The Legal and Jurisprudential Foundations of Environmental Protection

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Abstract

Environmental law in its contemporary meaning is a product of environmental crises after World War II and critiques of modernity. The legal response, following scientific, social, and political reactions, attempts to resolve serious conflicts between modern life and the environment. This was not initially derived from or committed to the religious literature of major world religions, which may be why using a term like "Islamic environmental law" might seem strange. However, from the Islamic perspective, which is not indifferent to any aspect of human life, the issue takes on a different form. Islam, by constraining humans from the beginning, has sought to establish a balanced and integrated relationship between humans and their environment. This article is a modest effort to extract the achievements of Shia jurisprudence in environmental protection. The author acknowledges that examining Shiite jurisprudence and the environment without considering economics, politics, art, and most importantly Islamic philosophy, would be incomplete. However, the present opportunity is not sufficient for this purpose. This article examines jurisprudential rules, institutions, and rulings about environmental effects in three sections, leaving legal examinations for another occasion.

Keywords: Environmental law, environmental jurisprudence, jurisprudential rules, jurisprudential institutions, jurisprudential rulings

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Introduction

The concept of environmental law, with a history of over 50 years, cannot be imagined before the Stockholm Conference (1972). During this period, the rules ensuring environmental protection have transitioned from European law to other parts of the world. Perhaps for this reason, seeking jurisprudential foundations for this branch of international law might seem unusual. Islamic jurisprudence, as a collection of religious rulings and principles for the social and individual life of people, firstly cannot be detached from the new and emerging issues of our lives, and secondly, the protection of nature and the human environment, although not considered as an independent branch of jurisprudence by Islamic scholars, can be found within the principles and jurisprudential rulings that explicitly or implicitly address the environment. Of course, the absence of environmental law alongside other branches of Islamic law, such as criminal, private, commercial law, etc., should be attributed to the fundamental and profound differences between the philosophical foundations of Islam and the Islamic world with modernity. In other words, environmental law is the law of modern human reaction to a modern calamity, which cannot be found in the pre-modern world.

Before delving into specific jurisprudential details, it is necessary to address the philosophical and epistemological foundations of legal systems to clarify the reasons for the existing differences, which the limited scope of this article does not provide sufficient space for.

A point that can demonstrate the depth of Islam's attention to the environment is the examination of Quranic verses that have environmental aspects. Among the blessed verses of the Holy Quran, 198 verses contain environmental themes, most of which are related to the earth. Additionally, 444 verses refer to the earth, with 90 of them concerning environmental issues. It might be boldly claimed that nature and its related rules are among the most important topics addressed in Islam, although this treatment has not been entirely jurisprudential and legal, and its perspective and approach fundamentally differ from contemporary law. In the jurisprudential examination of various topics, we must first analyze the relationship between the rules, then the institutions,

and finally the jurisprudential rulings with the subject in question. Therefore, in this article, we have addressed the aforementioned steps in three sections.

The Arabic term *"Qā'idah"* (rule) in a literal sense means foundation and root, and accordingly, the pillars of a house are also called *Qawā'id* (roots) (Ṭurayḥī, 1987: 3/129). Although the technical meaning of the term *"Qā'idah"* (rule) has not reached a consensus among the Muslim jurists, the following definitions can largely clarify our intended meaning of the term:

A: The term *"Qā'idah"* is a particular matter that, when identifying the rulings of particulars, applies to all its particulars (Tahānavī, 1996: 5/1177).

B: Jurisprudential rules are those that are used in the course of obtaining divine legal rulings, but this use is not through inference and mediation but through application (Khoei, 1901: 1/5).

Unfortunately, a precise and scientific definition of the concept of a jurisprudential institution has not been provided, but perhaps by giving examples, the issue can be clarified. Examples of jurisprudential institutions include 'Anfāl (public property), Mālikiyyah (property ownership) Waqf (endowment), and Ḥisba (public accountability), some of which, like Waqf, are specific to Islamic jurisprudence, and others, like property ownership, are general institutions present in all legal systems with some differences. As for jurisprudential rulings, due to their clarity and self-evidence, we see no need to provide a definition.

1- Maxims (Qawā'id)

Before discussing jurisprudential rules related to environmental protection, it is necessary to note that while this article focuses on specific rules explicitly aimed at environmental preservation, true environmental protection depends on the implementation of the complete Islamic jurisprudence system. In other words, what is referred to as the "Islamic lifestyle" inherently guarantees environmental protection. In reality, the full realization of even one isolated jurisprudential rule is not possible without integrating it with other aspects of religious life.

Jurisprudential rules are foundational and generative of rulings, and environmental jurisprudential rules also create rulings that include regulations for environmental protection. These rules

prevent destruction and harm to the environment by establishing legal frameworks. Based on the aforementioned points, a list of jurisprudential rules related to environmental protection can be presented as follows:

1. The Rule of No Harm (Qā‘idah Lā Ḍarar)
2. The Rule of Destruction (Qā‘idah Itlāf)
3. The Rule of Liability (Qā‘idah Ḍimān)
4. The Rule of Public Interest (Qā‘idah Al-Maṣlaḥah)

Due to the limited scope of this article, a comprehensive discussion of these rules is not possible. Therefore, only general points regarding each rule will be mentioned.

1.1 :The Rule of No Harm (Qā‘idah Lā Ḍarar)

The Rule of No Harm (Qā‘idah Lā Ḍarar) is known in jurisprudence as the rule of *“Lā Ḍarar wa Lā Ḍirār”* (no harm and no causing harm) and *“Lā Ḍarar wa Lā Ḍirār fī al-Islam”* (no harm and no causing harm in Islam), is based on verse 233 of the Quran 2 [Surah Al-Baqarah], numerous narrations, reason, and consensus (Ḥurr al-‘Āmilī, 1969: 25/429; al-Ḥussainī al-Rūḥānī, 1992: 5/383). Among the narrations, the narration of Samurah ibn Jundub (Ṣadūq al-Qummī, 1988: 4/96) is the most renowned. The narration of Samurah is widely transmitted and reliable in terms of its chain of transmission. Although different expressions are found in various sources of this narration, the differences do not affect the intended meaning relevant to the domain of environmental protection. Therefore, we will not delve into this issue. Regarding the content of the aforementioned narration, various opinions have been expressed among Shiite jurists. The views of Shaykh Shari’ah Iṣfahānī (Bojnūrdī, 1980: 1/257; al-‘Irāqī, 1997:137) and Imam Khomeini (Khomeini, 1999: 7; Rashīdpūr, 2010: 92–130; al-Faraḥī, 2008: 587) and Shahīd Ṣadr (Ṣadr, 1999: 199) align with the meaning we intend. Other opinions, though not irrelevant, lack clarity in this meaning (Rashīdpūr, 2010: 78; Bahrāmī Aḥmadī, 1998: 292; Bahrāmī Aḥmadī, 2010: 287 onwards; al-‘Irāqī, 1997: 135).

The opinion of the aforementioned jurists is that the negation in the narration of *Lā Ḍarar* refers to the actions and conduct of individuals as well as the government. In other words, in a

religious society, no one has the right to cause harm to another, and the Islamic government cannot issue harmful rulings or engage in actions that have detrimental effects (Bahrāmī Aḥmadī, 2010: 170). As for the meaning of the term *ḍarar* (harm), it refers to the conventional understanding of harm (‘Anṣārī, 1955: 372) and includes any kind of loss or damage.

The Rules of No Harm (*Qā‘idah Lā Ḍarar*) and *Lā Ḥaraj* (no hardship) are among the governing jurisprudential principles, meaning they oversee all religious regulations and do not permit exceeding the limits (al-Faraḥī, 2008: 598; Khoei, 1989: 2/539; Musṭafawī, 2000: 264; Ṣadr, 1999: 349; Bahrāmī Aḥmadī, 2010: 223). In the explanation of the Martyr Morteza Motahhari: "*One of the aspects that give this religion its dynamism and adaptability, keeping it alive and eternal, is that a series of rules and laws have been established within the religion itself to control and moderate other laws. Jurists call these rules 'governing rules,' such as the rule of Lā Ḥaraj (no hardship) and the rule of Lā Ḍarar (no harm), which govern the entirety of jurisprudence. The function of these rules is to control and moderate other rules. In fact, Islam has granted these rules authority over other laws and regulations"* (Motahhari, 2001:19/122). In addition to the specific function of the Rule of Lā Ḍarar, as explained by Martyr Motahhari, another point is the dynamic and adaptive nature of Islam, which keeps it alive in the face of emerging issues. Environmental issues fall into this category, and by referring to the aforementioned rules and those that will be discussed later, the perspective of the sacred legislator on these issues can be largely deduced.

A key point in examining the Rule of Lā Ḍarar is its governance over all rulings and actions. For this reason, even in an individual's personal use of their private property, they are not absolute and are obligated to respect environmental rights. In the realm of environmental law, the application of the Rule of Lā Ḍarar leads to the prohibition of any action or inaction, as well as any law, that has destructive environmental effects.

The first point in this regard is the concept of the environment in environmental law, which encompasses the entire surrounding environment of humans. Additionally, all its various dimensions—human, animal, plant, objects, structures, health, landscapes, urban development, etc.—must be protected. For

example, if the disposal of waste by an industrial unit causes pollution in the environment surrounding a village, given the broad scope of the Rule of Lā Ḍarar, the activity can be halted from various perspectives, and compensation for damages can be demanded. However, the meaning of ḍarar (harm) in this rule can vary in different situations, and therefore, a complete understanding of this concept requires simultaneous attention to the *Rule of Maṣlaḥah* (public interest). In other words, if the prohibition of an industrial activity conflicts with a greater interest from the perspective of an Islamic ruler, the correct ruling must be determined by carefully considering the aforementioned rules. Nevertheless, in the current situation, the depth of environmental disasters and crises, as well as the unknown and long-term effects of failing to adhere to environmental protection standards, can largely determine the legislator's duty in this area.

1.2: The Rule of Destruction (Qā‘idah Itlāf)

The Rule of Destruction (Qā‘idah Itlāf), closely related to the Rule of No Harm (Lā Ḍarar), is derived from the content of various Quranic verses (Quran 2: 194; 16: 126) and ḥadīths, including the famous ḥadīth *"Whoever destroys another's property is liable for it."* There are some disagreements among jurists regarding its basis, but that is beyond the scope of this discussion. (Ḥusainī al-Marāghī, 1996: 2/434; Najafī, 1981: 31/91, 36/157, 37/46; Khoei, 1996: 1/525; Ṭūsī, n.d: 1/384)

The Rule of Destruction (Qā‘idah Itlāf) is also closely linked to the Rule of Causation (Qā‘idah Tasbīb). In essence, they are two manifestations of the same principle. If a property is destroyed directly by an individual, it falls under the Rule of Destruction (Qā‘idah Itlāf); if it's destroyed indirectly through their actions, it's considered under the Rule of Causation (Qā‘idah Tasbīb).

The term *Itlāf* means destroying or annihilating property. It's applicable in various areas of jurisprudence, making it a widely used rule. (Bahrāmī Aḥmadī, 2009: 55; Muḥaqqiq Dāmād, 2008: 1/110) The primary ruling on destroying another's property is prohibition (harām) from a religious duty perspective and liability from a legal standpoint. (al-Faraḥī, 2008: 14; Muṣṭafawī, 2000: 20) Like the Rule of No harm (Lā Ḍarar), Itlāf applies to relationships between individuals and between individuals and their environment. Thus,

any action or inaction leading to environmental destruction would result in the perpetrator's liability.

In summary, the environmental aspect of the Rule of Destruction (Qā‘idah Itlāf) can be stated as follows: "If someone damages nature through environmental pollution in a way that destroys common natural resources, they are obligated to compensate for the damage."

The Quran contains verses specifically referring to corruption, destruction, and damage to land and nature, which can serve as the basis for environmental rulings. For example, Quran 7 [Surah Al-A'raf]: 85: *"And do not cause corruption on the earth after its reformation."* Also, Quran 30: 51: *"Corruption has appeared on land and sea because of what people's hands have earned."*

Commenting on these verses, ‘Allāmah Ṭabāṭabā’ī notes that they appear to be general, encompassing all types of corruption that threaten the Earth due to human systems. (Ṭabāṭabā’ī, 2006: 2/56)

One of the principles of international environmental law, originating in European law, is the "Polluter Pays Principle" (PPP), which relates to both the Rule of Liability and the Rule of Destruction. According to this principle, whenever a natural or legal person causes pollution, they must bear the costs of restoring the previous condition or compensating for damages to individuals and society. However, there are many disagreements regarding this legal principle due to difficulties in identifying specific polluters in environmental pollution cases, establishing a causal relationship between the polluter and the damage, and economic considerations. Nonetheless, by utilizing the concept of risk in civil liability, this principle can be used to prevent environmental pollution. Environmental pollution can be prevented using this principle.

1.3 The Rule of Liability (Qā‘idah Ḍimān'ala al-Yad)

The content of the aforementioned rule pertains to the individual responsibility of someone who causes harm to others. (Bahrāmī Aḥmadī, 2009: 210) The evidence for this rule includes the practice of rational people, the consensus of jurists, the proofs of respecting the property of Muslims, and some narrations (Bojnūrdī, 1980: 520; Muṣṭafawī, 2000: 174; al-Faraḥī, 2008: 444; Bahrāmī Aḥmadī, 2009: 210; Muḥaqqiq Dāmād, 2008: 75).

However, there are some uncertainties in the sources and evidence (such as the doubts of Ayatollah Khoei and Ayatollah Musṭafawī regarding the chain of transmission of the narration due to its narrator being Samurah) (Musṭafawī, 2000: 175; al-Faraḥī, 2008: 444), which have led some jurists to refrain from relying on them.

The Rule of Ḍimān (liability), as mentioned, is comparable in international environmental law to the "Polluter Pays Principle" principle. The position of this principle, which is one of the key principles of environmental law, was briefly discussed in the previous section.

Among the specific jurisprudential applications of this rule in environmental protection, one can cite the religious verdict (fatwa) of Imam Khomeini regarding the excessive consumption of water and electricity in violation of the regulations of the Islamic government, which, in his view, entails liability: *"Excessive and unconventional use is prohibited, and if it leads to waste and harm, it entails liability"* (Khomeini, 1991: 2/549). This religious verdict can serve as the basis for many of our environmental laws, although the aforementioned verdict, and indeed the rule of liability and civil responsibility in Shiite jurisprudence, is generally based on the *theory of fault* according to the majority of jurists (Ḥillī, 1989: 494; Jabi' al-'Āmilī, n.d: 166; Najafī, 1981: 37/59, 43/121; Mudarris, 1997: 28; Ḥusainī al-Marāghī, 1996: 2/355; Ardabīlī, 1989: 10/502). However, Professor Ṣafā'eī considers civil liability in Shiite jurisprudence to be based on the theory of risk (Ṣafā'eī, 1996: 248). As a result, claiming compensation becomes very difficult. Nevertheless, the explicit recognition of environmental damages in the aforementioned religious verdict, as well as in many other religious rulings and recommendations, paves the way for the development of jurisprudential-environmental rules.

1.4. The Rule of Public Interest (Qā'idah Al-Maṣlaḥah)

The term *Maṣlaḥah* [Interest], which linguistically means righteousness, goodness, and correctness, is defined technically as attracting benefit and repelling harm. This concept is undoubtedly the most crucial in Shiite jurisprudence. It reflects the attribute of the Creator's creation, viewing everything at the highest level of goodness and beauty. Thus, it considers its duty

as a ruler and legislator to preserve divine systems. On the other hand, it is the goal and purpose of the jurist to issue religious verdicts (*fatwas*), ensuring they do not contradict public interests. Jurisprudential rulings revolve around benefits and harms, and more clearly, every religious ruling involves achieving a benefit or avoiding harm. The five essential interests that Muslim jurists have identified as the purpose of Shari'ah are

1. Preservation of religion
2. Preservation of life
3. Preservation of intellect
4. Preservation of lineage
5. Preservation of property (Ḥakīm, 1979: 381)

These interests, on which people's religion and worldly affairs depend, are called "essential interests". There are two other categories of interests: complementary *(ḥājiyyah*) and embellishing (*taḥsīniyyah*) (Khomeinī, 2011: 10), whereby the first means removing hardship and difficulty, while the second involves following good habits and chivalrous methods. It is evident that environmental objectives fall within all three categories of interests, hence maximum jurisprudential attention and protection is provided through the concept of public interest. Particularly, essential interests cannot be suspended and govern all rulings, programs, principles, and rules. Therefore, what threatens the interest of Muslims (for example, water pollution) must be prohibited, and what ensures public interests (such as improving agricultural conditions for better soil conservation) must be implemented.

It is necessary to mention two points at the end. Firstly, public interest takes precedence over individual interest, so even property rights cannot transgress the limits of public interest. Secondly, interests have priorities, and the Islamic ruler is responsible for determining these priorities in case of conflicts. Environmental crises reaching dangerous levels certainly cause these objectives to gain significant importance in legislation and planning. (Panāhī Burujerdī, 2010: 150) In some cases, neglecting them leads to the loss of many other interests and goals. For instance, lack of serious attention to water protection, which has occurred in many cases, can lead to the impossibility of

agriculture and consequently damage to the country's economy and independence.

Moreover, a point often overlooked even by environmental activists is the multifaceted relationships between natural and social elements. In simpler terms, if principles and standards of exploitation and protection of nature are not observed, resulting in its destruction, many aspects of the social, economic, and even spiritual life of a society are endangered and suffer quality degradation. Therefore, in setting priorities and interests of Islamic governance, this complex network of human social life must be considered before legislating and regulating economic activities.

2- Institutions

The institutions of Islamic jurisprudence that encompass environmental considerations or whose implementation in the legal system supports the protection of natural environments include: ‘Anfāl, Ḥisba, and Mālikiyyah [Property ownership].

It must be emphasized that the full realization of the aforementioned institutions depends on the implementation of a comprehensive set of Islamic values, religious laws, and a devout lifestyle. Therefore, expecting environmental protection through these institutions in a context where the economy, culture, and politics follow non-religious paths is futile.

2-1: ‘Anfāl

The literal meaning of ‘Anfāl, which is the broken plural of nafl, refers to abundance, charity, and spoils (Narāqī, 1984: 10/139). In its jurisprudential and terminological sense, it denotes properties specifically designated for the Prophet Muhammad (peace be upon him and his family) and the Imams (peace be upon them). During the occultation, based on the evidence of the Guardianship of the Jurist [*Wilāyat al-Faqīh*], the ‘Anfāl are entrusted to the *Wali al-Faqīh* and the Islamic government as representatives of the Imam. ’Anfāl is discussed in various jurisprudential chapters, including khums, jihād, and the revival of dead lands. The author of *Jawāhir* considers the wisdom behind the establishment of ’Anfāl to be the honoring and elevation of the blessed status of the Prophet Muhammad (peace be upon him and his family) above others, in addition to what is mentioned in the context of khums. (Najafī, 1981: 16/115)

The primary scriptural basis for ’Anfāl is the first verse of Surah Al’Anfāl (Quran 10), which states: "They ask you about the spoils of war. Say, 'The spoils are for Allah and the Messenger.' So, fear Allah and amend that which is between you, and obey Allah and His Messenger if you are believers."

Regarding the scope of ’Anfāl, eight categories are mentioned, which are as follows:

1. Lands of disbelievers acquired without war or bloodshed, known as fay'.
2. Deadlands, that is, lands that are undeveloped or uninhabited, abandoned by their owners, or inherently ownerless.
3. Ownerless lands.
4. Properties of disbelieving kings.
5. Selected spoils.
6. Spoils obtained in war without the Imam's permission.
7. Heirless inheritance.
8. Mines (Najafī, 1981: 16/120; Ḥillī, 1997: 1/183; Khomeini, 1988: 1/337).

In Shiite jurisprudence, independent books have been written on kharaj (Tributes) and the role of ’Anfāl in it, as well as the relationship between the jurist and ’Anfāl (see: Karakī al-‘Āmilī, n.d: 5 onwards; Qaṭīfī, 1992: 40 onwards). The major distinction of ‘Anfāl as a jurisprudential institution, compared to other legal rules and institutions about environmental rights, is that ‘Anfāl is explicitly mentioned in the constitution and has taken on a complete legal form. Article 45 of the constitution stipulates: *"’Anfāl and public wealth, such as dead or abandoned lands, mines, seas, lakes, rivers, and other public waters, mountains, valleys, forests, natural pastures, unclaimed inheritances, properties without known owners, and public properties recovered from usurpers, are under the control of the Islamic government to be utilized in accordance with the public interest (maslaḥat). The details and manner of use of each will be determined by law."*

The public wealth enumerated in the above article essentially encompasses what we refer to as the natural environment. This

highlights the importance of Article 45 of the constitution and the concept of ’Anfāl. Granting ownership and control of these resources to the government enables the implementation of environmental laws and regulations within these domains with greater authority, thereby ensuring better protection of natural environments.

Another point regarding Article 45 of the Constitution is the mention of public interest. Given the high priority of specific environmental protections and the points discussed earlier regarding the principle of maslaḥat, these can be considered among the highest priorities, warranting stricter regulations and greater protection.

2-2: Ḥisba

The term *ḥisba* literally means counting, reckoning, or working for the sake of God (Ibn Manẓūr, 1984, under *Ḥisba*). This term, which is not Quranic or derived from ḥadīth, is theoretically influenced by the content of ḥadīths and Quranic verses. *Ḥisba*, both in Sunni and Shiite jurisprudence, has been used primarily in discussions of governance, guardianship (wilāyah), the permissibility of intervention, and supervision. Initially, it referred to market supervision and trade. Some early jurists, considering this, equated ḥisba with enjoining good and forbidding evil. (Makkī al-‘Āmilī, 2005: 164). Gradually, with the expansion of its meaning, the term *ḥisba* came to refer to any desirable act according to the Sharia that has no specific custodian but whose neglect would be contrary to the Sharia (‘Anṣārī, 1996: 154). Ḥisba in both its earlier and later meanings is considered a religious duty. In its latter sense, it encompasses a wide range of matters, such as preventing fraud and price gouging, maintaining public cleanliness, disposing of waste, and repairing dilapidated buildings (Ṣarrāmī, 1995: 157).

Any commendable act or any reprehensible act that lacks a specific authority to enjoin or forbid it falls under the scope of *ḥisba* provided that priorities are observed. It is evident that the protection and preservation of the environment, as well as efforts to achieve this, and the prohibition and prevention of environmental destruction and encroachment, are among the most important matters that can today fall under the institution of *ḥisba*.

A crucial aspect of ḥisba is the obligation to undertake it if a

desirable act is neglected. Consequently, it is incumbent upon every Muslim to support and advocate for environmental protection, with the government bearing the primary responsibility in this regard. This characteristic, with a specific interpretation, could even serve as a basis for granting non-governmental organizations (NGOs) and even individuals the right to file lawsuits and complaints in environmental cases. This right is currently denied under the traditional rules of civil procedure, which require the parties to have a direct interest in the case, thereby preventing many such cases from being pursued.

2-3: Property Ownership

At first glance, it may seem that ownership has little if any, direct connection to the protection of the environment. In a more pessimistic view, ownership and its associated rights might even serve as a pretext for many violations against both natural and human environments. While this observation may hold some truth regarding the institution of ownership and its implications in a liberalist economic system, a closer examination of ownership in Islam reveals profound differences between the two (Vījeh, 2009: 26). The fundamental and essential point in examining ownership in Islamic law is that true ownership does not inherently belong to individuals or persons. In Islam, ownership ultimately belongs to God, and no being possesses original ownership by default. Consequently, by acknowledging the concept of conditional ownership for entities other than God, the necessity of adhering to the divine rules set by God becomes clear. This marks a key distinction between Western and Islamic notions of ownership, as in the West, ownership is considered an absolute right for its holders, with no inherent limitations unless its exercise harms another's rights. The right to a healthy environment, until recently, was not considered part of Western human rights, and even now, it faces significant skepticism. In contrast, within the Islamic legal system, ownership is a conditional right bound by divine constraints. (Bahrāmī, 1966: 20)

From this perspective, the role of the institution of ownership in the Islamic framework of environmental protection becomes evident. All Islamic legal principles, whether explicitly or implicitly, entail the observance of the rights of other beings and

the natural environment, a concept rooted in the ontological foundations of Islam. (Vījeh, 2009: 32) In any case, a brief examination of the chapters on ownership and its related concepts in Islamic jurisprudential and legal texts easily demonstrates that adhering to the principles outlined in Islamic sources invites Muslims to follow norms that have favorable environmental impacts. For example, among the Islamic rulings related to ownership with environmental implications is the prohibition of harming trees and animals under an individual Muslim's ownership. This rule is not based on respecting the rights of others but stems from the inherent rights of other creations and fundamental human values.

3- Rulings [Aḥkām]

A crucial point in examining the environmental rulings of Islam, a few of which will be outlined below, is Islam's unique perspective on nature and the universe as a whole. This perspective views nature as an intelligent, sentient being with inherent rights (Dīrbāz, 2006: 107). Another aspect of this approach is the restriction placed on human interaction with nature, which stems from the aforementioned viewpoint. In other words, humans do not have absolute freedom and are responsible for their actions—responsibilities that are legal (Shari'ah-based), ethical, and eschatological. Moreover, human behavior, due to the intelligence of the surrounding nature, will elicit complex natural reactions (Quran 11: 52). A list of jurisprudential environmental rulings includes:

1. Prohibition of wastefulness. (Quran 40: 43; 17: 27; 7: 31; 25: 67)
2. Prohibition of cutting fruit-bearing trees.
3. Prohibition of hunting for entertainment. (Ḥurr ʻĀmilī, 1969: 5/511)
4. Prohibition of cutting trees and destroying farms during war.
5. Prohibition of destroying crops. (Quran 2: 205)
6. Prohibition of polluting rivers during the war. (Kulaynī al-Rāzī, 1984: 3/65)
7. Prohibition of polluting water. (Kulaynī al- Rāzī, 1984: 5/28)

8. Prohibition of humans polluting their surroundings. (Ṣaḥafī, 1996: 4/75; Ḥurr al-‘Āmilī, 1969: 13/198)
9. Prohibition of destroying animal nests and habitats. (Ḥurr al-‘Āmilī, 1969: 16/236)
10. Prohibition of hoarding.
11. Prohibition of environmental destruction. (Quran 7: 85; 30: 41)
12. Encouragement of contentment and avoidance of excessive consumption.
13. Encouragement of tree planting (Delshād, 2006: 493 and 535).
14. Encouragement of watering trees. (Ḥurr al-‘Āmili, 1969: 12/25; Majlisī, 1983: 61/26 and 113)
15. Encouragement of reviving dead lands. Regarding the revival of dead lands, it is important to note that the use of public resources within the framework of reviving dead lands is only permitted to the extent of an individual's needs. In this context, the author of *Sharāyi' al-Islām* writes: *"Whoever takes the initiative to use these resources before others may utilize them according to their needs."* (Ḥillī, 1997: 3/222)

Conclusion

Considering the overall content of this article, the following points can be highlighted to consolidate the aforementioned discussions:

1. Comprehensive realization of Islam in all its aspects is what will ultimately lead to the complete and genuine protection of the environment. In other words, the environment will not achieve its true potential for excellence except under the shade of authentic and complete Islam.

2. Neglecting the theoretical foundations of Islamic jurisprudence and isolating the environmental aspects discussed in jurisprudential chapters from their roots and foundations can result in minimal or even futile implementation of Islamic commandments. Therefore, the necessity of paying attention to and aligning with the theoretical foundations of Islam becomes clear for the realization of its objective ideals.

3. In examining the relationship between Islamic law (Shari'ah) and environmental protection, we encounter three main components: rules, institutions, and rulings. Each of these, with its specific functions and levels, contributes to the protection of the environment.

4. The central theme of most points raised in this article is the restraint of human behaviour within the framework of Islam. This restraint aims to prevent human arrogance, rebellion, and subsequent encroachment on the surrounding environment while guiding humanity toward excellence and perfection. The Western concept of a "free human," enslaved by their desires, despite efforts through theories like sustainable development to achieve somewhat incomplete and unstable environmental protection, remains oblivious to the root cause of these crises: the internal and spiritual crisis of modern humanity. Therefore, the root of all environmental disasters and issues must be sought in the internal and psychological transformations of modern humans, and the only way out is a return to humanity's original nature (fiṭrah).

References

Holy Quran (with the English translation: Qara'i, Ali Quli. The Qur'an (With a Phrase-by-Phrase English Translation). 2nd ed. London: Islamic College for Advanced Studies (ICAS) Press, 2005.

Nahj al-Balāghah

1. ‘Āmilī, Bahā’ī Muḥammad ibn Ḥissī [Shaykh Bahā’ī] (1989). *Arba‘īn*. Tehran: Ḥikmah.
2. ‘Anṣārī, Murteḍa (1955). *Al-Makāsib*. Tabriz: al-Maṭbū'āt Publications.
3. ‘Arāqī, Ḍiyā al-Dīn (1997). *Qā‘ideh Lā Ḍarar wa Lā Ḍirār*. Annotator: al-Mousawi al-Khikhali, Sayyed Murteda. Qom: Maktab al-‘Ilām al-Islami.
4. Ardabīlī, Aḥmad (1981). *Majma' al-Fā'idah al-Burhān*. Annotator: Mujtaba 'Araqī and Ali Panāh Ishtihārdī & Ḥusein Yazdi Iṣfahānī. Qom: Intishārāt-e Islāmī, Jāmi'-e Mudarrisīn.
5. Bahrāmī Aḥmadī, Ḥamīd (1998), *Sū'-e Istifādeh az Ḥaqq: Muṭāli'e Taṭbīqī dar Ḥuqūq-e Islām va digar Niẓāmihā-ye Ḥuqūqī.* Tehran: Iṭṭila‘āt Publications.
6. Bahrāmī Aḥmadī, Ḥamīd (2009). *Qavā'id Fiqh: Mukhtaṣar Haftād o haft qā‘ideh Fiqhī va Ḥuqūqi ba Taṭbīq bar Qavānīn.* Tehran: Imam Sadiq (a.s) University.
7. Bahrāmī Aḥmadī, Ḥamīd (2010), *Qavā'id Fiqh: Qā‘ideh Lā Ḍarar bā Taṭbīq bar Qavānīn* va *Muṭāli'e Taṭbīqi.* Tehran: Imam Sadiq (a.s) University.
8. Bahrāmī, Mosṭafā (1966). *Ḥudūd-e Ḥaqq-e Mālikiyyat dar Fiqh-e Imāmiyyeh va Qānun-e Madani*, PhD Dissertation, University of Tehran.
9. Bojnūrdī, Seyyed Muḥammad Ḥusain (1980). *Al-Qawā'id al-Fiqhiyyah*. Qom: al-Hadi Publications.
10. Delshād, Ja’far (2006). *Nahj al-Faṣāḥah*. Tehran: Pazhoheshgah Ulūm-e Insānī va Moṭāli'at Farhangi.
11. Dīrbāz, Asghar & Dadaqar, Ḥasan (2006). *Nigāhī be Islām va Tose'eh-ye Pāydār*. Tehran: Kānūn Andisheh Javān.
12. Faraḥī, Seyyed ‘Ali (2009). *Taḥqīq fī al- Qawā’id al-Fighiyyah*. Qom: Mu’ssaseh Nash Islami.
13. Ḥakīm, Muḥammad Taqī (1979). Al-‘Usūl al-'Ammah li al-Fiqh al-Muqāran: Madkhal ilā Dirasat al-Fiqh al-Muqāran. Beirut: Mo'assaseh Āl al-Bayt (a.s).
14. Ḥillī, Abū al-Qāsim Najm al-Dīn Ja'far ibn Ḥusain [Muḥaqqiq Ḥillī] (1997). *Sharāye' al-Islām fī Masā’il al-Ḥalāl wa al-Ḥarām*. Beirut: Dar al-Anwā’.
15. Ḥillī, Abu Ja'far Muḥammad ibn Mansūr ibn Aḥmad [Ibn ‘Idrīs] (1989). *Al-Sarā'ir*. Qom: Intishārāt-e Islāmī, Jāmi'-e Mudarrisīn.
16. Ḥurr ‘Āmilī, Muḥammad ibn Ḥasan (1969). *Wasā'il al-Shī'ah ilā Taḥṣīl Masā’il al-Sharī'ah*. Beirut: Dar al-Iḥaya al-Turath al-‘Arabi.
17. Ḥusainī al-Marāghī, Seyyed Mīr Abd al-Fattāḥ (1996). *Al-'Anāwīn al-Fiqhiyyah*. Qom: Mo'assaseh Nashr-e Islami.
18. Ḥusainī al-Rūḥānī, Seyyed Muḥammad (1992). *Al-Qawā'id al-Fiqhiyyah*. Qom: Amir Printing Press.

19. Ibn Manẓūr, Jamāl al-Dīn Muḥammad ibn Mukarrām (1984). Lisān al-'Arab. Qom: Nashr-e Adab.
20. Jab'ī ‘Āmilī, Zain al-Dīn ibn ‘Ali [Shahīd Thānī] (n.d). *Masālik al-Afhām*. Qom: Mo'asseseh al-Ma'arif al-Islamiyyah.
21. Karakī al-‘Āmilī, ‘Ali ibn Ḥusain (n.d). *Qāṭi'at al-Lujāj fī Taḥqīq ḥalli Kharāj*. Qom: Intishārāt-e Islāmī, Jāmi'-e Mudarrisīn.
22. Khā'īnī, Ghafūr & Rezaei Nejād, Hamayūn (2011). *Maṣlaḥat va Masā'il-e Nūẓuhūr-e Ḥuqūq*, Ḥuqūq -e Islami Research Journal, No. 33.
23. Khoei, Seyyed Abu al-Qāsim (1989). *Miṣbāḥ al-‘Usūl*. Qom: Intishārāt-e Islāmī, Jāmi'-e Mudarrisīn.
24. Khoei, Seyyed Abu al-Qāsim (1996). *Miṣbāḥ alFiqāhat*. Annotator: Muḥammad ‘Ali Tawḥīdī. Qom: Ansariyan.
25. Khoei, Seyyed Abu al-Qāsim (2011). *Muḥāḍarāt fī ‘Usūl al-Fiqh.* Annotator: Muḥammad Isḥāq. Qom: Intishārāt-e Islāmī, Jāmi'-e Mudarrisīn.
26. Khomeini, Seyyed Ruhollah (1988). *Taḥrīr al-Wasīlah*. Qom: Isma'iliyan Publications.
27. Khomeini, Seyyed Ruhollah (1991). *Istiftā'āt*. Qom: Intishārāt-e Islāmī, Jāmi'-e Mudarrisīn.
28. Khomeini, Seyyed Ruhollah (1999). Al-*Rasā'il*. Tehran: Institute for Compilation and Publication of the Works of Imam Khomeini.
29. Kulaynī Rāzī, Abi Ja'far Muḥammad ibn Ya'qūb (1984). *Uṣūl al-Kāfī*. Translator & Annotator: Jawād Muṣṭafawī. Tehran: Ilmiyyah Islamiyyah.
30. Majlisī, Muḥammad Bāqir (1983). *Biḥar al-Anwār*. Beirut: Maṭba' Kutub al-Islamiyyah
31. Makkī al-‘Āmilī, Shams al-Dīn Muḥammad ibn Jamāl al-Dīn (2005). *al-Durūs al-Sharī'ah fī Figh al-Imāmiyyah.* Mashhad: Majma' al-Buḥūth al-Islāmiyyah.
32. Motahhari, Morteza (2001). *Majmū'e Āthār*. Tehran: Sadra Publications.
33. Mudarris, Seyyed Ḥasan (1987). Al-*Rasā'il al-Fighiyyah.* Tehran: Fifth Anniversary of Shahīd Seyyed Ḥasan Mudarris.
34. Muḥaqqiq Dāmād, Seyyed Muṣṭafa (2008). *Qavā'id Fiqh: Bakhshi Madanī*. Tehran: Markaz-e Nashr-e ‘Ulūm-e Islāmī.
35. Muṣṭafawī, Seyyed Muḥammad Kāẓim (2000). *Al-Qawā'id: Māyeh Qā‘ideh Fighiyyah, Ma'na wa Madrak wa Mawridan.* Qom: Daftar Nashr Islami.
36. Najafī, Muḥammad Ḥasan (1981). *Jawāhir al-Kalām fī Sharḥ Sharāye' al-Islām*. Beirut: Dar Iḥya' al-Turath al-‘Arabi.
37. Naraqī, Aḥmad ibn Muḥammad Mahdi (1984). *Mustanad al-Shī'ah fī Ahkām al-Sharī'ah*. Qom: Ayatollah Mar'ashi Library.
38. Panāhī Borūjerdī, Zahra (2010). Qā‘ideh Maṣlaḥat va Qā‘ideh ‘Idālat va Rābiṭeh ānhā dar Ḥuqūq-e Asāsī Jomhūrī Islāmī Iran, MA Thesis, University of Tehran.
39. Qaṭīfī, Ibrahim ibn Sulayman (1992). *Al-Sirāj al-Wihāj li-daf' 'Ijāj qāṭi'at al-Lujāj (fī Kharāj)*. Qom: Intishārāt-e Islāmī, Jāmi'-e Mudarrisīn.
40. Rashīdpūr, AbūlQāsem (2010). *Qā‘ideh Lā Ḍarar* az Didgā-e Imam Khomeini. Tehran: 'Urūj.

41. Ṣadr, Muḥammad Bāqir (1999), *Lā Ḍarar wa Lā Ḍirār*. Annotator: Haydari, Seyyed Kamāl. Qom: Dar al-Ṣādiqīn.
42. Ṣadūq Qummī, Sheikh Muḥammad ibn ‘Ali ibn Babawayeh (1988). *Man Lā Yaḥḍuruh al-Faqīh*, Traslator: ‘Ali Akbar Ghafari. Tehran: Ṣaduq Publications.
43. Ṣāfā'ī, Seyyed Ḥusein (1996). *Maqālāt Darbāre-ye Ḥuqūq -e Madanī va Ḥuqūq-e Taṭbīqī*. Tehran: Mīzān Publications.
44. Ṣahafī, Seyyed Muḥammad (2000). *Ta'ālīm-e Insānī-e Islām*, Tehran: Sāzimān-e Tablighāt.
45. Ṣarrāmī, Seifullah (1995). *Nihād-e Ḥisbeh dar Manābi'-e Fiqh-e Shi'eh*, Nāmeh Mofīd, No. 2.
46. Ṭabāṭabā’ī, Seyyed Muḥammad Ḥusayn (2006). *Al-Mīzān fī Tafsīr al-Qur'an*. Beirut: Dar al-Kutub al-Islamiyyah.
47. Tabrīzī al-Gharawī, ‘Ali (1991). *Al-Tanqīḥ fī Sharḥ al-'Urwat al-Wuthqā li baḥth Āyatollah Seyyid Abu al-Qāsim al-Khoei*. Qom: Dar al-Hadi.
48. Tahānavī, Muḥammad A'la ibn ‘Ali (1996). *Mawsu'at Kishaf Iṣṭilāḥāt al-Funūn wa al-‘Ulūm*. Beirut: Maktabah Lebanon Nāshirūn.
49. Ṭurayḥī, Fakhr al-Dīn ibn Muḥammad (1987). *Majma' al-Bahrayn*. Qom: Daftar Nashr Farhang-e Islami.
50. Ṭusī, Abu Ja’far (n.d). *Nihāyat al-Aḥkām*. Qom: Quds Muḥammadī Publications.
51. Vījeh, Muḥammad Reza (2009). Nigharishī Taṭbīqī bar Mālikiyyat dar Fiqh-e Islāmī va Ḥuqūq-e Gharb, Pazhūhish-hā-e Ḥuqūq, No. 15.