



A Shari'ah-Based Examination of the Conflict Between Environmental Health and Development Rights

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Abstract

The conflict between the right to a healthy environment and the right to development is a significant environmental issue. Because on the one hand, development in its various dimensions is inevitable for human life, and on the other hand, development often leads to environmental degradation. To address this issue, the United Nations has introduced the concept of "sustainable development" in various international agreements, including the Stockholm and Rio Declarations. This principle aims to balance environmental protection with the needs of future generations. In this paper, by examining verses, narrations, Islamic jurisprudential principles, and rational methods, we will explicate the Islamic perspective on the rights to the environment and development. We will demonstrate the inadequacies of the "principle of sustainable development" and prove that the true solution to the conflict between these two rights is Islamic justice-oriented development. Promoting the sanctity of the environment, environmental ethics, environmental laws, Islamic environmental law, as well as systemic and universal justice, intergenerational justice, and intragenerational justice are among the fundamental axes of Islamic justice-oriented development.

Keywords: Right to a healthy environment, Right to development, Sustainable development, Justice-oriented development

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Introduction

The environment is in crisis and poses one of the greatest threats to humanity. Our once generous and benevolent Mother Nature is now suffering from poverty and depletion. Statistics show that approximately 38 hectares of the world's forests are destroyed every minute (Lavānsānī, 1993: 97). Many animal species are on the verge of extinction. According to the United Nations, nearly 60% of vertebrates have disappeared between 1970 and 2014, and 25-42% of invertebrates are at risk of extinction (www.isna.ir, 9/8/2019).

In addition, industrial pollution, waste, detergents, agricultural pollution, and oil pollution have confronted the environment with a crisis. So much polluted water flows from lakes and rivers into the oceans that some scientists have stated, "The ocean... is dying" (Āzarang, 1985: 70).

Meanwhile, air pollution is one of the most important environmental problems. This phenomenon has been caused by the consumption of fossil fuels, a dramatic increase in automobiles, the expansion of industrial centers, deforestation, the extinction of species, greenhouse gases, and more, leading to the depletion of the ozone layer and global warming. According to the World Health Organization (WHO), in Europe alone, excessive sulfur increases cause the death of 6 to 13 thousand people over 65 years old annually (Raḥīmī, 2009: 112).

As previous statistics and data indicate, environmental destruction has primarily resulted from economic development and industrialization, especially the development and industry of the world's economic powers. These powers have pursued industry and production relentlessly to maximize profit, bringing about disastrous risks and consequences for the human environment. This is while, from an Islamic Law perspective, the human right to a healthy environment is of particular priority, as human life in its various dimensions depends on the environment. Therefore, the Quran considers cutting down trees, destroying forests, pastures, and farms, and exterminating animal and human life as examples of corruption on earth. God says: *'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.'* (Quran 2: 205)

On the other hand, the right of humanity to development, production, and engagement in industrial activities cannot be overlooked, as development and industry play a decisive role in improving human life, generating global economic income, and providing employment. The Quran emphasizes the duty of humans to develop and cultivate the Earth, stating: '*He brought you forth from the earth and made it your habitation*' (Quran 11: 61). It is clear that development and cultivation have a broad scope and encompass industry, agriculture, livestock, and more.

This is where the conflict between the right to a healthy environment and the right to development becomes evident. This writing aims to clarify the reasons for the necessity of respecting each of these rights and to outline a way to resolve this conflict from the perspective of Shari'ah (Islamic Law).

Conceptual Analysis

1- Environment [Muḥīt Zīst]

Literally the Arabic term "*Muḥīt*" [lit. Environment] from the root "*Hawt*" refers to the encompassing and inclusive area of human habitation and the ocean (Ma'lūf, 1986: 163), and the Persian word "*Zīst*" means life and existence (Amid, 1978: 584; Mo'in, 2009: 2/1771). Therefore, the term "*Muḥīt Zīst*" linguistically signifies the place of living as well as that which encompasses life.

Technically, various definitions of the environment [*Muḥīt Zīst*] have been proposed. The legal text of the Council of the European Economic Community, states: "*The environment includes water, air, soil, and both internal and external factors related to the life of every living being*" (Kiss et al., 2000: 5). In French law, the term environment includes the following components: "*Natural resources, both living and non-living, such as air, water, soil, animal species, and plant species, their interactions in a complete ecosystem, and the distinctive features of the natural landscape, as well as properties that form part of cultural heritage, such as buildings and historic sites.*" (Fahīmī, 2012: 96)

Some have said: "There is no legal text that defines the environment comprehensively and exhaustively, and the laws that have been enacted on this matter do not provide a definition; rather, they discuss the environment concerning three elements:

nature, natural resources, and cities and landscapes." (Taqī Zādeh Anṣārī, 1995: 7)

However, overall, the definition presented by the body of laws and regulations for environmental protection in Iran seems more appropriate both in terms of wording, content, and comprehensiveness: *"The environment is a space with all the physical, biological, social, economic, political conditions, and so on, that includes all living beings within it and encompasses the relationships between them."* (Legal and Parliamentary Affairs Office, 2004:1: 23)

According to experts, the environment is divided into two sections:

A. Natural Environment:

This refers to that part of the environment that has not been influenced by human activity and is instead a gift of nature. It includes forests, pastures, mountains, plains, rivers, seas, valleys, landscapes, and so on. The components of the natural environment include living factors, such as plants and animals, as well as non-living factors, such as soil, water, and climate. (Fīrūzī, 2006: 18)

B. The Human Environment:

The human environment refers to that part of the environment that is created by human beings and is a product of their thought (Ibid).

2 - Development

In a literal sense, the term "development" means expansiveness and wideness. Development is derived from the term "develop", meaning to grow, expand, become apparent, progress, and prosper (Ḥaqq Shinās et al, 2019: 335).

The concept of "development" in its modern sense was first introduced by Ibn Khaldūn. He equated civilization with the concept of "development" and discussed it extensively. For example, he considered the proliferation of sciences as being linked to the growth of civilization, stating: "The sciences increase where civilization " (Ibn Khaldūn, 1987: 434). By using the term *"ilm al-umrān"* (the science of civilization), he viewed all the sciences of his time as subfields of civilization (Ibid: 435). Furthermore, he emphasized that civilization must be systematic and governed by policy (Ibid: 301).

Various definitions of "development" have been proposed in the present age. According to Yves Jacques Cousteau, "development" refers to all the activities and actions that humans undertake to improve their lives in the environment (Mehrārā et al., 2017: 92). Todaro views "development" as a multidimensional process that requires fundamental changes in the social structure, public perception, national institutions, as well as economic growth, reduction of inequality, and the eradication of absolute poverty (Todaro, 1991: 135). In the Dictionary of Political Science, "development" is defined as the expansion of a social system's capacity to meet the tangible needs of a society (Agha Bakhshī, 1987: 80).

It seems that among the various definitions of "development" that have been proposed, the most suitable definition is the one mentioned in the preamble of the Declaration on the Right to Development adopted by the United Nations General Assembly: *"Development is an economic, social, cultural, and political process aimed at the continuous improvement of the well-being of the entire community and all individuals, based on their active, free, and purposeful participation, both in the process and in the fair distribution of its benefits"* (Kharrāzī, 2008: 11). This definition takes into account both human rights and fundamental freedoms in its consideration of development.

The Position of Environmental Rights in Islamic Law (Shari'ah)

From the perspective of Islamic law [Shari'ah], the environment is a public right and belongs to all human beings, without boundaries of time or place. This means that just as all people living on Earth—regardless of color, race, gender, or age—have a right to the environment, those who will inhabit the Earth in the future will also have a right to it. Therefore, it is obligatory for all individuals, including governments, to ensure that the environment is not harmed in any way. If harm is caused, it results in the violation of the rights of other people, both from the present and future generations, and those responsible will be held accountable. Numerous arguments can be presented in support of these points, including the following:

1- Textual Evidence:

The Attention Islam gives to the environment is such that, according to the logic of the Holy Quran, actions like cutting down trees, destroying forests, pastures, and farmlands, and wiping out generations of animals and humans are considered forms of "corruption in the land." As stated in the Quran: "*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.*" (Quran 2: 205)

According to the interpretations of the exegetes, the Arabic term "*ḥarṭh*" in this verse refers to plants in a general sense, while "*naṣl*" refers to the generations of both humans and animals. (Ṭabāṭabā'ī, 2014: 2/96; Ṭabarsī, 2008: 2/44)

The Prophet Muḥammad (PBUHH) even prohibited people from cutting down trees and destroying the environment during times of war. He said: "*Do not kill the elderly, the children, or women, and do not cut down trees unless you are compelled to do so.*" (Kulaynī, 1996: 5/27)

Furthermore, he (PBUHH) prohibited Muslims from pouring poison or chemicals into the land of the enemy: "The Commander of the Faithful Imam Ali (a.s) said: The Messenger of Allah (PBUHH) prohibited the throwing of poison into the lands of the polytheists." (Ibid: 28).

The Infallible Imams have warned people against causing even the slightest harm to the environment. Imam Ali (a.s) said: "*It is not permissible to defecate on the banks of rivers.*" (Ṭūsī, 1985: 1/29)

A careful consideration of the verses and narrations leads us to the conclusion that:

1. The environment holds special significance in Islamic law (Shari'ah).
2. The environment is a right of all human beings, and in Islamic law, no one has a special privilege regarding the environment.
3. The right to the environment has no temporal or spatial boundaries, and all humans have equal rights concerning the environment.
4. Environmental destruction has legal liability and is subject to criminal punishment. As mentioned in a

narration: "Imam Ali (a.s) decreed that anyone who kills an animal without reason cuts down a tree, or destroys crops, should compensate for the value of what has been consumed or ruined, and be given lashes as a form of reprimand: 'Such a person must pay the price of what they have wasted as compensation, and in addition, a few lashes should be administered as a means of discipline.'" (Nūrī, 1988: 17/95)

2- The Principle of Justice:

The Quran commands Muslims to act justly in various places: "*Indeed Allah enjoins justice and kindness, and generosity towards relatives.*" (Quran 16: 90) This principle is known in Islamic jurisprudence as the Principle of Justice and Fairness, and its evidence is derived from narrations, rational reasoning, and the consensus of scholars. (Mustafawī, 1996: 159-160.) A careful consideration of the places where this principle is applied, and the reasoning behind it, reveals that the environment is undoubtedly one of its areas of application. Justice requires that all humans have equal rights regarding the environment, as the environment is indivisible, and all inhabitants of the Earth, like passengers on a ship, share both its benefits and its harms. Therefore, the use of the environment by any individual or generation must be fair. As a result, unjust exploitation is a violation of the rights of others and leads to liability.

3- The Principle of Inviolability of a Muslim's Property:

This principle states that the property of a Muslim is inviolable, and it is not permissible to appropriate or violate it without permission (ibid: 24). Evidence for this principle is found in narrations and the practice of the community, including a reliable narration from Imam Bāqir (a.s), where the Holy Prophet (PBUHH) said: "*Cursing a believer is an act of corruption... and the sanctity of his property is like the sanctity of his blood.*" (Kulaynī, 2009: 2/360). The comparison of a believer's property to their blood in this narration emphasizes the utmost importance of respecting the property of Muslims in Islamic law. Given that many countries in the world are Muslim-majority, and the environment of the Earth—including its water, air, soil, forests, and pastures are an

interconnected and inseparable entity when it comes to its protection and health, it can be said that the Earth's environment is analogous to the property of Muslims. Therefore, respecting it is as obligatory as respecting the blood of Muslims, and those who damage the environment should be subject to criminal punishment and legally liable for compensating the damage.

4- The Principle of 'No Harm' (Lā Ḍarar):

The meaning of the principle is the negation of harmful rulings in Islamic law (Mustafawī, 1996: 243). The narrations related to this principle are almost at the level of a widely transmitted report (*tawātūr*) (Ibid: 244; Bajnūrdī, 2007: 1/213). The most important narration that supports this principle is the famous Hadith of "*Lā Ḍarar wa Lā Ḍirār*," which is well-known among both Sunni and Shia scholars (Mustafawī, 1996: 244; Bajnūrdī, 2007: 1/211). According to some narrations, the Prophet (PBUHH) said: "*There is no harm, nor reciprocating harm in Islam.*" (Ṣadūq, 1983: 4/334). Mūsavī Khomeinī, in a lengthy discussion, explains that the letter "*Lā*" in the narration is a prohibitive particle, and the prohibition here is a governmental one. The Prophet, as the Islamic ruler, issued a governmental command forbidding people from causing harm to one another and declaring it prohibited (Khomeinī, n.d: 3/117).

Based on this commentary, the meaning of the Hadith is as follows: Causing harm to others is forbidden in Islam. According to Narāqī, the lawgiver has imposed an obligation on people to compensate for any harm they cause. This means that anyone who causes harm to others must compensate for it, and thus, causing harm to others leads to liability. (Narāqī, 1996: 51-65)

Therefore, the principle of 'No Harm' (*Lā Ḍarar*) applies both to obligatory rulings (*Taklīfī*) and legal status rulings (*Wāḍi'ī*). As a result, the destruction, pollution, annihilation, or deprivation of any element of the environment, because it pertains to the public, constitutes harm to others and, from an obligatory perspective, is prohibited. From a legal perspective, it is invalid, ineffective, and subject to compensation. (Fahīmī, 2012: 74)

5- Rational Evidence and Consensus of Intellectuals:

Rational analysis shows that the environment is the right of all

humans, and the destruction of the environment legally entails liability and, from a criminal perspective, punishment. Reason dictates that what the life of all humans on Earth depends on, and what, if harmed, could endanger the lives of all human beings, must be protected and safeguarded by all people. Therefore, the destruction of the environment must have legal liability and criminal punishment attached to it. Otherwise, it would be like some ignorant individuals causing harm to a ship by creating a hole, thus endangering the lives of all its passengers.

As the intellectuals of the world have placed special emphasis on human environmental concerns and allocated a significant place for it in international covenants, in 1972, the United Nations Conference on the Human Environment was held in Stockholm, Sweden. At this conference, which was attended by more than 6,000 people from 113 countries, a declaration on the environment was issued, known as the Stockholm Declaration. In Article 1 of this declaration, the environment is considered a fundamental human right (Fīrūzī, 2006: 11). Ultimately, environmental issues gained an international dimension, leading to the development of international environmental law, which states: "International environmental law is a set of international legal rules aimed at the protection of the environment" (ibid: 25).

The Status of the Right to Development in Islamic Law (Shari'ah)

In Islam, great importance is attached to development and prosperity, to the extent that the Quran regards the development and cultivation of the earth as a human responsibility after creation (Quran 11: 61). Moreover, the development and cultivation of the earth are considered one of the primary and most significant goals of Adam's descent to Earth (Nahj al-Balāghah, Sermon 91, 166). Additionally, the development and general welfare of society are regarded as key indicators of the government of the Promised Imam Mahdi, and the faithful are always awaiting his arrival. (Majlisī, 1994: 51/83)

Thus, from the Islamic perspective, the right to development and prosperity is one of the fundamental human rights on Earth, and it is not easily justifiable to deprive an individual or a state of this right. The main reasons for this are as follows:

1- Textual Evidence:

Numerous verses and hadiths emphasize the importance of development and prosperity in human life. Some of these, by way of example, are as follows:

1.1- Quran 11: 61

"He brought you forth from the earth and made it your habitation..."

A careful reading of this verse reveals that, first, the development and cultivation mentioned in the verse are comprehensive, encompassing all activities that we today refer to as "development," including agriculture, industry, and animal husbandry. Secondly, the emphasis of Islam on development and prosperity is so great that in this verse, the cultivation and development of the earth are considered a human responsibility after creation, since the expression "*ista'mara*" is derived from the verb "*istif'al*," meaning to seek or desire cultivation and prosperity. Zamakhsharī explains that the meaning of "*ista'mara*" is the command for cultivation and prosperity (Zamakhsharī, n.d: 2/407). Therefore, the meaning of this verse is the obligation to cultivate and develop the earth through planting, industry, production, and all forms of development, because the object of the verb "*ista'mara*" (cultivation) is omitted, indicating its general and comprehensive nature. (Taftāzānī, 1989: 174)

1.2- A Narration from Imam Ali (a.s)

Imam Ali (a.s) said: "God sent Adam down after his repentance to populate and cultivate the earth with his descendants." (Nahj al-Balāghah, Sermon 91, 166.)

The preposition "*li*" in the expression '*liya'mura*' signifies the purpose or goal of the action. Therefore, in this hadith, the development and cultivation of the earth are considered one of the primary and most important goals of Adam's descent to Earth.

1.3- Imam Ali's Letter to Mālik al-Ashtar

Imam Ali (a.s) in his letter to Mālik al-Ashtar said: "However, your concern for the development of the land should be greater than your concern for collecting taxes." (Nahj al-Balāghah, Letter 53).

The preposition "*lām*" in "*liyakun*" indicates an imperative,

suggesting a command that carries a sense of obligation. Thus, Imam Ali (a.s) is commanding Mālik al-Ashtar, in an obligatory manner, to prioritize his efforts in the development and prosperity of the land over collecting taxes, even though taxes are essential for the stability of the government. This statement clearly demonstrates Imam Ali's intense concern for the development and cultivation of the land, emphasizing that nothing else can replace this priority. Furthermore, from this ḥadīth, we understand that one of the important responsibilities of an Islamic ruler is to focus on the development and prosperity of the land. In exchange for collecting taxes, the ruler is accountable for the development and prosperity of the country.

1.4- A Narration from the Prophet Muḥammad (PBUHH)

The Prophet Muḥammad (PBUHH) said: "My Ummah will enjoy a blessing in the time of the Mahdi, such as they have never enjoyed before. The heavens will pour down rain upon them in abundance, and the earth will not withhold any of its crops." (Majlisī, 1994: 51/83)

This ḥadīth also highlights the importance of development and cultivation in Islamic teachings, meaning that the fundamental goal of the development and cultivation of the earth is highly valued in Islam. It is considered one of the key indicators of the global government of Imam Mahdi (a.s), and the faithful are continually awaiting its fulfillment.

2- The Principle of Absolutism of Property Rights

The meaning of the principle is that the owner has complete and comprehensive control over their property, and they can dispose of it as they wish. There is no barrier to their lawful use of it. (Mustafawī, 1996: 136)

The most important evidence for this principle is the prophetic ḥadīth: "*The people have control over their wealth.*" This ḥadīth clearly supports the principle of absolutism and its applicability to all forms of ownership (Anṣārī, 2008: 3/41; Mustafawī, 1996: 136). However, this ḥadīth is problematic in terms of its chain of narration, as it is a *Mursal ḥadīth* (i.e., a ḥadīth whose chain of transmission is incomplete) and is not found in any of the Four Books of Shia ḥadīth. As a result, this specific ḥadīth is not

considered authentic. Nevertheless, its meaning is supported by many other ḥadīths in the chapters on transactions, some of which are considered authentic. Therefore, the principle of absolutism is derived from numerous credible and authentic narrations (Mustafawī, 1996: 137).

Additionally, the practice of reason and the consensus among rational people has established the principle of full and unrestricted control of the property owner over their property, except where there is harm or prohibition involved (ibid). Moreover, the consensus of Islamic jurists on the meaning of the principle further affirms its validity (ibid).

The principle of absolutism of property rights implies that individuals and states, according to their ownership of private, public, or governmental property, have the right to manage and utilize it as they see fit. This includes engaging in industry and increasing production to foster the development of their property and nation.

According to this principle, countries have the right to work towards the advancement of key and strategic industries related to oil and gas, extract their mineral resources, and so on. However, if such activities lead to environmental degradation to some extent, it is not permissible to completely deprive the owners of their absolutism over their property. Rather, the best solution should be sought through a balanced approach that considers both the principles of absolutism of property rights and the protection of environmental rights.

3- Reason and the Consensus of Intellectuals

Rational analysis of development and prosperity leads us to the conclusion that highly beneficial and advantageous activities, such as the oil and gas industry, play a direct or indirect role in the lives of humans, and from a rational perspective, it is not permissible to deprive people of these benefits. Today, industry plays a significant role in economic income generation, and many people rely on the industrial sector for their livelihood. Oil and gas are the most important sources of energy for humanity and have strategic importance in global economic and political calculations. Many of the world's economic opportunities are tied to oil and gas. The technology sector is also seen as a liberating

force and a driving factor for other industries. For this reason, governments place great importance on the automotive industry, and a significant portion of national income in many countries is derived from the automotive sector and its component manufacturers.

It is, therefore, not rational to disregard such highly beneficial and essential industries, leading to the closure of factories and widespread unemployment and deprivation, unless there is a compelling reason against it. Moreover, rational people universally recognize the importance of industry and development, and all countries support it. No country has halted its development or industrialization purely because of environmental concerns; rather, all rational actors are seeking solutions that preserve both rights—the right to development and the right to a healthy environment.

In the international covenants that the intellectuals of the world have established for the protection and preservation of the environment, support for economic and social development has been emphasized (Mousavi, 2001: 364). Economic and social development, in its broad dimensions, is so important to the leaders of the world that in 1986, the United Nations General Assembly adopted the Declaration on the Right to Development. In this declaration, the right to development is recognized as a universal, inalienable right and an integral part of fundamental human rights (Kharrāzī, 2008: 28-35).

Therefore, from the perspective of Islamic law, the right to development and prosperity is undeniable and holds a special place. In cases of conflict, it cannot be dismissed in favor of the right to the environment. Similarly, the right to a healthy environment holds priority in human life, and cannot be ignored in resolving conflicts. Therefore, the solution to this conflict must be identified.

Sustainable Development

International organizations have introduced the concept of sustainable development to resolve the conflict between the right to a healthy environment and the right to development. After the 1980s, the “principle of sustainable development” was proposed as the key to solving environmental protection

issues (Kiss et al., 2000: 99). In the 1987 report of the World Commission on Environment and Development, sustainable development was defined as: "Development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (ibid: 99; Firūzī, 2006: 69).

1- Key Principles of Sustainable Development

1.1- Intergenerational Justice:

As evident in the definition of "sustainable development", one of the key aspects of sustainable development is intergenerational justice. According to Principle 3 of the "Declaration on Environment and Development," commonly known as the Rio Declaration, the right to development must be conditional upon ensuring that the needs of both present and future generations are fairly considered concerning development and the environment (Lavāsānī, 1993: 130).

1.2- Environmental Protection:

This principle is also a major focus of sustainable development. As stated in Principle 4 of the aforementioned Declaration, achieving sustainable development requires that environmental protection be seen as an inseparable part of development and should not be treated separately (ibid).

1.3- Eradication of Poverty:

In Principle 5 of the same Declaration, it is stated that governments and peoples must work together to eliminate poverty, which is an essential condition for sustainable development, to reduce disparities in living standards and better address the needs of the majority of the world's population (Mousavi, 2001: 371).

1.4- Promotion of Population Control Policies:

According to Principle 8 of the Declaration, "*To achieve sustainable development and a higher quality of life for all people, governments must reduce and eliminate unsustainable production and consumption patterns and promote appropriate population control policies*" (ibid: 372).

An Analytical Review

Although the principles of “sustainable development” presented in international agreements include positive aspects, they do not offer a complete solution to humanity's environmental and other related problems due to the following:

A. The concept of “sustainable development” is vague and sometimes contradictory, and there is no widespread agreement on how it should practically be implemented (Griffiths, 2011: 337). The terms "development" and "sustainable" are both ambiguous and open to interpretation. Moreover, there is a contradiction between development and sustainability, which is beyond the scope of this discussion. However, one may refer to books such as the *Encyclopedia of International Relations and World Politics* by Griffiths (Ibid: 328-339), where he discusses this issue at length. Griffiths, after a detailed analysis, concludes that development is synonymous with capitalism and global warming (ibid: 338).

B. The justice emphasized in sustainable development is limited and selective. Among all the material and spiritual needs of humanity, only a few material needs have been addressed, such as intergenerational justice, poverty, and population control. It is clear that focusing on justice in a limited and selective manner, without considering universal and holistic justice for the entirety of existence or recognizing the infinite material and spiritual capabilities of the world, is unlikely to be truly effective.

C. Sustainable development is based on Western culture, and its result will be the imposition of Western culture on other societies. Under the guise of "development," the West has targeted everything in other nations, including their religion, customs, and traditions. Michael Todaro states, "*Development, in addition to improving income and production, clearly involves fundamental changes in the institutional and administrative structures of society, as well as in public attitudes, and many cases, even in customs and beliefs.*" (Todaro, 1991: 136). This is evident in the fact that, according to Principle 8 of the "Declaration on Environment and Development," the promotion of population control policies is explicitly considered a central component of sustainable development (Mūsavī, 2001: 372). It is clear that with the Western model of sustainable development, not

only will the problems of other societies not be solved, but the environment will be destroyed, and their generations will face aging and extinction. As Todaro noted, some countries in the 1960s were considered "developing," yet poverty, inequality, and unemployment in these countries showed no real development (Todaro, 1991: 134).

D. Western sustainable development is superficial and detached from universal justice in the cosmos and lacks a deep moral, ethical, and cultural foundation. As a result, it will bring little benefit to humanity or the environment. The dire state of the Earth's environment, despite numerous international agreements such as the Stockholm Declaration, the Rio Declaration, and others (Mousavi, 2001: 359-376), serves as evidence of this reality. In contrast, Islamic justice-centered development, with its deep moral, ethical, and cultural foundations, and its sacred view of the environment, offers a holistic and integrated belief system about the world—such as the belief in universal justice in the cosmos, which is in harmony with human nature. If implemented, it would resonate deeply with human hearts and minds. As a result, it will lead to both environmental protection and continuous, genuine development.

Islamic Justice-Oriented Development

As observed, Western sustainable development is not a suitable solution to the problem of the conflict between development and the environment. However, careful consideration of the aforementioned legal principles, especially the texts, leads us to conclude that the solution to this conflict, from the perspective of Islamic law, is through Islamic justice-oriented development, with attention to the following key aspects:

1- Key Aspects of Islamic Justice-Oriented Development

Institutionalizing Religious Principles Related to the Environment:

One of the fundamental shortcomings of Western sustainable development is its lack of a deep spiritual and cultural foundation in areas such as the environment. As Iqbal Lahori believes, *“The environmental crisis is entirely cultural, and its solution must be pursued through this path. There is no other way. The paths humanity is currently following, such as holding meetings and*

drafting conventions, are not the ultimate solution” (Muḥaqqiq Dāmād, 2014: 147). Therefore, religious principles related to the environment must be institutionalized within society. These include principles such as:

A. Sanctity of the Environment: Javadi Amoli has equated the sanctity of environmental preservation with the reward of reciting the Quran, stating that *“the sanctity of environmental preservation is as important as the reward of reciting the Quran”* (Javadi Amoli, 2009: 85). He also discusses the impact of environmental restoration on eternal happiness (ibid: 199). Seyyed Hossein Nasr has addressed the sanctity of nature, stating, *“Let us preserve the sacredness of its truth and not mutilate it with our insatiable aggression, for our lives on Earth will be destroyed... Indeed, nature has been sacred from the very beginning by the will of God”* (Nasr, 2010: 513). Muḥaqqiq Dāmād also discusses the “manifestation of divine speech in nature” (Muḥaqqiq Dāmād, 2014: 163).

B. Environmental Ethics: It must be said that the environment will not be preserved without institutionalizing environmental ethics within society. In this regard, books have been written, such as *Akhlāq va Muḥīt Zīst* [Ethics and the Environment], which discusses issues such as ethics and the pattern of natural resource consumption from the Islamic perspective (Seyyed Imāmī, 2010: 125).

C. Environmental Laws: One of the key factors in environmental preservation is the promotion and institutionalization of environmental laws among the people. These are the laws that scholars derive from the authentic sources of Islamic jurisprudence in the field of environmental protection. As such, books like *Ilāhiyyāt Muḥīt Zīst* [Theology of the Environment] have been written, where the concept of environmental jurisprudence is discussed. (Muḥaqqiq Dāmād, 2014: 177)

D. Islamic Environmental Rights: The promotion and institutionalization of this aspect also play a significant role in environmental preservation. While promoting environmental rights, in general, does have an impact on environmental protection, the promotion and institutionalization of Islamic environmental rights—aligned with the nature and religion of the people—will have an even deeper effect. Although many books

and articles have been written about environmental rights, there has been limited work specifically under the title of Islamic Environmental Rights.

Systemic and Universal Justice:

One of the important principles of Islamic justice-oriented development is systemic and universal justice. The justice envisioned in Islam is not merely individual or social justice, but also includes integrated, universal justice that governs the entire cosmos, from atoms to galaxies. This is referred to as cosmic justice or ontological justice. "Cosmic justice" means the existence of balance and equilibrium throughout the universe, signifying that God has taken into account all potentialities in the creation of every being and has granted them all the possible entitlements they deserve. As Martyr Motahhari states: *"Justice means the observance of entitlements in the bestowment of existence... The Divine Essence... bestows upon every being that which is possible for it in terms of existence and perfection... Divine justice in the system of creation means that every being receives the degree of existence and perfection that it deserves and is capable of."* (Motahhari, 2009: 1/82)

The Holy Quran says: *"He raised the heaven high and set up the balance"* (Quran 55: 7). Fayḍ Kāshānī, in his interpretation of this verse, says: "God established justice by granting each one with the entitlements that correspond to their capacities." (Fayḍ Kāshānī, n.d: 5/107). Motahhari, commenting on this verse, says that, "the intention is to show that in the structure of the world, balance has been maintained; everything has been utilized in the required measure" (Motahhari, 2009: 1/79).

The holy Prophet (PBUHH) is reported to have said: *"The heavens and the earth are established upon justice"* (Fayḍ Kāshānī, n.d: 5/107). What establishes the balance between the right to the environment and the right to development is the belief and behavior based on systemic and universal justice, which is the result of the great religion of Islam. According to this principle, humans do not have the right to disturb the balance and harmony existing on Earth. Faith in universal justice leads people to consider excessive exploitation of nature as a great injustice, to preserve the dignity of all creatures, and to avoid disrupting the

balance of the environment. Furthermore, in addition to achieving justice in human society, one should also seek justice for animals, plant species, and other phenomena. This includes avoiding harm to animals, preventing the extinction of their species, not destroying plants, not harming rocks and other natural phenomena, using resources and minerals justly, not ruining pastures, and avoiding wasteful consumption of water.

Intergenerational Justice:

In international covenants such as the report of the World Commission on Environment and Development (WCED) (Kiss et al., 2000: 99) and the Rio Declaration (Mousavi, 2001: 371) and other agreements, intergenerational justice is discussed. For instance, in the 1987 report of the World Commission on Environment and Development, it is stated: "*Sustainable development is a development that meets the needs of the present without compromising the ability of future generations to meet their own needs*" (Kiss et al., 2000: 99; Firūzī, 2006: 69). In Islam, intergenerational justice concerning development and the environment is deeply and comprehensively addressed. This is because, in Islam, in addition to the existence of ontological justice, which is the integrated and universal justice governing the entire cosmos, there is also legislative justice, which all Muslims are obligated to follow in all aspects of their lives. Regardless of the circumstances, they must adhere to this principle. It is important to note that legislative justice is of two types:

A. Divine Legislative Justice: This means that in the creation, formulation, and enactment of laws, the principle of justice is always respected and upheld (Motahhari, 2009: 1/60). The Holy Quran says: "*Say, my Lord has commanded justice*" (Quran 7: 29). Motahhari explains that this verse refers to the legislative system of Islam (Motahhari, 2009: 1/60).

B. Human Legislative Justice: This type is what is commonly referred to as "social justice." In defining it, Motahhari says, "*It is the observance of individuals' rights and granting each person their due right...*". The true meaning of human social justice refers to the justice that must be upheld in human law, and which all people should regard with respect. This is the essence of social justice. (Motahhari, 2009: 1/80) He further states: "*The majority of verses related to justice are about collective and communal justice... In the Quran, from Tawhīd*

(the Oneness of God) to the Afterlife, from Prophethood to Imamate and leadership, all are grounded in the principle of justice. Quranic justice stands alongside Tawhīd as a cornerstone of the Afterlife, the goal of the enactment of Prophethood, the philosophy of leadership and Imamate, the criterion of individual perfection, and the measure of societal health" (Motahhari, 2009: 1/61).

The concept of legislative justice in this discussion refers to this type—human legislative justice, also known as social justice. In Islam, this principle holds such significance that it is never permissible to neglect it, even in situations of war or when dealing with enemies. The Quran says: *"Let not the enmity of a people prevent you from being just. Be just, for that is closer to righteousness."* (Quran 5:8)

God Almighty has generally and universally commanded all humans to uphold justice, which seems to refer to the social justice described earlier: *"Indeed, Allah commands justice, the doing of good, and liberality towards others."* (Quran 16:90). As Motahhari has stated (Motahhari 2009: 1/61), the goal of Prophethood, according to the Quran, is justice. For this reason, Allah said: *'Certainly We sent Our apostles with manifest proofs, and We sent down with them the Book and the Balance, so that mankind may maintain justice.'* (Quran 57:25)

One of the examples of legislative justice is intergenerational justice in the context of development and the environment. This means that Muslims are obligated to meet their needs in a way that does not compromise the ability of future generations to meet theirs.

Thus, in addition to ontological and universal justice, legislative justice also requires that humans refrain from actions that infringe upon the rights of others or cause harm to them. It is evident that excessive exploitation of the environment and its destruction is an injustice to other people, including future generations. What greater injustice could there be than when individuals or governments exploit natural resources in a manner that seriously harms the lives, health, and existence of others?

Therefore, according to both ontological and legislative justice, all humans are bound to engage with nature in a just manner. Furthermore, the concept of justice in Islam is not limited to the relationships between humans alone; it extends to the relationships between humans, animals, plants, and even inanimate objects, as clearly outlined in earlier discussions and texts. For this reason, humans must relate to all creatures, including the environment and future generations, in a just manner.

C. Intra-generational Justice: A careful examination of the verses related to legislative justice (Quran 5:8, 16:90, 57:25) reveals that intra-generational justice is also a manifestation of legislative justice. This means that, in addition to natural and integrated justice, legislative justice also requires that the development and exploitation of natural resources be fair within the current generations on Earth. That is, all people should have a role in development, and equal opportunities should be given to all countries and individuals in the present generation regarding the development and use of natural resources. As mentioned earlier, most of the verses related to justice concern collective and group justice (Motahhari, 2009: 1/61), and the Quran's emphasis on justice is such that justice, in the Quranic sense, is alongside Tawhīd, the cornerstone of the afterlife, the purpose of the mission of prophecy, the philosophy of leadership and Imamate, the criterion of individual perfection, and the measure of social health. Therefore, by carefully considering the verses related to justice, it can be said that the implication of the mentioned verses for intra-generational justice is clearer than their implication for intergenerational justice, because, in the case of intra-generational justice, unlike intergenerational justice, all parties involved already exist and are alive. Thus, according to the aforementioned principles, the enjoyment of the environment by all parties should be just; there should be no distinction between the rich and the poor, industrial powers, and other countries. However, industrial powers have disrupted the global environmental balance—from forests and pastures to the ozone layer—and are now destroying the last remaining hopes, such that the majority of the Earth's inhabitants are trapped within the harsh iron walls of concrete, smoke, and various industrial pollutants. If free and determined people around the world do not rise to compel them to fairly utilize the Earth's blessings, compensate for the damages, and restore the environment, a human catastrophe for all the inhabitants of the Earth will be inevitable. Therefore, one of the key elements of Islamic justice-oriented development is intra-generational justice. In fact, the United Nations Conference on the Environment Declaration of 1972, particularly in articles 11, 19, 20, and 24 (Mousavi, 2001: 359), and in the Rio Declaration, Articles 5, 6, 8, 10, and other related principles (Lavāsānī, 1993: 129), have addressed intra-generational justice. However, it does not have the same comprehensiveness and the necessary backing as the Islamic approach to this issue.

Conclusion

The previous discussions show that in the conflict between the right to the environment and the right to development, the "principle of sustainable development" proposed by international organizations, which considers environmental preservation and meeting the needs of future generations as its core components, is not an appropriate solution. It lacks the necessary ethical, moral, and cultural foundation, and is instead a superficial concept detached from global justice. It is based on Western culture and will lead to the imposition of Western values on other societies. The arguments presented, including references to verses, hadiths, jurisprudential principles, rational methods, the opinions of experts, and the special and irreplaceable role of the two rights in human life, lead us to the conclusion that the solution to the conflict between the right to the environment and the right to development, from the perspective of Islamic law, is justice-centered development. The key principles of this approach are systemic and universal justice and the sanctity of the environment. The belief and behavior based on universal justice and the institutionalization of environmental sanctity create a balance between the environment and development. This prevents excessive exploitation of nature, preserves the dignity of all creatures, avoids harm to animals, prevents the destruction of plants, conserves water, and ensures the fair use of resources and minerals. Other key elements of Islamic justice-centered development include intergenerational justice, intragenerational justice, and the institutionalization of environmental ethics, environmental laws, and Islamic environmental rights within society.

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