

relieving oneself in the path of people, or in the shade [i.e. where they usually rest].<sup>[35]</sup>

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

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

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

The Shari'ah aims at protecting the environment, and while the individual is asked to help in this respect, the ultimate responsibility is in the hands of the state. When Abu Musa was sent to Al-Basrah as the new governor, he addressed the people saying:

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

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

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

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

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

#### 4. Land:

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

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

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

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

It is obvious that clearing the path means, in this context, the removal of material obstacles or solid waste which constitute a kind of pollution. Abu Hurayrah reported that the Prophet [S.A.A.S] said: "Be ware of the two [acts that bring] curses:

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

### 3. Plants:

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

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

For the sake of comparison, the following Hadith of the Prophet [S.A.A.S] should prove to be useful:

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

The lote-tree grows in the desert and it is very much needed in an area which has scarce vegetation. Dr. Al-Qaradawi understands this Hadith in terms of protecting the natural resources and preserving the balance that exists between the creatures in the environment.<sup>[31]</sup> Against this background, where the life of one tree is appreciated, one can see what is the Islamic position towards destroying millions of trees as a result of humans directly acting upon nature (e.g. deforestation) or indirectly (e.g. acid rain).

Prophet [S.A.A.S] prohibited the killing of four creatures: "The ant, the bee, the hoopoe and the sparrow-hawk. "

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

So the greatness of the kingdom that was granted to prophet Suleiman, along with all the might associated with it, did not prevent him from heeding to the ants. This position towards the ants is further confirmed in a Hadith narrated by Abu Dawud, with a sound chain of narrators, that Ibn 'Abbas reported that the

look for alternative ways to mark animals such as non poisonous paint...etc.<sup>[19]</sup>

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

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

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

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

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

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

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

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

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

In addition, Islam prohibits the use of animals as targets for shooting. Ibn 'Umar passed by a group of youth, from the tribe of Quraysh, who were shooting their arrows at a bird, and whenever they miss the aim, the owner of the bird takes the arrow for himself. But when they saw Ibn 'Umar they dispersed. He exclaimed: who did this? May he be cursed!<sup>[17]</sup> The Prophet [S.A.A.S] cursed those who create a target out of a being with a soul.

Any unjustified killing of an animal, direct or indirect is prohibited. There is a great punishment awaiting those who do so. Ibn 'Umar reported that the Prophet [S.A.A.S] said:

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

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

Furthermore, hitting the animals and marking them in the face is prohibited. Jaber reported a hadith to this effect: one should

## Towards an Islamic Jurisprudence of the Environment

Fiqh al-Bi'ah fil-Islam

By: Prof. Mustafa Abu-Sway

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

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

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

The ecologists see in these two narrations the necessity to preserve the components of the environment, and not to allow [destructive] playing which will lead to the annihilation and extinction of these components without any reason.

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

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