

**SEEING THE ENVIRONMENT THROUGH
ISLAMIC EYES: Application of Shariah to
Natural Resources Planning and Management**

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ABSTRACT:

The significance of Islam as a contemporary ideology influencing the global environment is not yet fully appreciated. The Shariah (Islamic Jurisprudence) provides specific laws and standards regarding the use and allocation of resources including land, water, animals, minerals, and manpower. It also has its views concerning ownership, land ethics, pollution, aesthetics, and the role of man on earth. Many of these topics have associated with them values that are quite different from those in the West, and indeed very little, if anything, is known about them among Western scholars and/or the international development community. Filling this gap in our knowledge is essential since Islam is considered a global faith. One person in six in the world today-some 800 million people in more than 75 countries-is a Muslim. At present the Shariah is being gradually instituted throughout Muslim countries such as Iran, Pakistan, Sudan, Saudi Arabia, and others. If this trend continues, it will have an enormous impact on both the development policies and the natural resource management in these countries and possible other countries as well. It is argued that this trend will not only continue but actually accelerate since most Muslim intellectuals believe that if Islam is to continue contributing to humankind, it has to manifest itself pragmatically in a social context within the modern world. This paper addresses two key questions dealing with environmental planning and resource management issues as related to Shariah and the Muslim culture. They are:

- a) What influences does the cultural heritage of Islam exert on the perception and management of the natural environment?
- b) Is it practically possible to derive from the Islamic jurisprudence, concepts and injunctions, planning guidelines, and management criteria to aid decision makers in assessing alternative resource development projects?

BACKGROUND

The on-going debate over the need for a "New World Order" or modified global economic system continues to be a controversial one. As far as modern Muslim economists are concerned, there is no subject in that debate which has been more open to misunderstanding and misrepresentation than the Shariah and its sequel the Islamic economic system. The result, therefore, has been that some scholars and many lay people are confused and bewildered when such a topic is discussed.

How can a genuine attempt be made to clear a path amidst the tangled maze of heated partisan emotions of North vs. South, East vs. West, Capitalism vs. Socialism, Developed vs. Developing? In brief, how can one deal with the disparity between such diverse world views? Various noted individuals have pointed to the importance of indulging in a global dialogue and seem to blame the Western nations for the existing confusion in the world's community. The late British economist Barbara Ward, for example, suggested once that

the "North", the economically advanced countries, have no strategy and no vision when it comes to their dealings with the developing "South" (Ward, 1976). John Naisbitt also asserted that: The industrial world is confused about the role it should play in relationship with the Third World, which encompasses three-quarters of the human race. (Naisbitt, 1982)

A question such as "are economic values sufficient, as some claim they are, for weighing the advantages and disadvantages of a contemplated public action, or are they inadequate as proclaimed by others" (McAllister, 1982) is still a debated issue in the United States and other Western societies. In contrast, Islamic scholars have concluded centuries ago that economic values are not adequate.

It should be pointed out that there is a distinction between "Islamic" and "Muslim", as used throughout this paper. "Islamic" refers to what pertains to Islam as a paradigm or a body of knowledge, an ideology and a system of life, while "Muslim" refers to the existing practices of

societies that are conventionally known as Muslim people or Muslim countries. This paper deals with "Islamic" and not "Muslim".

VALUES FOR SALE VS. HUMANOMICS

Moral issues are usually considered peripheral or even beyond the realm of the study of economics. This typically Western premise is disturbing to intellectual Muslims because, to them, Islam is not only the main source of moral values but also an inseparable component of economic thought and action. Equally puzzling to any person, is finding that, even in Europe, economics was never detached from religion until the late 1700's. Prior to then, European economists were priests and theologians. On the whole, scholastic economics in the middle ages of Europe was presented and developed by the people of the Church such as Thomas Aquinas, Augustine, and others. Their attitudes toward land and people were based on Christianity. Since the Industrial Revolution, many economists tried to detach their study from religion as an expression of resentment against the Church and its authority. But the revolt against religion has, with time, cooled off in the West, and the revolt never happened in the East.

Some economists at present, however, have come to realize that there is always a moral, and humanistic frame of reference to economics, and that to deny the relationship between economics and religion was a mistake on the part of the older generation of economists (Kahf, 1978). Perhaps the evolving realization that ethics and economics are intertwined is behind the current interest of many people in the humanistic approach to economics. Eugene Lovell, a Czechoslovakian American discusses this approach in his book, Humanomics. According to Lovell, humanomics is an economy by and for human beings. Lovell's work, among others, signals a gradual shift toward a concept of economics which does not discredit or oppose subjecting its findings to a critique by morality and religion.

THE FORBIDDEN WEALTH OF NATIONS

Although all religions deal with economic matters, they differ in their position concerning

economic activities. Certain religions look upon economic activities as a necessity of life, undertaken only to the extent that it provides mere sustenance. Pursuing any economic exercise beyond that limit is considered a misorientation of human resources and represents some degree of evil. Accordingly, such religions consider those who are less involved in economic activities to be closer to God. Islam, on the other hand, does not recognize any necessary enmity between religion and the worldly wealth. Not only does Islam deny Matthew's authoritative statement that "It is easier for a camel to go through the eye of a needle, than for a rich man to enter into the Kingdom of God", (Matthew), but it asserts that wealth is in itself good and its pursuit is a legitimate human aim (Al-Sibai 196). Furthermore, Islam considers a people's economic activities as an aspect of fulfilling their mission on earth, and it has no sympathy for the poor whose destitution is the result of reluctance to seek the goods of the world. Islam also condemns the self-mortification of the ascetic because earning one's living through decent labor or trade is not only a duty but a great virtue as well.

In essence, three key principles exist in Islam concerning the issue of wealth as seen in the Shariah. These are:

- a. The economic system of Islam is based upon an essential requisite of belief that the Quran is the final Divine words, and that it contains solid foundations for economic life.
- b. The economic system of Islam is not drawn in the light of arithmetical calculations and capacities of production alone. Rather, it is drawn and conceived in the light of comprehensive system of morals and principles.
- c. The concept and definition of ownership of wealth in Islam is distinctly different from that in other systems.

Based on these principles, Muslim jurists have developed a series of injunctions dealing with the management of various scarce resources as land, water, fuel, and pastures. Unfortunately, though,

very little of this rich heritage has been adequately studied. The issue of wealth and resources is of course a reflection of some major objectives of the Shariah including the ultimate aim of the universal common good of created beings, the wise maximization of benefit from the land and from other natural resources, and the elimination of starvation among mankind and livestock. Recognizing the value of land, in particular, as a key physical resource in the wealth of individuals and the whole nation, the Shariah established seven institutions for land management. These include:

- a. (ihya): the acquisition of unowned land through reclamation.
- b. (iqta): land grants
- c. (ijarah): lease of state-owned lands.
- d. (awqaf): charitable endowed lands and buildings.
- e. (hema): a reserved area of land which is controlled by a set of special regulations in terms of the extent and the intensity of utilizing its resources.
- f. (haram): inviolate zones of land.
- g. (hisbah): the office of public inspection.

Today, only the fourth institution, awqaf, is widely used in Muslim lands.

In addition, three points are worth underlining in relation to the issue of wealth as seen by the Shariah:

- . The concept and definition of ownership of wealth in Islam is distinctly different from that in other modern systems in the West. It follows directly from a belief of God's ownership of the universe and assigned role of humankind on Earth.
- . The economic system of Islam is based upon an essential requisite of belief that the Quaran is the final Divine word, and that it contains the foundations for economic life.
- . The economic system of Islam is not drawn in the light of arithmetical calculations

and capacities of production alone. Rather, it is drawn and conceived in the light of comprehensive system of morals and principles.

THE OTHER INVISIBLE HAND

"Every individual endeavors to employ his capital so that its produce may be of greatest value. He generally neither intends to promote the public interest, nor knows how much he is promoting it. He intends only his own security, only his own gain. And he is in this led by an invisible hand to promote an end which was no part of his intention". (Smith, 1776)

The above statement by Adam Smith written in the 18th century is still being admired by contemporary economists. Adam Smith's version of untampered individualism is an extreme which Shariah neither encourages nor approves. Although Islam teaches the greatest possible individualism when it declares "To every man belongs what he had earned" (Quran, 53:30) it unequivocally condemns every idea of vicarious guilt or merit (Quran, 10:109). The right to private property is not absolute. In Islamic Law four important limitations exist and influence the activities of acquiring and disposing private property.

1. The concept of God as the ultimate owner of the earth and all things on it, and that He has ordained sustenance for all His creatures.
2. Man's role on earth as Khalifah or vicegerent to manage the earth's resources in accordance with God's purpose. (6) Property, therefore, is in fact considered a trust. Human's right to dispose of worldly goods is in the capacity of a trustee.
3. The purpose of ownership: rights, even if they are limited, can neither be devoid of purpose nor an end in themselves. Most jurists and scholars have agreed that the Islamic doctrine regarding the purpose of law and the purpose of human existence are stated in two specific verses of the Quran.
 - a. The Quran declares that nothing is created without value and purpose;

We did not create the heavens and earth and all between them carelessly. We

did not create them but for right ends. (44:38-39)

- b. In another part, the Quran unfolds clearly the essence and the mission of the human journey. It says;

God who has created death and life to try you, which of you work the most good. (67:2)

4. The principles prohibiting undue injury and the abuse of rights. Jurists of Islam have derived these principles from what they considered as the second source of Shariah, namely the confirmed sayings and conduct of Prophet Muhammad. He once declared that "There shall be no injury, and no inflicting of injury." This strong declaration implies directly that the private ownership may be exercised only for the achievement of the ends for which the right was created, and that the exercise of a right is illegal when it is deliberately used to bring an injury to others (Kerr, 1966).

On the whole, Islam teaches that people may and should amass the greatest fortune they can, and that these are their and their natural and/or adopted heirs to have, to keep and to enjoy. However, it is also essential that the pursuit of wealth may not prejudice the long run interests of fellowmen by depleting and polluting the natural resources, or diverting their energies away from fulfillment of primary subsistence, health, and other needs. The resultant attitude to nature is eloquently described by a noted landscape architect:

**"The muslims emphasized the injunction to dress the garden and keep it - man the steward - and developed the belief that man could make a garden of nature; paradise could be created by wise men and realized by artists."
(McHarg, 1971)**

THE DILEMMA OF THE COMMONS: ASSESSING ENVIRONMENTAL IMPACTS FROM
THE ISLAMIC VIEW

Most of us today are introduced to the law of diminishing returns as a modern law of

economic growth--a law which governs the relationship between inputs and output when some inputs are increased and others are held fixed. Muslim historians, however, assert that the Shariah have addressed this matter as early as the 8th century. They claim that a large portion of the water laws known or used today in muslim countries were actually well developed by the 13th century by the Shariah experts of that time. The principle of "No-Injury," for instance, has been used to deal with the issues of equitable resource allocation on one hand and preserving the carrying capacity of common natural resources on the other. For example, a farm beside a stream is forbidden to monopolize its water. After withholding a reasonable amount of water for his crops, the farmer must release the rest to those downstream. Furthermore, if the water is insufficient for all of the farms along a stream, the needs of older farms are to be satisfied before a newer farm is permitted to irrigate. This precept safeguards from future injury the previous farmers' investments of labor and wealth in the reclamation of their lands. Moreover, it permits only an optimum number of farms in one watershed to be developed, rather than allowing the number to rise above the carrying capacity of the land, and consequently an injury to all farms alike (UN/FAO, 1954). These same injunctions would, of course, apply to the extraction of groundwater, for a person has no rights to affect adversely his neighbor's well by substantially lowering the water table or polluting the aquifer.

The complete elimination of "injury" from human life is impossible. Seldom is any project, program, or policy an absolute good, free from all injurious effects. Even the most useful of actions may result in a little injury to someone. In all such situations, a balance, or a trade off, is all that can be required or practically achieved. A major criterion, however, in order for a person to tolerate an undesirable injury is justice. Justice can give the individual a sense of proportion to act reasonably in such circumstances where loss is incurred.

Although it is not possible to lay down hard and fast regulations regarding the use of such a principle as "no-injury," the Shariah has at least indicated the direction which must be taken. It left to jurists and scholars (aided by knowledgeable scientists and technical advisors) the task of adding

details or addressing specific cases. Notable scholars built up a wealth of knowledge in that subject. While their discussion primarily refers to medieval conditions when economic relationships were not as complicated as they are today, and when the impact of humans on the natural environment was relatively small and sparse, it serves as a good beginning in illustrating how intensive and elaborate the process of impact assessment really should be.

Prominent among the authorities in the 13th century is jurist Al-Shatbi 's discussions on the methodologies of projects assessment. In the second volume of his monumental work Al-Muwafaqat, his views presented a systematic approach. He begins with the basic assumption that the action (project, program, or policy) itself must be at least permissible and not prohibited under Islamic jurisprudence. Failing this condition, the project must not be undertaken or considered any further. If permissible, the jurist, in consultation with the office of public inspection (hisbah) has to decide whether it should be carried out or not based on the following eight questions:

1. Is the impact of the injury general, or, does it affect only a small group of persons?
2. Is the injurious effect sure to occur, or, is it only slightly probable?
3. Is it large and substantial, or small and negligible?
4. Is it intended by the individual, being a part of the motive behind his project (or program/policy)?
5. If he does not intend to inflict any injury, is the individual conscious of the fact that his action may involve some injurious effect, or not?
6. Is the injury accompanied by some greater general good. If so, is that general good itself very important; so that it must be achieved; or is the case otherwise, and it can easily be forgone?
7. What is the importance of the gainful side of the project to the individual's own economy? Can he stand its loss, or not?
8. Are there any other alternatives open for the same end, which involve no injury, or lesser

injury, in comparison to the initial project? (Siddiqui, 1972)

THE PUBLIC SECTOR IN SHARIAH

The complexities of the Islamic state are beyond the realm of this paper. However, it is believed that without such an institution it will be impossible to realize the ideals of Islamic socio-political and economic justice. An important issue which any society need to face is the nature of ownership and enterprise, and the domains of the public sector vs the private sector. In Islam, God's ownership of the universe and the economic trusteeship of mankind imply communal ownership of all environmental resources. Some people may suspect that carrying this concept through may lead, to a call for nationalization and even internationalization of the earth's resources. Historically though, within an Islamic state, the delineation of the public and private sectors has been left as an issue to be decided through a democratic decision making process. Many resources such as inland water, coastline resources, forests, soils, deserts, wildlife, mines, minerals and fossil fuel, air and outer space could ultimately be classified by some jurists as "free goods" of God assigned to the 'trusteeship of all the children of Adam' (Waqar, 1980). The argument for such a large scale public ownership is based on the third source of Shariah, namely qiyas (analogical reasoning).

Muslim scholars point to the pastoral civilization of 7th century Arabia in which the Prophet Muhammad had nationalized pastures, forests and water, and abolished the pre-Islamic practice of making private reserves for the exclusive use of individuals. He dealt with monopoly or "imperfect competition" by ruling that indispensable resources, such as pasture, woodlands, wildlife, certain minerals, and especially water, cannot be privately owned in their natural state, nor can they be monopolized under the Islamic law. He also reserved the valley of an-Naqi near Al-madina for horses of the community, and is recorded to have reserved the surroundings of Almadina as a hima (protected zone) for the preservation of vegetation and wildlife; hunting was forbidden within four miles and the destruction of woody vegetation within twelve (Draz, 1969)

One could argue that society accepted such drastic measures because of the extraordinary

spiritual status of the decision maker, i.e. the Prophet. Although such a situation is impossible to replicate today, it is clear that Muslim jurists once realized that the challenge before them was to provide acceptable criteria to judge between conflicting interests and to weigh social benefits against costs. The basic principle in arbitrating between public and private ownership was stated by Ibn Taymiah in 1328 A.D.

"What is required is to safeguard all benefits and bring them to perfection, and to eliminate all evils and minimize them. And if they are irreconcilable, it is to safeguard the greater good by the exclusion of the lesser, and to remove the greater harm while bearing with the lesser." (Ibn Taymiah)

Accordingly, Muslim jurists articulated an order of social goods. (THAT ORDER IS) Absolute necessities, such as life, offspring and family, religion and morality, reason and mental health, and private property, have the highest priority; lesser needs follow, and last, refinements and perfections (Llewellyn, 1980).

CONCLUSIONS

This paper attempted to show that the pattern given by Shariah is relevant to human economic activity and to decisions about natural resources. The pattern consisted of six principles which read as follows:

1. The concept of wealth and ownership in Islam follows directly from a dual belief in God's ownership of the universe on one hand, and an assigned economic trusteeship of man on the other.
2. The world was created for man to use, to transform and to enjoy.
3. Man is the rightful owner of all the fruits of his own work, yet his enjoyment of this cultivation and harvesting has to be conditioned by the overall needs of society.
4. Judgement about the appropriateness of actions affecting land use is not drawn in the light of simplistic mathematical formulas and production capacity alone. It is rather conceived and drawn in the light of a comprehensive system of facts and human values.

5. There are four sources of epistemological bases of the Shariah. They are
 - a. the Quran as a primary source
 - b. the Traditions of the Prophet
 - c. the Quyas (analogical reasoning both deductive and inductive)
 - d. the Ijma (consensus)

Because qiyas is a contextual interpretation, it is considered a personal conjecture until Ijma bestows legitimacy on it by mitigating its subjective ability to error.

6. Many institutions were established in the past to realize the ideals of Shariah and its economic justice. They include items such as ihya (land reclamation), iqta (land grants), ijarah (lease of public land), awqaf (charitable endowments), hima (national reserves), and hisbas (the office of public inspection).

Some scholars of international studies believe that developed countries should take into account the cultural heritage of the Third World nations. They base their stance on self interest, i.e. assured future markets for their goods. Such an argument is narrow, for it ignores the value of tapping the potentials of intellectual synergy and cultural diversity. It is the power of ideas new and old, and wisdom, eastern, western or mix, which could provide human clues to confront the present global economic crisis.

Finally for one culture to borrow from another is not a new phenomenon. In the history of humankind, when a culture builds in its own way, it borrows from the past in order to face new challenges and then passes on those special achievements which have proven the most worthy. Within such a context one could recognize a place for the Shariah in a total scheme of the Third World development---since it may provide valuable insights for addressing the current turbulent era.

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