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## Introductory Context and Issues

We often say that Islam is a complete way of life, by which it is meant that our ethical system provides the bearing for all our actions. Yet our actions often undermine the very values we cherish. Often while working as scientists or technologists, economists or politicians, we act contrary to the environmental dictates of Islam.

Islamic Declaration on Nature, 1986

1.1 BACKGROUND: THE ECOLOGICAL  
SPIRITUALITY MOVEMENT

During the last half of the twentieth century, fundamental environmental changes affected the world, brought on by human impacts on natural ecosystems.<sup>1</sup> The holding of the 21st Conference of the Parties under the United Nations Framework Convention on Climate Change (UNFCCC) (COP 21)<sup>2</sup> in a Muslim country, Morocco, served to highlight the link between religion and the protection of the environment, and in particular the contribution that Islamic law (*Sharia*) could make to protecting the environment.

Indeed, faced with the non-enforcement of “modern” environmental law,<sup>3</sup> some voices in the Muslim world and elsewhere are calling for the revival of ecological spirituality and the ancestral traditions that have always viewed humans as *part of* nature.

<sup>1</sup> Available at: [www.millenniumassessment.org/](http://www.millenniumassessment.org/)

<sup>2</sup> Available at: <https://unfccc.int/process-and-meetings/conferences/past-conferences/marrakech-climate-change-conference-november-2016/marrakech-climate-change-conference-november-2016>

<sup>3</sup> On this issue, see the latest UNEP report on environmental rule of law: UNEP, ‘Environmental Rule of Law: First Global Report’. United Nations Environment Programme, Nairobi, 2019. Available at: [www.unenvironment.org/resources/assessment/environmental-rule-law-first-global-report](http://www.unenvironment.org/resources/assessment/environmental-rule-law-first-global-report)

As Professors Mary Evelyn Tucker and John Grimm state,

For many people an environmental crisis of this complexity and scope is not only the result of certain economic, political, and social factors. It is also a moral and spiritual crisis which, in order to be addressed, will require broader philosophical and religious understandings of ourselves as creatures of nature, embedded in life cycles and dependent on ecosystems. Religions, thus, need to be reexamined in light of the current environmental crisis. This is because religions help to shape our attitudes towards nature in both conscious and unconscious ways.<sup>4</sup>

As a matter of fact, politicians and environmentalists are increasingly aware that climate change issues cannot be dealt with away from cultural and religious roots. Climate politics are, indeed, “intricately intertwined with deep-seated lifestyle choices and cultural patterns and practices, which in turn influence attitudes toward the environment and toward governmental involvement in environmental regulation”.<sup>5</sup>

The link between religion and the environment is not new. It is part of a wider movement called “Ecological Spirituality”, “Religion and Ecology”, “Nature and Religion” or “Environmental Ethics”. This movement stems from scientific research, philosophy and theology since the sixteenth century.<sup>6</sup> It calls for the integration of values embedded in religion, such as “a sense of the sacred, the intrinsic value of place, the spiritual dimension of the human, moral concern for nature, and care for future generations”, which are “often ignored as externalities, or overridden by more pragmatic profit-driven considerations”.<sup>7</sup> It is based on the idea that “acknowledging the sacredness of the natural world provides a powerful reason to inspire the masses to protect it”.<sup>8</sup>

These ideas based on environmental spirituality resonate with international initiatives such as the Earth Charter and the UN Earth Summit.<sup>9</sup> In fact, the Earth Charter is defined as “an ethical framework for building a just, sustainable,

<sup>4</sup> Mary Evelyn Tucker and John Grim, ‘Series Foreword’, in Richard C. Foltz, Frederick Denny and Azizan Baharuddin (eds.), *Islam and Ecology: A Bestowed Trust* (Cambridge, MA: Harvard University Press, 2003), xvi.

<sup>5</sup> Cinnamon P. Carlane, ‘Reassessing the Role of Religion in Western Climate Change Decision-Making’, in Waleed El-Ansary and David K. Linnan (eds.), *Muslim and Christian Understanding: Theory and Application of ‘A Common Word’* (New York: Palgrave Macmillan, 2010), 169.

<sup>6</sup> For more details, see for example Roger S. Gottlieb (ed.), *Oxford Handbook on Religion and Ecology* (Oxford: Blackwell, 2006). See also Mary Evelyn Tucker and John Grimm, ‘The Movement of Religion and Ecology: Emerging Field and Dynamic Force’, in Willis Jenkins (ed.), *Routledge Handbook of Religion and Ecology* (New York: Routledge, 2017), 3–12.

<sup>7</sup> Tucker and Grimm, ‘The Movement of Religion and Ecology’, 5.

<sup>8</sup> Roger S. Gottlieb, ‘Introduction: Religion and Ecology – What Is the Connection and Why Does It Matter?’, in Roger S. Gottlieb (ed.), *Oxford Handbook on Religion and Ecology* (Oxford: Blackwell, 2006), 1–21.

<sup>9</sup> Bron R. Taylor and Jeffrey Kaplan (eds.), *The Encyclopedia of Religion and Nature* (London: Thoemmes Continuum, 2008), xviii.

and peaceful global society in the 21st century. It seeks to inspire in all people a new sense of global interdependence and shared responsibility for the well-being of the planet and future generations”.<sup>10</sup>

The Earth Charter is basically a United Nations initiative that has been carried forward and completed by civil society. It was launched on June 29, 2000 as a people’s charter by the Earth Charter Commission (an independent internal organism) at the Peace Palace in The Hague.

It is based on four main ideas or principles:

- Respect and care for the community of life.
- Ecological integrity.
- Social and economic justice.
- Democracy, non-violence and peace.

In the Islamic world, Muslim philosophers have been addressing the subject of ecological spirituality since the Middle Ages,<sup>11</sup> but the new philosophers seem to be more interested in finding practical applications for ecological spirituality in modern society.<sup>12</sup> One of the pioneers of this “movement” is Professor Seyyed Hossein Nasr, who shared his thoughts in his 1967 lecture at the University of Chicago: “Man and Nature: The Spiritual Crisis of Modern Man”.<sup>13</sup> This paper was “path breaking for the entire field of religion and ecology” in the Islamic world and beyond.<sup>14</sup> Professor Nasr calls for a rediscovery of Islamic environmental ethics by using the scriptural basis from the Qur’an and Sunnah<sup>15</sup> but also from the Sufi sources in both poetry and prose (such as works of Ibn Arabi, Jalal al Din Rumi and Mahmud Shabistari).<sup>16</sup>

Since the 1960s, other philosophers and thinkers, including Syed Iqtidar Zaidi, Fazlun Khalid, Odeh Rashed Al-Jayyousi, Ahmed Raissouni (or Raysuni), Ibrahim

<sup>10</sup> For more details, see <https://earthcharter.org/discover/the-earth-charter/>

<sup>11</sup> Ibn Tufail’s book on the history of Hay Ibn Yaqzan is centered on ecological principles. It is a fable about a child who is raised by a doe on an island and who grows up to discover the world and nature. See, for example, Muhammad Ibn Abd Al-Malik Ibn Tufayl, translated by Lenn Evan Goodman (ed.), *Ibn Tufayl’s Hayy Ibn Yaqzan: A Philosophical Tale* (Chicago, IL: University of Chicago Press, 2003).

<sup>12</sup> Richard C. Foltz, ‘Islamic Environmentalism: A Matter of Interpretation’, in Richard C. Foltz, Frederick Denny and Azizan Baharuddin (eds.), *Islam and Ecology: A Bestowed Trust* (Cambridge, MA: Harvard University Press, 2003), 249–79, at 251. See also on the grassroots movement and the idea of Islamic Ecological Paradigm (IEP), Md Saidul Islam, ‘Old Philosophy, New Movement: The Rise of the Islamic Ecological Paradigm in the Discourse of Environmentalism’ (2012) 7, 1, *Nature and Culture*, 72–94.

<sup>13</sup> Seyyed Hossein Nasr, *Man and Nature: The Spiritual Crisis of Modern Man* (London: George Allen & Unwin, 1968).

<sup>14</sup> Willis Jenkins and Christopher Key Chapple, ‘Annual Review, Religion and Environment’ (2011) 36, *Annual Review of Environment and Resources*, 441–63.

<sup>15</sup> Acts and sayings of the prophet Muhammad.

<sup>16</sup> Seyyed Hossein Nasr, ‘God Is Absolute Reality and All Creation His Tajalli’, in John Hart (ed.), *The Wiley Blackwell Companion to Religion and Ecology* (Hoboken, NJ: John Wiley & Sons, 2017), 11.

Özdemir and many others,<sup>17</sup> continue to praise the merits of the revival of Muslim ethics for environmental protection.<sup>18</sup>

Some philosophers and thinkers act through international organizations such as the International Union for Conservation of Nature (IUCN)<sup>19</sup> or the Islamic Scientific, Educational and Cultural Organization (ISESCO).<sup>20</sup> Others founded dedicated organizations<sup>21</sup> such as the Islamic Foundation for Ecology and Environmental Sciences (IFEES)<sup>22</sup> or Islamic Relief Worldwide.<sup>23</sup> This movement brought about the Islamic Declaration on Nature (September 29, 1986),<sup>24</sup> the Islamic Declaration on Sustainable Development adopted by ISESCO in 2002<sup>25</sup> and in 2012 (adopted at the Fifth Islamic Conference of Environment Ministers held in Astana, Kazakhstan in June 2012)<sup>26</sup>, and the Islamic Declaration on Global

<sup>17</sup> See Arthur Saniotis, 'Muslims and Ecology: Fostering Islamic Environmental Ethics' (2012) 6, 2, *Contemporary Islam*, 155–71, at 158.

<sup>18</sup> For a complete bibliography, see for example A. M. Schwencke, 'Globalized Eco-Islam: A Survey of Global Islamic Environmentalism' (Report, Leiden Institute for Religious Studies (LIRS), Leiden University, 2012). See also Donatella Vincenti, "'Green" Islam and Social Movements for Sustainability' (PhD thesis, Liberta University Internazionale Degli Studi Sociali, Luiss Guido Carli, Rome, 2017), 111–39. See also Saidul Islam, 'Old Philosophy, New Movement'; and Saniotis, 'Muslims and Ecology'.

<sup>19</sup> In 1983, the Saudi Arabia government had asked a group of lawyers and thinkers to write a paper on the issue of Islam and the protection of the environment (Abou Bakr Ahmed Bakader, Abdul Latif Tawfik El Shirazy Al Sabagh, Mohamed Al Sayyed Al Glenid and Mawil Y. Izzi Deen, *Islamic Principles for the Conservation of the Natural Environment* (Gland, Switzerland: International Union for Conservation of Nature and Natural Resources, 1983). Available at: [www.iucn.org/content/basic-paper-islamic-principles-conservation-natural-environment](http://www.iucn.org/content/basic-paper-islamic-principles-conservation-natural-environment). This paper was edited by the IUCN for a second time in 1994. Available at: [www.iucn.org/content/iucn-calls-reviving-waqf-environment-initiative](http://www.iucn.org/content/iucn-calls-reviving-waqf-environment-initiative). It explains how the principles of law and ethics in Islam can serve the protection of the environment. *Waqf* and *Hima* are among the suggested tools. See also: [www.iucn.org/content/iucn-calls-reviving-Waqf-en](http://www.iucn.org/content/iucn-calls-reviving-Waqf-en)

<sup>20</sup> Ahmed Raissouni, *Islamic Waqf Endowment: Scope and Implication* (Rabat: ISESCO, 2001).

<sup>21</sup> For an exhaustive list of these organizations, see Dina M. Abdelzaher and Amir Abdelzaher, 'Beyond Environmental Regulations: Exploring the Potential of "Eco-Islam" in Boosting Environmental Ethics within SMEs in Arab Markets' (2015) 145, 2, *Journal of Business Ethics*, 357–71, at 365.

<sup>22</sup> IFEES is a voluntary nonprofit organization that was established in the United Kingdom in 1994 in order to integrate Muslims with the scientific movement and to explain and clarify the Islamic point of view toward science and the environment. See the website at: [www.ifees.org.uk/](http://www.ifees.org.uk/)

<sup>23</sup> Islamic Relief Worldwide is an independent humanitarian organization created in 1984 whose mission is guided by Islamic values in order to mobilize resources, build partnership and develop local capacity. See their website at: [www.islamic-relief.org/](http://www.islamic-relief.org/)

<sup>24</sup> In 1986, the World Wildlife Fund (WWF), at its 25th anniversary in Italy, adopted the Assisi Declarations, 'Messages on Humanity and Nature from Buddhism, Christianity, Hinduism, Islam and Judaism', which included insights into the principles governing the environmental ethics and ethos from five mainstream faiths. It included the Muslim Declaration on Nature. Available at: [www.arcworld.org/](http://www.arcworld.org/)

<sup>25</sup> Available at: [www.isesco.org.ma/fr/wp-content/uploads/sites/2/2015/05/Developmt-durable1.pdf](http://www.isesco.org.ma/fr/wp-content/uploads/sites/2/2015/05/Developmt-durable1.pdf)

<sup>26</sup> Ibid.

Climate Change (adopted on August 18, 2015 at the Islamic Climate Change Symposium held in Istanbul).<sup>27</sup>

Islamic environmental declarations not only represent ecological statements but also encourage interfaith environmental coalition. This interfaith movement was initiated by academia through famous initiatives such as the Alliance of Religions and Conservations (ARC), Yale's Forum on Religion and Ecology and many other research and grassroots initiatives.<sup>28</sup>

The second encyclical of Pope Francis, "*Laudato Si'*" ['Praised Be You']: *On Care of Our Common Home*, is one of the main expressions and impetuses of this growing interest.<sup>29</sup> Its impact goes beyond the sphere of the Christian world. It has been a resounding success for other religious groups but also in the spheres of politics and academia.<sup>30</sup> *Laudato Si'* invites us to take a new spiritual approach to the world anchored in environmental conscience that could lead to a profound lifestyle change. According to Pope Francis, the environmental crisis must be dealt with using a holistic approach, both socially and environmentally.

Based on the "integral ecology" paradigm, *Laudato Si'* makes a link between development and environment and considers that environmental justice is the key element of this paradigm. In fact, Pope Francis draws an analogy between poverty and the environment, both considered by him as vulnerable and neglected in contemporary paradigm dominance.<sup>31</sup> Therefore, Pope Francis claims a right for the environment based on two grounds: (1) humans depend on the environment in

<sup>27</sup> Available at: [www.arcc.org.au/islamic\\_declaration](http://www.arcc.org.au/islamic_declaration). See also, for an overview of the global framework of this Declaration: Rosemary Hancock, 'Faith and Creation: Possibilities of an 'Islamic' Environmental Ethic', *ABC Religion & Ethics*, September 11, 2018. Available at: [www.abc.net.au/religion/islamic-environmental-ethic/10233070](http://www.abc.net.au/religion/islamic-environmental-ethic/10233070); and Howard S. J. Damian, 'An Islamic Declaration on Climate Change', *Thinking Faith*, October 29, 2015. Available at: [www.thinkingfaith.org/articles/islamic-declaration-climate-change#\\_edn15](http://www.thinkingfaith.org/articles/islamic-declaration-climate-change#_edn15).

<sup>28</sup> Elizabeth McLeod and Martin Palmer, 'Why Conservation Needs Religion' (2015) 43, 3, *Coastal Management*, 238–52 at 241; Leslie E. Sponsel, 'Spiritual Ecology as an International Environmental Movement' (2014) 15, *Advances in Sustainability and Environmental Justice*, 275–93. See also Jonathan Chaplin, 'The Global Greening of Religion' (2016) 2, *Palgrave Communications* [online], 16–47. Available at: [www.nature.com/articles/palcomms201647](http://www.nature.com/articles/palcomms201647). Examples of outcomes of this movement are the program of Earth Stewardship Initiative by the Ecological Society of America: [www.earthstewardshipinitiative.com/](http://www.earthstewardshipinitiative.com/) and the Millennium Alliance for Humanity and Biosphere: <https://mahb.stanford.edu/>

<sup>29</sup> Available at: [w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco\\_20150524\\_enciclica-laudato-si.html](http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html). On the many similarities that exist between the Encyclical and Islamic environmental principles, see, for example, Damian, 'An Islamic Declaration on Climate Change'.

<sup>30</sup> Wolfgang Sachs, 'The Sustainable Development Goals and Laudato Si': Varieties of Post-Development?' (2017) 38, 12, *Third World Quarterly*, 2573–87.

<sup>31</sup> An analogy is drawn between the environment itself and the poor (LS: 170, 190) as both remain vulnerable and neglected in contemporary paradigms of dominance (LS: 2, 48). Jessica Ludescher Imanaka, Greg Prussia and Samantha Alexis, '*Laudato Si'* and Integral Ecology' (2017) 5, 1, *Journal of Management for Global Sustainability*, 39–61 at 52.

that it has instrumental value for all people; and (2) creatures have intrinsic value, both in themselves and in their interconnection with the world.<sup>32</sup>

*Laudato Si'* parallels the Islamic Declaration on Global Climate Change. The same ideas can be found in both texts, and were addressed to the international community and especially the Paris Climate Summit leaders.

In this regard, some authors consider that if the Islamic Declaration on Global Climate Change “appeared to be riding the wave of religious attention to environmental crises”, in reality it “reflected decades of work by Muslim scholars and activists eager to find an Islamic response to environmental crises”.<sup>33</sup>

In fact, Islamic philosophy encouraging the protection of the environment has also given rise to a growing grassroots movement led by faith-based groups or even by secular groups using Islamic principles. This movement is also called “Eco-Islam” or “Islamic Ecological Paradigm” (IEP).<sup>34</sup> It seems to have been initiated and further developed in the Islamic countries of South East Asia, notably in Indonesia and Malaysia, but also in Iran, Pakistan and Egypt. It is however spreading at a slow pace to the Middle East and North Africa (MENA) region.<sup>35</sup> Eco-Islam predated the Islamic Declaration on Global Climate Change but this declaration was a strong catalyst for the movement.<sup>36</sup>

More recently, while this book was in preparation, the United Nations Environmental Programme (UNEP) adopted a new strategy called “Faith for Earth Initiative”, which encourages an interfaith coalition on spirituality and the environment. In March 2019, at the fourth UN Assembly for the Environment in Kenya, the “Faith for Earth Initiative” organized a panel gathering faith leaders and scholars around the theme of cultural and religious impacts: “Innovative Solutions for Environmental Challenges and Sustainable Consumption and Production”. In May the same year, the first report was published.<sup>37</sup>

The “Faith for Earth Initiative is based on the idea that the religious community has a vital role to play in the protection of the environment. This initiative echoes the arguments of the Ecological Spirituality movement and complements what has already been done within the framework of the United Nations<sup>38</sup> and other

<sup>32</sup> Ibid.

<sup>33</sup> Damian, ‘An Islamic Declaration on Climate Change’.

<sup>34</sup> Fachruddin Majeri Mangunjaya, Imran S. L. Tobing, Andang Binawan, Evangeline Pua and Made Nurbawa, ‘Faiths from the Archipelago: Action on the Environment and Climate Change’ (2015) 19, 2, *Worldviews: Global Religions, Culture, and Ecology*, 103–22. See also Saidul Islam, ‘Old Philosophy, New Movement’.

<sup>35</sup> For more details, see Chapter 5.

<sup>36</sup> On the evolution of Eco-Islam, see Section 5.2.1.

<sup>37</sup> UNEP, UNEA, 4, Faith for Earth Dialogue, Synthesis Paper, 2019. Available at: [www.unenvironment.org/resources/synthesis-reports/faith-earth-dialogue-synthesis-report](http://www.unenvironment.org/resources/synthesis-reports/faith-earth-dialogue-synthesis-report)

<sup>38</sup> For example, the UNDP’s work on how to engage with faith-based NGOs for social and economic development.

See their guidelines at: [www.undp.org/content/dam/undp/documents/partners/2014\\_UNDP\\_Guidelines-on-Engaging-with-FBOs-and-Religious-Leaders\\_EN.pdf](http://www.undp.org/content/dam/undp/documents/partners/2014_UNDP_Guidelines-on-Engaging-with-FBOs-and-Religious-Leaders_EN.pdf)

## 1.1 Background

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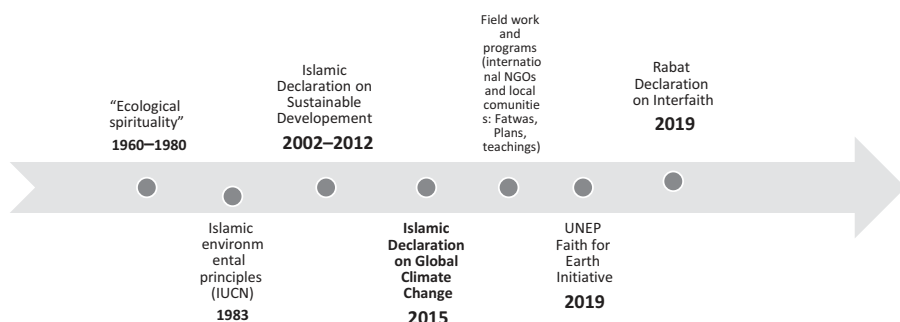


FIGURE 1.1 Evolution of the Ecological Spirituality movement and Islamic countries

initiatives of private organizations or international NGOs (Figure 1.1).<sup>39</sup> The main objective of this initiative is to mobilize faith leaders and the faith community to achieve the Sustainable Development Goals (SDGs). In fact, engaging with faith-based groups in order to protect the environment is paramount according to the UNEP “Faith for Earth Initiative” for these main reasons:<sup>40</sup>

- History has shown how faith-based groups have participated in providing socioeconomic services to communities.
- Spiritual values have importance for the majority of the world’s population.
- Faith-based groups have potential for inspiring changes.
- Religions acknowledge the sacredness of nature and are able to transmit this idea and to inspire the masses.
- Faith-based groups have great funding potential.<sup>41</sup>
- Faith-based groups are often considered by the population as more credible than governments.

In fact, according to the “Faith for Earth Initiative”, in many countries “spiritual beliefs and religious practices are interwoven with cultural values, social principles, political engagement, and economic prosperity”.<sup>42</sup>

<sup>39</sup> Among those initiatives we can cite academia but also NGOs and private organisms. See note 8 above.

<sup>40</sup> UNEP, ‘Engaging with Faith Based Organizations’ (2018), 4–5. Available at: [www.unenvironment.org/about-un-environment/faith-earth-initiative](http://www.unenvironment.org/about-un-environment/faith-earth-initiative). Those arguments can also be found in more detail in the literature related to Spiritual Ecology. See for example Sponsel, ‘Spiritual Ecology as an International Environmental Movement’.

<sup>41</sup> In fact, faith-based organizations are not only spiritually prepared for ecological principles which are ethical principles – they believe in the sacredness of the earth and are good candidates for spreading the ecological faith – but they are also financially strong and can influence the protection of the environment both ideologically and financially. See Mcleod and Palmer, ‘Why Conservation Needs Religion’. See also, for an insight on the evolution of this movement and its main arguments, Taylor and Kaplan, *The Encyclopedia of Religion and Nature*.

<sup>42</sup> UNEP, ‘Engaging with Faith Based Organizations’, 5.

At the fourth UN Assembly for Environment in Kenya, 135 faith leaders attended the Faith for Earth Dialogue.<sup>43</sup> Many Islamic NGOs, officials and scholars participated in this UN panel. Among the officials, ISESCO held a panel entitled “From Theory to Practice: The Islamic Perspective of Environmental Protection and Promoting Interfaith Actions”.<sup>44</sup> This experience was shared through the Conference of Ministries of Environment in Islamic Countries held in Rabat two months later.<sup>45</sup>

Ecological Spirituality or environmental ethics is gaining momentum not only at grassroots level, but also at governmental level. In the Islamic world it has, however, a specific connotation. In fact, in the framework of Islam, law is intertwined with spirituality and ethics. Therefore, tapping into the “Ecological Spirituality” movement in order to boost environmental law in Muslim countries is both critical and complex.

## 1.2 THE PARTICULARITY OF ISLAMIC LAW AND THE RESEARCH GAP

Beyond the ecological spirituality reflected by the “Eco-Islam” movement, it is important to emphasize that the particularity of Islamic religion is that it encompasses both spirituality and Islamic law. *Sharia*’ is a polysemic word that means at the same time: the way, the source of water and the law. Islam includes both “religion and society”. Its “spiritual and temporal dimensions are so closely intertwined that any fragmentation may seem contrary to its vocation”.<sup>46</sup>

Therefore, in the Islamic world, the link between religion and the environment is extendable to the sphere of the law. In other words, the Ecological Spirituality movement cannot be understood and analyzed outside of the legal component when it comes to Islam. In fact, “[I]slamic environmental ethic is based on clear-cut legal foundations which Muslims hold to be formulated by God”.<sup>47</sup>

In spite of this reality, it seems that Islamic law has been approached almost accidentally, and from an ethical angle, while addressing environmental issues, by

<sup>43</sup> See the UNEP, UNEA, 4, Faith for Earth Dialogue.

<sup>44</sup> UNEP, UNEA, 4, Faith for Earth Dialogue.

<sup>45</sup> ISESCO was represented by M. Abdelmajid Tribak, who is in charge of the Education for the Environment program in this organization. ISESCO then hosted the fifth meeting of the Islamic Executive Bureau for the Environment. Available at: [www.icesco.org/](http://www.icesco.org/)

<sup>46</sup> Omar Azziman, ‘La tradition juridique islamique dans l’évolution du droit privé marocain’, in Jean Claude Santussi (ed.), *Le Maroc actuel, une modernisation au miroir de la tradition* (Aix-en-Provence: Institut de recherches et d’études sur les mondes arabes et musulmans, Éditions du CNRS, 2013), 251–72. (Translation by the author.)

<sup>47</sup> Izz-Deen Mawil, ‘Islamic Environmental Ethics, Law and Society’, in Ronald J. Engel and Joan Gibb Engel (eds.), *Ethics of Environment and Development* (New York: University of Arizona Press, 1991), 164.



philosophers not by jurists.<sup>48</sup> Yet, the analysis of Islamic environmental law offers many opportunities to move from a descriptive phase of “why” (why is it important to protect the environment by using the scriptural sources of Islam?), to a more effective phase focusing on “what” (what could this protection be?) and “how” (how can these sources serve the environmental rule of law today?). As Professor Abdelzاهر and colleagues put it:

While prior research has examined the relationship between Islam . . . and environmental responsibility, the majority seek to only depict foundational principles (why) of this “theological” relationship through narrative research, citing evidence from authentic Islamic teachings, rather than empirical investigation informed by an analysis of primary sources of the Islamic religion (i.e. the sayings of God and/or the sayings/teachings of the Prophet Mohammed). This religious environmental movement has recently reached a new level by addressing questions of what (what is the environment, its regard, and the role of humans toward it?), informed by empirical research.<sup>49</sup>

Other more detailed studies therefore merit special attention in the field of Islamic Environmental Law as a separate branch of both environmental law and Islamic law. This new branch would require scholars from both sides (Islamic Studies and Environmental Law) to communicate and work together. Not to mention that such a branch will also suppose that scholars from both sides must have a basic knowledge in the field of ecology.

A total of 1.8 billion people in the world are Muslim, representing 23 percent of the world’s population in 2015 (Figure 1.2).<sup>50</sup> Tapping into the ecological potential of Islamic religion and law is essential to enforce environmental law and protect the planet’s resources. To do so, we can rely on the ethical arguments of the “Eco-Islam” movement but also on purely legal arguments. In fact, as mentioned, if the use of religion to preserve the environment can be valuable, in Muslim countries it is reinforced by the legal rule (as *Sharia*’ encompasses both).<sup>51</sup> In fact, if those who argue that religion can shape environmental behavior and be decisive in protection of Earth’s living system might “simply [be] exaggerating the importance of religious ideas when it comes to their influence on environment-related behavior”,<sup>52</sup> the situation is completely different concerning Islamic religion. In fact, this religion is

<sup>48</sup> See for example Ibrahim Özdemir, *The Ethical Dimension of Human Attitude towards Nature: A Muslim Perspective* (Merter/Istanbul: Insan Publications, 2d ed., 2008). See also Fazlun Khalid, ‘Islam and the Environment – Ethics and Practice: An Assessment’ (2010) 4, 11, *Religion Compass*, 707–16.

<sup>49</sup> Dina M. Abdelzاهر, Amr Kotb and Akrum Nasr Helfaya, ‘Eco-Islam: Beyond the Principles of Why and What, and Into the Principles of How’ (in press) *Journal of Business Ethics*, 1–21, 10.1007/s10551-017-3518-2.

<sup>50</sup> Muslim Population by Country. Available from: [worldpopulationreview.com/countries/muslim-population-by-country/](http://worldpopulationreview.com/countries/muslim-population-by-country/)

<sup>51</sup> See Chapter 2.

<sup>52</sup> Taylor and Kaplan, *The Encyclopedia of Religion and Nature*.

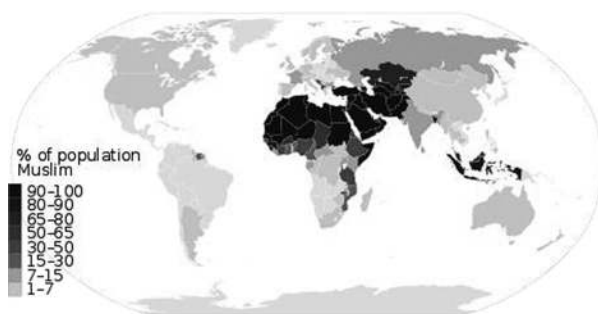


FIGURE 1.2 Map of the Islamic world

also intertwined with the legal system. Therefore, there are more opportunities to make a shift to a more effective environmental paradigm.<sup>53</sup> In fact, as mentioned earlier, in Islam, law, morality, politics and religion are interconnected. Thus, before digging deeper into Islamic environmental law, it is important to recall that “Islamic law is the epitome of Islamic thought, the most typical manifestation of the Islamic way of life, the core and kernel of Islam itself”.<sup>54</sup> Accordingly,

The source of laws for water use and animal welfare are the same as for other aspects of human understanding and conduct. Thus, the literature on “Islam and ecology”, “Islam and human rights”, and “Islam and animals” follows a general pattern ... In Islam this unified approach to thought and conduct is known as *Sharia*’ or “the way”.<sup>55</sup>

Consequently, it is difficult to separate legal aspects from ethical aspects, especially while making an analysis of environmental law in the framework of Islamic law. Yet, according to Professor Willis Jenkins, “a practical Islamic environmental ethics ... may not first require a theology of nature, but an environmental jurisprudence”.<sup>56</sup> This is exactly what the first Islamic scholars did.<sup>57</sup> Indeed, although Islamic law is a “sacred” law, it is by no means inherently irrational. It was established “by a rational and methodical interpretation, and the religious norms or moral rules that were introduced into the legal content provided the framework for its internal cohesion”.<sup>58</sup> Therefore, it is essential to promote the significant opportunities inherent

<sup>53</sup> But it depends on how this legal rule is enforced. It is not always the case. On this issue, see Chapter 4.

<sup>54</sup> Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Clarendon Press, 1964).

<sup>55</sup> Khalid, ‘Islam and the Environment’.

<sup>56</sup> Willis Jenkins, ‘Islamic Law and Environmental Ethics: How Jurisprudence (Usul Al Fiqh) Mobilizes Practical Reform’ (2005) 9, 3, *Worldviews*, 341.

<sup>57</sup> See, for example, Ahmad Raysuni on Imam Shatibi’s book on *Maqasid Sharia*’ (higher *Sharia*’ objectives). Ahmad Raysuni, ‘Theory of the Higher Objectives and Intends of Islamic Law’ (trans. Nancy Roberts), International Institute of Islamic Thought, 2005.

<sup>58</sup> Joseph Schacht, *Introduction au droit musulman* (Paris: Maisonneuve & Larose, 1983), 13. See Chapter 2 on the sources of Islamic environmental law.