



# BRILL

---

Principles of Environmental Law in Islam

Author(s): Sayed Sikandar Shah Haneef

Source: *Arab Law Quarterly*, 2002, Vol. 17, No. 3 (2002), pp. 241-254

Published by: Brill

Stable URL: <https://www.jstor.org/stable/3382024>

---

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



JSTOR

Brill is collaborating with JSTOR to digitize, preserve and extend access to *Arab Law Quarterly*

# PRINCIPLES OF ENVIRONMENTAL LAW IN ISLAM

*Dr Sayed Sikandar Shah Haneef\**

## INTRODUCTION

Environment signifies the sum total of all external conditions and influences affecting the development and life of organisms.<sup>1</sup> The unity and interdependence existing within biological systems and their interaction with the environment is called the ecosystem.<sup>2</sup> This interdependency between the living organism and the matters from which they derive their source of life and subsistence, such as food, water and air greatly determines their continued existence. For instance, man by his very constitution is made up of more than 30 elements derived from the natural environment.<sup>3</sup> Therefore, to guarantee the continued supply of fresh air, uncontaminated food, unpolluted water and other provisions of life for humans and other living creatures in the animal kingdom, and plants, a harmonious, balanced and integrated approach by the human, as the architect master of creation is fundamentally essential.

Nevertheless, the human due to his loss of vision and value when interacting with the environment has inflicted irreparable damage to its wholesome existence and has corrupted its content to the extent that it has brought the future of the whole ecosystem and his own self to the brink of annihilation. For instance, man in the pursuit of his greed to maximise profit and attain economic growth has polluted the land, air and water by deforestation, industrial waste spillage, release of active chemical wastes, etc. This has resulted in the destruction of the animal population both in water as well as in the sea, due to the destruction of their natural habitat.<sup>4</sup> The culpable destruction by humans of forests by burning, the exhaust gases emitted from their cars, industries, etc. has increased the level of

\* Assistant Professor, Department of Fiqh and Usul al-Fiqh, IRKHS, International Islamic University Malaysia, Jalan Gombak, 53100 Kuala Lumpur.

<sup>1</sup> Mohammad Hammoud, *Environment, Ecology and Islam*, Insight, New South Wales: Islamic Foundation, 1990, Vol. 5:3, p. 19.

<sup>2</sup> Abdul Hadi Skinner, *Environmental Harmony-Islamic Dimensions*, Insight, New South Wales: Islamic Foundation, 1990, Vol. 5:3, p. 25.

<sup>3</sup> Sumaiya Quasim, *Man in Harmony with Nature*, Insight, New South Wales: Islamic Foundation, 1990, Vol. 5:3, p. 23.

<sup>4</sup> Hammoud, *Environment, Ecology and Islam*, p. 20.

carbon dioxide more than is being utilised by plants for photosynthesis, creating the appalling problem of the greenhouse effect.<sup>5</sup> This, consequently, has resulted in an extreme rise in temperature and global warming, giving rise to devastating floods and scorching draughts in many places in the world today. Aggression and war spurred on by greed for power, motivated by blind national interest and political agendas have brought about unspeakable miseries and have ravaged the environment beyond recognition. It still rages. The list of imbalanced handling of the earth and its resources, from the destructive use of technology to irresponsible handling of its facilities goes on and on, and many think tanks, including the environmental groups, are engaged in serious efforts, not only to create awareness and collective consciousness among people about the problem, but also to devise legislative measures by which further damage to the environment can be averted.<sup>6</sup> The concerns therefore are how to restore the effect of the imbalanced handling of nature by man and ways in which to modify human behaviour at all levels when dealing with the environment.

In this article, therefore, an attempt will be made to point to the Islamic measures and doctrines that harness sensitivity and care among its adherents towards the environment.

#### IDEOLOGICAL FRAMEWORK

In the Islamic view, man and nature are the creation of God. It follows that these two entities are created through a set procedure and are willed to subsist in accordance with the order that is fixed by God (*fitrah*). In consequence, man and nature by creation are governed by the law of nature which enables them to orderly function and perform their assigned role as the two basic components of God's creation, i.e., their intra behaviour to be in harmony with the order of the universe (*qanun al-fitrah*). Nevertheless, at the level of inter behaviour between man and nature, man has been created with the ability to behave or misbehave, while the latter is created subservient to the former. Because man, though physically created from the same matter from which nature is made up, has a spiritual component which elevates his position to that of the master architect of nature and its content. This authority is conferred to man because God, the Creator, intends a high destiny for him, i.e. to be His viceregent (*khalifah*) on earth, to recognise (affirm His existence/*tawhid*) and to serve Him (*'ubudiyyah*) as a responsible agent (*amin*). Any deviation from this intended course and abuse of privileged position may badly disturb the harmonious relation of man with nature and result in unspeakable ecological crisis and its ensuing disaster.

Accordingly, the foundational ideas governing the Muslims' world view of the environment and its protection are as follows:

<sup>5</sup> *Ibid.*, p. 19.

<sup>6</sup> *Ibid.*, p. 20. See also, Sumaiya Quasim, *Technological Development and their Environmental Impact*, Insight, New South Wales: Islamic Foundation, 1990, Vol. 5:2, pp. 8–9.

### 1. The doctrine of man's viceregency (khalifah)

According to the Qur'anic account, human beings were created as God's viceregents on earth:

Behold your Lord, Your Lord said to the angels: I will create a viceregent on earth. They said: Will you 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.<sup>7</sup>

As to what does the term viceregency denote? It is held that the Qur'anic term of *Khalifah* (viceregent) originates from the word *khalafah*, and it literally means to succeed or to replace a person either due to his absence or his incompetence, or his death, or as an honour to the successor. But in the context of the Qur'an here it signifies the position of humans as the dwellers and occupiers of the earth who will build a civilisation on earth and inhabit (*imar*) it. Human beings therefore, by virtue of their creation are the viceregents of God.<sup>8</sup>

Consequently, they are people who have been conferred with power and authority over things necessary for their task of civilisation building and are expected to utilise them as willed by the trustor (God). Because the notion of trusteeship of man implies his handling of the trust in harmony with the wishes and expectation of its bestower. This position, therefore, demands that man should never cause corruption on earth or misuse its resources over which he is given power and authority. This is evident from the following provisions of the Qur'an.

First, nature and its resources are bounties from God to man. "Do you not see that God has subjected to your use all things in the heavens and on the earth and has made his bounties flow to you in exceeding measures, seen and unseen".<sup>9</sup>

Secondly, man is expected to appreciate the bounties of God and never to wrong them.

It is God who created the heavens and the earth and sent down out of heaven water wherewith he brought forth fruits for your provisions. And He subjected to you the ships to run upon the sea at His command, and He subjected to you the rivers, and He subjected to you the sun and moon constant upon their courses, and He subjected to you the night and the day, and gave you of all you asked Him. If you count God' blessings you will never number it. Surely the human being is a great wrongdoer, very ungrateful.<sup>10</sup>

Thirdly, to enable man to rightly use God's bounties and to subdue the forces of nature and to explore its sources for his use, God has given him the faculty of foresight and wisdom-capacity to acquire knowledge of manipulating nature for his use. "He taught Adam all the names of the creatures in the universe".<sup>11</sup>

Finally, the position of viceregency is a noble trust which should never be misused, that is why God said to the prophet David: "O Dawud, we did indeed

<sup>7</sup> al-Baqarah: 30.

<sup>8</sup> Shahibuddin Laming, *Knowledge, Khalifah and Amanah in Islam*, Selangor, Ans Mega, 1995, pp. 33-34.

<sup>9</sup> Luqman: 20.

<sup>10</sup> Ibrahim: 32-34.

<sup>11</sup> al-Baqarah: 33.

make you a viceregent on earth, so judge you between men in truth; nor follow you the lust, for it will mislead you from the path of Allah".<sup>12</sup>

Consequently, given the position of humans as above, had human society been conscious of it, many ecological and crises of modern times would have been avoided. As the Qur'an regards man's delinquent behaviour to be the major cause of all kinds of corruption on earth. "Mischief has appeared on land and sea because of the meed that the hand of men have earned, that God may give them the taste of some of their deeds", in order that they may turn back from evil".<sup>13</sup> Mischief or corruption (*fasad*) in this context covers all kinds of ruinous behaviour, be it material or spiritual.

### The principle of tawhid

*Tawhid*, monotheism, singularity, oneness or unity of God is the most cardinal principle of Islamic ideology. It forms the first component of the topmost pillar of Islamic religion whose affirmation and utterance entitles one to the membership of Islam, that is to declare, "there is no god but God", meaning that there is not any false god but the real God Who is the creator, and sustainer of all the universe,<sup>14</sup> thus refuting the concept of the universe as a machine running automatically towards an unknown destiny i.e., not a product of a game of chance or the Big Bang. Further it is to affirm that God as the creator is a unique being and one. This is known as the belief in the oneness of God (*tawhid*).

*Tawhid* signifies one's belief in the oneness of God Who alone is the creator, sustainer and provider of all life, as well as the unbounded and implicit belief in His attributes. This implies three things:

- (1) It requires believing in the oneness of God in terms of his unique characteristics of possessing the right to be worshipped alone, loved, obeyed and prayed to for attaining goodness and evading misfortune, called *tawhid 'uluhiyyah* (Divine unity);
- (2) It requires the belief in God's other attributes such as His characteristics of administering, controlling, nurturing, and sustaining all the universe that He has created, called *tawhid rububiyyah* (oneness in Lordship);
- (3) It requires believing in His holy names and functional attributes, such as Allah, the Almighty, the all-knowing etc., called *tawhid of names and attributes* (*tawhid asma and sifat*).<sup>15</sup>

There are many passages in the Qur'an that describe God as such, and one instance is the verse below:

<sup>12</sup> Sad: 6.

<sup>13</sup> al-Rum: 4.

<sup>14</sup> Muhammad Noor Ibrahim, *The Islamic Discipline for Fortification of Faith*, Malaysia, Syarikat Huda, n.d., p. 9.

<sup>15</sup> Ibid., pp. 13–15.

Allah, there is no god but He, the living, the self-subsisting, supporter of all, no slumber can seize Him nor sleep. His are all things in the havens and on earth. Who is there can intercede in His presence except as He permiteth? He knoweth what appeared to His creatures as before or after or behind them. Nor shall they compass aught of His knowledge except as He willeth. His throne doth extend over the heavens and the earth, and He feeleth no fatigue in guarding and preserving them, for He is the most high and supreme in Glory.<sup>16</sup>

The concept of *tawhid* plays a paramount role in creating order and consistency in a Muslim's thinking as well as his behaviour. Some of its general impacts on the environment are:

- (1) It saves Muslims from narrow mindedness, human prejudices, self centredness and pursuit of selfish interests because he looks upon everything in the world as belonging to God to whom he himself belongs. This attitude tremendously affects his decisions when dealing with sources of nature to integrate the physical with the spiritual and maintain the equilibrium between celestial and terrestrial demands of life<sup>17</sup> and to be sensitive to the natural environment;
- (2) Man envisioned with the *tawhidic* world view is duty bound to live in harmony with the ecosystem because he and the whole universe are here to glorify the oneness of one and the same God. The Qur'an gracefully portrays this harmony: "The seven heavens declare His glory and the earth too and those who are therein; and there is not a single thing but glorifies Him with His praise but you do not comprehend their glorification".<sup>18</sup>

Accordingly, every creature and element of the ecosystem has an assigned role to play, whose loss and extinction if not remedied is bound to result in environmental crisis;

- (3) The belief of a Muslim about the knowledge of God both secret and open of things, perpetually makes him do what is good and avoid what is wrong. This kind of awareness definitely saves him from irresponsible and vicious use of nature and its destruction.

### The concept of 'ubudiyyah

The word '*ubudiyyah*' is derived from the root word of '*abd*' (slave), which literally means the state of slavery or servanthood.<sup>19</sup> In Islamic usage, it refers to the highest and most praiseworthy human condition when he voluntarily believes in God and surrenders himself to Him alone, by doing his bidding, outwardly and inwardly.

For instance, Ibn Taymiyyah maintains:

<sup>16</sup> al-Baqarah: 255.

<sup>17</sup> Hammoud, *Environment, Ecology and Islam*, p. 20.

<sup>18</sup> al-Isra: 44.

<sup>19</sup> Muhammad Ibn Mukrim Ibn Manzur, *Lisan al-Arab*, Beirut Dar Sadir, 1955, Vol. 3, p. 271.

Verily '*ubudiyyah* denotes loving God together with the utmost sense of submissiveness and humility to Him – as a state of submissiveness shorn of love does not constitute servanthood. And neither a sense of affection or love divorced from sense of submissiveness will be regarded as servanthood.<sup>20</sup>

Accordingly, '*ubudiyyah* is the inalienable right reserved for God alone as God in more than one place makes this very clear:

Say if it be that your fathers, your sons, your brothers, your mates or your kindred, the wealth that you have gained, the commerce in which you fear a decline, or the dwelling in which ye delight are dearer to you than God or His messenger or the striving of His cause; then wait until God brings about His decision and guides not the rebellious.<sup>21</sup>

Ibn Taymiyyah further held that '*ubudiyyah* is the fundamental manifestation of one's belief in the oneness of God in terms of worshipping Him. This will have two simultaneous implications for a Muslim:

- (1) He must repose his full confidence on everything in God alone, i.e. he must believe that his life, death, future and everything else are determined by God alone;
- (2) He must devote his acts of servitude to God alone, namely, to reserve all the good acts from rituals to other approved acts to Him only, as the word '*ibadah* as the practical expression of servanthood, in Islam, stands for all virtuous deeds, personal or social, worldly or pertaining to matters that bring merit in the hereafter with the proviso that they are done with the sole aim of pleasing God.<sup>22</sup>

Accordingly, the religious impulse of doing things for the sake of God alone tremendously motivates Muslims to initiate and undertake constructive and good work for the benefit of humans which assuredly includes serious concern and care for nature, the ecosystem and the proper handling of its resources for human well being and not to the contrary.<sup>23</sup> The urge to serve God has a further function as it motivates Muslims to discharge their assigned duties responsibly. As Ibn Qayyim says to this effect:

Every Muslim has to uphold '*ubudiyyah* in his pursuit of life, the magnitude of which may vary from person to person, depending on the position that he holds. A scholar's '*ubudiyyah* to God is to disseminate the teachings of Islam and expand the frontier of other useful sciences. A ruler's '*ubudiyyah* to God is to implement justice in society. And an affluent person's '*ubudiyyah* to God is to fulfil the financial obligations that are attached to his wealth'.<sup>24</sup>

<sup>20</sup> Quoted in Yusuf al-Qaradawi, *al-'Ibadah fi al-Islam*, Cairo, Maktabah Wahabah, 1995, p. 30.

<sup>21</sup> al-Tawbah: 24.

<sup>22</sup> Taqiyy al-Din Ahmad ibn Abd al-Halim Ibn Taymiyyah, *al-'Ubudiyyah*, Beirut: al-Maktab al-Islami, 1983, p. 23.

<sup>23</sup> For instance, a scientist envisioned by *tawhidic* paradigm and the concept of '*ubudiyyah* will be doing '*ibadah* if he employs the inherent properties of atom for constructive uses. See Quasim, *Man in Harmony with Nature*, p. 24.

<sup>24</sup> Shams al-Din Abu Abd Allah ibn Qayyim al-Jawziyyah, I'lam al-Muwaqqi'in '*An Rab al-'Alamin*, *Azhar Maktabat al -Kulliyat al Azhariyyah*, n.d., Vol. 2 p. 176.



By analogy the list of fulfilling one's responsibilities can go on to include man's responsibility to save his environment as part of his servanthood to God.

### **The doctrine of human accountability or amanah**

*Amanah* (trust) is the main responsibility of man particularly after he has agreed to shoulder the task of viceregency offered to him by God. As is evident from the Qur'anic verse: "We did indeed offer the trust to the heavens and the earth and the mountains. But they refused to undertake it, being afraid thereof; but man undertook it – he was indeed unjust and foolish (ignorant that some may betray it)." <sup>25</sup>

Hence, according to the above, the *amanah* of man as a viceregent is to build up a civilisation for the good of all humanity and his environment as is willed by God.

Lexically the term *amanah* means, being honest and sincere in doing things and safe from doing things prohibited by God. Technically, *amanah* is every right of one's responsibility either belonging to God or to that of humans or even to other creatures whether in work, words and belief. <sup>26</sup> And in terms of its application, it practically stands for fulfilling one's responsibility in all dimensions of life and relationships. That is why the prophet of Islam declared:

Every one of you is a guardian and every one will be asked about his subjects, the leader is a guardian. He will be asked about his subjects. A man is the guardian of the persons in his household. He is answerable about them. A woman is the guardian of her husband's house. She will be asked about her responsibility. The servant is the guardian of the articles of his master. He is answerable about the responsibility of his. <sup>27</sup>

The above *hadith* precisely outlines the all-embracing faces and various application of trust in peoples' life. Moreover, there are other ample evidences from the Qur'an and the sunnah which specifically address other applied instances of *amanah* in Muslims' life, both personal and social. As for the application of this doctrine regarding the environment, humans, individually and collectively, are responsible for its safekeeping. The reason is that man has been made the master over nature and its resources and is held responsible for maintaining and preserving it. The Qur'an lucidly makes this clear:

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 favour of your Lord, and say, "Glory to Him who has subjected these to our use, for we could never accomplish this by ourselves, and to our Lord, surely, must we turn back". <sup>28</sup>

The idea of an inevitable turning to God in the verse plainly refers to the idea of

<sup>25</sup> al-Ahzab: 72.

<sup>26</sup> Laming, *Knowledge Khilafah and Amanah in Islam*, p. 71.

<sup>27</sup> Fazlul Karim, *Mishkat al-Masabih*, New Delhi, Islamic Book Service, 1994, 3rd edn, Vol. 2, pp. 567–568.

<sup>28</sup> Al-Zukhruf: 12–14.



accountability of the human for his actions in relation to the benefit that he derives from nature. If a human fails to fulfil this *amanah*, he will be committing *khiyanah* which designates betrayal of trust and hypocrisy. The person who is devoid of sense of duty, careless and neglectful of his duties to God as well as to creatures is called untrustworthy. The crime of *khiyanah* committed against the environment is so enormous that it brings to the brink of annihilation not only the natural environment but the human race itself as well, thus amounting to self destruction which is categorically prohibited (*haram*) in Islam. As we read in the Qur'an: "... And make not your own hands contribute to your destruction; but do good; for God loveth those who do good".<sup>29</sup>

#### ISLAMIC LEGISLATIVE MEASURES TO PROTECT THE ENVIRONMENT

Islam as a comprehensive code of conduct does not only set norms, ideals and a value system, but it legislates formal practical laws towards achieving its idealism, called legislative measures (*al-tashri' al-Islami* or technically referred to as *Shari'ah*). Accordingly, some of the universal guiding principles of Islamic law that pertain to the protection of the environment are as follows.

##### **Inviolability of human life**

Humans although the master architect of the universe in terms of creation, as living organisms are the most important part of the ecosystem and deserve the most protection. Therefore, the Islamic declaration about the protection of human life is also in the strongest possible terms. As the Qur'an provides: "On that account: We ordained for the children of Israel that if anyone slew a person (take away a life) unless it be for murder or for reading mischief in the land – it would be as if he slew the whole people. And if anyone saved a life, it would be as if he saved the life of the whole people ...".<sup>30</sup>

The above Qur'anic declaration and many more evidences reinforcing its content from the sunnah of the prophet, attaches the utmost sanctity to human life without drawing any distinction between them on account of religious affiliation, race, colour, ethnicity, etc. The only exception where a human forfeits the right to be protected is when he commits an offence that carries a capital punishment, such as murder.<sup>31</sup>

Consequently, if destruction of a single life is much frowned upon by the Qur'an, today's spectacular massive destruction of precious human lives wrought by armed conflicts, both national and global, is for all practical purposes against

<sup>29</sup> Al-Baqarah: 195.

<sup>30</sup> al-Ma'idah: 35.

<sup>31</sup> See for other Islamic provisions and discussion on the topic of sanctity of human life, Sayed Sikandar Shah Haneef, *Homicide In Islam*, Kuala Lumpur: A.S. Noordeen, 2000, pp. 1–13.

the valuable teachings of Islam and a flagrant violation of its most basic law on the protection of human life. In the Islamic view the most basic law governing human relations is peaceful coexistence and not war making or self-destruction. As we read in more than one place in the Qur'an: "O mankind . . . He (God) loveth not aggressors. Work not confusion on the earth after the fair ordering".<sup>32</sup>

Nevertheless, the only exceptional situation where hostility and use of violence is tolerated is in the event of exercising the right of self-defence. But even in this kind of situation the conduct of hostility is strictly regulated so as to minimise the destructive impact of fighting on the environment. For instance, the Qur'an rules: "Fight in the cause of god with those who fight you, but do not transgress, for God loveth not transgressors".<sup>33</sup>

As to what kind of behaviours are classified as transgression during combat, Abu Bakr, the first caliph of Islam, outlined them as:

O people that I may give you these rules to keep by heart: Do not commit treachery . . . you must not mutilate, neither kill a child or an aged man or woman. Do not destroy a palm tree, nor burn it with fire and do not cut any fruitful tree. You must not slay any of the flock or the herds or the camels save for your subsistence. You are likely to pass by people who have devoted their lives to monastic services; leave them to that which they have devoted their lives . . .<sup>34</sup>

The above charter of environmental protection as proclaimed by the leading companion of the prophet and his successor in political leadership leaves no room for legitimacy or justification of killing the non-combatants, using the weapon of mass destruction against areas populated by civilians and destroying their natural environment from which they derive their properties of life such as air, water, plants and soil. Therefore, contemporary practice of the indiscriminate strewing of millions of antipersonal mines in the earth in the name of self-protection, undifferentiated barraging of missiles over and the bombing of civilian habitats to scare away the caved in enemy and insane terrorist attacks of non-combatants to gain political recognition or mileage have no place in the Islamic view of warfare and armed conflict. More heinous is the use of chemical and biological weapons in war as the impact does not remain confined to the combatants alone.<sup>35</sup>

In addition to the above, Islam categorically prohibits man's overt and covert participation in his own killing and self-annihilation. As the Qur'an provides: "... And make not your own hands contribute to your destruction; but do good; for God loveth those who do good".<sup>36</sup>

That is why Islam by setting a strict law of morality delegatises all those

<sup>32</sup> Al-A'raf: 55-56.

<sup>33</sup> al-Baqarah: 190.

<sup>34</sup> Adopted from Tarikh al-Tabari by Majid Khadduri, *War and Peace in the Law of Islam*, USA: Michigan, 1983, p. 102.

<sup>35</sup> As the great jurists of the past such as al-Sarakhsi of Hanafi and Khalil of the Maliki schools who when detailing the law of war were fully concerned with the impact of war on the environment as they held the use of poison and poisonous arrows to be *haram* (unlawful) during the armed conflict. See Muhammad Hamidullah, *Muslim Conduct of State*, Lahore: Sh. Muhammad Ashraf, 1977, p. 107.

<sup>36</sup> al-Baqarah: 195.

behaviours that bring about life-threatening consequences, like AIDS and lung cancer.

### Protection of animals and plants

Other living organisms that constitute an important component of the environment are plants and animals. They, as part of God's creation like all other things in the universe have their assigned role to play, especially in terms of facilitating the proper environmental conditions for humans. For instance, animals are the source of protein for human wellbeing, and provide skin, fur, wool and fibre for their clothes; and plants, aside from being an invaluable source for daily consumption, also have a fundamental role in providing fresh air, protecting against flash floods and providing greenery for recreation. More importantly, biologically speaking, there is interdependency as far as the harmonious working of man, animals and plants are concerned. Air is filtered by plants for animal use, and in return animals exhale carbon dioxide to be utilised by plants for photosynthesis<sup>37</sup> (their lives depend on it).

It is on this account that the Qur'an from the very outset reminded Muslims that everything in the universe has a role and no creature is without an assigned place in the cosmos.

The even 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-forgiving; Most Forgiving.<sup>38</sup>

Men who remembers God . . . and contemplates the wonder of creation in the heavens and the earth (with the saying): Our Lord not for naught hast thou created all this. Glory to Thee: Give us salvation from the chastisement of the fire.<sup>39</sup>

And specifically about the place of animals, God says: "There is not an animal on the earth nor a being that flies on its wings but forms part of communities like you . . ." <sup>40</sup>

The above Qur'anic verse points to the protection of animal species and the prophet (pbuh), as part of his universal mission in articulating the imperatives of divine law on the issue, also enacted the following:

- (1) Kindness to animals (domesticated or wild) becomes the cause of salvation and cruelty to them will cause damnation in the hereafter. As the prophet ruled when citing the case of a polytheist prostitute who was guaranteed heaven because of saving the life of a dying dog through offering it water.<sup>41</sup> And, on the contrary, the case of a Muslim woman who entered into hell due to her cruelty to a cat by starving it of food and water.<sup>42</sup>

<sup>37</sup> Quasim, *Man in Harmony with Nature*, p. 24.

<sup>38</sup> al-Isra: 44.

<sup>39</sup> Alimran: 191.

<sup>40</sup> al-An'am: 38.

<sup>41</sup> *Mihkakat al-Masabih*, Vol. 1, p. 329.

<sup>42</sup> *Ibid.*, p. 328.

- (2) No killing or hunting of lawful animals except for food. This ruling was made in the following hadith: "No human being kills a sparrow or something larger, without right, except that God will ask him about it on the day of judgment. It was said: 'O Prophet of God what is it that is right': He said 'it is right that you slaughter it and eat it, not that you decapitate it and throw it.'"<sup>43</sup>
- (3) No killing of wild life except the vicious ones. This he declared by saying: "Do not kill the snakes which live in a house ...".<sup>44</sup> And also he said: "Had not dogs been a class of beings, I would have certainly ordered their killings, the whole of them ... (only vicious you kill)".<sup>45</sup> The intention of the prophet in the hadith was to disapprove the annihilation of dogs as a species because elimination of any component of God's creation unbalances the order of nature.<sup>46</sup>

As for the protection of plants, the prophet's edicts are:

- (1) Not to participate in deforestation. As we read: "You are not to damage any plant life because you are the viceregent of God".<sup>47</sup>
- (2) Restore the wetland and revive the dead land. As he encouraged Muslims by saying: "No Muslim, who plants a shoot, except that whatever is eaten or stolen from it, or anyone obtains the least from it, is considered like paying charity on his behalf until the day of judgment".<sup>48</sup>

It was in line with the above that Abu Bakr, the first caliph of Islam, strictly prohibited the unnecessary destruction of plants even during a military campaign.<sup>49</sup>

Had our people today pursued a balanced political and economic policy, as Abu Bakr did, many an ecological holocaust would have been avoided.

### **Saving land, water and air**

The modern lifestyle of man has led to the insensitive use of the sources of nature and has caused an immense problem of environmental pollution. Oil spills from oil tankers has poisoned and polluted sea water beyond recognition and consequently has resulted in the loss of marine life. The use of excessive fertilisers, pesticides, chemicals and industrial waste disposal have equally affected the land, rivers, sea and the atmosphere. Several chemicals in daily use, such as Chlorofluorocarbon emitted from refrigerators, air-conditioning etc., has destroyed the ozone layer that

<sup>43</sup> Abd al-Rahman ibn Shu'ayb al-Nasa'i, *Sunan al-Nasa'i*, Beirut al-Maktab al-Islami, 1988, Vol. 7, p. 102.

<sup>44</sup> *Mishkat al-Masabih*, Vol. 2, p. 177.

<sup>45</sup> Muhammad ibn 'isa al-Tirmidhi, *Sunan al-Tirmidhi*, Karachi: Sa'id Company, 1985, Vol. 1, p. 284.

<sup>46</sup> See the margin of the *ibid*.

<sup>47</sup> *Mishkat al-Masabih*, Vol. 2, p. 387.

<sup>48</sup> *Sunan al-Tirmidhi*, Vol. 1, p. 256.

<sup>49</sup> *Ibid.*, p. 283.

has the natural duty of filtering harmful radiation of the sun from reaching the earth. The increase in the level of carbon dioxide in our atmosphere due to deforestation and gases from our cars continues to increase the world temperature and create alarming concern about global warming.<sup>50</sup> Nuclear fall out, caused by nuclear bombs, cruise missiles, explosives, bombs, to name but a few, have polluted our land, water and air to a worrying degree and is poised to even threaten the existence of the whole living organism, including humans.

The Islamic legislative measures to save land, air and water pollution are well governed by the principle of purification (*taharah*), which occupies so central a position in the teaching of Islam that makes the avoidance of pollutants (natural or chemical) an integral part of the Islamic faith. As we read in the Qur'an: "... And God loves those who make themselves clean and pure".<sup>51</sup>

The prophet also declared: "Purification is a branch of faith".<sup>52</sup> Also, "God is supremely clean and loves those who uphold cleanliness".<sup>53</sup>

To practically put the above imperatives in place, the prophet (pbuh) enacted the following:

- (1) Do not pollute the water. As we read: "None of you must pass urine in still water which does not flow and then take a bath therein".<sup>54</sup>
- (2) Do not dispose of natural waste on the earth. As he said: "Beware of the two acts that bring curses: passing a stool in the path of people or in the shade of the trees".<sup>55</sup> And also his edict in requiring the dead to be buried deep inside the earth so as to prevent a stench from fouling the atmosphere when he said: "Dig a grave deep enough for a man's height and make it broader".<sup>56</sup>

The above legislative measures of the prophet to protect the natural environment from being polluted by natural pollutants definitely by analogy can be extended to cover all contemporary forms of toxic and chemical pollutants which are more hazardous and offensive than them (on the principle of *qiyas awla*<sup>57</sup>).

### Protection against noise pollution

Subjecting humans to loud and annoying noises harms them physically and psychologically. To address this aspect of the environmental problem, the guiding principles in Islam are:

<sup>50</sup> Quasim, *Man in Harmony with Nature*, p. 24.

<sup>51</sup> al-Tawbah: 108.

<sup>52</sup> *Sunan al-Tirmidhi*, Vol. 2, p. 107.

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*, Vol. 1, p. 20.

<sup>55</sup> Sulayman ibn Ah'ath, *Sunan Abi Daud*, Karachi: Kitab Khana Markaz 'ilm wa Adab, n.d., Vol. 1, p. 5.

<sup>56</sup> *Mishkat al-Masabih*, Vol. 3, p. 52.

<sup>57</sup> Analogy of Superior (*qiyas awla*) is the most obvious type of *qiyas* by which a ruling of the text of the Qur'an or Sunnah can be extended to other situations.

- (1) Making a loud noise is unethical, rude and impolite. As the Qur'an says: "... and lower they voice; for the harshest of sounds without doubt is the braying of the ass".<sup>58</sup>  
The prophet also in order to teach his followers the law on noise pollution, whenever he sneezed, used to cover his face with his hand or with his cloth so as to shut up his voice therewith.<sup>59</sup>
- (2) It is *haram* (prohibited) to inflict harm to others by disturbing their quiet. This is an established law in Islam that was laid in the hadith: "harm must neither be inflicted nor reciprocated".<sup>60</sup>

### CONCLUSION

From the ideas presented in this article, it becomes clear that the gloomy situation of the environment today needs the most urgent attention of mankind. Although the environmental crisis is caused to a large extent by developed nations, the responsibility to restore it falls on humanity as a whole – it is a collective obligation of all. And as far as Muslims are concerned, they should contribute in the following ways:

- (1) The general public should know that they, as vicereagents of God, are obligated (is *wajib* on them) to support any project that is undertaken for environmental protectionism. Because as God's vicereagents they are answerable to God to maintain their environment;
- (2) The Muslim scientist in particular is duty bound to undertake researches with the idea of creating biodegradable agents to neutralise the negative impact of some essential chemical products, such as soap, on the environment, because it is their worship (*'ibadah*) in view of their position as scientists to control the negative side of technology and its use;
- (3) Individual Muslim governments should proclaim a mandatory environmental protection law to be adopted by all sectors and all departments in their respective countries, because it is an essential part of a government's obligation as the guardian of the community;
- (4) Muslim governments collectively should support environmental groups in their drive to save not only endangered animal species, water, and plants, but most important of all, the human race and her various ethnicities, because to co-operate in pursuit of mutual interest is a universal obligation on Muslims;<sup>61</sup>
- (5) The Muslim academia must articulate a comprehensive perspective on the issue of environmental law from the Islamic point of view, because if the

<sup>58</sup> Luqman: 19.

<sup>59</sup> *Sunan al-Tirmidhi*, Vol. 2, p. 103.

<sup>60</sup> *Sunan Ibn Majah*, Vol. 2, p. 39.

<sup>61</sup> See al-Ma'idah: 2.

jurists of the past, like al-Maqdisi, could prepare a comprehensive Bill of Legal Rights of Animals,<sup>62</sup> today's scholar would definitely have to have one manual on environmental protection.

All in all, today's appalling problem of environmental erosion and its impending ecological destruction if not remedied and taken care of, will threaten the existence of entire living organisms, including humanity. Such a disaster inevitably vanishes the five essentials (*kulliyat al-Khamah*) of religion, life, intellect, progeny and property which the *Shari'ah* aims to protect and preserve (constitute the objectives of *Shari'ah*/*Maqasid al-Shari'ah*). Accordingly, saving the environment in effect means protecting the essential objectives of the *Shari'ah* and thus is an obligatory duty to be fulfilled by Muslims – a policy that God strongly urges Muslims to pursue and adopt. “And the earth, He has set it for living creatures; therein fruit and palm, having seathed clusters, and grain with its husk and fragrance, which then of the favours of your Lord, will you deny”.<sup>63</sup>

<sup>62</sup> Skinner, *Environmental Harmony – Islamic Dimensions*, p. 26.

<sup>63</sup> al-Rahman: 10.