

Religion and non-proliferation: How do Religious Norms Constrain Nuclear Weaponization: A Case Study of Iran

Introduction

The disciplines of International Relations (IR) and other Social Sciences were developed in the context of secularization of western society. The religion was restricted into private realm of life. The emergence of sovereign states after decline of Church caused separation of religion from policies of states also. The concept of sovereignty restricted the interference of religious authority in state affairs. So, the religion was not recognized as an influential factor in social sciences including IR and Security Studies. J. Fox and S. Sandler (2004) point to different reasons for marginalization of religion in the discipline of IR. First, origin of social sciences was rooted in scientific revolution and relational explanations. The positive framework of these social scientists was not suitable to accommodate religion as a factor. Second is the Euro-centric aspect of IR and other social sciences. The focus of these disciplines was on western European society where secularization has developed more than any other parts of the world. The Euro-centric scholars considered European society as advanced ideal mode of society and explained the religious role of Asia and Africa as primordial and primitive aspects of the culture. They expected religion will disappear from in Asian and Africa as these societies modernized. However, in contrast, modernization caused resurgence of religion rather than demise of it. Third, influence of behaviouralism and quantitative methodology made accommodation of religion difficult in the framework of the discipline. Forth, framework of discipline of IR also was based on factors like anarchy which exclude the role of religion.

However, various events in the last decades made religion more visible. The scholars from decolonized countries questioned Eurocentric interpretations in social sciences. The new perspectives on non-western culture with its distinguish character led western scholars also to study rest of the world with recognition of role of religion in public sphere. In this sense “return of religion” was not just due to change in role of religion in society, but also due to change in framework of analysis. Because, as Michael C. Desch (2013: 31) argued, non-western part of the world was not secular even in eighteenth or nineteenth century. Many prominent religions, like Hinduism and Islam, had not accepted western notion of separation of individual life into public and private spheres. In contrast to expectation of orientalist scholars, who predicted decline of religion after modernization of society, the religion

became more visible in Asia and Africa after modernization. It proved that the experience of Europe is not a universal phenomena and the modernization in rest of the world not necessarily result in rejection of religion.

However, compared to other disciplines of social science, IR was very late in accommodating religion for literature of International Relations was occupied with Cold War. Since religion had no direct influence in policies of the USA and USSR, the theories of IR focused on power politics and balance of power. Therefore, unlike Political Science and Sociology, the resurgence of religion in different parts of world was not reflected in IR. Even constructivist theory, which can accommodate religion easier than other theories, ignored the role of religion in creating norms and identity. Timothy Shah indicated into this irony that “religion has become one of the most influential factors in world affairs in the last generation but remains one of the least examined factors in the professional study and the practice of the world.” (Quoted in M. S. Desch 2013: 14) This ignorance continued until end of the Cold War and pathbreaking work of Samuel P. Huntington on *Clash of Civilizations*.

The 9/11 terrorist attack on the USA was a breakthrough in recognizing religion as an influential factor in international relations and security policies. Herrington and A. McKay (2015:4-5) paraphrased Daniel Philpott arguing that “9/11 emphasized, possibly more than any other recent historical event, that religion continues to be a potent force in global politics.” The literature on the role religion in international relations, security and war increased many times within one decade after 9/11 than previous decades. However, the focus of the most of this literature was on negative aspects of religion and influence of it on non-state terrorist groups. The role of religion in the policies of state actors is still understudied.

The religion is an influential force in the activities of not just non-state actors but also that of states. This influence is not unidirectional: it can lead to both peace and war. It can be either legitimate instrument of government to continue in power or follow certain policies or that of opposition to fight against government. However, this dual aspect of religion does not indicate to discard religion as a mere instrument, but it is used by government or opposition because of its power to mobilize people and to get domestic and international support. J. Fox and S. Sandler (2004) identify many influences of religion in international relations. First, it influences individual leaders in shaping their world views, thoughts and behaviour. Second, religion works as a base in formation of identity. Third, it is a source of legitimacy. Fourth, it

may associate with formal institutions that can influence the political process. Religion is also a source of many norms and ethics related to warfare and human rights.

Just like other security and military policies of states, religion can influence the nuclear decision-making also. This paper explores the influence of religion in the nuclear policy of Iran. The first part of the paper figures out possibility of accommodating religion in existing theoretical frameworks of International Relations. The following section describes the various perspectives within Islam, which is the official religion of Iran, on nuclear weapons. The third section deals with the historical analysis of development of nuclear programme in Iran. Then, it analyzes the explanation and the prediction of various theories on possibility of nuclear weaponization. The last part explains the importance of religion as a factor in theorizing nuclear policy of Iran.

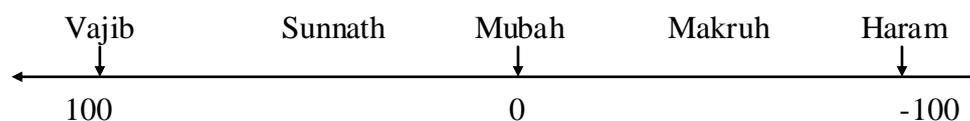
Islam and Nuclear Weapons

Although the nuclear weapons were not introduced during the time of the Prophet Muhammad in the seventh century, the legal aspects of the weapons can be analyzed based on basic principles of warfare. Therefore, *Qiyas* (analogy, i.e., rational interpretation of the new situation in the light of other sources) is the significant source of laws on nuclear weapons in Islamic jurisprudence. However, as Johns Kelsay (2006: 81-85) correctly pointed out, Sharia (Islamic law) and reasoning are not easy task. Since it requires deep knowledge in Quran and Hadees (words and practices of prophet), Sharia reasoning is restricted to learned people of *Ulama* (scholars). The ignorance of these criteria leads scholars like Rolf Mowatt Larssen (2011) and Sohail H. Hashmi (2004) to considering the opinions of Bin Laden and Al-Zawahiri as one of the significant opinions in Islam. Turner Johnson (2011: 60) and John Kelsay (2006: 104) have elucidated that Bin Laden and his associates have no religious authority to issue fatwa like the *Declaration or the Neglected Duty*.

Shari'a laws classify all activities of individual into five broader categories: *Vajib* (necessary or obligatory action), *Sunnath* (recommended action but not compulsory), *Mubah* (allowed, but neither commanded nor prohibited), *Makruh* (a discouraged action, but not prohibited) and *Haram* (forbidden or prohibited).

Figure- I

Basic classification of activities in Islamic Jurisprudence and level of motivation for the action



As it is indicated in figure- I, Vajib and Sunnath are motivated actions while Haram and Makruh are demotivated. Mubah is neither motivated nor demotivated.

The possession and use of nuclear weapons also can be analyzed using these principles of Shari'a. Sohail Hashmi (2004: 322) identifies three views in Islam on Weapons of Mass Destruction (WMDs). First, WMD jihadists allow the possession of the WMDs and use of them in the right circumstances. Second, Muslim WMD terrorists consider acquisition of WMDs is necessary. Third, Muslim WMD pacifist those opposes both acquisition and use of WMDs. Out of these three views, only opinion of WMD terrorist motivates the possession of nuclear weapons. However, as it is explained earlier, people who has been included in this category like Bin Laden and Al- Zawahiri are not qualified for giving independent opinion about Islam. For WMD jihadists, possession of the weapons is allowed (*Mubah*) and that is neither motivated nor demotivated. According to WMD pacifists, both possession and use of WMDs are prohibited and demotivated.

In short, neither recognized Sunni nor Shia scholars consider nuclear weapons as the duty of state leaders. They have different opinion on whether it is allowed or not. Therefore, Islam either motivates non-weaponization and promotes non-proliferation or just allows doing what is needed as per the situation. As per opinion of it is *Mubah*, leaders can opt weaponization or non-weaponization. So, if the leaders develop nuclear weapons arguing that it is permissible in Islam, it means that they have taken one of these two options due to the force of some other factors. This understanding of Islamic view is important to analyze the influence of Islam in nuclear decision-making of any Muslim country including Iran.

Nuclear Development in Iran

Iran is a country with technological capability for nuclear fuel cycle. This capability makes international community concerned about possibility of nuclear weaponization. So, scholars belong to different theoretical background have analyzed motivations of Iran for

weaponization. Considering various motivations, such as security threat, status, domestic political and economic system and characteristics of leaders, many scholars have predicted nuclear weaponization of Iran. However one fact remains that, as Christopher J. Bolan (2013) argued and US National Intelligent Estimate of 2007 and 2011 and many reports of International Atomic Energy Agency (IAEA) confirmed, Iran has not developed its nuclear weapons yet. The official explanation of Iran is that the nuclear weapons are prohibited (*Haram*) in Islam. So, a comprehensive study is required to analyze different theoretical explanation and to figure out the role of religion in its nuclear policies.

The nuclear programme of Iran started in 1950s with support of the USA under Atom for Peace programme. Muhammed Reza Shah Pahlavi, the Shah of Iran from 1941 to 1979, was very much interested in modernizing Iran through nuclear technology. “The Western allies helped Iran under umbrella of Cold War alliance” (S. Khan 2010: 214-215). The declared goal of the Shah was peaceful use of nuclear energy. Patrikarakos (2012: 25) identifies three economic reasons for the nuclear programme of the Shah: benefit of resource diversification, energy competition, and technological advancement. It is expected that the nuclear energy would help Iran to increase national income by exporting more oil to international market. Along with these economic reasons, the Shah had other motivations such as prestige for his personality and nation. Shah considered nuclear technology as a symbol of modernization and westernization.

However, even though the door of weaponization was kept opened, the Shah had no intention to develop nuclear weapons. He realized that the weaponization would negatively affect Iran’s relationship with the USA and other western countries. Weaponization also would impact the trade of uranium from international market. At same time, he modernized the conventional weapons using financial advantage of oil boom in 17970s for being a great power in international politics. The Shah has realized the normative change in nuclear weapons as a symbol of prestige to as a symbol of ‘bad states’ (Patrikarakos 2012: 54). The Shah executed his policy of non-weaponization by signing the Non-Proliferation Treaty (NPT) soon after it was opened for signature in 1968.

The nuclear policy of the Shah, both non-weaponization and use of it for civilian purpose, was not shaped by religion. Ideologically he was not against nuclear weapons. He restrained from weaponization due to his concern about its negative impact on the security of Iran and its relation with the Western states. The civilian nuclear programme was to modernize the

country and bring back the prestige of Persian Empire. The nationalist feeling of the Shah was related to the Persian, not Muslim, identity.

The Islamic revolution of 1979 and following events such as hostage crisis and the war with Iraq created dramatic change in foreign and security policies of Iran. The nuclear policy also was not exception from it. The new regime of Iran adopted non-aligned policy replacing the policy the Shah who allied with Western countries. Ayatollah Khomeini opposed all kind of *Gharbzadegi* (means west-struckness or *westoxification* (Patrikarakos 2012: 93). Since the nuclear programme was considered as a part of moderation and westernization from the time the Shah, Khomeini opposed both military and civilian nuclear programmes.

However, the war with Iraq (1980-88) and the silence of international community on chemical attack of Iraq changed the attitude of Iran. During the war, Iraq got support from Gulf Arab countries, Soviet Union, China, France, Germany and the UK. The western countries supplied Iraq chemical and biological weapons (S. Khan 2010: 53). The Iranian leaders realized the importance the modern technology including nuclear technology for self sufficiency. Even though Iranian leaders restarted the civilian programme, their motivation was different from that of the Shah. In contrast to the Shah's motivation for westernization through nuclear programme, the new Islamic regime considered the nuclear technology as a counter to the West. Now, Iran is a technological capable country for nuclear fuel cycle and it maintain mining, milling, enrichment and fuel fabrication capabilities. In 2006, Ahmedinejad announced that "Iran has joined the club of nuclear countries" by successfully enriching uranium for the first time (S. Khan 2010: 14).

What Do Existing Theories Say?

It is clear that Iran has technological capability to develop nuclear weapons if it takes a political decision to do so (Clarke 2013: 494, Farmer 2005: 42, Schmidt 2008: 46). At same time it is also clear that Iran has not taken political decision for weaponization yet. According to the US National Intelligence Estimate of 2007 and 2011, Iran suspended its nuclear weapon programme in 2003, and Iranian leaders have not made any political decision to build nuclear weapons. Quoting this report, Christopher J. Bolan (2013: 80-81) calls the accusation of nuclear weaponization as a myth. The International Atomic Energy Agency (IAEA) has repeatedly confirmed the absence nuclear weaponization of Iran (Mousavian and Afrasiabi

2012: 2). Officially Iran refers to the religious prohibition of nuclear weapons and the fatwa of Khamenei as the reason of this non-weaponization. So, this section analyzes that how the different theories explain nuclear weaponization of Iran. It figures out the limitation of existing theories to explain the absence of nuclearization without considering the role of religion as an important factor.

Realism, which focuses on national security and external threat, definitely predicts nuclear weaponization of Iran. Iran is surrounded by many nuclear weapons states such as Israel, Pakistan, India, Russia and the USA. Iraq, which is another neighbouring country, possessed chemical weapons and used them against Iran. Iraq remained as a major threat for more than two decades until removal of Saddam Hussein in 2003. Gulf countries led by Saudi Arabia also have hostile relationship and ideological clash with Iran. Iran also has territorial disputes with Iraq and the UAE. The support of the USA to Israel and the Gulf countries increases vulnerability of Iran. Considering all these security threats, scholars predict nuclear weaponization of Iran. For examples, scholars like Charles C. Mayer (2004), Michael L. Farmer (2005), Oliver Schmidt (2008), Saira Khan (2010), Peter Jones (2012) and Michael Clarke (2013) have predicted nuclear weaponization of Iran considering its security motivations.

International regime, which is proposed by neoliberal institutionalism, is another variable in explaining nuclear weaponization of Iran. This explanation expects "Iran to continue to comply with NPT so long as there are benefits from holding into the treaty's commitment" (Tagma and Uzun 2012: 243). Iran is a party to almost all international agreement restricting use of poison, chemical, biological and nuclear weapons. However, one question arises that, why is Iran continuing in these regimes if it really wants to develop nuclear weapons. The silence of international institutions and community on chemical attack of Iraq against civilians in 1980s proved Iran that international regimes are not helpful at the time of emergency. Iran also accuses the NPT regime that it is not getting fair treatment from the regime as Non-Nuclear Weapon State. It argues that western countries violate its right to develop nuclear technology for peaceful purpose. So, the historical experience of Iran shows, at least its leaders feel, that it is not benefitting from international regimes. The neoliberal institutionalism fails to explain that why is Iran still continuing its membership in these regimes. Considering technological capability of Iran, regimes like IAEA can only slowdown, cannot prevent completely, nuclear development of Iran if it really wants to develop them. So, the lack of nuclear weaponization is due to its unwillingness to the

weapons. In short, the membership of Iran is the result of its desire for disarmament rather than the cause of it.

The domestic model approach of Scott Sagan “envisions nuclear weapons as political tools used to advance parochial domestic and bureaucratic interests” (Sagan, 1996:55). Scholars like Charles C. Mayer (2004), Mustafa Kibaroglu (2006), Oliver Schmidt (2008), Halit Mustafa Tagma and Ezgi Uzun (2012) and Michael Clarke (2013) have used the domestic model approach to analyze nuclear policies of Iran and predicted its nuclear weaponization. However, any analysis without considering the power of the Supreme Leader over legislative assembly, executive and military cannot reach into right conclusion. According to Sagan, three actors usually argue for nuclear weaponization. They are nuclear energy establishment of state, military and politicians in states where individual parties or the mass public strongly favour nuclear weapons acquisition (Sagan, 1996: 64).

In contrast to the expectation of Sagan, Oliver Schmidt says that “it is nearly impossible to find any proof for domestic actors actively lobbying for a nuclear-armed Iran” (Schmidt 2008: 60-61). The Iranian Revolutionary Guards Corps (IRGC), the military of Iran, is subordinated to the Supreme Leader who has issued Fatwa against nuclear weapons. So, IRGC cannot drive the country into weaponization. Among politicians, even Ahmedinejad, who is usually referred as a hardliner, has not argued for nuclear weaponization. The majority of people also do not support the weaponization (Maurer 2014: 64). Even if a hardliner politician takes decision for weaponization, it is difficult to override the stand of the Supreme Leader and the majority of people.

Out of individual level analyses, the psychological approach of Jacques E. C. Hymans and mythmaking approach of Peter R. Lavoy are widely used approaches in analyzing nuclear policies of Iran. According to Hymans, National Identity Conceptions (NIC) of leaders determines nuclear policies of states. The leaders with oppositional nationalist conception will go for nuclear weapons if state has technological capability. However, this model fails to explain the non-weaponization of Iran even after it is ruled by leaders with oppositional nationalist NIC. For example, Saira Khan has called Rafsanjani as an oppositional nationalist (S. Khan 2010: 16). Ahmedinejad was a hardliner with pride in his nation and “us against them” feeling (oppositional NIC) regarding the relations with the western countries. However, they did not order for nuclear weaponization even though Iran has technological capability.

According to mythmaking model of Peter R. Lavoy, two kinds of myths, security and insecurity myths, are propagated by leaders. If security myth prevails over insecurity myth, the country is likely to develop nuclear weapons. If insecurity myth prevails, the country will restrain from nuclear weaponization. Charles C. Mayer (2004) has argued that Iran has successfully employed both of these oppositional myths successfully (Mayer 2004: 40). The security myth of Iran stresses the need for Iran's self-reliance, the threat from Israel and the US, the absence of support or nuclear umbrella of a nuclear power and necessary of indigenous nuclear weapons for the security and to enhance the prestige of Iran. Nuclear insecurity mythmakers focus on the religious prohibition of nuclear weapons, impacts of weaponization on economic and foreign trade, possibility of external attacks and further regional proliferation as a consequence of weaponization. Out of these two myths, insecurity myth has larger follower since it is the formal position of Iran and "security myth makers are rarely heard outside of closed door" (Mayer 2004: 40, 42). However, these "rarely heard" voices are not enough for security mythmaking. So, the insecurity mythmaking is still dominant in Iran. As, Mayer (2004: 41) indicated, the ideology of Islam is a significant factor in this insecurity mythmaking.

The norms model approach of Scott Sagan explains nuclear policies of states based on normative symbol of state's modernity and identity. Focusing on Iran's rejection of foreign intervention and domination, prestige over past civilization and greatness of a nation, scholars such as Mustafa Kibaroglu (2006), Oliver Schmidt (2008), David Patrikarakos (2012) and Michael Clarke (2013) predicted the possibility of nuclear weaponization. They explain the nuclear weapons as a symbol of prestige, modernization and greatness of Iran. Oliver Schmidt (2008) and Michael L. Farmer (2005) have pointed into motivations of Iran for weaponization due to the decline of international norms on nuclear proliferation. They cite recognition of India as a nuclear power through India- US nuclear deal, beneficial proposals to North Korea, which was one member in 'Axis of Evils' and lack of desire for disarmament from Nuclear weapon States as it is required by Article VI of the NPT as reasons for decline of international norms on nuclear proliferation (Schmidt 2008: 66 and Farmer 2005: 39-40). The experience of the silence of international community over the chemical attack of Iraq has affected the trust of Iran on international norms negatively. So, traditional constructivist approach, which focuses on international norms, cannot explain non-weaponization of Iran.

At same time religious norms and fatwa of Khamenei against nuclear weapons are "important normative aspects to explain the absence of nuclear weaponization (Schmidt 2008: 68).

Schmidt argues that if an antinuclear fatwa exists, “it would provide a very strong norm against nuclear weapons procurement” (Schmidt 2008: 76). So, the following section will explore the existence of this fatwa and its impacts in detail.

Role of Religion in Nuclear Policies

The Islamic Republic of Iran is a theocratic State, which recognizes Twelver Shia branch of Islam as State religion. About 98 percentages of the population believe in Islam, and more than 90 percentages belong to Shia branch. The Supreme Leader with the power of *Velayat-e-Faqih* (guardian jurist) is the most powerful political actor and final word in all political and religious matters (Altman, 2009). He is commander in chief of the military, and he has ultimate authority over the legislative, executive and judiciary. He appoints members into key posts such as the commanders of the armed forces, the chief judge, and half of the 12 jurists of the Guardian Council. This Guardian Council has veto power to examine legislations passed by parliaments and to declare decisions which contradict to Islamic principle as null and void. As the Report of Institute for Science and International Security (ISIS) indicated

“the Supreme Leader has ultimate say over Iran’s nuclear programme. All major decisions on the nuclear issue, whether signing the Additional Protocol or suspending uranium enrichment, would require his approval”. (ISIS Report, 2013: 4).

This introductory paragraph on the significance of religion in the state and society levels of Iran and power of the Supreme Leader is important to understand the impacts of fatwas of the Supreme Leader on nuclear decisionmaking.

Khomeini and WMDs

The first Supreme Leader of Iran, Ayatollah Ruhollah Khomeini was an ideological critique of Weapons of Mass Destruction. It was reported that Khomeini has issued a fatwa against all kinds of Weapons of Mass Destruction during the time of War with Iraq (Sagan, 2004: 87, Larssen, 2011:50, Porter, 2014). The strength of this religious position and its role in military policies were tested during the war with Iraq. The fatwa of Khomeini is cited as reason for absence of retaliation of Iran against chemical attack of Iraq (Sagan, 2004: 87, Porter, 2014, Habibzadeh, 2014: 167, Mousavian, 2012: 1, Mousavian, 2013: 148, Mousavian and Afrasiabi, 2012: 2, Collier, 2003). Scott Sagan says that despite Iraq used chemical weapons

Khomeini opposed acquisition or use of them by Iran considering it would be against principles of Qur'an against pollution of atmosphere even during a holy war (Sagan, 2004: 87). This experience of the war shows that the religious judgement of guardian jurist against chemical weapons overrides all other political and military considerations. The fatwa of Khomeini constrained Iranian force from developing WMDs and retaliating against Iraqi chemical attacks even though it caused disadvantage to Iran in the war. The impact of the fatwa was not just cancellation of chemical weapon programme, but it made Iran impossible to continue with the war (Porter, 2014). Gareth Porter (2014) has published the experience of Mohsen Rafighdoost, who served as minister of IRGC throughout the war time. Rafighdoost proposed to Khomeini in two separate meetings the Iran's planning of chemical and nuclear weapons and necessity of them to retaliate against Iraqi chemical attack. However, Khomeini, who is also supreme commander of the military, rejected that plan since it is prohibited by Islam.

Khomeini on Nuclear Weapons

Ayatollah Ali Khamenei, who succeeded Khomeini as the Supreme Leader after his death in 1989, also has stated against nuclear weapons on various occasions. The first fatwa of Khamenei on this issue is reported and publicized from 2004. However Porter (2014) has argued that Khamenei has issued an anti-nuclear fatwa (religious edict) in the mid-1990s as a response to a question on his is a religious opinion on nuclear weapons. Gawdat Bahgat also says that "Khamenei issued a *fatwa* in 1995 that considered all weapons of mass destruction as a great and unforgivable sin and declared them forbidden (*Haram*)" (Bahgat, 2003: 69).

A fatwa is a legal ruling of a qualified jurisprudent on given issue using recognized sources of Islamic jurisprudent and method of *ijtihad* (legal deduction) (Habibzadeh, 2014: 154-155). Another definition of fatwa as per Shia jurisprudence is that, "a fatwa is a religious legal opinion, ruling or decree concerning Islamic law issued, orally or in written form, by a prominent religious leader and expert in Islamic jurisprudence, based on four sources: the Koran, the practice of Prophet Muhammed and his successors, the power of reason and consensus" (Mousavian (2013: 147-148).

Seyed Hossein Mousavian (2013) Ayatollah Abolqasem Alidoost (2014) and Habibzadeh (2014) have quoted various statements of Khamenei against nuclear weapons. In 2004, Khamenei declared that "'developing, producing or stockpiling nuclear weapons is forbidden under Islam" (Zakaria, 2009). The official Iranian statement to IAEA in 2005 mentioned the

fatwa of Khamenei against production, stockpiling and use of nuclear weapons as forbidden under Islam (Mousavian, 2013: 148). In 2008 Khamenei stated that “Iran has repeatedly declared that it is opposed to the production and use of nuclear weapons on fundamental religious grounds”. In 2010 he declared that “According to our religious beliefs, use of these Weapons of Mass Destruction is forbidden and ‘haram’” (Habibzadeh 2014: 152). Addressing military commanders after ship inauguration ceremony, he told them that, “Islam is opposed to nuclear weapons and that Tehran is not working to build them” (VOA News, 18-02-2010, Islam Today, 20-02-2010). Khamenei repeated his stand on nuclear weapons in February 2012 during the meeting with officials of Atomic Energy Organization of Iran (AEOI) and nuclear scientists and August 2012 at 16th Non-Aligned Movement summit (Mousavian, 2013: 148). Referring to the fatwa of Khamenei, Rolf Mowatt- Larsen (2011: 50) stated that “in light of various references, it would seem that Khamenei’s fatwa is legitimate and absolute”

Supporting and Opposing Views

Various scholars expressed their supports or reservations on fatwa of Khamenei regarding nuclear weapons. Among early centuries’ Shia scholars, Sheikh Tusi has prohibited spraying poison in the land of enemies. (Habibzadeh, 2014: 159, Alidoost, 2014:3). This prohibition on poison is applied to use of non-conventional weapons also. Among contemporary Shia scholars, many ayatollahs, such as Grand Ayatollah Khomeini, Grand Ayatollah Hussein-Ali Montazeri, Former Deputy Supreme Leader of Iran, Grand Ayatollah Yusef Saanei, the Grand Marja of Shia Islam, Grand Ayatollah Sobhani, Grand Ayatollah Makarem Shirazi, Grand Ayatollah Javadi Amoli, Ayatollah Abolqasem Alidoost, Ayatollah Mohsen Faghihi and Ayatollah Sadeq Amoli Larijani, the Head of Iranian judiciary have expressed similar view of Ayatollah Khomeini. Since the rank of Ayatollah is necessary for issuing a fatwa according to Shia rules (Ansari, 2013), the opinions of Ayatollahs only analyzed here. The Most of these Ayatollahs prohibiting acquire and use nuclear weapons in absolute terms. Grand Ayatollah Yusef Saanei says that

“There is complete consensus on this issue. It is self-evident in Islam that it is prohibited to have nuclear bombs. It is eternal law because the basic function of these weapons is to kill innocent people. This cannot be reversed.” (Collier, 2003).

Even though some scholars have expressed their reservations on this issue, they are not as much significant as some sceptics point out. Ayatollah Mohammed Taqi Mesbah Yezdi is the most quoted scholar in support of possessing nuclear weapons. However, he also has not issued any fatwa for developing nuclear weapons. The supporters of nuclear weaponization also justify only possession of weapons for deterrence purpose. Tavakol Habibzadeh (2014: 155) says that,

“Until now, other jurisprudents have not issued a fatwa permitting the use of WMD, but all the jurists who expressed their opinion in this regard issued a fatwa banning the use of nuclear weapons”.

It is important to be noted that since the fatwa of the Supreme Leader binds on all political and legal system of the state, even if few scholars issued fatwa supporting nuclear weapons, it will not affect the policies of the State. So, this religious position of Iran will not change until the Supreme Leader and the majority of Guardian Council change their views on nuclear weapons. Even though theoretically it is possible, it will take a long time. If the possibility of future change is considered as a factor to be a sceptic on existing law, it would be difficult to believe even laws passed by legislative assemblies. Because every law can be amended if the majority opposes it and it is more likely in secular laws than religious judgements. Another scepticism is that the scholars including Khamenei could be lying for bluffing international community. However, as Farid Zakaria pointed out,

“It seems odd for a regime that derives its legitimacy from its fidelity to Islam to declare constantly that these weapons are un-Islamic if it intends to develop them. It would be far shrewder to stop reminding people of Khomeini's statements and stop issuing new fatwas against nukes” (Zakaria, 2009)

The pessimists of Khamenei's fatwa and nuclear programme of Iran raise various doubts on influence and role of this fatwa in actual nuclear decision-making. One argument is that Islam is a flexible normative foundation and can be interpreted any point of time for legitimizing and for opposing nuclear weapons. Therefore, radical leaders could reinterpret it for supporting nuclear programme (Khan, 2010: 18, 19). The proponents of this argument cite opinions of scholars legitimizing nuclear weapons. However, as it is indicated earlier, the number of supporters among Shia scholars for nuclear weapons is small, and opinion of such scholars is not relevant if it is contrary to the opinions of the Supreme Leader and Guardian Council. The change in the position of the Supreme Leader and Guardian Council is

necessary to shift in nuclear policies of Iran. The change in the Islamic interpretation is not as easy as amending a secular law against nuclear weapons. The repeated statements of Khamenei and other religious scholars also have produced a strong domestic consensus against nuclear weapons and it makes any reverse in this position hard to ruling religious leaders (Collier, 2003). The radical political leaders cannot legislate against the Islamic principles proposed by Guardian Council. According to Article 4 of the Iranian constitution, such laws are *null* and *void*.

The context of the fatwa and its durable relevance even out of that context is another concern for sceptics. Michael Eisenstadt says that “Fatwas are not immutable, and no religious principle would prevent Khamenei from modifying or supplanting his initial fatwa if circumstances were to change”. (Eisenstadt, 2013: 2). This argument is the outcome of misunderstanding of the role of context and basic principles in determining the fatwa. The fatwas which based on some basic principles, such as the prohibition of indiscriminate mass killing, will not change since these basic principles are everlasting. Since the fatwa on nuclear weapons is based on such basic principles, its significant is also long lasting (Mousavian, 2013). Habibzadeh (2014: 156) pointed that the “nuclear fatwa is timeless, everlasting and having roots in centuries-old religious sources”.

One criticism is that “the religious fatwa has not legislative basis and leaves significant room for manoeuvre” (Bowen and Moran, 2014: 40). Such criticism arises due to the misunderstanding of Khamenei’s fatwa as equal to the fatwa of any other qualified Muslim scholar. Fatwa of normal qualified Muslim scholar binds only to those who follow him (*muqallideen*). At the same time, fatwa of the Supreme Leader binds State as a whole, and it has a legal status above mere legislation. (Porter, 2014: 9). The fatwa of Khamenei overrides all other laws passed by legislators. If the legislative laws contradict with the fatwa of the Supreme Leader, the religious decree of the Supreme Leader will be prevailed. However, even though the fatwa is more powerful in Iranian legal system, Seyed Hossein Mousavian suggests that Iran could adopt legislation to outlaw development of any Weapons of Mass Destruction. According to Mousavian, this secularization of religious fatwa would help to remove ambiguity among the international community about the legitimacy of the fatwa. (Mousavian, 2013: 157).

The absence of written form of the fatwa is another source of doubts for critics. Ali M. Ansari (2013) argues that,

“At present such a fatwa – in any meaningful form - does not appear to exist. The concept of an “oral fatwa,” in the context of Iran’s nuclear programme, is meaningless and for any such ruling to have any weight it should be detailed and substantiated, *and* ideally supported by a broad range of the senior clerical hierarchy in Iran today...” (Ansari, 2013).

However, this concern is not significant considering the position of Khamenei and publicity of his statements. As far as the legitimacy of a fatwa concerned it is not necessary to be issued in written form. It is practicable from early times to issue fatwa orally, and it may be written down by those have heard it. The statements of Khamenei also has been reported by those have heard it. His statements against nuclear weapons also have been published on his personal website (Khamenei, 2012).

In addition to that, declaration of Khomeini regarding WMDs was considered by Mohsen Rafighdoost, who was a minister of the IRGC throughout the war with Iraq, as a fatwa even though it was never written down or formalized because it was issued by “guardian jurist” whose statement will bind the entire government. (Porter, 2014: 6-7). Unlike declaration of Khomeini, the fatwa of Khamenei on nuclear weapons have been formally written down by the government of Iran. For example, in a letter to IAEA Iranian government quoted fatwa of Khamenei stating that “the production, stockpiling and use of nuclear weapons are forbidden under Islam and that the Islamic Republic of Iran shall never acquire these Weapons” (Habibzadeh, 2013: 164).

Another worry comes from Mehdi Khalaji (2013: 14) when he argues that Khamenei’s prohibition has shifted gradually from “from a denial of the practical utility of nuclear weapons to a focus on Islamic prohibitions against their use”. Khalaji says that the statement of the Supreme Leader in recent years focused only on the use of weapons, and it may be due to the Leader’s view that “creating and storing such weapons will be sufficient to change the power equation in the region” (Khalaji, 2013: 14). However, such criticism is baseless since Khamenei stated against possession of nuclear weapons also in 2012 in his statement during the meeting with officials of Atomic Energy Organization of Iran (AEOI) and nuclear scientists. (Mousavian, 2013: 149)

Importance of the Fatwa and Religion in Nuclear Policies

Considering the power of the Supreme Leader in the hierarchy of power structure, his religious decree has a decisive influence in the nuclear decision-making of Iran. His position

as ‘guardian jurist’ strengthens the religious and political importance of his fatwa. Religiously, his fatwa is binding not only his followers (*Muqallideen*) but also all people. Even if any other mujtahids have any different fatwa regarding this issue, that would not be valid (Habibzadeh, 2014: 169). Therefore, the position and power of Khamenei ensure the long-lasting of this religious position of Iran without being challenged by other scholars, though most of the scholars in supportive of Khamenei.

Politically, “according to article 57 of the constitution, the Supreme Leader has ultimate authority over three branches of government and his command is binding”. (Mousavian, 2013: 154). His fatwa binds whole State mechanism and overrides all other military and political considerations. According to Iranian constitution (Article 4), any law contrary to Islamic principles is null and void. So, even if the assembly or executive pass permission for developing nuclear weapons, that decision would not be constitutionally valid. In addition to that, all legislations adopted by the assembly must be referred to Guardian Council and that council has the power to veto any law if it contradicts with Islamic principles. It means that the religious decree and principles are stronger than mere law.

The fatwa of Khamenei and other scholars could create a strong domestic public opinion and norms against nuclear weapons. Even the sceptics about the existence of such fatwa agree that “if an ant-nuclear fatwa really exists, it would provide a very strong norm against nuclear weapons procurement” (Schmidt, 2008: 76). Ayatollah Sadeq Amoli Larijani, head of the Iranian judiciary, stated that “the fatwa that the Supreme Leader has issued is the best guarantee that Iran will never seek to produce nuclear weapons” (Bowen and Moran, 2014: 40). Nevertheless, Iranian foreign minister Ali Akbar Salehi has declared willingness of Iran to transform the fatwa into a legally binding official document in the UN (Mousavian, 2013: 147).

Conclusion

The Islamic revolution of 1979 in Iran has affected the nature and motivation of its nuclear programme. Islamic and anti-colonialist ideologies became shaping factors in post-revolutionary Iran’s nuclear programme. The theocratic political system provides the religion and the Supreme Leader decisive power. Therefore, the religious principles and views of the Supreme Leader and Guardian Council are significant factors in determining nuclear policies of Iran. The religious principles override other material interests of the state. The constitution of Iran strengthens the power of these religious authorities by providing them veto power

over legislations and decisions passed by the legislators and executives. Since the Supreme Leader is the commander in chief, his opinion is binding the military also. In short, as a theocratic State, the views of religious authorities have a significant role in military and security policies, including nuclear weapons, of the State.

As far as nuclear weapons concerned, the Supreme Leader Ayatollah Khamenei has repeatedly issued his statements at many national and international venues, against nuclear weapons. According to him and many other Ayatollahs, the possession and use of nuclear weapons are prohibited by Islam. The position of the Supreme Leader as guardian jurist strengthens his fatwa and makes it binding whole State departments and all people. Though very few Islamic scholars have criticized Khamenei's fatwa, his power ensures that these fatwas are left unchallenged. Since the legitimacy of the government among people is rooted in religious identity and the norms against nuclear weapons are popularized through the repeated statements of authorities, it is hard to Iran to reverse its position. Therefore, the development of nuclear weapons by Iran is unlikely in near future,

Theoretically, this influence of religion can be analyzed by using different theories. However, rationalist approaches are not sufficient to explain Iranian security and nuclear behaviour. Since domestic politics and power structure are significant factors, Iran cannot be considered as a "black-box". Even though the approaches those focus on the domestic political structure can deal with it, its framework is to be broadened to include theocratic government rather than binaries democratic and autocratic governments. It is necessary to understand the influence of religious principles on government policies. Even though mainstream constructivist theories, which consider norms as a significant factor, have not given much attention to the role of religion in shaping these norms it can be broadened to explain the role of religion in the policy of Iran. The norm model of Scott Sagan also can explain the influence of the religion. Individual-level analyses have to take into account ideological and normative motivations of the individual also. The mythmaking theory of Lavoy can accommodate this religious influence in nuclear policies of Iran. However, it has to consider religion as a source of motivation to the leaders and mythmakers rather than a tool to spreading their myths.

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