

# Washington Post “Fact Checker” Fails On Iran Nuclear Fatwa

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In the wake of the preliminary nuclear deal with Iran, the *Washington Post*'s “Fact Checker,” Glenn Kessler, has questioned whether Obama administration officials should have taken the anti-nuclear fatwa by Iran's Supreme Leader Ayatollah Ali Khamenei seriously. But the column is less a disinterested investigation of the truth about the issue than a polemic that leans clearly toward the related position of Israel, AIPAC and their Congressional supporters.

After quoting Secretary of State John Kerry's acknowledgment in November of Khamenei's fatwa against the possession or use of nuclear weapons, [Kessler referred](#) to it as “the alleged fatwa” and as a “diplomatic MacGuffin”. A “MacGuffin” is a device that moves the plot forward but, as Kessler put it, is “unimportant to the overall story”. Kessler argued that the fatwa “gives the Americans a reason to begin to trust the Iranians and the Iranians a reason to make a deal”. But he asserted that U.S. officials were wrong to suggest that the fatwa “prohibits the development of nuclear weapons”.

While acknowledging that Khamenei may have issued a fatwa against nuclear weapons, he cited three reasons why greater skepticism by these officials about the fatwa is called for. In all three cases, however, Kessler failed to examine the available evidence carefully and offered conclusions that are clearly contradicted by that evidence.

Kessler noted that Khamenei's fatwa, first issued in 2003, linked the ban on nuclear weapons to an earlier fatwa by the first Supreme Leader of the Islamic Republic, Ayatollah Ruhollah Khomeini, that banned the production of chemical weapons during the Iran-Iraq war. But according to Kessler, there was no such chemical weapons ban, and thus Khamenei's fatwa against nuclear weapons should not be trusted. He wrote:

Iran admitted to chemical weapons production after it ratified the Chemical Weapons Convention (CWC) in 1997, and U.S. intelligence agencies suspected Iran of maintaining a chemical weapons stockpile at least until 2003. So what does it say if the origin of the supposed fatwa is based on a misleading statement?

It has indeed been the official position of the U.S. intelligence community — and has been repeated many times by secondary sources over the years — that Iran admitted to the CWC's governing body in 1997 that it had produced chemical weapons during the war. But Kessler apparently did not check the original text of the supposed Iranian “admission.” He relied instead on a [secondary source](#) that only cited the reference to the Iranian statement, along with an Israeli press article claiming that Iran had admitted to having had chemical weapons.

But the [full text of the statement](#) in question, submitted to the Conference of States Parties to the Chemical Weapons Convention (CWC) by Iranian Ambassador Mohammad R. Alborzi in November 1998, is available on the Internet. Had Kessler looked it up, he would have learned that Alborzi did not in fact say that Iran had produced chemical weapons.

What Alborzi [actually said](#) is that, confronted with repeated chemical attacks by Iraq over several years,

Iran was left with no alternative but to seek an effective means of deterrence in the hope that it could halt or at least limit the barrage of these barbarous weapons on its people.... In this context, the decision was made that, on a strictly limited scale, capability should be developed to challenge the imminent threat particularly against the civilian populated centers. We declared, at the time, that Iran had chemical weapons capability, while maintaining the policy not to resort to these weapons and rely on diplomacy as the sole mechanism to stop their use by its adversary. The war ended soon after. Following the establishment of ceasefire, the decision to develop chemical weapons capabilities was reversed and the process was terminated.

Moreover, Alborzi's statement was fully consistent with what Iran had said during the war. On December 29, 1987, [Prime Minister Mir Hossein Mousavi said](#), "The Islamic Republic is capable of manufacturing chemical weapons and possesses the technology." But he also said, "[W]e will produce them only when Islam allows us and when we are compelled to do so."

The Iranians were clearly engaging in an effort to deter Iraq's use of chemical weapons by letting it be known that it could produce such weapons if the Iraqi chemical attacks did not cease. The State Department actually [commented publicly](#) in April 1985 that Iran was "developing a chemical weapons capability." And the CIA had repeatedly made the same distinction between developing the "capability" for making unconventional weapons and actually manufacturing them in [its reports on Iran's WMD programs to Congress](#) in the late 1990s.

The published record on Iran's policy toward chemical weapons has been distorted by the general acceptance of the idea that both Iraq and Iran had used chemical weapons in 1988 against the Iraqi Kurdish city of Halabja. That belief had been actively promoted by officials of the Defense Intelligence Agency who had also been involved in assisting the Iraqi military in its air offensive against Iranian forces, as former *Washington Post* correspondent Patrick Tyler [later revealed](#). But [a 2007 book by Joost Hiltermann](#), the International Crisis Group's former deputy director for the Middle East and North and its current chief operating officer, on the Halabja attack definitively refuted the idea that Iran had used chemical weapons on that occasion or at any other time or place during the Ira-Iraq War.

Contrary to Kessler's claim, therefore, Khamenei was not lying when he [said in a 2003 speech](#), "Even when Iraq attacked us by chemical weapons, we did not produce chemical weapons."

Moreover, the reason for Iran's decision to forgo producing, let alone using chemical weapons in retaliation was not that it lacked the ability to do so. Iran's chemical sector was at least equal to, if not more advanced than that of Saddam Hussein's Iraq, according to [a study for the Harvard Sussex Program](#). What U.S. officials and the news media have been

loathe to acknowledge is that Khomeini considered chemical weapons illegal under Islam, and that his judgment was binding on the Iranian government — just as Khamenei noted in the speech declaring nuclear weapons likewise illegal.

Kessler’s second and third arguments were based entirely on the opinions of [Mehdi Khalaji](#), whom he appears to regard as the ultimate source on the subject of Iranian fatwas in general and the “alleged fatwa” against nuclear weapons in particular. What Kessler did not tell his readers, however, is that Khalaji’s employer, the [Washington Institute for Near East Policy](#) (WINEP), a pro-Israel think tank spun off from AIPAC itself, can hardly be considered a disinterested or objective source on the issue of Khamenei’s anti-nuclear fatwa.

Kessler cited Khalaji as asserting that Khomeini had abruptly shifted course on various issues, such as woman’s suffrage and the eating of sturgeon. (“He was also against the eating of sturgeon — until he was for it,” Kessler commented tartly.) The implication the reader is invited to draw from those comments is that Khomeini’s fatwas were arbitrary, changeable and therefore could not have been the definitive factor in anything so weighty as weapons of mass destruction.

But as can be seen from [detailed account](#) of what actually transpired in regard to Khomeini’s fatwa making sturgeon *halal* (allowed) rather than *haram* (forbidden) under Islam makes it clear that Khalaji’s cavalier dismissal of Khomeini’s fatwas as “abruptly shifting course” is grossly inaccurate.

Khalaji is also Kessler’s source for the more serious claim that Khamenei’s fatwa no longer applies to the possession of nuclear weapons as distinct from their use. “Whereas in 2005 Khamenei said that the ‘production of an atomic bomb is not on our agenda’,” wrote Kessler, “more recent statements have focused on use of nuclear weapons, often dropping references to the ‘development’ of such weapons.”

But Khamenei’s 2005 statement was not about the “development” of nuclear weapons but about their “production”. As Khalaji himself [reported in a 2011 article](#), what Khamenei actually said was, “Islam does not allow us [to produce the atomic bomb]”. The crucial bracketed phrase was added by Khalaji himself.

The only question, therefore, is whether Khamenei has indeed stopped referring to the “production” of nuclear weapons. Kessler quoted from a 2012 Khamenei speech in which Khamenei clearly indicates that his fatwa bans the production of nuclear weapons. Here is the English-language translation that Kessler quoted:

We do not pursue to build nuclear weapons. In reality, having nuclear weapons is not to our benefit. From the viewpoint of ideology, theory, and the Islamic jurisprudence, we consider this as forbidden and proliferation of nuclear weapons as a wrong decision.

The quote provided by Kessler himself thus directly contradicts his own claim that Khamenei had begun to focus only on the “use of nuclear weapons” and had backed off on his ban on the building and possession of nuclear weapons.

Clearly recognizing the contradiction, Kessler then suggested there is something wrong with the English-language translation. He cited an alternative translation of the same 2012 Khamenei statement quoted above by Khalaji (who, of course, had inserted the bracketed

material in the original):

In fact, nuclear weapon is not economically useful for us. Furthermore, intellectually, theoretically and juridically [from Sharia point of view] we consider it wrong and consider this action wrong.

Kessler claimed that there is “quite a difference” between the two translations. But even a quick comparison of the two reveals that there is no substantive difference between them. The reference in Khalaji’s translation to “this action” in the second sentence clearly implies that Khamenei had included an active verb in the first sentence, which the official version had translated as “pursue to build a nuclear weapon”. Otherwise, the phrase “this action” makes no sense.

Khalaji thus appears to have bowdlerized the sentence in his translation so as to make it appear that Khamenei had not said that Iran considered the pursuit of building a nuclear weapon juridically “wrong”.

Kessler’s column uses the gimmick of assigning “Pinocchios” to those whose political pronouncements turn out to be untrue, with the number of such long noses indicating the seriousness of the untruth. In this case, Kessler chose not to give the Obama administration any such bad marks, concluding that Kerry’s statements “do not quite rise to the level of earning Pinocchios”.

But Kessler’s column itself would seem to warrant three “Pinocchios” — one for each of the three false claims that appeared therein. Kessler’s failure to check primary sources, his exclusive reliance on a researcher from a pro-Israeli think tank, his introduction of a false criterion for judging whether Khamenei has retreated from the fatwa and his unwarranted suggestion that an official translation of Khamenei’s statement had somehow been altered to change Khamenei’s meaning all raises serious questions about the objectivity and thoroughness of his fact-checking on this issue.

Kessler’s failure in fact-checking on the Khamenei fatwa is symptomatic of a much larger problem. For many years, news media have systematically failed to check the facts in regard to one claim after another about alleged Iranian ambitions to acquire nuclear weapons. The result is a narrative about the Iranian nuclear program that is highly distorted and needs to be corrected in order to have a rational discussion of the issue.

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