood and mulberry trees for the construction of the cross, because of the corruption that would result from its construction, otherwise there is no problem with the principle of selling wood and mulberry trees! (Ibid.) So, the reason for banning the sale of instruments of corruption is that, firstly, idols and idols have haram benefits, such as weapons of mass destruction, which have no other use than haram use. Secondly: According to Sharia, they have no property, so buying and selling instruments of corruption and nuclear weapons is illegal and haram. Thirdly: the reason for sanctity is the consequence and the maximum amount of corruption that results from this type of contracts (Razi Tabrizi, 1413, p. 90.) Hence, the same narrations that are in line with the rule of reason, buy and sell wood for making crosses and idols. has sanctioned, it also sanctions the purchase and sale of nuclear weapons. Because according to the rule of prohibition, the prohibition of a forbidden act causes the sanctity of its causes and prerequisites as well (Al-Kasani, 1409, vol. 2, p. 197.) Therefore, through the traditions of the sanctity of buying and selling instruments of haram corruption, we can also sanctify weapons transactions. nuclear arrived; Just as some have included the purchase and sale of nuclear weapons as one of the instruments of forbidden corruption, and by citing the rules and traditions, not only that, they have considered the sale and purchase of nuclear weapons to be absolutely forbidden (Makaram Shirazi, 1426, vol.2 , p. 113.) Rather, they have considered its destruction and elimination as obligatory for the purpose of disposing of the substance of corruption. (The same.)

4. Jurisprudential Rules

Jurisprudence rules are also used to respect the purchase of nuclear weapons. Now, with this approach, some jurisprudential rules will be examined.

4-1 Harmless Rule

In this discussion, the sanctity of buying and selling weapons of mass destruction can also be reached by examining the harmless rule. Because the scope of the harmless rule is such that it covers all political, military and armed conflicts. Therefore, according to this rule, no one has the right to buy and sell weapons in the field of military defense, by means of which, even in the battle scene, irreparable and uncontrollable material and moral damage can be caused to "Abriya" and civilians and other creatures. They bring in alive. However, some have allowed the use of some unreliable evidence with a superficial and superficial attitude in the matter of purchasing nuclear weapons. But according to the harmless rule, no country, organization and national and transnational companies are rationally and legally allowed to buy and sell such weapons. Because the harmless rule prevents it. (Makaram Shirazi, 1426, vol. 2, p. 357.) Therefore, some contemporary jurists of the Islamic world declare the production of weapons of mass destruction (microbe, chemical, atomic, and nuclear) to be haram, based on the principle of harmlessness, since it causes human and environmental harm. Have. (Makaram Shirazi, 1385, vol.2, p. 321; Hosseini Shirazi, 1420, p. 163.) Of course, although they considered only the production of the mentioned weapons to be haram, based on the rule of harmlessness, but surely, buying and selling and using it will also be a clear example of the rule of harmlessness.

4-2 The Rule of Contribution

The rule of "Brotherham's contribution" can also be used to respect the purchase and sale of weapons of mass destruction. The document of this principle is in addition to reason, consensus and narrations (Harani, 1404, p. 346; Ansari, Al-Makasab, vol. 1, p. 9-10.) is the noble verse 2 of Surah Ma'idah: "Wala ta'awanwa 'alay al-Ithm and wa'al-adwan; (Never) cooperate in the way of sin and transgression!" (Maedah, verse 2.) In the word "aid" from the root of Aoun, which means help, and its plural is Awan (Ibn Manzoor, 141, Vol. 9, p. 484, Mahmoud, Bitu, Vol. 1, p. 222). His aim is to reach the forbidden act. In the words and traditions, there is no condition in the meaning of "donation". Therefore, Sheikh Ansari has considered any kind of assistance in the direction of achieving a forbidden act, in terms of the word donation (Ansari, vol.1, p. 48.) If the preamble is exclusively in the haram, it is definitely an aid (ibid.). Like selling weapons to the enemies of the religion is forbidden (Mohaqq Halli, 1408, vol. 2, p. 3.) In the verse of Sharifa, the reference of "cooperation" to "sin" expresses this meaning, if someone is in line with the realization of sin and the rebellion of God, the meanings by creating some reasons and principles for the forbidden action, it is forbidden. Because the appearance of banning cooperation is to sanction it. However, some have not accepted the meaning of the verse on prohibition.⁴ Therefore, they believe that the first principle is the permissibility of helping any forbidden act, and in the case of conflicting narrations, the sale of one's soul is also permissible according to the basic principles. «اؤفوا» «تجارة عن تراص» and «بالعقود» It is correct (Ansari, vol. 1, p. 53; Khoei, 1430, vol. 1, p. 185.) But on the other hand, many jurists of the Islamic world have considered the first origin to be the sanctity of creating the preparations for the investigation of haram abroad. For this reason, the permissible traditions are contrary to the fixed principles; Like the sanctity of donation, they know it as a sin and believe that this principle of wisdom is not a matter of appropriation (Khomeini, Bitu, Vol. 1, pp. 194-196; Makarem Shirazi, 1426, pp. 119 and 120). On the other hand, in none of the traditions, the sanctity of donation The sin is not subject to the realization of the forbidden act in the outside (Harameli, 1411, vol. 17, p. 176.) This is an indication of its sanctity due to the specific text and its emotional obligation (Khomeini, Bitu, vol. 1, p. 215; Montazeri, 1415, Vol. 2, p. 305.) So the sanctity of creating a prelude that strengthens oppression and corruption does not depend on the intention of the seller to strengthen oppression and corruption, but its customary truth is sufficient to fulfill the sin (Sabzwari, 1413, Vol. 16, p. 72.) Imam Rahal (may Allah be pleased with him) also believes that the purpose of the Shari'ah law forbidding aid to sin is to eradicate corruption and prevent the spread of sin (Khomeini, Beta, Vol. 1, p. 212). For the one who cares about it, it has been condemned (Ibid.) Now if it is customary to buy and sell weapons of mass destruction, in line with the use of nuclear weapons, it is preemptive. Of course, this agreement is forbidden and invalid because of contributing to the sin (Razi Tabrizi, 1413, p. 86.) because, from the point of view of the intellect, just as doing a forbidden act is ugly, encouraging others to do it, or providing It is also forbidden to create means and pretexts for haram (Bojnoordi, 1419, vol. 1, p. 365.) Since the purchase and sale of weapons of mass destruction increases the probability of their use in the field of armed conflicts, it is an example of contributing to sin. From the point of view of custom, it seems that the deal of nuclear weapons is a priority and a contribution to the crime. Therefore, it is certain that the contracts that lead to illegitimate use are forbidden from the point of view of responsibility and null and void in terms of contributing to the sin (Mohaqq Hali, 1408, vol. 2, p. 3, Razi, 1413, p. 86.)

⁴. Some believe that the verse indicates cooperation and not aid, while the one who determines some of the preliminaries of the forbidden act is an independent subject and has not participated in the haram, he has only provided some reasons and preliminaries of the haram. (Abul Qasim, Khoi, Misbah al-Faqaha, vol. 1, p. 175.) First: It should be said that cooperation and contribution from the article "Aun" means helping to do something. There is no need to participate in doing a verb for the correctness of using the participle. Rather, the same amount that he contributes to the meaning is sufficient for the truth of the interaction. It is of the same sex, it is forbidden. Thirdly: The answer to the argument that the verse does not imply prohibition against the command to piety is that there is a prohibition against appearing in the prohibition.

D: Criticism of the Theory of Permission

Regarding the criticism of the permission approach, it can be said that although the first principle in transactions is based on the permission to buy and sell commercial goods. However, in the discussion of buying and selling the material of corruption and goods that have no other effect than corruption, just like; The purchase of idols, idols and weapons of mass destruction is the first principle of the sanctity of its purchase and sale. On the other hand, although in Islamic jurisprudence, there is no doubt about the transactions of some corrupting goods, such as selling grapes for winemaking, singing maids, and selling weapons to the enemy. But you cannot use that license to buy and sell weapons of mass destruction. Because first of all: according to the Shariah, the obnoxiousness of some objects is due to corruption, which results from doing it. Of course, corruptions also have levels in terms of intensity and weakness, therefore, in the hadiths, it is strictly prohibited to sell goods that have more corruptions (Haraami, 1411, vol. 17, p. 176). Ibid.) Although both goods are corruptible. So, the reason for this ban is the limited amount of corruption that results from this type of transactions; Because the corruption resulting from the sale of wood for the construction of the cross causes irreparable damage to the religious principles of the people of the Islamic society, therefore, it is sanctioned in the hadiths. But the sale of wood for the maker of instruments, because corruption has no maximum limit, has been allowed (Razi Tabrizi, 1413, p. 90). Therefore, where the corruption resulting from corrupt transactions is severe, the holy law allows everyone to comply with some of its provisions. it is not Therefore, any sale and purchase; Like wood for making a cross, or buying and selling weapons of mass destruction and its manufacturing equipment is forbidden. Because the ugly consequences of making a cross, or buying and using nuclear weapons, cannot be compared to other corrupting goods at all! For this reason, in the hadiths, even doing some of its preliminaries has been banned (Hiraamili, 1411, vol. 17, p. 176).

Secondly: Although on the other hand, we have traditions that consider the sale of grapes as permissible for a winemaker (Kelini, 1407, Vol. 10, p. 277; Haraami, 1411, Vol. 17, pp. 230-231-174.) It can be thought that the corruptions associated with making wine is one of the most important and forbidden matters, but at the same time, creating its introduction is considered permissible by the Shariah. Therefore, by canceling the character of the tradition of the license to sell grapes and other corrupting goods, it can be issued in other cases, including the sale and purchase of weapons of mass destruction and their manufacturing equipment. Because in the sale of nuclear weapons, just like the sale of grapes, the corruption of buying and selling and the use of nuclear weapons belongs to the action of the buyer, not the action of the seller. Therefore, if the seller does not have a claim to create haram, simply buying a weapon or equipment to make it and creating a prelude to sin is not haram (Khoei, 1430, vol. 1, p. 180; Bahrani, Bita, vol. 18, p. 206). It is nothing more than an illusion, because the comparison of the corruption of wine production with the corruption of purchasing and using nuclear weapons is far-fetched, because the corruption of purchasing and using nuclear weapons or the means of making them is corruption of the majority. Therefore, its corruption can never be compared with the corruption of making wine and other corrupting goods. Therefore, the holy law is not satisfied with the fulfillment of its unlikely prerequisites (Haraamili, 1411, vol. 17, p. 176.) and even the purchase of special materials and equipment for making weapons. A core that empowers the buyer (or future generations) to build it is also considered haram. Until the purchase of the original nuclear weapon, which will be forbidden through the first method.

Thirdly: the corrupting goods that are discussed in the jurisprudence are not specific haram instruments; While the nuclear weapon and the special means of its production are the exclusive tools of sin and haram and have no use other than haram. Therefore, some have considered buying and selling special tools of sin as haram: «بحرم التعاقد على الآلات والأدوات والأجهزة المستخدمة في الحرام إن لم تكن لها منفعة غير محرمة؛ مثل آلات اللهو الموسيقية، وأدوات القمار، والأصنام؛ **concluding a contract of purchase and sale of tools and equipment that is used in haram, if it does not have a non-haram benefit; Musical instruments, gambling and idols are forbidden**" (Madrasi, 1431, vol. 2, p. 164.)

Fourthly: Some jurists have found it difficult to accept the provisions of the hadiths on the permissibility of selling grapes, despite its fame, clarity of meaning, authenticity of the document, and its plurality (Ansari, 1411, vol.1, p. 49.) because their provisions, in addition to the fact that, with many evidences It contradicts intellectually and narratively (Sheikh Sadouq, 1404, vol. 4, pp. 3 and 8; Kilini, 1407, vol. 12, p. 775.) It is also incompatible with the principles of religion and religion. (Khomeini, Bita, Vol. 1, p. 219; Makarem Shirazi, 1426, p. 119 and 120.) Because following the provisions of the hadiths, it is permissible to spread a kind of negation, while we are legally obligated to forbid negativity! Therefore, the conclusion of the contract by the seller is the beginning of creating evil and contributing to the sin (Tabatabai, 1418, vol. 8, pp. 146 and 147.) Therefore, the purchase and sale of weapons of mass destruction is one of the corrupt transactions, the consequences of which are comparable to corruption. The possibility of other transactions is not corrupt. Because suicide is extremely important from the legal point of view, as the Quran says: «مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا» (Ma'idah, verse 32.) But by implementing the provisions of this contract, the equipment and tools have been transferred to the customer, which have enabled him to make or possess weapons, which has put the lives of thousands of people at risk, and with its use, surely Generation and ambition will be destroyed. Therefore, this deal is the most corrupt deal on earth. Although the idea of the absolute sanctity of buying and selling conventional weapons can be used from some traditions (Haramili, 1411, vol. 17, p. 103; Razi Tirizi, 1413, p. 97.) At the time of Imam Masoum, the purchase and sale of conventional weapons to the enemy, because of killing It has sanctioned the innocent, strengthening the authority of the tyrant, supporting evil and corruption. So, by comparison of priority, we can consider nuclear weapons deals that cause the destruction of the human race and other creatures as haram! and even blocked the ways of its possible education (Muntzari, 1415, vol. 2, p. 295; Khomeini, Bita, vol. 1, p. 228.)

Fifth: The explanation that was put forward for the correctness of corrupt transactions is also debatable. Because even though the rule of sanctity has been assigned to the external action performed by the buyer in the hadiths. However, since the power of the buyer to pay for the wrongdoing is derived from this contract, the role of sale as the prelude to the forbidden act should not be ignored. Therefore, the mere act of entering into a marriage plays a very important role in the realization of the forbidden act, and for this reason, it is sanctioned because of contributing to sin (Naini, 1373, vol. 1, p. 12). It destroys the history of corruption (Khomeini, Bita, vol. 1, p. 228; Montazeri, 1415, vol. 2, p. 295.) It was with this view that some consider not only the purchase and sale of weapons of mass destruction absolutely forbidden (Makarem Shirazi, 1426, p. 113) but also their destruction They have considered it obligatory to dispose of the material of corruption (ibid.). Therefore, according to the theory of sanctity, just as the production of nuclear weapons is against the principles of Islamic jurisprudence and law, the purchase and sale of weapons and the special equipment for their manufacture will also be prohibited.

Research result

According to the theory of deterrence, according to some thinkers, the purchase of weapons of mass destruction as a first order is considered permissible or obligatory to promote the authority of the Islamic government at the international level, and they believe that some of the Sharia evidences will confirm the idea of the permission to purchase weapons of the day. But on the other hand, some others have never considered the acquisition and purchase of weapons of mass destruction as legitimate and consider it against the evidence of respect for sin, harm, corruption, extravagance and the principles of preserving human life and other creatures of the world and the environment. Therefore, the purchase of any war weapon that endangers the lives of innocent people and other creatures or the environment and causes the mass killing of the human race and the destruction of the plow, the generation and the environment is haram. Because Masadaq buys and acquires military equipment and weapons, according to the verse of numbers, the weapons are legitimate, not the weapons of mass destruction, which have not been approved and accepted by Islam under any circumstances! Therefore, the order to embargo the purchase of weapons of mass destruction has been issued based on the first order. Therefore, the fatwa of

the great authorities of contemporary imitation, about the sanctity of education, its purchase and use, also tells about the point of view of the first ruling of the Islamic legal system in the field of defense. From the point of view of Islamic jurisprudence, buying and selling these types of weapons is forbidden.

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