



Jurisprudential Foundations and Rulings on the Environment in Islamic Law

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Abstract

The expansion of human societies and urban development has led to the emergence of phenomena such as environmental destruction and pollution. Due to the great importance of these phenomena in the course of human life in the present era, this article aims to carefully examine the stance of Islamic jurisprudence (Shari'ah) regarding the changes that have occurred in the environment, based on the sources of the Quran, tradition (*Sunnah*), and rational reasoning. Additionally, an effort has been made to explain all responsibilities arising from environmental damage and destruction by presenting various topics in the form of general jurisprudential issues and principles. This article reveals that the concept of the environment is well addressed in Islamic jurisprudence, with clear rulings and obligations established in related areas.

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Introduction

The issue of the environment is increasingly gaining significance in human life. The growing population of Earth, the development of industrial and mechanized civilizations, and their inevitable consequences have primarily placed environmental health under severe threat. Every day, we are confronted with alarming news about how natural factors or human actions expose the environment, as well as human and animal life, to new dangers. A brief look at some of these issues reveals the depth of this catastrophe.

Scientific research indicates that many plant species around the world are on the brink of extinction. Vast areas of the Earth's forests are being destroyed annually, leading to a significant reduction in forest cover. The lushness of pastures and grasslands is declining due to factors such as drought and improper livestock grazing, while desertification continues to expand globally. Wildlife reserves are diminishing, and numerous animal species face the threat of extinction. The destruction of forests and pastures, along with the reduction in vegetation, has exacerbated soil erosion, resulting in the loss of fertile and productive soil. With the increase in urban and industrial wastewater and pollutant leaks, surface and groundwater resources have become severely contaminated. This issue has also facilitated the contamination of lands and soils. The increasing consumption of fossil fuels in factories and vehicles has led to a rise in harmful gases in the Earth's atmosphere, causing destructive effects on the ozone layer and posing a serious threat to the lives of humans and other living beings on Earth. The use of unconventional weapons by power-hungry and totalitarian forces has introduced even greater risks to human life. Statistics show that countless people have lost their lives due to poisoning from toxic and chemical substances released during wars in the previous century and at the beginning of the current one. These challenges highlight the urgent need for comprehensive measures to address environmental degradation and safeguard the well-being of both humanity and the planet.

Statement of the Problem

In defining the environment, it is described as a space encompassing all physical, biological, social, political, and other

conditions that include all living beings and their relationships (The Collection of Iran's Environmental Laws/23). The foundations of jurisprudence consist of legal proofs, including the Quran, tradition (*Sunnah*), consensus, reason, and all general jurisprudential principles through which human duties toward the environment and its changes and events become clear. To better clarify the direction of this research, it is important to note that the entirety of responsible human actions toward the environment can be analyzed in two parts: positive and negative. Negative actions involve refraining from behaviors that disrupt the balance and harmony of the environment or lead to the destruction and annihilation of its elements. Positive actions include all worthy efforts aimed at reviving the environment, preserving its health, and creating greater equilibrium in life within it. These two categories form the set of "dos" and "don'ts" related to the environment.

Another point concerns explaining the relationship between jurisprudence and the environment and finding an answer to the question of what can be expected from the collection of jurisprudential regulations regarding the environment. This question is a more limited version of the broader question of what religion offers in addressing the phenomena of life in this world—a question that has always been of interest to thinkers and has sparked extensive discussions. In brief, the stance of Shari'ah on the phenomenon of the environment and similar issues should be derived from its current interaction without placing undue burdens on it or arbitrarily exempting it from what it has undertaken. Neither the minority nor the majority viewpoints fully align with the positions of Shari'ah and its authentic sources. What reason and contemplation reveal in the sources is that since the totality of divine instructions revolves around the axis of human existence, it is never expected that religion would adopt a position of silence or indifference toward the phenomenon of the environment, which is closely tied to human life.

The testable hypothesis in this paper is that if we divide the totality of human actions in the realm of the environment into three sections—values, obligations, and methods—in the first two sections, the role of religious teachings is so prominent that there is no room for doubt. All obligatory commands, jurisprudential obligations, and certain civil and criminal responsibilities such as

blood money, punishments, or determining priorities in cases of conflict are analyzed in this section. Methods, on the other hand, involve constructive actions for the betterment of the environment. In this area, one should not expect much from Shari'ah, as these matters pertain to humanity's material life. The general stance of Shari'ah delegates such matters to human intellect and experience. In other words, Shari'ah approves of the Prophet's statement, *'You know better about the affairs of your world'*¹. If we find traces of interventions by the Prophet (PBUH) and the infallible Imams in some cases, they were not legislative stances but rather the views of wise individuals of their time. In any case, one should not expect definitive and eternal rulings on these matters from Shari'ah.

Overall Research Outcome

A study of the Quran indicates that the environment and its elements are given special attention in the divine book. More than 23 instances in the Quran address the concept of harnessing nature and its resources², while 18 instances focus on reviving nature³. More than 15 cases mention the word sea and similar terms⁴, 12 cases refer to mountain(s)⁵, 12 cases to wind(s)⁶, five cases to tree⁷, 9 cases to river(s)⁸, 12 cases to beast(s)⁹, over 100 cases to

1 . This interpretation is derived from a narration related to the pollination of date palms, which has been recorded in the sources of the Sunni tradition. (Muslim, n.d: 7/95; Ibn Mājah, n.d: 2/825; Ibn Ḥanbal, n.d: 3/152). Although this ḥadīth has been subject to serious criticism by Shia scholars regarding its chain of transmission and implications (Subāḥnī, n.d: 127-129; Āmilī, 1994: 4/168). Irrespective of these debates, the phrase within the narration can be accepted as a general principle concerning the stance of Shari'ah towards scientific and natural phenomena.

2 . The verse: "He has disposed for you[r benefit] whatever is in the heavens and whatever is on the earth" (Quran 45: 13)

3 . The verse "So observe the effects of Allah's mercy: how He revives the earth after its death" (Quran 30: 50)

4 . The verse "It is He who disposed the sea [for your benefit] that you may eat from it fresh meat" (Quran 16: 14)

5 . The verse "And the mountains stakes, and He created you in pairs." (Quran 78: 7 and 8)

6 . The verse "It is He who sends forth the winds as harbingers of His mercy." (Quran 7: 57)

7 . The verse "He, who made for you fire out of the green tree" (Quran 36: 80)

8 . The verse "Is He who made the earth an abode [for you], and made rivers [flowing] through it" (Quran 27: 61)

9 . The verse "Among His signs is the creation of the heavens and the earth and whatever creatures He has scattered in them" (Quran 42: 29)

earth¹, and 60 cases to heaven². In all instances, the intended meaning of earth and "heaven" refers to the physical earth and sky, which serve as the cradle of life for living creatures and the source of blessings.

Although in the field of jurisprudential discussions related to the environment, one cannot extract a systematic approach from the works of past centuries that aligns with contemporary human needs and insights, within the layers of jurisprudential topics such as purity, Jihād, revival of barren land, hunting, slaughter, and even punishments and blood money, diverse and relevant discussions can be found. In these sections, hundreds of reports and traditions appear in the collections of narrations, and juridical discussions are generally based on these sources.

Jurisprudential Foundations of the Environment

1. Rational Argument (Reason)

Before examining this argument, it should be noted that the reason for prioritizing rational arguments over purely transmitted ones is the hierarchical precedence of rational discussions over those based solely on tradition. Furthermore, the rational nature of rulings ensures that juridical discussions related to rational judgments gain an advisory and emphatic status rather than being viewed as foundational or obligatory commands. For this reason, we begin our discussion with the rational argument³. The concept of rational judgment in the context of the environment pertains to a segment of practical rational evidence that has been given attention in recent works of jurisprudential principles. This is rooted in the theological principle of rational goodness and evil recognized by the Justice School of thought, as well as the principle of the necessary correspondence between rational and legal judgments (Muzaffar, 1989: 200-220).

1. The verse "*Certainly We have established you on the earth, and made in it [various] means of livelihood for you.*" (Quran 7: 10)

2. The verse "*And in the sky is your provision and what you are promised.*" (Quran 51: 22)

3. It should be understood that the rationality of a ruling does not equate to its being non-religious, since reason is considered one of the sources of religious law (Shari'a). Fundamentally, opposing reason and religious law is an invalid approach, and the correct perspective is that the rational argument should be placed alongside textual evidence in determining religious rulings.

In short, any human action that disrupts the balance and harmony of the environment, causing disturbances in the system of life and endangering the survival of humanity, is deemed evil. Conversely, human efforts aimed at preserving and reviving the environment, which strengthens its balance and harmony, contribute to maintaining order and ensuring the survival of the species and are considered examples of good actions. The basis of this argument lies in the preservation of order and the survival of humanity—a widely accepted principle supported by rational consensus, and one with which the Lawgiver, as the Supreme Rational Being and Creator of reason, aligns. Consequently, according to the principle of correspondence between rational and legal judgments, the legal obligation to improve the environment and the prohibition of its destruction is established.

A more detailed explanation of the rational argument introduces a human-centered perspective. Without a doubt, humans hold a superior position and exceptional creation within the universe. They are beings endowed with divine dignity¹, entrusted with stewardship (*khilāfah*) over the Earth², and granted dominion over the world and its elements³. Everything in this world has been created to serve humanity⁴, and nature and its structural order are subject to human control, intended to support their survival and perfection. Undoubtedly, any disruption of this order creates fundamental problems and inflicts serious harm upon humanity. Any action leading to such disruption is unjust and evil, while any effort to reinforce the order and organization of the environment, facilitating human perfection, will be just and good.

It should be clearly said that this rational argument falls under the category of non-independent rational judgments, as it is based on religious perspectives and legal texts regarding humanity's place within the cosmic framework.

Another point in this regard is that rational judgment

1 . “Certainly, We have honoured the Children of Adam, and carried them over land and sea, and provided them with all the good things, and preferred them with a complete preference over many of those We have created.” (Quran 17: 70)

2 . “It is He who has made you successors on the earth.” (Quran 6: 165)

3 . “He has disposed for you[r benefit] whatever is in the heavens and whatever is on the earth.” (Quran 45: 13)

4 . “It is He Who created for you all that is in the earth.” (Quran 2: 29)

concerning the environment belongs to the category of judgments based on contingent goodness and evil. In other words, the goodness of efforts to improve and preserve the environment, as well as the evil of actions leading to its destruction, are contingent rather than absolute. These two factors do not constitute definitive causes of goodness or evil because the obligations related to environmental issues are not absolutely certain, eternal, or exception-free. For instance, the benefit of environmental health may be overridden by a greater overriding interest. The Quranic verses such as "*Whatever palm trees you cut down or left standing on their roots, it was by Allah's will...*" (Quran 59: 5), the Prophet's (PBUH) act of cutting and burning palm trees during the Banu Naḍīr incident (Ṭabarsī, n.d: 9/426; Ṭabarī, 1994: 28/44; Waḥidī, 1968: 279; Suyūṭī, 1945: 6/188), and some religious instructions regarding conditions of legitimate Jihād that conflict with environmental preservation illustrates this point. It is clear that if the revival and improvement of the environment were absolute causes of goodness and their destruction absolute causes of evil, no exceptions would exist, as purely rational judgments cannot be restricted.

2. The Holy Quran

1. Quran 2: 205

"If he were to wield authority, he would try to cause corruption in the land and to ruin the crop and the stock, and Allah does not like corruption."

It is narrated that this verse was revealed regarding a hypocrite named Akhnas ibn Sharīq Thaqaḥī. He pretended to embrace Islam in Medina before the Prophet (PBUH) but, upon leaving, passed through the fields of a group of Muslims, set them on fire, and destroyed their date palms. (Waḥidī, 1968: 29; Suyūṭī, 1945: 1/238) 'Allāmah Ṭabāṭabā'ī, in his exegesis of this noble verse (Quran 2: 96), considers the sustenance and reproduction of humanity as two interdependent categories. He then highlights how human sustenance depends on plants and animals and emphasizes the importance of preserving vegetation through cultivation and nurturing plants. He believes that corruption on Earth occurs through the destruction of crops and offspring.

Based on this explanation, it must be accepted that the

destruction of environmental resources, since it ultimately leads to the extinction of humanity, is a clear example of corruption on Earth. Furthermore, the noble verse condemns corruption on Earth, and according to its implications, any form of corruption is not divinely favored, and God's legislative will is against it. This meaning, combined with the prohibition “...and do not cause corruption on the earth after its restoration” (Quran 7: 85) forms a broad analogy, leading to the conclusion that any destructive or ruinous action in the environment is forbidden.

From the interpretations of some jurists, it appears they consider the killing of living beings as an instance of corruption and include it within the scope of this verse. For example, Abdullah ibn Quddāmah (ibn Quddāmah, n.d: 10/506), referring to traditions prohibiting the killing of bees and other creatures, regards such actions as corruption and places them under the purview of this verse. Ibn Ḥazm (Ibn Ḥazm, n.d: 10/100), after quoting 'Abū Ḥanīfah's religious verdict stating that one cannot force someone to maintain their property—if someone chooses to abandon their palm tree, they cannot be compelled to water it—expresses astonishment at this ruling and argues that if neglecting irrigation leads to the loss of produce and trees, the person should be obligated to irrigate. He references the noble verse and considers such matters as examples of corruption on Earth and the destruction of crops and offspring.

2. Quran 11: 61

“He brought you forth from the earth and made it your settlement...” The word *'imārat* (settling) means placing the land in a state where its benefits can be utilized. (Ṭabāṭabā'ī, n.d: 10/31) Regarding the term *isti'mār* (settlement), it has been said to mean, to make use of its (settlement) resources for what you need in terms of housing, agriculture, and planting trees. (Ṭabrisī, n.d: 5/264.) Some jurists have also inferred from this verse the necessity of cultivating and developing the land through farming, planting trees, and constructing buildings (Jassās, 1994: 3/213), states that since settling aims at development, and the absolute command from God implies obligation (Qurtubī, 1985: 9/55), it can be concluded that the noble verse explicitly indicates the necessity of taking action to develop and improve the human environment and implicitly

forbids its opposite, i.e., neglecting development. Since neglecting development is prohibited, priority must certainly be given to preventing the destruction and devastation of the land, which falls under the scope of legal prohibition.

1. Quran 30: 41

“Corruption has appeared in land and sea because of the doings of the people’s hands, that He may make them taste something of what they have done, so that they may come back.”

According to ‘Allāmah Ṭabātabā’ī in Al-Mīzān, the apparent meaning of this verse is general and encompasses all forms of corruption that threaten human life on Earth, whether caused by human misconduct, such as wars, invasions, and insecurity, or unrelated to human actions, such as natural disasters like earthquakes, droughts, and the spread of infectious diseases. (Ṭabātabā’ī, n.d: 16/5) The noble verse refers to the undesirable worldly consequences that humans must bear due to visible corruptions on Earth.

Undoubtedly, all actions leading to the destruction of environmental resources, as well as devastations of Earth's surface, such as erosion and destructive floods, which stem from human mismanagement and lack of responsible action, fall under the category of corruption described in this noble verse. Consequently, before facing divine punishment in the Hereafter, humans must endure worldly retribution, which manifests as environmental degradation and disruption of balance and harmony, bringing numerous calamities upon them.

2. Verses Prohibiting Extravagance and Wastefulness

“...and eat and drink, but do not waste; indeed, He does not like the wasteful (Quran 7: 31). “...and do not squander wastefully; Indeed, the wasteful are brothers of satans, and Satan is ungrateful to his Lord.” (Quran 17: 27)

Regarding these verses, there are several important points to note. First, the prohibition of extravagance and wastefulness is a prohibitive one, and parallels such as *“Indeed, the extravagant are the fuel of Hellfire”* (Quran 40: 43) and *“The squanderers are brothers of the devils”* (Quran 17: 27) emphasize its severity. According to the scholar Muḥaqqiq Narāqī, there is no doubt

about the unlawfulness of extravagance, and there is definitive consensus, as well as religious necessity, numerous verses, and multiple traditions supporting this ruling. (Narāqī, 1988: 217)

Secondly, although the prohibition of extravagance in the verse from Quran 7 follows the command to eat and drink, which might suggest specificity, considering parallel verses such as *“And give its due on the day of its harvest, and do not waste...”* (Quran 6:141), extravagance encompasses any action exceeding moderation.

In traditions, acts such as discarding date pits and unnecessarily spilling water are considered wasteful (Majlisī, 1983: 72/303/7). Improper use of the environment, including cutting down trees, hunting animals, and wasting vital water and plant resources, are among the most prominent examples of extravagance and wastefulness. According to ‘Allāmah Ṭabāṭabā’ī, (Ṭabāṭabā’ī, n.d: 7/364 and 368), extravagance in spending and improvement is forbidden, let alone causing harm and destruction.

In the second verse, squanderers are called "brothers of the devils, "which can imply two meanings: first, following the devil and walking his path, and second, being companions of the devil in Hell." (Ṭabarsī, n.d: 6/244; Jassās, 1994: 3/258; Qurṭubī, 1985: 10/247)

3. Quran 3: 5

“Do not give the feeble-minded your property, which Allah has assigned you to manage...”

Although this noble verse discusses the wealth of orphans and children under compulsory guardianship, and although extensive jurisprudential discussions have arisen around it, with jurists deriving the condition of maturity for financial transactions, it seems capable of embracing broader meanings, though these may have been overlooked. For instance, based on the plural pronoun used in the verse, which addresses all accountable individuals collectively, it can be inferred that public wealth and resources, such as communal properties, permissible goods, and shared resources¹, constitute the subject of the verse. Environmental resources generally fall into this category. The true owner of this wealth is God, Who has provided it

1 . Shared resources in jurisprudence refer to items that all people use under equal conditions, and precedence in accessing them gives rise to a right of priority. (Shahīd Thānī, n.d: 258)

as a means of sustenance for Islamic society. (Ṭabāṭabā'ī, n.d: 4/171) Entrusting this wealth to imprudent individuals would lead them, through irrational actions, to disrupt societal stability and create chaos in people's livelihoods.

Moreover, the concept of feeble-minded or incompetent (*Safīh*) in the noble verse requires special contemplation. Undoubtedly, some appear wise and possess all the traits of intelligence and prudence, yet they use these qualities for selfish exploitation of natural resources and wealth. They seriously endanger the lives of current and future generations to fulfill their immediate desires. Similarly, incompetent and unqualified managers who are in charge of environmental affairs and related executive sectors in societies are all considered feeble-minded or incompetent (*Safīh*). It is imperative not to allow such groups to consolidate their control over these resources. Considering verses such as "*And who will [ever] forsake Abraham's creed except one who debases himself?*" (Quran: 130), it is not far-fetched to accept that in Quranic discourse, the Arabic term *Safāhah* (foolishness) has acquired a new meaning and concept. Accordingly, Shaykh Ṭūsī has referred to the *Fāsiq* (corrupt) as *Safīh* (fool) and considers justice as a necessary condition for release from legal interdiction. (Ṭūsī, 1996: 3/289; Ibid, 2008: 2/284.)

4. Quran 12: 55

"He said, 'Put me in charge of the country's granaries. I am indeed fastidious [and] well informed.'"

This verse reminds us that at a time when a natural crisis was looming over the land of Egypt, Prophet Yusuf (Joseph) requested to be entrusted with the management of the people's provisions. He justified this request by stating that he possessed two qualities: being trustworthy (*Hāfīz*) and knowledgeable (*ʿAlīm*) (Ṭabarsī, n.d: 5/418; Ṭabāṭabā'ī, n.d: 11/185). These two important qualities are always considered necessary if not sufficient, conditions for assuming sensitive positions such as managing public provisions, as recognized by wise individuals worldwide. It appears that the phrase "*khaza'in al-ard*" (treasuries of the land) in the verse has a broad meaning, encompassing all resources, including environmental resources. The message of this noble verse is that the management and administration of environmental

affairs and natural resources should only be entrusted to individuals who possess the two qualities of being trustworthy/responsible and competent/knowledgeable.

3. Sunnah (Tradition)

After the Holy Qur'an, the noble tradition (*Sunnah*) has also paid special attention to the issue of the environment and its preservation. This is evident upon examining the numerous narrations that describe the proper way of interacting with animals, plants, trees, and other natural elements. The overarching spirit of these narrations is to instill a sense of responsibility toward natural phenomena and the surrounding creatures. This is exemplified in the first sermon of Imam Ali (a.s) at the beginning of his caliphate, where he said: *"Fear Allah concerning His servants and His lands, for you are responsible even for the lands and the animals."* (Nahj al-Balaghah, Sermon 5; Tabarī, n.d: 3/457). 'Allāmah Majlisī, in explaining this statement, writes: *"The questioning about the lands will be: Why did you ruin this land and not develop that one? Why did you not worship Allah in it? And the questioning about the animals will be: Why did you leave them hungry or cause them pain? Why did you not fulfill their rights and care for them?"* (Majlisī, 1983: 65/290). The question regarding those lands—why did you leave this land ruined and another one barren and in hunger, yet tended to others and upheld their rights? —makes it clear that human responsibility toward surrounding phenomena and objects is very serious and comprehensive.

Below, several categories of narrations on various topics, along with insightful remarks by jurists, are mentioned:

3.1: War as a Manifestation of Human Cruelty

War is a manifestation of human brutality in dealing with fellow humans, objects, and the surrounding environment, the direct result of which is destruction and the loss of balance in human populations and natural resources. However, when war is legitimized as Jihād, it becomes one of the definite duties of humans. The conduct of the Prophet (PBUHH) in wars and his instructions to the commanders of military expeditions indicate that the psychological demands of war and Jihād should not lead

to unconventional behavior by the fighters, such as engaging in maximum destruction or treating their surroundings irresponsibly. For example, the narration of Mus'adah ibn Şadaqah from Imam Şādiq (a.s) is noteworthy, where the Prophet (PBUHH) is reported to have said: *"When the Prophet sent a commander on an expedition, he would instruct him to fear Allah in his own conduct and then in the conduct of his companions. He would say: Fight in the name of Allah and the path of Allah. Fight those who disbelieve in Allah, but do not commit treachery, mutilate, kill a child, or a monk in his sanctuary, burn palm trees, drown them with water, cut down fruitful trees, or burn crops, for you may need them. Do not slaughter animals whose meat is edible except for what is necessary to eat..."* (Kulaynī, 2009: 5/29; Tūsī, 1986: 6/138; Ḥurr al-ʿĀmilī, n.d: 11/44). Jurists have included such instructions in the etiquette of war and jihād.

Undoubtedly, in exceptional and critical circumstances, the primary objectives of war become so significant that some unconventional actions may be justified. For example, when jurists permit the killing of an innocent Muslim in the case of *Tatarrus* [i.e., the use of human shields during armed conflict], the destruction of the environment and the waste of its resources are even more justifiable. Hence, the Prophet (PBUHH) himself ordered the cutting of palm trees during the Banū Naḍīr incident. In this regard, jurists have spoken about the reprehensibility of cutting trees, setting fires, and flooding water unnecessarily (Shahīd Thānī, 1992: 3/25; Kāshif al-Ghiṭā, n.d: 2/406; Najafī, n.d: 21/66). However, it seems that in nonessential cases, there is no basis for interpreting the Prophet's prohibitions in the aforementioned narration as merely reprehensible (*makrūh*); rather, they should be understood as primarily forbidden.

3-2: Animal Rights

A significant portion of Islamic jurisprudence is dedicated to the topic of animal rights and outlining human responsibilities toward them. The importance of animal rights in Islamic jurisprudence is such that some jurists have considered it among the rights of Allah (Najafī, n.d: 27/111). The discussions in jurisprudential texts, such as the section on the lost and found items, regarding human duties toward lost animals and the

necessity of preserving their lives and providing for their sustenance, fall within this framework. Scholars like Muḥaqqiq al-Ḥillī (Muḥaqqiq al-Ḥillī, 1989: 4/ 805), Shahīd Thānī (Shahīd Thānī, 1992: 12/504), and Najafī (Najafī, n.d: 28/227) have elaborated on this topic under various headings.

3-2-1: Right to Life of Animal

Several narrations prohibit the indiscriminate killing of animals. Among them is a narration from Imam Ṣādiq (a.s): *"My father told me from my grandfather that the Messenger of Allah forbade the killing of six creatures: the bee, the frog, the shrike, the hoopoe, and the swallow."* (Ṭūsī, 1986: 9/20; Ibid, n.d: 4/64; Ḥurr 'Āmilī, n.d: 16/247).

Other ḥadīths also emphasize this prohibition, such as *"Do not slaughter a milking animal."* (Tirmidhī, 1982: 4/14; Ḥākim Nīshābūrī, 1985: 4/131). Additionally, in the ḥadīth indicating prohibitions from the holy Prophet (PBUHH), he forbade the killing of honeybees (Ṭūsī, 1986: 5/279; Ḥurr 'Āmilī, n.d: 9/382). Fiqh-based instructions regarding the prohibition of hunting while in the state of Iḥrām can also be analyzed in light of this principle. A narration from Mu'awiyah ibn 'Ammār, quoting Imam Ṣādiq (a.s), states: *"Beware of killing all animals, except for the viper, the scorpion, and the rat... As for a snake, if it intends to harm you, kill it; but if it does not, then leave it alone"* (Ṭūsī, 1986: 5/365).

It is evident that Islamic jurisprudential regulations concerning Iḥrām reflect the pinnacle of human behavioral balance, a principle that remains desirable even outside the state of Iḥrām. It is narrated that during the Battle of Khaybar, the Muslims suffered from extreme hunger and rushed toward their livestock to slaughter and cook them. However, the holy Prophet (PBUHH) forbade them from doing so. Regarding this, Imam Bāqir (a.s) stated: *"The Messenger of Allah (PBUHH) prohibited eating the meat of the livestock of Khaybar, and he forbade it to prevent their exhaustion, fearing that they would be wiped out."* (Ḥurr 'Āmilī, n.d: 16/324).

From the reasoning given in this ḥadīth, it can be inferred that the Prophet's prohibition was based on prudence and concern over the depletion of livestock, which were the primary means of transportation for Muslims at that time. Based on this rationale,

one may argue that, since many animal species provide significant benefits to human life, the Prophet's prohibition can be extended to modern concerns. Accordingly, excessive and indiscriminate killing that leads to the extinction of species is deemed undesirable. There are also intricate jurisprudential discussions regarding the right to animal life. For example, Shahīd Thānī considers it obligatory to spend wealth to save the life of an animal, even if it belongs to someone else. He further states that if a person owns both a hungry dog and a hungry sheep but has limited food, it is obligatory to feed the sheep first (Shahīd Thānī, n.d: 2/250).

However, the author of *Jawāhir* Muḥammad Ḥasan Najafī criticizes this view and suggests the possibility that the dog should take priority, arguing that a sheep can be slaughtered for sustenance, whereas this is not the case for a dog (Najafī, n.d: 36/437).

Additionally, Najafī addresses the issue of ablution, stating that if a person possesses only a small amount of water and an animal—such as a dog—is present, especially if there is a risk of the animal suffering from thirst, it becomes obligatory to perform tayammum (dry ablution) instead and not use the water for ablution (Ibid, 5/114). All these points highlight the special attention that Islamic law gives to the preservation of animal life, which today constitutes a vital component of environmental protection.

3-2-2: Hygiene and Welfare of Animal

In a narration from Abdullah ibn Sinān, Imam Ṣādiq (a.s) reports that the Prophet (PBUHH) said: "*Clean the places where animals rest and wipe their faces.*" (Ḥurr al-ʿĀmilī, n.d: 8/372). Shahīd Thānī considers providing medical and therapeutic needs for animals as part of their maintenance (Shahīd Thānī, 1992: 1/305). Najafī, after mentioning the view of Muḥaqqiq al-Ḥillī that urinating in the nests of living creatures and insects is reprehensible, writes: "*I have not found any disagreement on this ruling except for what is narrated from the apparent meaning in Hidāyah of Ṣadūq, where he states that this act is worse than mere reprehensibility.*" He then quotes several jurists who attribute the reason for this ruling to the possibility of these creatures harming humans (Najafī, n.d: 2/67). It seems that the reason for this ruling

could also be to prevent polluting the animals' environment or to condemn disrespect toward them.

3-2-3: The Right to Reproduction

Some narrations prohibit owners from sterilizing their animals. For example, Barqī narrates from Imam Ṣādiq (a.s) that his father disliked the castration of animals and incited them to fight each other (Barqī, n.d: 2/634). Undoubtedly, such rulings were issued to ensure the survival of animal species.

3-2-4: Prohibition of Animal Cruelty and Civil/Criminal Liability

A narration from the holy Prophet (PBUHH) states that a woman was condemned to Hell because she confined a cat, preventing it from accessing food and drink until it died. Conversely, a sinful woman was granted divine forgiveness because she showed mercy to a thirsty dog and went to great lengths to provide it with water (Ṭūsī, 2008: 6/47).

Numerous narrations also prohibit any form of unjustified harm to animals, including beating, injuring, or mutilating them. In this regard, jurists have affirmed the payment of bloodwit for crimes against animals (Najafī, n.d: 43/389; Khomeini, 1987: 2/603). Shaykh Ṭūsī, in the chapter on crimes against animals, cites eleven narrations about bloodwit for harming animals (Ṭūsī, 1986: 10/309). All these rulings assume that the animal has a specific owner and that compensation is for the owner's loss. However, if the animal is not under specific ownership, it is unlikely that such criminal behavior would go unpunished. Therefore, Articles 679 and 680 of the Islamic Penal Code mention discretionary punishments for such acts (Mansūr, 2003: Chapter 25).

3-3: Protection of Plant Life

The protection of plant life and attention to the revival of nature are among the issues emphasized by Islamic jurisprudence. Numerous traditions have been narrated prohibiting the cutting of trees. For instance, a tradition from Imam Ṣādiq (a.s) attributed to the Noble Prophet (PBUHH) states: *"Do not burn date palms, do not drown them with water, do not cut down fruit-bearing trees, and do not burn crops..."* (Ḥurr Al-ʿĀmilī, n.d: 11/43/3). Another tradition from Imam Ṣādiq (a.s) says: *"Do not cut down fruit trees, otherwise*

God will send punishment upon you in the morning" (ibid, 13/198). There are hundreds of traditions encouraging cultivation and tree planting, such as one from Imam Ṣādiq (a.s): "Plant and cultivate, for there is no better or purer deed than this" (Kulaynī, 2009: 5/26; Ibn Bābawayh, 1983: 2/25; Ṭūsī, 1986, 4/384). Additionally, *"The best of deeds is planting something from which both the righteous and the wicked may eat"* (Al-Hurr Al-ʿĀmilī, n.d:13/194/6). A Sunni tradition from the Prophet (PBUHH) states: *"No Muslim plants a tree or sows a crop that is eaten by humans, birds, or animals without it being considered charity"* (Bukhārī, 1980: 3/66; Muslim, n.d: 5/27; Tirmidhi, 1982: 2/ 421).

The formulation of the two contracts of *muzāraʿah* (sharecropping) and *musāqāt* (irrigation partnership) within Islamic contracts, along with their detailed rulings, is also analyzed in this context. Shahīd Thānī discusses the obligation to irrigate a tree that has been entrusted to someone as a trust (*amānah*) (Shahīd Thānī 1992: 1/305), and the possibility of consensus on this rule is inferred from the statements of the author of Jawāhir (Najafī, n.d: 27/109).

One of the important juristic topics is the revival of barren lands, which has its own chapter in Islamic jurisprudence. According to the well-known juristic opinion, reviving and cultivating barren lands grants ownership rights to the person who revived it. This is supported by several traditions, including the prophetic saying: *"Whoever revives a piece of land, it belongs to him"* (Bukharī, 1980: 3/70; Abū Dawud, 1989: 2/51; Ibn Hanbal, n.d: 3/381; Ṭūsī, 1986: 7/152; Ṭūsī, n.d: 3/8). Another tradition states: *"Whoever cultivates a land that belongs to no one, he has more right to it"* (Bukharī, 1980: 3/70). A tradition from Imam Bāqir (a.s) reads: *"Whosoever revives or cultivates a piece of land, they have more right to it"* (Ṭūsī, 1986: 7/148; Ibid, n.d: 3/110; Al-Ḥurr Al-ʿĀmilī, n.d: 17/326/1). This issue should be regarded as one of the significant incentives of Islamic law for reviving land and nature. Its importance becomes even more apparent when, according to many jurists, if a cultivated land becomes barren again and is then revived by someone else, the second revival serves as a new basis for the ownership of the second reviver, and the land is no longer owned by the first reviver (Shahīd Thānī, 1992: 12/399; Najafī, n.d: 38/28; ʿAllāmah Ḥillī,

n.d: 2/401/; Muḥaqqiq al-Thānī al-Karakī, 1988: 7/17; Muḥaqqiq Sabzawārī, n.d: 239). The evidence supporting this view includes authentic traditions like Ṣaḥīḥ Abu Khālid Kābulī (Al-Ḥurr Al-‘Āmilī, n.d: 17/329/2; Ṭūsī, 1986: 7/152; Kulaynī, 2009: 5/279) and Ṣaḥīḥ Mu’awiyah ibn Wahb from Imam Ṣādiq (A.S) (Kulaynī, 2009: 5/279; Ṭūsī, 1986, 7/152; Al-Ḥurr Al-‘Āilī, n.d: 17/328/1). According to the author of *Jawāhir*, the determining factor in defining the quality of revival is custom (Najafī, n.d: 38/65), undoubtedly agriculture, tree planting, channeling rivers, implementing irrigation plans, reviving pastures, and similar activities are among the highest examples of land revival.

3-4: Polluting Environmental Resources

3-4-1: Prohibition of Water Pollution

There are numerous narrations indicating the reprehensibility and undesirability of polluting water. Among these traditions are those prohibiting urination in water, such as a report from Imam Ṣādiq (a.s) about the prohibitions of the Prophet (PBUHH): *"He forbade men from urinating in flowing water except in cases of necessity and said, 'Water has inhabitants'"* (Ṭūsī, n.d: 1/13). Another tradition from Imam Ṣādiq (a.s) transmitted by Faḍīl states: *"There is no harm in urinating in flowing water, but it is disliked to urinate in stagnant water"* (Ḥurr Al-‘Āmilī, n.d: 1/107/1). Other reports include those from ‘Anbasah ibn Muṣ‘ab (Ibid, Ḥadīth 2), Ibn Bukayr (Ḥadīth 3), and others (Ḥadīth 4), and a Ḥadīth from Jābir from the Prophet: *"He forbade urinating in stagnant water"* (Muslim, n.d: 1/162; Ibn Mājah, n.d: 1/124; Ibn Ḥabbān, 1993: 4/60). In addition, a tradition from Abu Hurayrah states: *"Let none of you urinate in still water and then perform ablution from it"* (Tirmidhī, 1982: 1/46; Ibn Hanbal, n.d: 2/288; Dārimī, n.d: 1/186; Muslim, n.d: 1/162, with the expression: *"then washes from it"*).

Najafī in his *Jawāhir* mentions that four categories of narrations exist regarding this matter: some absolutely prohibit this act, others forbid urinating in stagnant water (which are numerous), some prohibit urinating in flowing water, and others consider it permissible in flowing water. In reconciling these narrations, he says: "Some interpret the prohibition in certain traditions as indicating a lesser aversion to doing so in flowing water, while

others consider the prohibition compatible with disapproval" (Najafī, n.d: 2/68).

There is no doubt that the essence of this ruling is to avoid polluting water by any means possible, as the author of *Miṣbāh al-Faqih* writes: "Most scholars associate defecation with urination, perhaps because of the reasoning derived from some traditions that state water has inhabitants." Many Imami jurists have equated defecation with urination based on the explanation found in the traditions—that one should not urinate in water because there are creatures living in it (Hamadānī, n.d: 1/93). This clearly shows the special concern of Islamic law for preserving aquatic life and living organisms in water.

It can be reasonably inferred that the degree of aversion to this act in stagnant water versus flowing water correlates directly with the extent of water pollution. Based on this principle, the complex methods of water pollution in today's industrial life, which threaten the most vital source of humans and other living beings, deserve much stronger disapproval.

The narrations regarding maintaining a distance between wells and cesspits also indicate the prevention of water pollution (Ṭūsī, n.d: 1/45). These narrations can be used as guidelines for protecting groundwater resources.

3-4-2: Prohibition of Polluting Land

In several narrations, the undesirability of polluting the ground, the banks of rivers, pathways, beneath fruit-bearing trees, and public resting places has been emphasized — such as in the ḥadīth of prohibitions of the Noble Prophet (peace be upon him and his family): "*It is disliked for a man to relieve himself under a tree or palm that has borne fruit*" (Ibn Bābawayh, 1983: 3/557; Al-Ḥurr 'Āmilī, n.d: 1/230/11), "*It is disliked to urinate on the bank of a flowing river*" (Ibid), and "*Cursed is the one who defecates in the shade of a battleground*" (Ibn Bābawayh, 1983: 1/25; Ṭūsī, 1986: 1/30; Al-Ḥurr Al-'Āmilī, n.d: 1/229/4). Similar statements are found in other traditions. The author of *Hadā'iq* also writes in this regard: "*From the apparent expression of Imami jurists, especially the later ones, it is inferred that all such cases are considered disapproved (Makrūh).*"

However, Mufid in *Al-Muqni'ah* interprets this as outright

prohibition, and Şadūq in *Al-Faqīh* prohibits defecating in the shade of trees or under fruit trees. The author of *Riyāḍ* considers it problematic to find permissibility in these cases (Baḥrānī, n.d: 2/69).

3.4.3: Prohibition of Air Pollution

Although air pollution is a modern issue caused by population growth, industrial development, the concentration of factories and vehicles, increased use of fossil fuels, and the conditions imposed on humanity due to regional and global conflicts, as well as the use of biological, chemical, and nuclear weapons, which have become serious threats to human life, certain expressions in jurisprudence and traditions provide indications allowing us to understand the position of Islamic law on this matter. For instance, Muḥaqqiq Ḥillī in *Sharā'i al-Islam* mentions the prohibition of poisoning the lands of polytheists during Islamic Jihād. Jawāhir also cites the same view from *Nihāyat al-Din*, *Sarā'ir*, *Mukhtaṣar al-Nāf'*, *Tabṣirah*, *Irshād Durūs*, and *Jāmi' al-Maqāṣid*, most of which have stipulated that such an act is considered undesirable unless there is an unavoidable necessity or victory depends on it. The evidence for this ruling is based on a narration reported by Sakūnī from Imam Şādiq (a.s): "*The Prophet prohibited the spreading of poison in the lands of polytheists*" (Kulaynī, 2009: 5/28; Ṭūsī, 1986: 6/143; Al-Ḥurr Al-Āmilī, n.d: 11/46/1). Some scholars, like those in *Qawā'id*, *Tahrīr*, *Tadhkirah*, *Luma'ah*, and *Rawḍah* have interpreted this report as indicating mere undesirability due to the weakness of the chain of transmission. However, Jawāhir itself considers Sakūnī, the narrator of the tradition, reliable and even claims consensus on acting upon his narrations. He further states: "*It may be said that the prohibition is clear because it would lead to the killing of children, women, elders, Muslims among them, and others whose killing is forbidden*" (Najafī, n.d: 21/67/8).

It can be said that this narration clearly prohibits the spreading of poison in the lands of polytheists, as such an act would result in the killing of children, women, elders, Muslims residing there, and others whose killing is not permissible. From this progressive juristic perspective, it is evident that the obligation to prevent various forms of air pollution in the contemporary world can be understood, whether in peacetime due to increased burning and

combustion in industries or the leakage of toxic gases into the atmosphere, or during wars due to the production, stockpiling, and use of unconventional weapons.

4. Principles and Rules of Islamic Jurisprudence

The final section of the jurisprudential foundations of environmental law focuses on principles and general jurisprudential rules that apply to environmental changes. Since many of these changes are incidental matters that did not exist during the era of legislation or in the periods immediately following it, it is naturally not expected that specific obligatory or status-related rulings concerning them would be derived directly from the Quran and Sunnah. In this context, the general principles of Islamic law assume special importance—principles that reveal the dynamism and adaptability of Islamic jurisprudence to new societal phenomena.

4-1: The Principle of “No Harm” (*Lā Darār*):

This important jurisprudential principle has its roots in rational evidence and the conduct of the reasonable person and is abundantly supported by references in the Quran and Sunnah (Makārīm Shīrāzī, 1990: 1/29-42; Bajnūrdī, 1998: 1/207).

Regarding the relationship between this principle and the concept of the environment, several points are noteworthy:

First, although there are differing views among linguists regarding the definition of “harm” (*darār*), it is generally accepted that harm refers to damage affecting life or property, and environmental damages fall under these two categories.

Second, this principle is not limited to personal harm but also includes public harm, and the significance of public harm far outweighs individual harm. Environmental damages typically belong to the category of public harm, posing serious threats to human survival.

Third, considering the five viewpoints presented about the scope of the principle of “No Harm” (*Lā Darār*) (Bajnūrdī, 1998: 1/215; Khomeini, 1965: 1/51), it is clear that harm has no legitimacy in Islam. This lack of legitimacy applies both to the legislative phase and the implementation of laws (Ḥusaynī Sīstānī, 1993: 134; Makārīm Shīrāzī, 1990: 1/68). In other words,

any legislation that causes harm or any individual or social behavior leading to such harm is deemed invalid due to this principle. Therefore, in the matter at hand: first, the legislature has no right to enact laws that result in the destruction of the environment. Second, any behavior by the public that harms the environment is illegitimate and subject to prohibition. Furthermore, based particularly on the view of Imam Khomeini, who considered *Lā Darār* as a governmental prohibition (Khomeini, 1965: 1/51), the Islamic government is obligated to take action against such behaviors, whether carried out by individuals or powerful entities.

Fourth, one of the debated issues surrounding the principle of “No Harm” (*Lā Darār*) is its applicability to non-existences. In other words, if harm arises due to the absence of something, can this principle negate that harm? Some jurists have held this belief (Ḥusaynī Sīstānī, 1993: 290; Makārīm Shīrāzī, 1990: 1/79). In this case, it must be said that not only are damages caused by destructive actions addressed by the principle of “No Harm” (*Lā Darār*), but also if the omission of corrective and constructive actions leads to environmental harm, the principle will counteract it. Consequently, the Islamic government and environmental authorities are obligated to utilize all their resources in the legislative process, regulation-making, and implementation of measures to restore and protect the environment. For example, employing scientific methods to prevent soil erosion, revive pastures and forests, plant trees, and expand green spaces are necessary actions, and neglecting them results in irreversible consequences countered by the principle of “No Harm” (*Lā Darār*). Thus, this principle plays not only a preventive role but also a constructive one.

One of the implications of the principle's applicability to non-existences is the establishment of liability (Ḥusaynī Sīstānī, 1993: 293). The *Lā Darār* principle not only prevents harm to the environment but also holds those responsible for any damages caused by destructive actions or omissions accountable for compensation.

4-2: The Principle of Waste and Destruction (’Ilṭifāt)

This principle is derived from the Quranic verse “*So should anyone aggress against you, assail him in the manner he assailed*

you" (Quran 2:194) and narrations such as "The sanctity of a Muslim's property is like the sanctity of his blood" (Al-Ḥurr Al-ʿĀmilī, n.d: 3/59) and "Whoever destroys another's property is liable for its compensation." According to this principle, anyone who causes destruction or waste to others' properties, whether private or public, is responsible for compensating the damage. A tradition from Imam Ali (a.s) connects this principle to the environment: "If someone kills an animal without cause, cuts down trees, ruins a crop, demolishes a house, or obstructs a well or river, they must pay the value of what was destroyed and receive lashes as punishment. If the act was accidental and not intentional, they are still liable for compensation but not imprisonment or disciplinary action. If an animal is harmed, they must compensate for the loss in value" (Nūrī, 1988: 17/95). This narration highlights both the civil responsibility arising from the destruction of environmental resources and the duty of the Islamic ruler to hold perpetrators accountable. It also implies that deliberate destruction can lead to criminal prosecution and punitive sanctions. Therefore, jurists emphasize that the element of intent in the meaning of waste is not limited to the intention of the act itself or its consequences; even if the destruction results from unintentional or mistaken actions, it still falls under this principle (Makārīm Shīrāzī, 1990: 2/7).

Ownership Status of Environmental Resources

Since the subject of the principle of waste and destruction (*'Ilṭifāt*) does not pertain to others' property, it is appropriate to discuss the concept of ownership and possession regarding environmental resources. Jurists define anything that is desirable for fulfilling people's needs and is involved in their livelihood as "property" (Bajnūrdī, 1998: 2/30). This definition applies to all elements of the environment, including soil and air present in Earth's atmosphere. Regarding the ownership of these resources, it should be noted that aside from those legally owned by individuals, most of these resources fall under the category of public wealth and property. For instance, uncultivated lands, riverbanks, seashores, mountain peaks, plants, and trees growing naturally in valleys, forests, and marshlands are considered part of *anḥāl* [i.e., public property belonging to the Islamic State]

(Shahīd Al-Thānī, 1992: 1/474; Najafī, n.d: 16/117-120; Khomeini, 1987: 368-369). Water resources such as large rivers and natural springs flowing due to floods or melting snow and ice are categorized as common property and Primary Permissible Matters [*Mubāḥāt aṣliyyah*]¹ (Shahīd Al-Thānī, n.d: 2/261; Khomeini, 1987: 2/216 and 217). Similarly, one can refer to oxygen reserves and beneficial gases in nature. In any case, regardless of the ownership status of these resources, since they are not privately owned by individuals, they are rightly referred to as others' property. The fact that possession leads to ownership does not justify an individual causing waste or damage to parts of the environment not in their possession. However, there are certain ambiguities regarding the extent of personal dominion over one's own property and the analysis of the term *anfāl*, which we will address at the end of this discussion.

4.3: The Principle of Causation

This principle is based on several narrations, such as: "*Whoever causes harm to the community through his actions, he is liable for any resulting damages*" (Kulaynī, 2009:7/35; Ibn Bābawayh, 1983: 4/155), and "*Whoever digs a well on someone else's land is responsible for its guarantee*" (Ibid, 2009: 7/349; Ibid, 1983: 4/153). There is also scholarly consensus on the validity of this principle.

The difference between this principle and that of the Principle of Destruction lies in the fact that the former pertains to direct destruction, while the latter includes indirect destruction. Based on this principle, any action that indirectly leads to the destruction, pollution, or loss of usability of environmental elements would result in liability. A notable point is that this principle also encompasses omissions that lead to causation (Muḥaqqiq Dāmād, 2002: 120). For example, if the failure of responsible individuals or institutions to act timely results in environmental damage or depletion of natural resources, the responsibility for compensation falls on the cause according to this principle.

1 . Primary Permissible Matters, meaning those things that are originally permitted for the general public and for which no prior ownership by anyone is known (Narāqī, 1988: 40)

4.4: The Principle of Liability for Possession

This principle is derived from rational foundations, the conduct of jurists, and the narration: *"One is responsible for what he takes until he returns it"* (Bayhaqī, n.d: 6/95; Muttaqī Hindī, n.d: 5/337). Some interpret this narration as establishing an obligatory ruling, thereby emphasizing the duty to preserve and return property in cases of custody. However, according to the predominant view, this narration imposes financial liability on the custodian for any property under their control. Based on this principle, it is clear that in cases where environmental resources are taken into possession, efforts must be made to preserve them. If any defect occurs, the custodian is responsible for compensating the damage, and in cases of total loss or destruction, liability is established against the individual (Ḥusaynī Murāqī, 1996: 258; 'Anṣārī, 1989: 101; Khomeini, 1987: 2/180; Najafī, n.d: 37/83).

Discussion of Two Objections

After this article, we address and examine two objections.

First Objection: The Principle of Dominion and the Environment

One of the most well-known jurisprudential principles is the principle of dominion. This principle is based on evidence from the Quran, Sunnah, consensus, and rational conduct, with its primary narrated proof being the prophetic narration: *"People have sovereignty of ownership over their property"* (Bayhaqī, n.d: 6/100). Although there are differing views regarding the meaning of this principle ('Anṣārī, 1989: 83; Iṣfahānī, 1997: 1/109; Khū'ī, n.d: 3/58; Khomeini, 1989: 1/79), the most certain interpretation is that this principle establishes human ownership over property and recognizes their independence in managing their own assets. The most significant objection to this principle arises when some actions taken by individuals over their property conflict with individual or societal rights. For example, in the context of our discussion, one could imagine a person who, relying on their dominion over their property, whimsically destroys fertile land rich in natural resources and sets it on fire. Or consider an individual who has established an industrial factory on their private land. With urban expansion, this factory now lies within

residential areas, and its continued operation results in the release of various toxins and harmful gases into the surrounding air, making breathing conditions difficult for residents. Undoubtedly, in these two examples, reliance on the principle of dominion would lead to significant environmental damage.

To resolve the first objection, it has been argued that the principle of dominion is limited to customary and rational dominion (Khomeini, 1989: 1/79), and irrational actions are excluded from the scope of this principle. Therefore, no one has the right to undertake any destructive actions in the environment, even within the boundaries of their personal property.

To address the second objection, reference has been made to the supremacy of the principle of “No Harm” (*Lā Darar*) over primary rulings, including the principle of sovereignty of ownership (Bajnūrdī, 1998: 1/230). It has been stated that if there is a conflict between two harms, the issue must be resolved using the principles of conflict resolution. In such cases, undoubtedly, reason and Islamic law prioritize public interests over individual interests, and to eliminate public harm, individual harm must be tolerated. The result is that any protective measures for the environment, even if they conflict with individual dominion over property, take precedence due to the paramount importance of environmental health.

Second Objection: The Analysis of Anfāl [Spoils of War, Earnings and Profits] and the Environment

One of the important jurisprudential challenges facing environmental issues is the matter of the “permissibility of *anfāl*”. According to the predominant juristic view, *anfāl* and public wealth were permissible for Shia Muslims during the era of occultation, allowing them free use. Some jurists limit this permissibility to pastures and dwellings, while others believe in the absolute permissibility of *anfāl*. Shahīd al-Awwal states in *Al-Durūs*: “It appears that during the era of occultation, the permissibility of *anfāl* extends to include cultivation of barren lands, marshes, mines, and trees and plants found therein” (Shahīd al-Awwal, 1991: 1/264). The author of *Jawāhir* too, referring to the narrations supporting this permissibility has

regarded them as widely transmitted (*Mutawātir*) reports¹, to the extent that they lead the jurist to the certainty that the Imams considered *anfāl* permissible for Shia Muslims during the era of occultation—and even during their presence, given the similarity of circumstances due to lack of extensive authority (Najafī, n.d: 16/141). Undoubtedly, when Shia Muslims engage in cultivating natural resources to revive them as much as possible, there is no issue. The problem arises when unrestricted exploitation and reckless consumption lead to the depletion of natural resources, water reserves, vegetation, and forests. Moreover, in this situation, those in power and with access to resources focus on excessive exploitation, leading to the deprivation of the majority and undermining the principle of Islamic justice.

One contemporary jurist, after considering such objections, attempted to resolve the issue by emphasizing the element of time and referring to governmental rulings. They propose that perhaps the permissibility of *anfāl* was intended for an era when unjust rulers acted oppressively, and Shia Muslims faced limitations in securing their rights. Otherwise, absolute abandonment of regulations and failure to distribute resources according to principles of justice and fairness would allow some groups to monopolize them and deprive the weak and oppressed of their rights (Muntazirī, n.d: 3/82).

Imam Khomeini (may his soul be sanctified), while in *Tahrīr al-Wasīlah* he had opted for the well-known religious verdict (*fatwa*) regarding the permissibility of *anfāl* (Khomeini, 1987: 1/369), but later changed his stance after assuming the responsibility of leadership. In one instance, he stated: "*The anfāl that have been made permissible for Shia Muslims—does this mean that today Shia Muslims can destroy forests with bulldozers without any restriction, eliminate what ensures the preservation and health of the environment, endanger human life, and allow no one the right to prevent them?*" (Khomeini, 1991: 21/34).

From this perspective, one can clearly understand the significant role and position of Islamic guardianship in establishing restrictive and protective laws for the environment.

1 . The narrations concerning the permissibility of *anfāl* are cited in Chapter 4 of the sections on *anfāl* in the book *Wasā'il al-Shī'ah*.

Undoubtedly, the Islamic government is tasked with safeguarding the essential interests of Islam, such as the welfare of human life, social justice, and similar principles. These interests, which form the spirit of Islamic jurisprudence, are so important that, if necessary, some primary rulings may be revisited for their realization or their implementation may be suspended during a specific period.

Conclusion

1- The issue of the environment, due to its close relationship with human life and the order of creation, is well addressed by Islamic jurisprudence (Shari'ah).

2- Since the rulings related to environmental preservation are primarily rational in nature, most legal injunctions and statements of Shari'ah have an advisory tone.

3- Many general principles of the Quran and a multitude of narrated evidence are specifically relevant to the issue of the environment and its resources, through which the obligatory responsibilities of humans can be clearly understood.

4- Several jurisprudential principles apply to the concept of the environment, and their implications include establishing liability for any destructive actions or failure to undertake corrective measures in the environment.

It appears that the topics discussed in this article have succeeded in elucidating the various dimensions of human responsibility toward the environment and in inspiring jurists to fulfill their duties.

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