
Right to Environment in the Islamic Sources

Iran Soleimani

Department of jurisprudence and law, Ardabil branch, Islamic Azad University, Ardabil, Iran

*Correspondence author: I.soleimani.129@gmail.com

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Abstract: Environmental issue and the need to environment conservation is one of the most important issues in the world as well as in the country. Crisis resulting from environmental issues is widespread and irreversible. Observing the principles of environmental ethics and its ability for being amenable by people's religious sensitivity can help protect and control the environment. The present study was an analytical-descriptive one based on investigation through reviewing and scrutinizing the available resource in Imamie's jurisprudence for which environmental law has been extracted and inferred. The purpose of this research is the Imamie jurisprudence's viewpoint to identify the right to the environment and the effect of religious sensitivity on environmental ethics. The necessary knowledge of it is the basis of many rulings and fatwa and the rules inferred from the reasons. This is a nudist talk that hasn't been seriously discussed in Imamieh jurisprudence so far. What is being considered is a new step towards placing the environment in the form of the right of third-generation rights which is a public benefit and right. To prove this right, the sources and purposes of this right in the Imamie's jurisprudence should be studied. This is a legal right and not a moral one. The findings revealed that the teachings of Imamie's jurisprudence are capable of considering the environment as a right; it is the realization of a collective and legal responsibility and not moral one. For the purpose of maintaining this collective benefit for all generations, the talk is about lawfulness, unlawfulness, and punishment of environmental perpetrators.

Keywords: jurisprudence, environment, right, trust, lossless, the right to collective right.

1. Introduction

Although in the field of engineering sciences, considerable studies have been done on environmental sciences, for example impact of pollutants on the environment (Fataei, 2017; Ajami & Fataei, 2015) or introducing novel and eco-friendly materials (Esmaeili-Falak, 2017; Nassr et al. 2018; Esmaeili-Falak et al., 2017), nevertheless environmental law topics has less been studied. Therefore, it seems necessary to study in the field of environmental law (Khalid, 2002). Protection of the environment is the response to one of the basic needs of human society for the preservation of the environment and the observation of public rights, destruction of the environment caused by social inequalities and incorrect use of nature – one of the violation factors for human rights – and oppression in their rights. Looking at religious texts shows that the

environment and paying attention to its health and moving towards achieving a healthy environment have their places among the basic human rights (Jenkins & Chapple, 2011; Tanner & Mitchell, 2016; Bergmann, 2017; Nolan, 2018; Dupuy, & Viñuales, 2018). Like the case that environmental degradation is the result of not recognizing the human rights, s/he also is responsible for proper use of it. Therefore, the culture that can provide humanity with new thought for protecting the right of life is Quranic culture. Religious teachings seek to educate people and to guide him towards the way of being servant of God. Whenever human beings follow these teachings and the way of being the Kalif (successor) of God, environmental problems will also be lost; so when people respect each other's rights, take moderate steps in the operation of the gifts of the nature, and taking into consideration the environmental ethics

leave surplus ambition, lust, waste and injustice (Ghafer/43, Earaaf/31 and Asra/27; Holy Quran) they will find this world as a paradise.

2. Materials and Methods:

Looking at religious texts, including the Qur'an shows that enjoying a safe and healthy environment and performing religious practices and one's improvement with that of the society for the purpose of achieving perfection are the things that Islam asks for. No doubt, God has created blessings and natural resources for human being to enjoy it. And He has put them under the possession and control of human beings. God has created everything in the nature for human being and he has determined the natural blessings to be at the disposal of human being. "And subjugated the sun and moon for you so that they perform their tasks diligently; and subdued the night and day for your service" Basically, the ultimate goal of creation of whatever is on the heavens and on the earth is proper use of these resources.

God says: "God created you from dust and assigned you to create development and prosperity on it (Hood/61; Holy Quran). Thus, the radical view that denies any seizure of the nature by man is not compatible with the purposes of creation and the teachings of the Koran. However, the use of resources has some limitations. The principle of justice and public welfare suggests that these benefits do not belong to a single class and tribe and even to a special generation; but they belong to all people and all generations.

Quran considers the environment as the right of everyone. "He positioned the earth for all the creatures" (Al-Rahman/55; Holy Quran) this means: and (God) created the earth for everyone; based on this verse, the Earth and its environment belongs to everyone, and all have the right to benefit from it. Therefore, the use of this right should be in such a way that the possibility to its use and operate to be preserved for the present and future generations.

To reach the peak of human perfection and humanity, divine religions have practical solutions in the context of religion for the purpose of making people able to gain eternal bliss in a healthy environment – which is the aim of creation – and at every level of faith in God and the religious decree. The most important contribution of this paper is to identify the nature of the right to environment in Imamieh Jurisprudence, which is the collective nature and a divine duty. In order to enjoy a healthy environment as a divine trust and being the servant of God in this environment and self-correction as well as improving the human society, human beings should avoid any extremes and abuse of the right which leads to the

destruction of the environment and thus violate the rights of others.

All the wealth of the world is belongs to God, and God has allowed people to allocate these different kinds of wealth to themselves according to the regulations (Tabatabaee, 1995). These verses state that God has created the nature and environment for human being in all the time and human being has the right to occupy and use it (Gorji, 1984; Khalid, 2002). In SuraBagarah Allah says: "He made for you all that lies within the earth" (Al-bagarah/29; Holy Quran). This verse considers resource exploitations and land interests belonging to all people at all times that should take place properly, in order to meet the needs and rights of other people in all ages. In another verse God says: "We settled you on the earth and provided means of livelihood for you in it" (Earaaf/10; Holy Quran). This verse also expresses the ability and privilege that man enjoys them on the earth to the extent that the necessities of his life have been provided on it. It is clear that having a healthy environment is among the basic rights of human beings to live on the earth. Accordingly, God has also given the nature as a settlement for them.

The point that should be taken in mind is: whenever a right comes into existence for a man in relation to something, then an assignment will also show off. In other words, the right and assignment are the two sides of a coin. If the use and exploitation of the nature and environment has been recognized and accepted for human for certain, then this right also brings with itself an obligation for him/her, that is, human being is responsible to use his/her right in such a way that s/he does not harm the rights of others (Ibn Idris, 1990). Accordingly, if one uses the environment, his use of it should be in such a way that in its use he doesn't damage other people's rights. Thus, all people have the right to benefit from it.

Since, according to the Islamic system, government is strong and enjoys abundant powers and most of the natural resources are also either under its ownership or its administration and supervision is at the disposal of government, exploitation of these resources in a wise manner and consideration of the interests of the public and even next generations will also be possible. Of course this does not mean that the government is responsible for taking the advantages of these resources; but the basic principle in Islamic system is that the use of public resources should be transferred to the public, and the government should be responsible to pursue the interests of public by enactment of appropriate legislation and accuracy in enforcement of those legislation (Alpay et al., 2013). Government should take necessary steps only in case

of the resources that public interests require them and/or when there isn't any possibility for those resources to be transferred to the private sector. Since God's purpose of providing the nature for human being is creating welfare, prosperity and development for him, if everyone is intemperate in taking the advantage of the possibility that is at his/her disposal, s/he has acted against the noble objective and has brought oppression for other people's rights (Birnie and Boyle, 1994), and the consequence of this will be the risk to his own and others' life and stunting of the evolution in the way of the happiness in the world and the hereafter (Asghari, 1999; Mortada, 2003). Nonetheless, seizing the environment should be in such a manner that helps people achieve clean living and moderate development which ensure improvement in physical and mental states of human beings (Kamali, 2012). In other words, manipulation of the environment should be such that guides people towards the end and purpose of creation. Therefore, using it as you wish and regardless of the fact that in itself these blessings are the means and not the goal will lead to error and deviation from the right path. Human beings as organisms with authority should accept the fact that just like the fact that the earth is his/her genetic and physical place of growth, it should also be his/her mental and spiritual development place; and since his/her tools and preparations for mental development is Voluntary and optional, thus he/she should take the advantage of the environment scholarly and in a prudent manner to gain the noble objective (Shelton, 1991).

Preventing the pollution of the environment: Environment with its common sense in the present age, is completely a new discussion that has had a record neither in Islam nor in any other school. But its other required rules can be derived from religious texts so that it is possible to offer a comprehensive environmental school (Gorji, 1984). Since religious and Islamic Figh teachings attempt to cleanliness of nature and environmental protection and its equitable utilization (Asraa/26, Nahl/90; Holy Quran), thus it is clear that whatever causes the loss of the right to life is unlawful and in some cases prohibited and binding to guarantee from religious thought perspective. God says: "those who spread discord in the land will suffer assuredly" (AlBagarah/72; Holy Quran).

Therefore, any operation that ends to the depletion of exhaustible resources or results in the destruction of renewable resources is forbidden according to the rule of La zarar, Etlaaf, vaTasbibvaZaman (no harm, damage, causation and guarantee (Al-Athir, 1979), and it is the duty of government and people to avoid committing polluting activities. Basically, religious duties of man has been developed in relation to God,

human beings and the nature; that is, some of the religious obligations and ethical orders have been established for the purpose of protecting and empowering the relationship of human being with his/her creator and some of them relate to his relation with others; such as family, relatives and other people, and some of them also about his relationship with nature, animals and plants. Obviously, the closer relationship of man with his God, the more his attention will be on the other two topics; this means that Godly and righteous man does not oppress others and he will not seek for damaging the plant and animal species; as the dedication and attention to other human beings and the environment, adds to human servitude and creates a safe environment for greater proximity to God.

The remarkable thing is that human activities in nature are somehow associated with his relationship with others. For example, if someone contaminates water, he has opposed the Shariah about water cleanliness and has violated the rights of others and also has provided harm tools for them and consequently, an obstacle for creating a safe, healthy and clean environment for connection and devotion with God. If the effects of this pollution are pervasive and they include many people of this generation and the next ones, its sin will be much greater. In this case, the government also, based on the principle of public welfare and considering that having a clean environment is among the most essential affairs in prosperity has a duty to provide this important issue. Therefore, one of the core principles of government activities is to avoid polluting the environment as much as possible and besides that to allocate places like the esplanades, woods and parks for recreation and welfare of the people and to protect them from any contamination.

3. Results and Discussion:

Also, in exploitation of resources for private sector activities, protection of the environment is always intended and with continuous monitoring and adjustment of the effective means of doing the work the government must try to accomplish them. Also in the position of being defendant for the rights of all people and to prevent harming them, the state should closely monitor other activities of the private sector and in using the means to reduce pollution and enjoying the clean and healthy environment it should be in consistent with the principles of justice and fairness and not to cause harms for an individual or a group.

Since attention to the environment in religious culture has also a rich background, one of the most effective methods is introducing the culture of protecting

environment in this field and making the serious threats from resource destruction seem tangible for people so that they themselves can be followers in this direction and shape their behavior according to this culture, and take responsibility in regard to the behavior of others. In this regard, promoting the culture of Amr-be-Maroofta (admonishing the fellow believers to do right and to avoid sin) and making the ground ready for its implementation is necessary. Some legal experts have suggested that in order to deal with the issues that come into existence through gradual destruction of the environment, a new right in the framework of human rights and based on the environment (Thorne, 1990) or the right to or benefiting the pleasant, healthy and safe environment to be identified (Dasgupta, 2001). This right guarantees having a safe and healthy environment for all and imposes on individuals, organizations, companies and governments the obligation to refrain from activities that damage the environment.

In this regard the supreme leader states: "noble objective of Islam is benefit of all generations of the blessings of God, and creating a healthy society and away from the classical gap, and susceptible for growth; and this objective has provided religious requirements for the purpose of maintaining the balance in the use of natural resources by avoiding excesses and commitment not to harm the others.

Therefore, manipulation of nature and environment by human beings is not absolute and infinite; but it is bound to the frames that should be observed. Including: avoiding harms to others, or corruption in the land, respecting the rights of others and maintaining the trust and rights of next generations. Factors such as faith and Islamic ethics are among the things that can establish peaceful relationship between humans and environment which can end up in human and environment health and happiness.

Accordingly, in the holy Quran, as the exploitation of the environment and nature has been put at the disposal of human being by God, He has also assumed man the responsibility of development and prosperity of the land. In Sura Hood we read: "It is He who raised you from the earth and settled you upon it" (Hood/61; Holy Quran)

This verse shows that protection, development and rehabilitation of the environment are among the human's tasks and any act incompatible with the development of environment is prohibited.

The subtle point in this verse is that the Quran doesn't say, God built the land and put it at your disposal; but it says: development and prosperity of the land were ceded to you. Thus, the man is responsible for the development and prosperity of the

Earth (Makarem Shirazi, 1999); and the concept of the verse is that environmental degradation and destruction, is against the development and prosperity, and that it must be avoided.

The holy Quran has repeatedly stressed on constructive and reformative behaviors which is certainly a reformative treatment in the land, preservation of nature and environment. And in contrast the corrupt behaviors have been prohibited. In the holy Quran, in many cases the word "competent" has come against the word "corruption". God says in the holy Quran: "And do not corrupt the land after it has been reformed ..." without a doubt, demolition, destruction, and pollution of the environment is one of the most important examples of corrupt behaviors on the ground.

As it can be seen in the above verse, in most verses of Koran the word "corruption" has come together with the phrase "on the Earth; and this corruption on the earth also includes corruption in nature, and environment. So, the holy Quran expresses the elements of environment and nature, and considers destruction of them as the clear examples of the corruption. In addressing the prophet (peace be upon him), the Quran says: "For when his back is turned he goes about spreading disorder in the land, destroying fields and flocks; but God does not love disorder" (Al-Bagarah/205; Holy Quran).

The mentioned verses show that corruption has a very vast concept and includes any chaos, destruction, distortion, oppression and corruption and it implies any degradation and destruction that brings the universe and human society at risk. One of the orders in the creation is the one that governs nature and environment that any destruction of it will be covered by the prohibition in these verses. Hence, any behavior that leads to corruption and degradation in the environment is in contrast to the great teachings of Islam, and is prohibited. On this basis, extravagance and excesses of consumption and the actions that lead to contamination and loss of the key elements of the environment are contrary to the teachings of Islam and they are detrimental to the real interests and benefits of human being (Bin Hasan, 1989).

According to verses and hadiths, it can be said that all environmental regulations have somehow been included at the words of almighty God and the infallible Imams and in terms of time, their extraction and uses have been entrusted to scholars and intellectuals. Accordingly, human being must use and exploit the environment; and avoid any unreasonable and corruptive behavior in this regard. Therefore, besides their right to use the environment, human beings must also respect the rights of others. This

means that, they shouldn't violate the rights of others in using the environment through abuse of their own rights. Naturally, the misuse and degradation of natural reserves without proper management and appropriate planning and assessment, will bring irreparable damages to the whole of humanity.

5. Conclusion:

Man as a part of the world, has the right to a healthy environment including the natural, spiritual and cultural environment. Thus, he must cooperate with God's other creations in a sustainable and constructive manner and strive to protect its health as well. So what is appropriate to the environment in the Islamic Jurisprudence is that human society should be honest in relying on the provisions of the verses and traditions and Figh rules which indicate greater responsibility for human beings in proper and moderate deals, appropriate enjoyment of the natural resources, lack of corruption and violation of the

rights of others, restoring and reclaiming the uncultivated lands, establishing the order, justice, and ethics, observing the use and maintaining this divine gift and creating secure environment. They shouldn't abuse or go into extremes; and it is in this case that all human beings in all ages besides enjoying human dignity and the, collective right, and being the servant of almighty God will be able to realize their own legal and customary duties to God. Also, it is in this case that required opportunity for establishing appropriate human society is prepared because the abuse of this right, which leads to the destruction of the environment, is violating the rights of other especially future generations and it is forbidden and unlawful and requires external and internal enforcement guarantee; and certainly will severely be questioned.

Conflict of Interest

There is no conflict of interest.

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