

# Towards an Islamic Jurisprudence of the Environment

## *Fiqh al-Bi'ah fil-Islam*

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This paper aims at formulating a coherent and systematic jurisprudence of the environment based on the Islamic revealed knowledge and heritage. The latter reflects the practical experience in the field and, therefore, forms the ground for a positive relationship with the environment. Within the Islamic world-view, this positive relationship is perceived as an act of faith which comes in line with the essential role of human beings on earth; to worship the one and only God. Therefore, our relationship with the environment should be regulated in the field of jurisprudence.

In addition, the paper explores how the Islamic world-view takes care of the different components of the environment, each separately. Finally, there is a discussion of the aims [*maqasid*] of the Shari'ah, where the aims are reconsidered.

### **The Epistemological Framework:**

Islam is considered a comprehensive way of life whose teachings cover, directly or indirectly, every possible human relationship including that with the environment. These teachings are primarily available in the revealed knowledge which comprises the Qur'an and the Sunnah. There remains two other sources, namely the Ijma' and Qiyas; they are dependent on the first two in different ways and degrees. The relationship is so complex that cannot be represented in this paper for brevity. It is discussed, however, in books of *Usul al-Din*.

In what follows, some of the verses that define the epistemological parameters of the Qur'an are considered. One verse, at the beginning of Surat Al-Baqarah, presents the Qur'an as a book of guidance:

**"This is the Book; In it is guidance sure, without doubt, to those who fear God" (Qur'an, 2:2)**

Moreover, Allah [S.W.T] shows that the Qur'an encompasses the foundations for knowledge and ethics, He says:

**"...Nothing have We omitted from the Book..." Qur'an, 6:38**

In addition, the Qur'an announces that Islam, as a Din, has been perfected by Allah [S.W.T]. It is considered a comprehensive way of life which accommodates every aspect of it. The Islamic world-view is established upon the very notion of Islam as a perfect religion:

**"...This day have I perfected your religion for you, completed My favor upon you, and have chosen for you Islam as your religion" Qur'an, 5:3**

It is no wonder, in the light of what has been discussed above, that a jurisprudence of the environment is founded. This paper presents all aspects of the environment from within the Islamic world-view, and not as something alien to it.

Jurisprudence [*Fiqh*] vs. Philosophy of the Environment:

This paper chose jurisprudence (*fiqh*) over philosophy for many reasons. The first reason is that "philosophy" is a term borrowed from the western world-view and therefore remains, until today, not welcomed in Islamic consciousness. Philosophy is still associated with sophistry and metaphysics which hampers its ability to bring about favorable behavior. *Fiqh*, on the other hand, is accepted and associated in Islamic consciousness with the lawful and the prohibited in human behavior. Therefore, it is more capable of modifying behavior positively.

Furthermore, once this subject is accepted as part of jurisprudence, it becomes, relatively speaking, easier to include as integral part of the books of *Fiqh*, and in school curricula. This may facilitate the spread of environmental awareness, which is part and parcel of Islam.

## **The Categories of the Relationship Between Human Beings and the Environment:**

### **1. Vicegerency (*Khilafah*):**

The human being, in the Islamic world-view is considered a vicegerent (*khalifah*). This vicegerency is declared before the creation of the first human being:

**"Behold, your Lord said to the angels: "I will create a vicegerent on earth." They said: "Will place therein one who will make mischief therein and shed blood? While we do celebrate Your praises and glorify Your holy (name)?" He said: "I know what you know not.""** Qur'an, 2:30

In her/his capacity as a vicegerent, the human being is perceived as the trustee of the earth. She/he is not supposed to cause corruption in any form on earth (i.e. the environment). Life on earth entails great responsibilities. It is a test with accountability. It is followed by either reward or punishment. These meanings are mentioned in the Qur'an and the Sunnah. Vicegerency as a test is found in the following verse:

**"It is He who has made you (His) vicegerents, inheritors of the earth: He has raised you in ranks, some above others: that He may try you in the gifts He has given you: for your Lord is quick in punishment: yet He is indeed Oft-forgiving, Most Merciful."** Qur'an, 6:165

On the other hand, this vicegerency is subjected to observation:

**"Then We made you heirs in the land after them, to see how you would behave!"** Qur'an, 10:14

The same message is implied in the Hadith of the Messenger of Allah, [S.A.A.S.]:

**"Verily, this world is sweet and appealing, and Allah placed you as vicegerents therein; He will see what you will do. So, be careful of [what you do in] this world and [what you do to/with] women, for the first test of the children of Israel was in women!"**<sup>[1]</sup>

It is rather clear, now, that the Islamic world-view indicates that vicegerency on earth forms a test which includes how human beings relate to the environment. Is it going to be based upon divine instructions, or based upon personal desires and conjectures that might lead to the destruction of our environment. If the latter condition prevails, then vicegerency will be entrusted to a different people or generation. This possibility of this kind of switch is understood from the following two verses:

**"...Call in remembrance that He made you inheritors after the people of Noah..."** Qur'an, 7:69

**"And remember how He made you inheritors after the 'Ad people and gave you habitation in the land..."** Qur'an, 7:74

The declaration of the institution of khilafah, which Allah [S.W.T] has informed the angels about, was reinforced by the verse that shows that Allah [S.W.T] has taught Adam the 'names' (*asma'*) of all things:

**"And He taught Adam the nature of all things..."** Qur'an, 2:31

This discussion leads us to realize that there is an organic connection between proper knowledge and right behavior. Indeed, knowledge becomes a tool that renders humanity morally responsible. Ibn Kathir said in his exegesis, regarding the above verse, the following important statement:

"The right (interpretation) is that He taught him the names of all things: their particulars, attributes and functions"<sup>[2]</sup>

Therefore, vicegerency is based upon knowledge that enables the human being to be a care taker of the environment in which he/she dwells. Humanity should behave in such a way that would maintain the balance that exists within the environment. Rather, I should say to retrieve the balance that has existed before we have caused, collectively, many ecological disasters:

**"And the earth We have spread out; set thereon mountains firm and immovable; and produced therein all kinds of things in due balance."** Qur'an, 15:19

## **2. Subjection (*Taskhir*):**

The earth is made available for human use, without abuse or misuse. The circle of things available for the benefit of humanity is much greater than that of the environment. There are numerous verses in the Qur'an that could be cited in this respect, but it suffices to mention three of them:

**"And He has subjected to you, as from Him, all that is in the heavens and on earth: behold, in that there are Signs indeed for those who reflect."** Qur'an, 45:13

**"Do you not see that God has subjected to your (use) all things in the heavens and on earth. And has made His bounties flow to you in exceeding measure, (both) seen and unseen?"** Qur'an, 31:20

**"He has made subject to you the Night and the Day; the Sun and the Moon; and the Stars are in subjection by His command: verily in this are Signs for people who are wise."** Qur'an, 16:12.

There are other verses that point to the temporal nature of the subjected elements. The reason behind highlighting the temporality of things is to remind people of the Hereafter. It is hoped that once people are conscientious of the limitation of life on earth, they will behave in a positive and constructive way. As a result, it is anticipated that the environment itself will benefit from the proper behavior of people. That the cosmic order and natural phenomena ultimately come to an end, is reflected in this verse:

**"...He has subjected the sun and the moon (to his Law)! Each one runs (its course) for a term appointed. He does regulate all**

**affairs, explaining the Signs in detail, that you may believe with certainty in the meeting with your Lord." Qur'an, 13:2**

The subjection of the elements that make up the environment is spoken of in many chapters of the Qur'an:

**"It is He who has made the sea subject, that you may eat thereof flesh that is fresh and tender., and that you may extract therefrom ornaments to wear; and you see the ships therein that plough the waves, that you may seek (thus) of the bounty of God and that you may be grateful." Qur'an, 16:14.**

**"It is God who has created the heavens and the earth and sends down rain from the skies, and with it brings out fruits wherewith to feed you; it is He who has made the ships subject to you, that they may sail through the sea by His command; and the rivers (also) has He made subject to you." Qur'an, 14:32**

**"Then We subjected the Wind to his power, to flow gently to his order, whithersoever he willed ..." Qur'an, 38:36**

The above list does not exhaust all the relevant verses. There is a unique quotation from the Qur'an that connects the notion of 'subjection' with the Hereafter. The following three verses, though specifically mention the subjection of animals and ships for riding, certainly go beyond the literal meaning:

**"That has created pairs in all things, and has made for you ships and cattle on which you ride, In order that you may sit firm and square on their backs, and when so seated, you may celebrate the (kind) favor of your Lord, and say, "Glory to Him Who has subjected these to our (use), for we could never have accomplished this (by ourselves),**

**"And to our Lord, surely, must we turn back!" Qur'an, 43:12-14**

It is clear that humanity was not restricted to the use of ships and animals to move from one place to another. There are many other modes of transportation that are subjected to our use. One can see the underlined supplication (*du'a'*) contained within the above verses imprinted on stickers which decorate many Muslim cars, or hanging inside cars. One can also here the *du'a'* recited before takeoff of many airplanes that are owned by Muslim companies. But it seems that this is not the limit!

If we drop for one minute that which is subjected, we will be left with the notion of 'subjection' along with that of returning ultimately to our Lord. What I would like to suggest here is the possibility of extending, in an abstract way, the notion of 'subjection' to every thing that is of help to human beings, regardless of its degree of sophistication. That end result will be a human psyche that is constantly reminded of the Hereafter. This should not be interpreted as a gloomy approach. On the contrary, I think that people who reach this state appreciate life as the farm which one works out here, yet the harvest is there in the Hereafter.

Therefore, all mentioned verses clearly state that the heavens and the earth, the rivers and the seas, the cattle and animals, and much more are subjected to humanity. In this, we find support and backing for the institution of *Khilafah*. This will strengthen the human being to fulfill his/her basic role on earth, which is to worship God.

### 3. "Inhabitation" (*I'mar*):

The Qur'an, moreover, makes it clear that the earth is our habitat and that we are required to dwell on it, work it out and establish a balanced way of life without excesses or deficiencies. To limit the translation of *I'mar* to inhabitation will not do justice. The meaning includes spreading and settling all over the earth, inhabiting every livable quarters, building ...etc. In short, it includes every positive activity that would make life on earth prosperous. If an activity diverts humanity from the right path (i.e. against the *Shari'ah*), then it cannot be considered as *I'mar*. The following verse reflects the relationship between creation and the positive role expected from humanity:

**"To the Thamud People (We sent) Salih, one of their own brethren. He said: "O my People! Worship God: you have no other God but Him. It is He Who has produced you from the earth and settled you therein: then ask forgiveness of Him, and turn to Him (in repentance): for my Lord is (always) near, ready to answer" Qur'an, 11:61**

This verse reminds us of the bounty that God has bestowed upon humanity. There is a beautiful connection in the verse between demanding pure monotheism from humanity at large, despite the context which uses the people of Thamud as a medium. Believing in the oneness of God and the notion of *I'mar* come hand in hand.

The renowned contemporary Muslim scholar Sayyid Qutub commented on this verse, he said:

"And Salih reminded them (the people of Thamud) about their origination from earth, the creation of every individual from the nutrition of the earth or from its components that make up their bodies. Despite being (created ) from this earth and its elements, Allah appointed them vicegerents so that they may inhabit it! He wanted them to be vicegerents as a species, and as individuals to replace those who came before they did!"<sup>[3]</sup>

Here, I came to the conclusion that the search for another livable planet, according to my understanding of the verses of the Qur'an,<sup>[4]</sup> will yield nothing. All the scenarios in this respect will remain listed under the heading: "Science Fiction"! We should rather make life on earth possible for generations to come. I hope that my position regarding the said issue will not be interpreted as anti-science, or against research in outer space. Nevertheless, I would like to see that the enormous funds spent on building observatories to receive messages from outer space, will be used to relief the poverty and diseases that infest our planet earth. At least no one can deny the clear message that we are receiving all the time from disenchanted fellow human beings. It is the imbalance between the south and the north, caused at the hands of the latter, which prevents a proper *I'mar*.

I have always been sarcastic about them (aliens!) discovering us on earth doing what we are doing now! Before we invite guests from outer space, our home (i.e. earth) should be tidy. From an Islamic perspective, this is only possible if the Shari'ah is fulfilled, and humanity lives according to divine law. The Qur'an shows that any attempt to achieve *I'mar* and prosperity away from divine revelation and guidance will certainly lead to destruction:

**"Do they not travel through the earth; and see what was the End of those before them? In strength they tilled the soil and populated it in greater numbers than these have done: there came to them their apostles with Clear (Signs), (which they rejected, to their own destruction): it was not God who wronged them, but they wronged their own souls." Qur'an, 30:9**

The *I'mar* of the earth should be in areas and projects that could benefit humanity and not harm her. This means that projects and activities that destroy the environment are excluded. The capitalist system encourages destructive industries such as the tobacco industry. It pollutes the air, destroys the health which results in lost time and money in treating the resulting diseases, misuse of the land which could be used to plant a nutritious crop, ...etc. One can only cite the statement of Dr. Yusuf Al-Qaradawi regarding this issue, he said:

"As regarding smoking [tobacco], it is physically, psychologically and economically harmful; the ruling appropriate for it is prohibition [*al-tahrim*]; similar to the [following example whereby] God said in describing His Messenger [Muhammad] in the Books [Torah and Injil] of the ancient people: (...he allows them as lawful what is good [and pure] and prohibits them from what is bad [and impure].)

The natural disposition [*fitrah*], the intellect and experimentation confirm that 'tobacco', or 'smoking' is not at all good."<sup>[5]</sup>

## **Taking Care of the Environment as an Act of Faith:**

The basic role of the human being on earth is to worship Allah [s.w.t.]:

**"I have only created Jinns and men, that they may serve Me."**  
Qur'an, 51:56

To serve God or to worship Him is a comprehensive way that covers every aspect of life. Fulfilling all that God has demanded from us in terms of praying, fasting, zakah and hajj indicates worshipping. The same could be said regarding any action that the human being performs in accordance with the Islamic world-view, as long as it is done for the sake of God.

Every act, as long as it is good [e.g. protecting the environment] and done for the sake of Allah [s.w.t.], is considered an act of worshipping that generates reward in this life and the hereafter. This is the *via media* between two extremes; total disregard for the environment, and worshipping it as the case of nature worshippers.

The total disregard for the environment is detrimental for the human being. The same could be said regarding the extreme position of protecting the environment in an absolute sense. An example is advocating the protection of every single member of the animal kingdom to the level which might endanger the life of the human beings involved in rescue operations.

It should be known that Islam advocates the protection of the environment, though not in name, for the word 'environment' [*bi'ah*], along with its connotations, evolved in recent times. That Islam has high regard for the environment is something that can be found in the Qur'an and the Sunnah as we shall discuss later in this paper. The fact that to protect the environment is considered an act of worshipping, does not mean that every component of the environment should be saved. In fact, it is sometimes to the contrary. The Prophet [S.A.A.S.] stated that a person who uprooted a tree [which formed an obstacle] in the path of people, ended up in heavens.

The Islamic position forms a middle path between human behavior that has disregard to the environment and those who practically worship the environment or certain parts of it. While the Islamic world view supports the protection of environment from the greedy behavior of human beings, it allows room for sustainable development.

## **The Environment is the Loci of the Signs Pointing to Allah [S.W.T.]:**

The environment is perceived as the place where the signs (e.g. rivers, plants, and birds), pointing to Allah [S.W.T.] exist:

**"Verily in the heavens and the earth, are Signs for those who believe. And in the creation of yourselves and the fact that animals are scattered (throughout the earth), are Signs for those of assured Faith. And the alteration of Night and Day, and the fact that God sends down Sustenance from the sky, and revives therewith the earth after its death, and in the change of the winds,-are Signs for those that are wise." Qur'an, 45:3-5**

As a result, any destruction occurring to the environment is tantamount to destroying these signs. If any species becomes extinct, it is considered a loss of a Sign that reflects the greatness of the Creator. It is indeed a very sad thing if we continue to destroy the environment, because we will prevent the generations to come from having a healthy relationship with the environment, where "healthy" means the chance to experience these Signs.

It has been said that there are two books; the one which is read [i.e. the Qur'an] and the one which is seen [i.e. the universe]. While it is known why the Qur'an is described as a Book, the universe is considered a book in the sense that includes signs pointing to God. A transparent heart is needed, though, in order to unveil the way these signs function. Indeed, once the person is not blocked from "reading" the signs that fill up the universe, beautiful forms of *dhikr* are ensued, and a correlation between many verses of the Qur'an and the corresponding "verses" of the universe are established.

Being blocked from the Signs is best expressed with the example of the large industrial or metropolitan city. The huge structures, including high rise buildings, change the horizon. Sunrise and sunset are not anymore phenomena that form a part of daily experiences; at least not for those who are trapped inside the city. One needs a lot of ingenuity to see a "sign" in concrete slabs!

In the absence of green lungs for the city, its dwellers, who only see steel and concrete growth, might not experience the natural cycles of growth stated in the following verse:

**"A Sign for them is the earth that is dead: We do give it life, and produce grain therefrom, of which ye eat." Qur'an, 36:33.**

Though we do not understand how, everything in the universe, including the components of the environment, participates in making remembrance [*dhikr*] of God:

**The seven heavens and the earth, and all beings therein, declare his Glory: There is not a thing but celebrates His praise; and yet ye understand not how they declare His Glory! Verily He is Oft-Forbearing; Most Forgiving." Qur'an, 17:44**

There are many verses that mention specific beings that praise God; some of which are the following:

**"Nay, thunder repeateth His praises, and so do the angels, with awe ..." Qur'an, 13:13**

**"Seest thou not that it is God Whose praises all beings in the heavens and on earth do celebrate, and the birds (of the air) with wings outspread? Each one knows its own (mode of) prayer and praise. And God knows well all that they do." Qur'an,**

24:41

**"...It was Our power that made the mountains and the birds celebrate Our praises, with David..."** Qur'an, 21:79

It is rather obvious that both animate and inanimate objects celebrate the praises of God. As such, the destruction of the habitat of any species means the extinction of a Sign that, not only leads people to remember God, but also participates in praising God. With just a little imagination, one can see the universe in a constant circle of *dhikr*. Excluded of course are those whose hearts are not sensitive enough to see the need to join the rest of the universe.

That the creation inherently point in the direction of the Creator is something widely discussed by Muslim scholars and mystics. A very beautiful and illuminating statement by Sa'id Al-Nursi (d. 1960) indicates that every creature, by its own nature, has what I would translate liberally as a Divine stamp that cannot be imitated.

"An illuminated heart is capable of seeing the stamp which help in transcending this realm to the other!"<sup>[6]</sup>

### **The Impact of Faith on the Environment:**

Allah [S.W.T.] provided humanity with sustenance; He only asked them not to worship or associate anything or anyone with Him:

**"ye people! Adore your Guardian-Lord, who created you and those who came before you, that ye may have the chance to learn righteousness; Who has made the earth your couch, and the heavens your canopy; and sent down rain from the heavens; and brought forth therewith fruits for your sustenance; then set not up rivals unto God when you know the (the truth)." Qur'an, 2:21-22.**

The Qur'an shows that there is a correlation between the behavior of people and the conditions of the environment. The right and moral behavior yield positive results:

**"If the people of the towns had but believed and feared God, We should indeed have opened out to them (all kinds of) blessings from heaven and earth..." Qur'an, 7:96**

**"And o my people! Ask forgiveness of your Lord, and turn to Him (in repentance): He will send you the skies pouring abundant rain, and add strength to your strength: so turn ye not back in sin!" Qur'an, 11:52**

The opposite is also true. Disbelief and swerving from the right path that God has designated for humanity will result in negative impact on the environment:

**"But whosoever turns away from My Message, verily for him is a life narrowed down ..." Qur'an, 20:124**

In addition, there are verses that establish a correlation between natural disasters and disbelief, immoral behavior, or a combination of both:

**"...He flingeth the loud-voiced thunder-bolts, and therewith He striketh whomsoever He will ..." Qur'an, 13:13**

**"Do ye feel secure that He will not cause you to be swallowed up beneath the earth when you are on land, or that He will not**

**send against you a violent tornado (with showers of stones) so that ye shall find no one to carry out your affairs for you? Or ...a heavy gale to drawn you because of your ingratitude..."**

Qur'an, 17:68-69

The end result of disbelief or immoral acts, when they become prevalent, is the total destruction of the environment. Such is the story of prophet Nuh (Noah) and the flood which destroyed every thing except the Ark and its load of people and animals. The order that came to end the flood show that the water gushed and abated at God's command:

**"When the word went forth: "O earth! Swallow thy water, and O sky! Withhold (thy rain)!" and the water abated, and the matter was ended. The ark rested on mount Judi, and the word went forth:" Away with those who do wrong!"** Qur'an, 11:44

The Qur'an is full with stories that reflect the correlation between wrong doing and Divine punishment which lead to a certain measure of destruction. The chapter of the Cave [*Kahf*] include a story about two separate owners of two fruit orchards with water flowing in between. One of them faithfully and humbly put his trust in God, but the other did not have the proper relationship with God; he arrogantly alleged that his garden will always be the same without invoking the Will of God [i.e without saying: "*Insha'Allah*"]. How did this parable end?

**"So his fruits (and enjoyment) were encompassed (with ruin), and he remained twisting and turning his hands over what he had spent on his property, which had (now) tumbled to pieces to its very foundations, and he could only say, "Woe is me! Would I had never ascribed partners to my Lord and Cherisher!"** Qur'an, 18:42

The same criterion could be applied to the story of the owners of the garden in the chapter of Pen [*Qalam*]. The owners wanted to gather the fruits very early in the morning so that no needy people would have a share. The result was that before they went to the garden, and in the course of the night, there came a visitation from God which swept away all around. When they saw that their garden looked like a dark and desolate spot, they were reminded by one of them that they have transgressed:

**"They said:" Glory to our Lord! Verily we have been doing wrong!"** Qur'an, 68:29

As a general rule, there is a direct relationship between wrong doing and calamities:

**"Whatever misfortune happens to you, is because of the things your hands have wrought, and for many he grants forgiveness."** Qur'an, 42:31

In addition, committing sin generates corruption everywhere:

**"Mischief has appeared on the land and sea because of (the meed) that the hands of people have earned, that (God) may give them a taste of some of their deeds: in order that they may turn back (from Evil)."** Qur'an, 30:41

Corruption [*fasad*] in this context covers all kinds of material and spiritual damage. One should be thankful that God did not hasten punishment whenever humanity erred. Had punishment been simultaneous, life on earth would have been interrupted long time ago:

**"If God were to punish people according to what they deserve, He would not leave on the back of the(earth) a single living creature: but He gives them respite for a stated Term: when**

**their Term expires, verily God has in His sight all His servants."**  
Qur'an. 35:45

In Surat Al-Nahl [Bee], the same notion is reinforced again:

**"God sets forth a Parable: a city enjoying security and quite, abundantly supplied with sustenance from every place: Yet was it ungrateful for the favors of God: so God made it taste of hunger and terror (in extremes) (closing in on it) like a garment (from every side), because of the (evil) which (its people) wrought."** Qur'an, 16: 112

Its clear that not thanking God for His bounty led to its disappearance. For hunger means that there was a Divine order that led to the interruption of the normal function of the environment which led eventually to less sustenance in a way commensurate with the sin that people have committed. Had they been thankful, the situation could be reversed:

**"And remember! Your Lord caused to be declared (publicly): "If ye are grateful, I will add more (favors) unto you..."** Qur'an, 14:7

This verse is a proof that positive moral behavior, which is in line with the Islamic world-view, leads to a better physical environment; God willing, of course.

## **The Islamic Protection of The Environment:**

This section provides detailed accounts from the Qur'an and the Sunnah regarding the protection of the following areas: human beings, animals, plants, land, water, and air.

### **1. Human Beings:**

Despite the differences regarding the inclusion of human beings as a part of the environment, this paper consider humans to be part of the ecological system. I have adopted this position though I know that the rest of the ecosystem is subservient to humans.

Islam called for the protection of the human being. The Shari'ah specifically called for the protection of five things pertaining to humans: life, religion, offspring, intellect, and property.

Islam emphasized the sanctity of human life in the strongest possible terms:

**"On that account: We ordained for the Children of Israel that if any one slew a person-unless it be for murder or for spreading mischief in the land- it would be as if he slew the whole people. And if any one saved a life, it would be as if he saved the life of the whole people..."** Qur'an, 5:35

The rulings of the Shari'ah aim at preserving the life of the human being including murderers. It is a well established fact that punishment for murder is death penalty. Nevertheless, the Qur'an encouraged the family of the murdered person to forfeit their right that the murderer be executed:

**"Nor take life-which God has made sacred-except for just cause. And if anyone is slain wrongfully, we given his heir authority (to demand Qisas or to forgive): but let him not exceed bounds in the matter of taking life; for he is helped (by the Law)."** Qur'an, 17:33

For the same reason, committing suicide is prohibited:

**"...Nor kill (or destroy) yourselves: for verily God hath been to you Most Merciful!" Qur'an, 4:29**

Moreover, a fetus has a life which should be preserved. Abortion is prohibited unless for a permitted reason (ex. the life of the mother is endangered). In Islamic jurisprudence, there is blood money to be paid by a person who kills a fetus intentionally or accidentally. Wars remain a major factor in killing human beings and in the destruction of the environment. The Islamic position, which is quite to the contrary of the picture depicted by the western media, states in clear terms that peace is the norm and war is the exception. The Prophet [S.A.A.S] prohibited that a Muslim wishes to confront the enemies in the battlefield.<sup>[2]</sup> I understand that the *raison d'être* of this hadith is to give priority to peaceful solutions whenever conflicts surface between Muslims and other fellow humans. In fact, the first thirteen years of the history of Islam in Makkah reflect passive resistance. Nevertheless, self-defense is permitted to protect Islam and Muslims. If Muslims have to go to war, then they have to abide by Islamic codes of conduct during warfare:

**"Fight in the cause of God those who fight you, but do not transgress limits; for God loveth not transgressors." Qur'an, 2:190**

The essential limits that should not be transgressed are best expressed by Abu Bakr, the first Caliph, in his address to Yazid Ibn Abu Sufian, the commander of the army that went north to Sham [i.e. Greater Syria]:

"...And I instruct you [to fulfill the following] ten [orders]: Do not kill a woman, nor a child, nor an old man; do not cut down fruitful trees; do not destroy [land or housing] in use; do not kill a goat or a camel unless for food; do not flood palm trees [with water] nor burn them down ..."<sup>[8]</sup>

Such a quotation, which reflects the ethos of the *Shari'ah*, defines the norm that the life of those who do not engage themselves directly in war should be spared. Protection is also extended to animals and plants; they should not be used as part of collective punishment.

Accordingly, all weapons of mass destruction are unacceptable from an Islamic perspective. All chemical, biological and nuclear weapons should be prohibited world wide without any exceptions. It is not enough to have nuclear non-proliferation treaties that exempt certain countries because they did not sign. If the super powers only head to the fact that humanity needs a safer and cleaner earth! No country should be able to stock weapons of mass destruction or non-conventional weapons.

Here I find myself at odds with a statement of Dr. Yusuf Al-Qaradawi. He said, in one of his most recent books, that "regarding the kinds of weapons that are used in fighting, how to make them and how to train [soldiers] how to use them, etc., is not an issue to [be settled by] religion; it is the business of the ministry of defense and the headquarters of the armed forces."<sup>[9]</sup>

I do believe that Dr. Al-Qaradawi is troubled by what is happening to Muslims around the world, and that he aims at allowing room for decision makers in the Islamic world to consider measures that would deter aggressors from attacking them with weapons of mass destruction. I think that this is a legitimate concern, yet the statement is very broad and it might be misinterpreted by those in office. On the other hand, Muslim scholars should voice their concern about these issues and not to give a free hand to the military apparatus which could waste the resources of the Ummah in compiling weapons, rather than investing them in the re-establishment of a leading Islamic civilization.

We should remember that the American use of atomic bombs against Japan, during World War II, is a much protested and regretted act. The increase in ecological awareness is making it difficult for governments to continue its nuclear programs. There was a global protest against the French nuclear tests that took place in the French Polynesian Islands.

Though it is not good enough, it appears that the French government pledged an end to nuclear tests.

Not only weapons on that scale should be prohibited, but also weapons such as anti-personnel mines should be banned. There is nothing that could justify the killing or the maiming of human beings by these mines. Millions of them are spread around the world; only concerted efforts on a global level might bring some relief and hope. While one prays for an end to armed conflicts, one should remember that killing the enemy during war is not an end in itself.

The fact the Muslims are subjected to different forms of attacks that range from ethnic cleansing to discrimination in the work place, should not be used by Muslims as a pretext to behave in the same way as their enemies:

**"O ye who believe! Stand out firmly for God, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from Justice. Be just: that is next to piety: and fear God. For God is well-acquainted with all that ye do."** Qur'an, 5:9

Many of the conflicts around the world were/are fueled by inhuman ideologies that stress the supremacy of one "race" over the other. This form of social Darwinism was translated into a systematic program by the Nazis to annihilate other races. The Serbs performed some of the most heinous crimes against humanity in Bosnia and Kosova, despite the fact that the "race" is the same! It is clear that Muslims in these cases were victimized because of their faith.

The Islamic world view does not permit any ideas of negative value judgment regarding the biological differences in terms of color and shape. They are to be perceived positively as Signs pointing to God:

**"And among His Signs is the creation of heavens and the earth, and the variations in your languages and your colors: verily in that are Signs for those who know."** Qur'an, 30:22

The differences in the colors of people function exactly like those between animals, plants and inanimate objects:

**"Seest thou not that God sends down rain from the sky? With it We then bring out produce of various colors. And in the mountains are tracts white and red, of various shades of color, and black intense in hue. And so amongst men and crawling creatures and cattle, are they of various colors. Those truly fear God, among His Servants, who have knowledge: for God is Exalted in Might, Oft-Forgiving."** Qur'an, 35:27-28

Those who know will appreciate the differences; those who are ignorant do not. There aren't many races; there is one human "race" reflecting many prisms. The beautiful different colors and shapes of flowers do not invite us to damage all but one. They are there as gifts and Signs from God to help us remember Him. As such, they should be appreciated and preserved.

The only legitimate differentiation in Islam is based upon moral, not physical character:

**"O mankind! We created you from a single (pair) of a male and female, and made you into nations and tribes, that ye may know each other (Not that ye may despise each other). Verily the most honored of you in the sight of God is (he who is) the**

**most righteous of you. And God has full knowledge and is well acquainted (with all things)." Qur'an, 49:13**

The compendiums of hadith are full with reports that reflect the spirit of brotherhood regardless of the physical appearances. The companions of the Prophet himself reflect a rainbow of colors: they comprised Muhammad the Arab, Suhayb the Roman, Suleiman the Persian and Bilal the Ethiopian.

In addition, Islam was pluralistic in its relationship with the "other" from the outset. It is already established that if the "otherness" is based upon differences in color, it does not generate a conflict. In addition, if the "otherness" is based upon a different belief, such as the Jews and the Christians, it is also tolerated in the Islamic world-view. Tolerance is emphasized in the Qur'an and in the Sunnah in many contexts:

**"God forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for God loveth those who are just."**  
Qur'an, 60:8

Where other systems of belief and communities failed to deal justly with the "other" who lives amongst them, Islam succeeded. One may compare the history of the "other" in the Islamic state and that of the "other" in Europe. The best case is that of the "other" as a Jew!

There are ways and means to protect the life of the human being in Islam. There is a broadly stated principle in the Qur'an which prohibits all harm:

**"...And make not your own hands contribute to (your) destruction; but do good; for God loveth those who do good."**  
Qur'an, 2:195

This verse highlights the dangers that fall within the responsibility of the individual towards oneself. They include taking drugs, alcohol, or any activity which is contrary to natural disposition such as homosexuality. Islam is amongst the minority (the Catholic church condemns the act but not the homosexual) that condemns homosexuality; some reformed synagogues and some Protestant churches allow marriages between the members of the same sex. Taken to an extreme, homosexuality leads to the annihilation of mankind!

Add to this gloomy picture is adultery and common use of needles in drugs. As such, the number of people contracting AIDS is mushrooming. Against this background, the Islamic way of life provides a safety valve which, if accepted, can save humanity.

## **2. Animals:**

Islam has enjoined upon Muslims right relationship with animals. They are asked to treat animals well, and they are not allowed to kill animals except for food. The latter permission has to be carried out in accordance with the Shari'ah. Only in limited cases some animals are allowed to be killed when they endanger the life of the human.

To slaughter an animal, one has to use sharp object that will save the animal the pain associated with the use of a blunted object. Shaddad Ibn Aws reported that the Prophet [S.A.A.S] said:

**"...and excel in slaughtering; sharpen your blade [so you may] relief your slaughtered [animal]."**<sup>[10]</sup>

In fact, Islam went beyond any expectations when the Shari'ah demanded that the psyche of the animal should be taken into consideration. Imam Ahmad Ibn Hanbal narrated from the report of 'Umar that the Prophet [S.A.A.S] made it imperative to sharpen the blades and to hide them from [the sight of] animals. This ethos is reiterated in another context. Ibn 'Abbas reported that a man [kept] a sheep laid down while he was [still] sharpening his blade; the Prophet [S.A.A.S] said [to him]:

## **"Would like to it to die twice? Why didn't you sharpen your blade before laying it down?"<sup>[11]</sup>**

The protection of animals in Islam includes the notion of hunting. While hunting is permitted in principle, it might become prohibited depending on the conditions the surround it. Ibn Taymiyyah, the Hanbalite medieval scholar, said that "hunting out of necessity is permitted; if it is for fun and playing, it is detested; and if it causes injustice to people, by destroying their fields and property, it is prohibited."<sup>[12]</sup>

People should be behave with great responsibility regarding hunting. Hunting should be out of necessity; where necessity is defined in terms of need for food, where other means are not possible. One should also take into consideration the authorities determination of hunting seasons and the kind and number of animals and birds allowed to be hunted. Also, hunting tools that cause great pain should be prohibited. The latter include traps that lock on the leg of the animal causing pain and bleeding until the hunter returns which could be for days!

The following story shows that the Prophet [S.A.A.S] did not tolerate any "hunting" which was not out of necessity. Ibn Mas'ud said: " We were traveling with the Prophet [S.A.A.S] when he left [us for a while]; we saw a bird with its two chicks and we took the chicks. [Their mother] started spreading its wings [in protest]. When the Prophet [S.A.A.S] came [and saw what happened] he said: **"Who caused her to become bereaved [by taking away] her two children ? Return her two children to her!"**<sup>[13]</sup>

One can appreciate the position of the Prophet [S.A.A.S] much more when one realizes the choice of words used in the hadith. Instead of chicks [*farkhiyha*], he used children [*waladayha*] which, reflect the a very humane perspective.

Moreover, one should not take lightly the issue of killing, without any justification, even if the victim is a very small animal or bird. 'Abdullah Ibn 'Amr reported that the Prophet [S.A.A.S] said:

**"No human being kills a sparrow or [something] larger, without right, except that God will ask him about it (hold him responsible!) on the Day of Judgment" It was said: O Prophet of God! What is its right? He said: " Its right is that you slaughter it and eat it, not that you decapitate it and through it!"**<sup>[14]</sup>

Another hadith to the same effect was narrated by Ahmad, Al-Nisa'i and Ibn Habban from the report of Al-Sharid [May God be pleased with him], he said: I heard the Prophet [S.A.A.S] saying:

**" If you kill a sparrow senselessly, it will hasten to God on the Day of Judgment saying : O Lord! So and So killed me for play and not for use!"**

Commenting on the previous two narrations and what could be deduced from them, Dr. Yusuf Al-Qaradawi said:

"The Jurist [*faqih*] deduces from the them the prohibition of the killing of an animal except for food. That is why Imam Al-Mundhiri included both of them in his book *al-Tarhib wa al-Tarhib*, in order to warn people against mutilating animals, and killing them except for food.

Animal rights groups deduce that it is imperative to respect these living beings, to protect their life, and not to touch them except for a need.

The ecologists see in these two narrations the necessity to preserve the components of the environment, and not to allow [destructive]

playing which will lead to the annihilation and extinction of these components without any reason.

As for the economist, he understands that the hadith clearly brings the attention to the imperative need to protect all resources. They should not be wasted in vain without any economic return. Killing an edible animal without eating it means the loss of a part of the national resources, albeit small.

The scholar of ethics realizes the comprehensive nature of Islamic ethics. He also sees how broad is the domain of responsibility which includes, in addition to human beings, all living beings including animals and birds. Indeed, in other narrations, it includes inanimate objects.

The same applies to the scholar of education, for Islamic education has a broad horizon, and goes beyond religious education, which in the minds of many people is restricted to imbuing the creed, and teaching the rituals. It is education that encompasses every activity of the human which practiced in life: spiritual and material, religious and worldly, individual and social, theoretical and practical."<sup>[15]</sup>

Another area of prohibition covers the hunting of wild animals for reasons other than food (e.g. for fur). Mu'awiya [May God be pleased with him] reported that the Prophet [S.A.A.S] said: **"Do not "ride" on silk and tiger fur"**<sup>[16]</sup>

The prohibition of the use of silk and tiger fur, for seating, whether on saddles or in homes, is to prevent pompous life styles. One can deduce, by analogy, that the fur of all wild cats can not be used. This might come in handy to help in the protection of the endangered Asian tigers that face the extinction though for a different reason. Many people in South East Asia and the Far East believe in the existence of Aphrodisiac foods that are associated with "strong" animals including parts of tigers...etc.

In addition, Islam prohibits the use of animals as targets for shooting. Ibn 'Umar passed by a group of youth, from the tribe of Quraysh, who were shooting their arrows at a bird, and whenever they miss the aim, the owner of the bird takes the arrow for himself. But when they saw Ibn 'Umar they dispersed. He exclaimed: who did this? May he be cursed!<sup>[17]</sup> The Prophet [S.A.A.S] cursed those who create a target out of a being with a soul. Any unjustified killing of an animal, direct or indirect is prohibited. There is a great punishment awaiting those who do so. Ibn 'Umar reported that the Prophet [S.A.A.S] said:

**"A woman who tied a cat will go to Hellfire; she neither fed it, nor allowed it to find food on its own."**<sup>[18]</sup>

The prohibition to kill animals for no public or private good has been already mentioned in the speech of Abu Bakr to the Muslim army.

Furthermore, hitting the animals and marking them in the face is prohibited. Jaber reported a hadith to this effect: one should look for alternative ways to mark animals such as non poisonous paint...etc.<sup>[19]</sup>

It is also prohibited to set animals against one another. This practice is associated nowadays with gambling. Ibn 'Abbas reported a hadith in which the Prophet [S.A.A.S] prohibits this practice.<sup>[20]</sup>

The Shari'ah aims to protect animal abuse in the name of having fun or sport. It is clear that "wrestling" bulls cannot be accepted from an Islamic perspective as a sport. I find it obnoxious that sport programs air these "sports"! One should reconsider whether harming oneself or others, be it humans [e.g. boxing] or animals, could be included in sports.

To protect the animals, Islam has also looked into the load an animal can carry without harm. The Prophet [S.A.A.S] prohibited riding on weak animals.<sup>[21]</sup>

The Companions and later on generations acted according to this Hadith: Malik reported that 'Umar Ibn Al-Kattab, when he was a Caliph, passed by a donkey with mud blocks on it. He [assessed that the load was excessive and] unloaded two blocks. The lady who owned the donkey asked 'Umar: Do you have an authority over my donkey? He answered: What do you think I am doing in this position?<sup>[22]</sup>

It is clear that the institution of the Caliphate, the highest executive office in the Islamic state, is responsible for the welfare of all the living beings within its jurisdiction. This clear in the answer of 'Umar Ibn Al-Khattab. It is also vivid in the decrees of Caliphs who came later. According to Ibn 'Abd Al-Hakam, 'Umar Ibn 'Abd Al-'Aziz sent a letter to the governor of Egypt asking him to reduce the load of a camel from one thousand to six hundred pounds.<sup>[23]</sup>

Not only physical harm to animals is prohibited, but also insulting or cursing. Al-Nawawi, in his famous compendium of Hadith *Riyad al-Salihin* which has a topical arrangement, established a chapter under the title "The Prohibition of a Cursing a Specific Human being or an Animal". He narrated a hadith based on the report of 'Imran Ibn Al-Hasin who said:

**"The Messenger of God [S.A.A.S] was traveling once[with a group of companions which included] a woman from amongst the Ansar on a camel. [It seems that at one point driving her camel became difficult] she was annoyed, and cursed the camel! The Messenger of God heard her and said: "Now that it is cursed, unload it and allow it [to roam free]"**

'Imran said: I can almost see it now going around amongst people and no one pays attention to it.<sup>[24]</sup>

One of the most unique features of the Shari'ah is the way voluntary almsgiving [sadaqah] is distributed. It is stated that it could be given "to rescue those in need amongst the servants of God and the creatures that God has enjoined upon us to take care of them."<sup>[25]</sup>

This position is also stated by Ibn Taymiyyah who said that "being good to animals is one way of Worshipping God ['ibadah]".<sup>[26]</sup> All this is in line with the Hadith of the Prophet [S.A.A.S]: **"There is reward in [caring for] every living being."**<sup>[27]</sup>

The books of jurisprudence are full with discourses regarding the care of animals. This should not come as a surprise if we know that one of the prophets of Islam, Suleiman [Peace be upon him], has changed the path of his army to avoid hurting ants:

**"At length, when they came to a (lowly) valley of ants, one of the ants said: "O ye ants, get into your habitations, lest Solomon and his soldiers crush you (under foot) without knowing it."**

**So he smiled, amused at her speech; and he said: "O my Lord! So order me that I may be grateful for thy favors, which Thou hast bestowed on me and my parents, and that I may work the righteousness that will please Thee: and admit me, by Thy Grace, to the ranks of Thy righteous Servants."** Qur'an, 27:18-19

So the greatness of the kingdom that was granted to prophet Suleiman, along with all the might associated with it, did not prevent him from heeding to the ants. This position towards the ants is further confirmed in a Hadith narrated by Abu Dawud, with a sound chain of narrators, that Ibn 'Abbas reported that the Prophet [S.A.A.S] prohibited the killing of four creatures: **"The ant, the bee, the hoopoe and the sparrow-hawk."**

The story of Nuh and the Flood also confirms the utmost care to prevent the extinction of any species. God commanded him to carry a pair of every species in the ark:

**"...We said: "Embark therein, of each kind two, male and female..."** Qur'an, 11:40

Yet, when an animal is proven to be a source of danger or harm, it is permitted to kill it. Al-Bukhari and Muslim narrated from the report of 'A'ishah that the Messenger [S.A.A.S] said:

**"Five creatures, all harmful, can be killed in the Haram: the crow, the kite, the scorpion, the mouse and the dog that bites [people without being provoked]"**.

If it were not for the harm, actual or anticipated, there would be no permission to kill these animals, rodents, insects and birds. This message is further confirmed in another Hadith of the Prophet [S.A.A.S], he said:

**"Weren't the dogs a community like all communities, I would have ordered the killing of [all] of them. So kill the wild and black amongst them."**<sup>[28]</sup>

The reference to animals living in communities is clearly stated in the Qur'an:

**"There is not an animal (that lives) on the earth, nor a being that flies on its wings, but (forms part of) communities like you..."** Qur'an, 6:38

The Hadith that allows killing the said five animals in the Haram, shows that the original position towards the Haram, the Noble Sanctuary in Makkah, is to prohibit any act of killing, including hunting, by pilgrims. Also cutting the trees of the Haram is prohibited. The Haram might be considered the first protected "natural reservation" in the history of humanity. To emphasize the sanctity of the Haram, which is created by Divine order, the transgressors are punished:

**"ye who believe! Kill not game while in the Sacred precincts or in pilgrim garb. If any of you doth so intentionally, the compensation is an offering, brought to the Ka'bah, of a domestic animal equivalent to the one killed, as adjudged by two just men among you; or by way of atonement, the feeding of the indigent; or its equivalent in fasts: that he may taste the penalty of his deed. God forgives what is past: for repetition God will exact from him the penalty. For God is Exalted, and the Lord of Retribution."** Qur'an, 5:98

### 3. Plants:

Islam prohibited the cutting or destruction of trees and plants, and encouraged people to protect and increase plants for the great reward associated with that. The speech of Abu Bakr, that was mentioned earlier, included the prohibition to destroy trees as an act of vengeance or collective punishment. If this is the status of plants in the Islamic world-view during war, it must be that they "enjoy" a better position during the peaceful times.

Millions of trees are cut around the world each year to celebrate Christmas and New Year. I am sure that Jesus Christ would not have condoned that such acts are done in his name. Considering the environment, Alden Hinkely said that Christianity has the worst record. He also stated that Marx's call to "control" nature "echoes the teachings of the Bible".<sup>[29]</sup> For the sake of comparison, the following Hadith of the Prophet [S.A.A.S] should prove to be useful:

**"He who cuts a lote-tree [without justification], God will send him to Hellfire."**<sup>[30]</sup>

The lote-tree grows in the desert and it is very much needed in an area which has scarce vegetation. Dr. Al-Qaradawi understands this Hadith in terms of protecting the natural

resources and preserving the balance that exists between the creatures in the environment.<sup>[31]</sup> Against this background, where the life of one tree is appreciated, one can see what is the Islamic position towards destroying millions of trees as a result of humans directly acting upon nature (e.g. deforestation) or indirectly (e.g. acid rain).

Islam encourages people to plant trees and all useful plants. In deed, similar to all acts performed in line with the Islamic world-view, and when done intentionally for the sake of God, they are considered and rewarded as acts of worshipping. Jaber reported that the Prophet [S.A.A.S] said:

**"No Muslim, who plants a shoot, except that whatever is eaten or stolen from it, or anyone obtains the least thing from it, is considered [like paying] almsgiving on his behalf until the Day of Judgment."**<sup>[32]</sup>

The Prophet [S.A.A.S] encouraged people to work hard under all circumstances; he explained that in terms of planting a palm-tree seedling, even if one realizes that it is the Day of Judgment and that the world is coming to an end. It is for this reason that is prohibited to let the land set idle for a long time without working it out. Reviving a "dead" land could lead to creating a legal right to use it indefinitely, as long as he continues to plant it.

#### 4. Land:

Protecting the land from pollution is indicated in the many Hadiths that demand encourage people to keep it clean. One Hadith states, among other things, that God likes goodness, cleanliness, and generosity. The Hadith ends with a request by the Prophet [S.A.A.S] asking Muslims to clean their courtyards.<sup>[33]</sup>

The message that this Hadith sends is that cleanliness is something desirable, good and reflects an act of generosity towards the environment. Indeed, if cleanliness is something good, then it should be reflected everywhere.

Islam has created a bond between faith and cleanliness, rendering the the latter as a part of creed. The Prophet [S.A.A.S] said:

**"Faith is some seventy branches, the highest of which is "There is no god but God, and the least is removing obstacles from the path of people, and that shyness is a branch of faith."**<sup>[34]</sup>

It is obvious that clearing the path means, in this context, the removal of material obstacles or solid waste which constitute a kind of pollution. Abu Hurayrah reported that the Prophet [S.A.A.S] said: **"Be ware of the two [acts that bring] curses: relieving oneself in the path of people, or in the shade [i.e. where they usually rest]."**<sup>[35]</sup>

The same concept is reiterated in another Hadith which, in addition to the above two prohibitions, it mentions the prohibition of relieving oneself in water sources (e.g. ponds, rivers ...etc.).<sup>[36]</sup>

The prohibition in these two Hadiths is intended to prevent pollution in the language of today. The direct human polluting activity at the time is extended to indirect sources of pollution, such as through sewers. The natural pollutants of the time are extended to include the chemical pollutants.

I would like to translate the language of the Hadith which prohibits the pollution of water into a contemporary context. We know already that chemicals such as pesticides, insecticides, herbicides...etc., are detrimental to the health of humans, and we know that much of these chemicals reach the aquifers. So, by analogy, from the perspective of the *Shrai'ah*, this is prohibited. It is not my intention, nor my field, to address solutions, but the basic requirement is that scientists should come up with environment-friendly solutions.

The *Shari'ah* aims at protecting the environment, and while the individual is asked to help in

this respect, the ultimate responsibility is in the hands of the state. When Abu Musa was sent to Al-Basrah as the new governor, he addressed the people saying:

" I was sent to you by 'Umar Ibn Al-Khattab in order to teach you the Book of your Lord [i.e. the Qur'an], the Sunnah [of your prophet], and to clean your streets."<sup>[37]</sup>

The function of the governor who represents the authority, in the narration about Abu Musa, includes keeping the environment clean. This position should be highlighted, because it challenges the authority to deliver sound policies regarding the environment and to implement them.

## 5. Water:

It is God's will that all living beings on earth are dependent for their existence on water:

**"...We made from water every living thing..."** Qur'an, 21:30

Furthermore, there are tens of verses in the Qur'an that reflect the direct involvement of the Divine Will whenever it rains. Following are three examples:

**"And God sends down rain from the skies, and gives therewith life to the earth..."** Qur'an, 16:65

**"...and He sends down rain from the sky and with it gives life to earth..."** Qur'an, 30:24

**"And We send down from the sky rain charged with blessing, and We produce therewith gardens and grain for harvests."**  
Qur'an, 50:9

While we already know that every thing that takes place in this universe is subject to Divine Will, such verses further highlight this fact. We have already discussed the impact of faith and good conduct on the environment. So, whenever there is a shortage of rain, the "why" is known (without excluding the possibility of human factors such as the greenhouse effect which, if proven right, is left to the cause-effect realm of relationship) and the address of the authority that can send relief, is also known.

In addition to the protection of water from pollution, the Sunnah emphasized the proper use of water without wasting it. One more Hadith regarding the protection of water is related to the use of clean still water. The Prophet [S.A.A.S] said: **"No one should bathe in still water, when he is junub [i.e. either had intercourse or a wet dream]"**<sup>[38]</sup>  
The Hadiths that directly focus on the proper use of water include the following:

The Prophet performed ablution three [times] and said **"Whoever increases [more than three] he does injustice and wrong."**<sup>[39]</sup>

In addition to the encouragement to save water, the Prophet himself provided the model which should prove to be useful if followed by Muslims and non-Muslims alike:

**The Messenger of God [S.A.A.S] performed ablution using one mud [i.e. a measure equal to a handful of water].**<sup>[40]</sup>

Moreover, the Prophet [S.A.A.S] took a shower using one sa' [four handfuls]. The Muslim scholars understood the message of the Prophet in this respect and they have reiterated it in their writings.<sup>[41]</sup> Imam Al-Ghazzali said that to have a shower one should not keep pouring water, but should restrict oneself to the amount needed.<sup>[42]</sup>

In a Hadith that reflects the future scene regarding the said issue, the Prophet [S.A.A.S] said: **"There will be a people amongst this Ummah who will transgress in their supplication and ablution."**<sup>[43]</sup>

It is obvious that the transgressing in ablution means the use of excessive amounts of water. This is contrary to the Islamic ethos.

## 6. Air:

Protecting the air from pollutants can be deduced from the many Hadiths that, at the time of the Prophet [S.A.A.S], discouraged or prohibited activities that result in offensive smells and odors, from taking place in certain public places. We have already mentioned some of the Hadiths that prohibit the Muslims from relieving themselves near the rest place under a tree or near their paths. It is clear that there are two associated harms with such behavior: offensive scenes and smells. The Prophet himself, when traveling with the companions, used to disappear from sight whenever he had such a need.

Another Hadith aims at protecting the Muslim community from offensive smells that result from eating garlic or onion. The Prophet [S.A.A.S] said: **"He who eats from this tree - meaning garlic - should not get close to our mosque."**<sup>[44]</sup> Jaber reported the following: **"He who eats garlic or onion should stay away from us",** or he said: **"should stay away from our mosque and stay at his home."**<sup>[45]</sup> The period which one should stay away from the mosque is limited to the duration of the smell. This is understood from the Hadith of Al-Mughirah Ibn Shu'bah: **"He who eats from this wicked plant, should not get close to our mosque, until its smell goes."**<sup>[46]</sup> Commenting on eating garlic and onion, and the harm they cause to others because of their smell, Dr. Yusuf Al-Qaradawi stated the following:

"What should be prohibited in our times, without any doubt, is smoking [tobacco] for it harms people. These [onion and garlic] plants are originally lawful, yet smoking is harmful to the [physical] and mental health, and to the economy. So, the appropriate ruling is to prohibit it..."<sup>[47]</sup>

So Al-Qaradawi based his religious ruling [*fatwa*] upon the fact that smoking is detrimental to the health of primary and secondary smokers. It is the harm that results from releasing anything into the air which forms the backbone of al-Qaradawi's fatwa. By analogy, anything that pollutes the air and is detrimental to the health should be prohibited. This includes indirect harm such as in the case of CFC which depletes the ozone. Harmful fumes that cannot be prohibited all together, should be reduced and alternatives should be made popular. The level of Carbon Monoxide would certainly be reduced if "solar" cars become popular!

## Protecting the Human being Against Noise Pollution:

Islam took care of the human being and made sure that he should not be subjected to loud and annoying noises to prevent harm to him both physically and psychologically. The Hadith states that loud noise is foolish and harmful. In the Qur'anic, Luqman advised his son saying:

**"...and lower thy voice; for the harshest of sounds without doubt is the braying of the ass." Qur'an, 31:19**

The Islamic Shari'ah does not allow loud voices in the mosques, even if it is Qur'an that is recited. The right of the others to pray peacefully or to recite the Qur'an quietly on their own, during times other than the obligatory prayer which is performed together, should be respected.

The argument goes that if a loud voice reciting the Qur'an, using loud speakers, is prohibited because it harms and annoys people, then other sources of noise pollution deserve the same judgment; they are prohibited. It is already established that if one is subjected to loud noise over a long period of time, it reduces the person's hearing ability and possibly psych-somatic illnesses.

## The Aims of Islamic Shari'ah:

The agreed upon major aims (*maqasid*) of the Shari'ah, through out of its history and untill recent times, are five: protection of religion, life, mind, offspring, and property. Sheikh

Muhammad Al-Tahir Ibn 'Ashur (d. 1973) went beyond the original five and added another two: equality and freedom.<sup>[48]</sup>

This paper firmly believes that protecting the Environment is a major aim of the *Shari'ah*. I am not adding to the aims of the *Shari'ah*; I am only discovering one more. Looking at the original five, we would recognize that to protect the environment is a major aim. For if the situation of the environment keeps deteriorating, there will ultimately be no life, no property and no religion. The environment encompasses the other aims of the *Shari'ah*.

The destruction of the environment prevents the human being from fulfilling the concept of vicegerency on earth. Indeed, the very existence of humanity is at stake here. Excessive pollution might lead to sterility, deformities, abortion and chronic diseases.

As far as protecting the mind or reason, the highly polluted industrial cities might not see the sun for long days resulting in deep depressions which effects the person's ability to rationalize properly. Certain radiation might also destroy the brain.

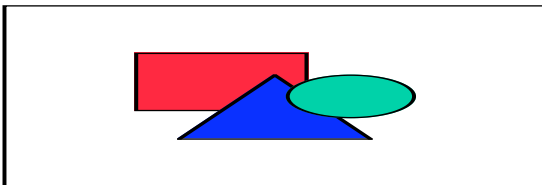
The attempt to protect the property will also be in vain in the context of a highly polluted environment. There are already many rivers and lakes that are considered dead with no marine life. This is a direct result of acid rain which destroys also forests. These forests and water sources form the natural habitat of many species; their death means the possible extinction of some of the Signs pointing in the direction of God.

To consider the protection of the environment as one of the major aims of the *Shari'ah* will hopefully enable the neo-model of Islamic civilization a chance to be advanced as an alternative to the already existing western model which is the primary source of pollution.

Adopting this position makes it imperative for the Muslim governments to establish laws for the protection of the environment and implement them.

## Conclusion:

This paper is a modest attempt to show that the Islamic world-view is indeed comprehensive and that it could adopt itself and live up to the new challenges that face humanity. Moreover, the Islamic position is considered a *via media* compared to the extreme positions regarding the environment. Finally, like in every problem that challenges the Muslim Ummah, the Qur'an and the Sunnah have an appealing tone. As such, it is hoped that such a topic will find the right place among the other issues in books of jurisprudence. We cannot afford to remain indifferent, or to think that environmental issues are alien to the Islamic world-view.



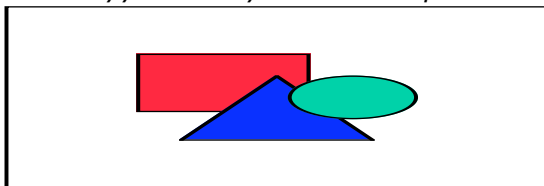
## Notes

1. Muslim, Sahih.
2. Ibn Kathir, Tafsir; vol. 1, p. 7 (Beirut Edition).
3. Sayyid Qutub, Fi Zilal al-Qur'an. 12th Edition (Dar al-Shuruq) Vol. 12, p. 1907. Again, the original word in the Qur'an for 'populated' is '*amaruha*', which has the same root as '*I'mar*'. It is obvious that the meaning goes beyond populating the earth.
4. Qur'an, 7:157.
5. Yusuf Al-Qaradwai, al-Sunnah Masdaran lil-Ma'rifati wal-Hadarah (Cairo: 1977, Dar al-Shuruq), p. 286.

6. Sa'id Al-Nursi, al-Mathnawi al-'Arabi al-Nuri; Ihsan Qasim Al-Salihi, ed. 1988, p. 53.
7. Sayyid Sabiq, Fiqh al-Sunnah, vol. 2, pp. 477-79.
8. Malik Ibn Anas, al-Muwatta' (Narrated by Malik from the report of Yahya Ibn Sa'id in the chapter on Jihad # 918)
9. Yusuf Al-Qaradawi, al-Sunnah Masdar Lil-Ma'rifah, p. 15.
10. Narrated by Muslim.
11. Narrated by Al-Hakim; he stated that it is a sound hadith according to the methodology of Al-Bukhari.
12. Ibn Taymiyyah, al-Fatawa; vol. 4, p. 619
13. Narrated by Abu Dawud in the chapter on Jihad # 2675
14. Narrated by Al-Nasa'i, 7/ 207; and by Al-Hakim who stated that it has a sound chain of narrators. His statement was approved by Al-Mundhiri and Al-Dhahabi.
15. Yusuf Al-Qaradawi, al-Sunnah Masdar Lil-Ma'rifah wal-Hadarah; pp. 145-6
16. Narrated by Abu Dawud, # 4129.
17. Narrated by Al-Bukhari and Muslim; Al-Lu'lu' wal-Marjan, # 1279.
18. Narrated By Al-Bukhari.
19. Narrated by Muslim, # 2117.
20. Narrated by Abu Dawud, # 2556.
21. Narrated by Abu Dawud, # 2548; Ahmad, 4: 180, 181; and Ibn Hibban, 545.
22. Al-Qaradwai, op. cit., p. 295
23. Ibid, p. 296.
24. Narrated by Muslim, # 2595.
25. Isma'il al-Hasani, Nazariyyat Al-Maqasid 'Ind Al-Imam Muhammad Ibn 'Ashur (IIIT: Herndon, 1995) p. 142.
26. Ahmad Nawfal et al, al-Thaqafah al-Islamiyyah, p. 85.
27. Narrated by Muslim, 7:44
28. Abu Dawud, # 2839; Al-Tirmidhi, # 1489,: Al-Nassa'i, # 4285; and Ibn Majah, # 3204.
29. Alden D. Hinckley, Applied Eccology (Macmillan: New York, 1976), pp. 317-318.
30. Narrated by Al-Tirmidhi, # 5239.
31. Al-Qaradawi, op. cit., pp. 143-144.
32. Narrated by Muslim.

33. Narrated by Al-Tirmidhi, # 2799.
  34. Narrated by Al-Bukhari and Muslim.
  35. Narrated by Muslim, Ahmad, and Abu Dawud.
  36. Narrated by Abu Dawud, Ibn Majah, Al-Hakam and Al-Bayhaqi.
  37. Narrated by Al-Darimi, # 560.
  38. Narrated by Muslim.
  39. Narrated by Abu Dawud, Al-Nasa'i, and Ibn Majah.
  40. Narrated by Al-Tirmidhi.
  41. Abu Bakr al-Jaza'iri, Minhaj Al-Muslim (Dar Al-Shuruq: 1991), p. 267.
  42. Al-Ghazzali, The Revival of Islamic Sciences, vol. 1, p. 139.
  43. Narrated by Abu Dawud, Ibn Majah, Ibn Habban and Al-Hakim.
  44. Narrated by Al-Bukhari and Muslim, Al-Lu'lu' wal-Marjan, # 331, 332.
  45. Ibid, # 333.
  46. Narrated by Ahmad, Abu Dawud and Ibn Hibban.
  47. Al-Qaradawi, op. cit., p. 286
  48. Isma'il Al-Hasani, Nazariyyat Al-Maqasid 'ind Al-Imam Muhammad Al-tahir Ibn 'Ashur, p. 16.
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