

Intellectual Foundations for Environmental Protection in Islamic Legislation During Armed Conflicts

Dr. Abeer E. Al-Saleem^{(1)*}

Dr. Orwah N. Dwairi⁽²⁾

Prof. Ahmad Y. Al-Qaralleh⁽³⁾

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Abstract

This research aims to elucidate the intellectual foundations that underpin environmental protection in Islam, particularly in the context of armed conflicts. It clarifies the principles that guide Islamic legislation in safeguarding the environment, emphasizing that war is permissible only under strict conditions and must adhere to principles of proportionality. The study underscores that targeting the environment as a military objective is impermissible and that any environmental damage must be carefully evaluated against potential military outcomes to ensure it remains proportionate. A key finding of the research is that Islamic law prohibits unnecessary harm to the environment and integrates environmental preservation as a fundamental aspect of both religious and moral duty, even in times of warfare. The practical implications of this study are significant, offering valuable insights for policymakers, religious scholars, and environmental advocates, particularly in regions where Islamic law influences governance and societal values. This understanding empowers these stakeholders to make informed decisions and take effective actions. To achieve these insights, the researchers employed both descriptive and deductive methodologies.

Keywords: Environment, war, fighting, Jihad.

الأسس الفكرية لحماية البيئة في التشريع الإسلامي خلال النزاعات المسلحة

أ.د. أحمد ياسين القرالة

د. عروذ ناصر الدويري

د.د. عبير أحمد السليم

ملخص

يهدف هذا البحث إلى توضيح الأسس الفكرية التي تقوم عليها حماية البيئة في الإسلام، لا سيما خلال النزاعات المسلحة. حيث يوضح البحث المبادئ التي تحرك التشريعات الإسلامية لحماية البيئة، مع التأكيد على أن الحرب ضرورة لا تُخاض إلا وفق شروط صارمة وبتناسب مع الهدف العسكري. ويبرز البحث أن استهداف البيئة كهدف عسكري أمر غير جائز، وأن الأضرار البيئية يجب أن تُقاس بعناية مقابل النتائج العسكرية لضمان التناسب. النتيجة الرئيسية والأساسية لهذا البحث، هي أن الشريعة

(1) Full-time Lecturer, Faculty of Shari'a, Al al-Bayt University, Mafraq - Jordan.

(2) Associate Professor, Faculty of Shari'a, Al al-Bayt University, Mafraq - Jordan.

(3) Professor, Faculty of Shari'a, Al al-Bayt University, Mafraq - Jordan.

* **Corresponding Author:** dr.abeertlelan@gmail.com

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الإسلامية تحظر الإضرار غير الضروري بالبيئة وتدمج حماية البيئة كعنصر أساسي من عناصر الواجب الديني والأخلاقي، حتى في سياق الحرب. أما الآثار العملية لهذا البحث فهي عميقة، حيث تقدم رؤى قيمة لصانعي السياسات، والعلماء الدينيين، والمدافعين عن البيئة، خصوصًا في المناطق التي تؤثر فيها الشريعة الإسلامية على الحكم والقيم المجتمعية. هذه المعرفة تمكن الجهات الفاعلة من اتخاذ قرارات مستنيرة وإجراءات فعالة؛ لتحقيق هذه الرؤى، اعتمد الباحثون على منهجيات وصفية واستنتاجية في الشريعة الإسلامية على الحكم والقيم المجتمعية؛ لتحقيق هذه الرؤى.

الكلمات المفتاحية: البيئة، الحرب، القتال، الجهاد.

Introduction

The environment, a fundamental aspect of Islamic legislation, plays a crucial role, especially during armed conflicts. Its protection extends beyond preserving human well-being to safeguarding the rights of all living beings that share the earth. With the rise of global conflicts, the need to protect the environment from destruction and pollution has become increasingly urgent. In Islamic law, environmental protection is both a moral and religious obligation, rooted in humanity's role as stewards of the earth. This obligation is deeply embedded in the intellectual and jurisprudential principles that guide actions during war to ensure the environment's preservation.

Despite the recognition of environmental protection in Islamic law, gaps remain in understanding how these principles are applied during armed conflicts. This research addresses these gaps by exploring the intellectual foundations that underpin environmental protection in Islam and examining the impact of military actions on the environment from the perspective of Islamic jurisprudence. The study aims to answer two key questions: What are the intellectual principles that underpin environmental protection in Islam? And how does Islamic law view the impact of military actions on the environment?

While this study does not attempt to cover every aspect of environmental jurisprudence, it focuses on the foundational principles of environmental protection in Islam and their application during armed conflicts. By emphasizing these principles, the research provides a deeper understanding of the broader impact of war on the environment within the framework of Islamic law.

This study seeks to clarify the status of the environment in Islam and highlight the importance of its protection during both internal and international armed conflicts. Additionally, it introduces Islamic perspectives to legislators in international humanitarian law, advocating for the inclusion of environmental concerns in the legal frameworks governing armed conflicts.

Research Methodology

This study employs a comprehensive methodology that combines both descriptive and deductive approaches to explore the intellectual foundations and jurisprudential principles of environmental protection in Islam, particularly during armed conflict.

Descriptive Methodology

The descriptive methodology is used to analyze and document existing legal and religious texts related to environmental protection in Islam. This approach is essential for understanding the foundational concepts and principles that shape Islamic environmental ethics. By systematically examining relevant Quranic verses, Hadiths, and classical jurisprudential sources, this methodology provides a detailed exploration of how Islamic law conceptualizes environmental stewardship. Additionally, it offers historical and theological context, establishing a robust framework for subsequent analysis.

Deductive Methodology

In addition to descriptive analysis, the study employs a deductive methodology to derive specific conclusions from broader Islamic legal principles. This approach is necessary for interpreting and applying general Sharia principles to specific situations, such as wartime conduct and its environmental impact. By starting with established Islamic legal doctrines, the deductive method helps formulate specific rules and guidelines for environmental protection during armed conflicts. It also clarifies the limits and conditions under which environmental harm may be permissible, ensuring that the study's findings align with established legal theory.

The combination of descriptive and deductive methodologies is justified by the dual objectives of this study: to provide a comprehensive understanding of Islamic environmental ethics and to apply these principles to the specific context of warfare. The descriptive approach ensures the study is firmly rooted in primary Islamic legal sources, while the deductive approach enables the practical application of these principles to contemporary challenges. Together, these methodologies allow for both a deep theoretical exploration and a practical analysis of how Islamic law can guide environmental protection in modern contexts.

Data Sources and Analysis

The study relies on various data sources, including Quranic verses, Hadiths, classical Islamic jurisprudence, and contemporary legal interpretations. These sources are analyzed through the lens of

both traditional Islamic scholarship and modern legal theory, ensuring that the study's conclusions are relevant and applicable to current environmental and legal challenges. The analysis also incorporates case studies and examples from historical and contemporary conflicts, providing real-world context to the theoretical discussions. In summary, the chosen methodology thoroughly explores Islamic environmental ethics and their application during times of war, offering valuable insights that are both theoretically sound and practically applicable.

Literature Review

The exploration of environmental protection within Islamic law has garnered significant attention from legal and religious scholars, addressing various dimensions of environmental ethics and preservation. However, a notable gap remains in the literature concerning the specific impact of war on the environment from an Islamic perspective. While existing studies have thoroughly examined the general principles of environmental stewardship in Islam, few have explored how these principles are applied during armed conflicts.

This literature review seeks to bridge this gap by critically analyzing the intellectual foundations and jurisprudential rules of Islamic law that govern environmental protection during war. The review is structured into five sections, each addressing a key aspect of the topic. The first section delves into the intellectual and legal foundations of environmental protection in Islam, setting the stage for understanding the religious imperatives that guide this duty. The second section examines the concept of *Ihsan* (benevolence) and its application in environmental ethics. The third section discusses the role of Islamic jurisprudence in distinguishing between legitimate military objectives and prohibited actions that harm the environment. The fourth section focuses on the ethical and legal implications of environmental harm during warfare, emphasizing proportionality and necessity. Finally, the fifth section synthesizes the findings, highlighting the contributions and limitations of existing research and identifying areas where further study is needed.

Section One: Intellectual Foundations of Environmental Protection in Islam

In Islam, the environment holds special significance and occupies a unique status as the space where people live, sustain their livelihoods, and find joy. Islam strongly advocates for preserving the environment, establishing ethical guidelines to maintain its balance and prevent depletion or pollution. Many scholars consider environmental preservation one of Sharia law's fundamental objectives. As Dr. Mohammed Abdul Hameed Al-Khateeb puts it: "One of the Islamic teachings is how a Muslim should protect and preserve the environment as Allah commanded us. And to regard it as sacred is an

act of faith because Allah appointed the Humans as *Khulafa* (caretakers and trustees) of the earth, as He mentioned in the Qur'an: "Behold, your Lord said to the angels: "I will create a caretaker on earth."(Surah Al Baqarah V:30)"¹. However, the researchers contend that preserving the environment should be viewed as a means to an end, rather than as an end itself. The principle of environmental preservation in Islam is grounded in intellectual foundations and jurisprudential rules, which will be elaborated upon later in this research.

Part One: Succession in Land

The Almighty Allah has favored humanity above all other creatures, appointing them as His successors. The Quran states, "*We conferred on them special favors, above a great part of our creation*" (Al-Isra': 70). As such, humans are regarded as vicegerents rather than owners of the earth, bound by the restrictions set by the true Owner, Allah. This role of vicegerency is further emphasized in verses such as "*I will create a vicegerent on earth*" (Al-Baqara: 30) and "*That He will, of a surety, grant them in the land, inheritance (of power)*" (Al-Noor: 55). Additionally, the Quran states, "*And make you successors in the land*" (Al-Araaf: 129) and "*And settled you therein*" (Hood: 61). Therefore, Allah has created the earth and entrusted humanity with its stewardship, commanding them to build, populate, and enhance what He has created, while avoiding corruption.

Part Two: Benevolence, Procreation, and Existence

Islam emphasizes the concept of *Ihsan* (benevolence) in all dealings with the universe and everything within it. *Ihsan* represents the highest level of excellence and mastery in one's actions. The Almighty Allah instructs: "*And do good as Allah has done good to you. And desire not corruption in the land. Indeed, Allah does not like corrupters*" (Al-Qasas: 77). This verse links benevolence directly to the avoidance of corruption, emphasizing the importance of acting with kindness and integrity toward the environment.

Islam also calls for the active stewardship of the universe, encouraging humanity to utilize its resources and potential responsibly while preventing disruption, pollution, or depletion. Prophet Muhammad (Peace be upon him) illustrated this principle, stating: "*If the Hour starts to happen and in the hand of one of you is a palm shoot or seedling, and if he's able to plant it before the Hour happens, then let him plant it.*" This saying underscores the importance of caring for the environment, even in the face of impending calamity.

Additionally, Abu Hurairah narrated that the Messenger of Allah (Peace be upon him) said: "*None amongst you should urinate in standing water and then wash in it.*" This teaching further reinforces the importance of maintaining the purity of natural resources, particularly water, by avoiding actions that could lead to their contamination.

Section Two: Prohibition of Corruption on Earth

Islam unequivocally prohibits all forms and manifestations of corruption on earth, starting with moral corruption, from which all other types of corruption stem. The Quran warns: *"And when he gains power, he strives to spread corruption on earth, destroying properties and lives. Allah does not like corruption"* (Al-Baqara: 205).

Furthermore, the Quran advises: *"So eat and drink of the sustenance provided by Allah and do neither evil nor mischief on the (face of the) earth"* (Al-Baqara: 60). Mischief is defined as actions that harm others or cause disruption. The Quran further instructs: *"Do no mischief on the earth, after it hath been set in order"* (Al-Araaf: 56). Mischief refers to actions that degrade something from its praiseworthy state without a legitimate purpose.

Prophet Muhammad (Peace be upon him) reinforced this principle: *"There should be neither harm nor malice."* Therefore, any act that damages the environment through pollution or destruction is considered a form of mischief, strictly prohibited in Islam.

Section Three: Environmental Ethics

Islam has established a comprehensive set of environmental ethics that Muslims are encouraged to follow in their daily lives. These ethics are crucial for maintaining the balance and sanctity of the environment. Key aspects of these environmental ethics include:

- **Preserving the Environment from All Forms of Pollution**

Islam strictly prohibits pollution in all its forms, whether it affects the air, soil, water, or any other aspect of the environment. Environmental degradation often results from human corruption, leading to severe consequences such as drought, desertification, and floods—phenomena exacerbated by climate change due to the emission of harmful gases and pollutants. The Quran states: *"Mischief has appeared on land and sea because of what the hands of men have earned, that Allah may give them a taste of some of their deeds, so that they may turn back from evil"* (Al-Room: 41).

Prophet Muhammad (Peace be upon him) emphasized the importance of environmental preservation through his teachings. He stated, *"Iman has sixty-odd or seventy-odd branches, the least of which is the removal of a harmful object from the road."* Additionally, he forbade any form of water pollution, saying: *"None of you should urinate in standing water and then wash in it"* (Narrated by Muslim). Furthermore, the Prophet warned against behaviors that provoke cursing, such as: *"Relieving oneself on thoroughfares or under shades where people take shelter and rest"* (Narrated by Muslim).

The warning to "*Beware of the cursers*" refers to actions that bring about curses, particularly those that cause harm to others, leading to widespread condemnation. By becoming the cause of such harm, individuals are held accountable as if they had invoked the curse.

Moreover, Islam elevates the removal of harmful objects from public pathways to an act of charity and a branch of faith. The Prophet Muhammad (Peace be upon him) taught: "*Iman has sixty-odd or seventy-odd branches. The uppermost of all these is the Testimony of Faith: 'There is no true god except Allah,' while the least of them is the removal of a harmful object from the road.*" This teaching underscores the significance of even small acts of environmental preservation as acts of faith and charity.

Removing harmful objects from the road is considered an act of charity because it provides a tangible benefit to others, ensuring their safety and well-being. By removing potential hazards, a person performs a charitable deed that Allah rewards. As the Prophet emphasized, refraining from evil and preventing harm are also forms of charity.

Islam places such high importance on environmental preservation that it has made it a matter of faith for Muslims, encouraging them to protect and preserve the environment in their pursuit of spiritual reward. Abu Hurairah narrated that the Prophet Muhammad (Peace be upon him) said: "*When a man was walking on the road, he found a thorny branch and removed it. Allah appreciated his action by forgiving him.*" This hadith highlights how small acts of environmental care can lead to forgiveness and spiritual reward. The teachings of the Prophet make it clear that any act that harms the environment—whether by leaving thorns, stones, or water that spoils roads and paths—can result in punishment in this life and the hereafter. Thus, Islam promotes the protection of the environment and integrates it into the core of faith and daily practice.

Removing harm from the road involves clearing obstacles like stones or thorns that could injure passers-by and cutting down trees that obstruct paths in rough terrain. This also includes tasks such as sweeping dirt from the road and filling in holes or ditches that may be dangerous to those using the road. Additionally, removing a tree from the road can widen the pathway, allowing for the placement of vendors or others who conduct business along the route. This concept is similar to the area between Safa and Marwah, where ensuring clear passage is essential.

In some cases, removing harm becomes an obligation, such as when there is an open well in the middle of the road into which a blind person, child, or animal might fall. In such instances, the well must be filled or properly enclosed to prevent accidents, provided that this does not hinder passers-by (Tarh Al-Tathrib 2/304 Al-Iraqi).

1. **The Removal of Harmful Objects:** This involves eliminating anything that causes harm, whether it be a thorn, stone, or dirt. "Removal" refers to an action that prevents or mitigates harm. As Al-Hasan Al-Basri mentioned in Tafsir Al-Abrar, these individuals neither harm small creatures like ants nor tolerate harm.
2. **Cultivating Barren Lands:** Islam encourages the reclamation and cultivation of barren lands. Ibn Hazm notes that the Sultan may assign land to individuals for construction and agricultural purposes, ensuring that it is used productively. This approach helps lower the cost of living for both people and animals, increases wealth, and fulfills obligations such as Zakat.
3. **Maintaining Vegetation and Planting Forests:** Preserving biodiversity through vegetation cover and afforestation is highly valued in Islam. Jabir (may Allah be pleased with him) reported that the Messenger of Allah said: *"When a Muslim plants a tree, whatever is eaten from it is considered charity, whatever is stolen from it is charity, and whatever is taken from it is charity."* The Prophet also encouraged planting even in the face of the Final Hour, saying: *"If the Final Hour comes while you have a shoot of a plant in your hands, and it is possible to plant it before the Hour comes, you should plant it."*
4. **Water Conservation:** Water is one of Allah's greatest blessings and is essential for sustaining life. The Quran states: *"And We made from water every living thing. Will they not believe?"* (Al-Anbiya: 30). Given its vital importance, Islam strictly forbids wasting water, even in the context of worship. 'Abdallah bin 'Amr bin al-'As narrated that the Messenger of Allah saw Sa'd performing ablution and asked, "What is this extravagance, Sa'd?" Sa'd replied, "Is there extravagance in ablution?" The Prophet responded, "Yes, even if you are beside a flowing river"* (Narrated by Abu Dawud in the chapter on wasting water).
5. **Preserving Animals' Rights:** The animal is one of Allah's creatures. They were created for important purposes and goals that ultimately benefit humans' interests. For this reason, Islamic law established a set of rights for animals, and these rights are summarized as follows²:

- **Animals' Right to life and the prohibition of killing them for no benefit:**

Animals have the right to life, which must be preserved. This life is restricted so that it does not come at the expense of food, interest, or human life. Al-Isfahani says: "Know that everything that is created in this world was created for the sake of man. It was created for its use, such as horses, mules, and donkeys, or as food for it, such as cows, sheep, grains, and fruits. In other words, it might have been created to benefit from things that benefit humans, such as grass and insects. The

Almighty's saying: "Until, when they came upon the valley of the ants, an ant said, "O ants, enter your dwellings that you not be crushed by Solomon and his soldiers while they perceive not". (Al-Namil – 18) indicates the prohibition against killing or harming animals for purposes other than a legitimate benefit. Al-Qurtubi says in his interpretation that while they were not aware of the gesture of a believer, that is, the justice and virtue of Solomon, and the virtue of his soldiers, would not destroy an ant or anything above it without realizing it³.

A believer does not harm intentionally, indicating that faith and moral rules are important in protecting and preserving this universe. Abu Bakr Al-Siddiq's, may Allah be pleased with him, the commandment to the commanders of the soldiers whom he sent to the Levant was: Do not spread corruption in the land, do not drown palm trees, do not burn them, do not slaughter an animal or a tree that bears fruit, and do not destroy a tree.

- **Animals' Right to Eat:**

The animal's owner must feed and water it, and it is forbidden for him to prevent animals from eating. A woman entered Hell because of a cat. Ibn Omar narrated that the Prophet said: "A woman was punished on account of a cat which she held captive till it died. Hence, she entered the Hell-Fire due to (her mistreatment of) the cat. She did not feed it or give it water while she held it captive, nor did she let it out so that it may eat the things that creep on the earth."⁴

In the same context, a man has entered Paradise because of a dog. **The Messenger of Allah said:** "While a man was walking on his way, he became extremely thirsty. He found a well; he went down into it to drink water. Upon leaving it, he saw a dog panting out of thirst. His tongue was lolling out, and he ate moist earth from his extreme thirst. The man thought: 'This dog is as thirsty as I was.' So he descended into the well, filled up his leather sock with water, and, holding it in his teeth, climbed up and quenched the dog's thirst. Allah appreciated his action and forgave his sins". The Companions asked: "Shall we be rewarded for showing kindness to the animals also?" He (ﷺ) said, "A reward is given in connection with every living creature"⁵.

A particular chapter in Islamic jurisprudence books discusses the maintenance of animals. An animal has the right to be provided with food and drink, protected, and prevented from pain and torture.

- **The Right to prevent torture and pain for purposes other than a legitimate purpose:**

Islamic legislation states that an animal's body is inviolable from pain and vulgarity. Therefore, it is forbidden to cause them pain if no legally recognized need exists. Jurists have stipulated many prohibited and forbidden forms of dealing with animals since they cause pain and harm to animals. Islam demands that the animal's pain be reduced when slaughtered so as not to prolong its pain and suffering.

The Messenger of Allah said, "*Verily Allah has prescribed Ihsan (kindness) for everything. So when you kill, you must make the killing in the best manner; when you slaughter, make your slaughter in the best manner. Let one of you sharpen his knife and ease his animal (to reduce his pain)*"⁶.

Accordingly, it is not permissible to imprison an animal for anything other than a legitimate purpose, or to imprison it with anything that would harm it, or to move it among animals, or to separate it from its young or its males during the mating season.

- **The Right to preserve species:**

Islamic jurisprudence stipulated that animals have the right to the survival of their species, so it is not permissible to kill or slaughter them if that leads to their extinction and annihilation. The evidence for this is what Abu Dawud narrated of Abdullah bin Mughaffal, who said: The Messenger of Allah said: "*If it were not that dogs were part of a nation among the nations, then I would order to that all of them be killed. So kill every one of them that is all black.*"⁷"

Al-Khattabi says that this means he disliked the annihilation of an entire nation or generation of creation until all of it was destroyed, leaving no remnant, as there is no creation of the Almighty that does not contain some wisdom and benefit. He adds: If the situation is such that it is not possible to eliminate them all, then one should kill the worst of them, which are the black and dull ones, and leave everything else in order to benefit from them in guarding.

In this context, there is no distinction between a state of war and peace, as war is not a justification for harming, polluting, or destroying the environment. Many jurisprudential rules have demonstrated this, the most important of which are the following:

Section Four: Islam's view of war determines its position on the environment

Islamic teachings emphasize a profound respect for the environment, even in warfare. The principles of war in Islam are about achieving victory, upholding ethical standards, and minimizing harm. This section explores how Islam's view of war inherently determines its position on environmental preservation, highlighting that the purpose of fighting in Islam is not to conquer or destroy but to uphold justice and prevent transgression, including environmental harm.

Part One: The purpose of fighting determines Islam's position on the environment

From Islam's perspective, the purpose of fighting is not to occupy the lands of others, plunder their wealth, open markets for products and other things, or destroy homelands and destroy property. Rather, Islam has set a specific goal, which is in the sake of Allah. The Almighty Allah said: "*And*

fight in the way of God with those who fight against you but do not transgress limits; God loves not the transgressors". (Al-Baqara: 190). Suppose it is for the sake of Allah. In that case, it must adhere to the restrictions that Allah has imposed, including preventing aggression, exceeding the limit, destroying property, and polluting the environment. The command to fight for the sake of Allah that appeared in this verse was coupled with the prohibition of aggression. Al-Isfahani says in its interpretation: (and do not transgress): a general prohibition regarding exceeding every limit set by the Almighty Allah⁸.

Rashid Reda says: (*And do not transgress*) in fighting so that you start them, nor in fighting so that you kill those who do not fight, such as women, children, the elderly, and the sick, or whoever brought peace to you and stopped fighting you, nor in other types of aggression, such as sabotage and cutting down trees. They said the negative act benefits the common⁹. If it deviates from that path, it is no longer a legitimate war in the eyes of Islam, and it is an aggression. Secondly, war, in the eyes of Islam, is a necessity required by the nature of life, and necessity is estimated according to its extent.

Part Two: War is a necessity of life, and it is assessed proportionately

The rule "Necessity Knows No Laws"¹⁰ is one of the strict rules in Islamic legislation that permits some prohibited things in cases of necessity. There is no stronger necessity than the necessity of self-defense and striving to protect homelands, preserving property, and repelling aggression. Scientists have necessarily established a set of general controls for work, and these controls are¹¹:

1. The necessity must be present and not expected. This means that there is a real threat to one of the five necessities: religion, soul, mind, honor, and money. This threat is most likely based on experiments or prescriptions from specialists, such as trusted doctors.
2. Committing the forbidden must be a means of repelling the forbidden, but if there is another permissible means of repelling the forbidden, then it is not permissible to attack the forbidden.
3. Committing the prohibited thing does not result in a greater prohibition, as will be explained below.
4. To limit the perpetration of the forbidden with the state of necessity, because necessity is assessed proportionately.

Al-Bahuti says: (It is permissible to burn their trees and cut them down if there is a need to destroy them if they (a being) cannot control them.) That is, the infidels (except with it), such as one who approaches their fortresses, prevents them from fighting, or uses it to cover themselves from the Muslims, or needs to be cut off to widen the road (or they used to do it). This means burning trees and crops and cutting them down (from us), meaning the Muslim community (this is being done to them so that they will stop) from it and be repulsed¹². Military necessity requires using words to break the enemy's power, defeat it, and stop its evil deeds. In the eyes of Islam, fighting is a necessity dictated

by the nature of human life, as it is one of the laws of life, and this is what Ibn Khaldun explained when he said:

It should be noted that wars and fighting types have continued since the old times. It stems from the desire of some people to take revenge on others, and each of them has its fanatical people, so if they complain about that and the two sects agree, one of them seeks revenge, and the other defends, then a war erupts. It is a natural issue that exists in all nations or generations, and the reason for this revenge is mostly jealousy and competition¹³. The Holy Qur'an expressed this best when the Almighty said: "*Fighting is ordained for you, even though you hate it. But it may be that you hate something while it is good for you, and it may be that you love something while it is bad for you. Allah knows, and you do not know.*" This verse: "*And it is hateful to you*" indicates that it is a hardship for you because of what it causes to your soul and wealth¹⁴.

Al-Maturidi: As for the hatred and love mentioned, they mean the hatred of character and self, and love of character, because everyone's nature is averse to fighting and striving with the enemy¹⁵. Al-Baghawi says: "*and it is disliked for you,*" means that it is difficult for you. Some scholars said: This dislike is in terms of the nature's aversion to it, because of the provision of money, hardship to the soul, and danger to the soul¹⁶. Fighting is abhorrent to souls, for it prevents the fighter from his tranquility, self, sleep, food, family, and home. It causes a person to resort to enmity towards others, and expose them to the risk of death or the pain of wounds. However, it wards off the humiliation resulting from men's dominance and weakness. The Hadith "*O ye men, do not wish for an encounter with the enemy. Pray to Allah to grant you security; (but) when you (have to) encounter them exercise patience*", is an indication that fighting is a necessity that people do not like unless abandoning it would lead to great harm¹⁷.

Islam considers common sense and does not deny the hardship of this duty, nor does it trivialize its matter, nor does it deny to the human soul its innate sense of its hatred and burden. Islam does not compete with nature, does not conflict with it, and allows innate feelings that cannot be denied¹⁸. That is why war is called unpleasant among the Arabs. The Holy Qur'an also expressed war as a burden, and the Almighty Allah said: "*Until the war lays down its burdens,*" that is its sins. For this reason, Al-Ezz bin Abdul Salam says about jihad: "*It is not honorable in itself, but rather the means must be obligatory*¹⁹."

The Holy Quran indicates that fighting in Islam is a necessity to stop aggression. It justified the permission for Muslims to fight after it was forbidden due to the injustice to which Muslims were subjected and which required fighting as a form of self-defense. Fighting was forbidden and permitted to repel aggression, according to what the Almighty Allah says: "*Permission [to fight] has been given*

to those who are being fought, because they were wronged. And indeed, Allāh is competent to give them victory." (Al-Hajj: 33). If that were the case, it would be acceptable and legitimately reasonable to expand it and harm civilians and civilian objects or destroy and pollute the environment.

Al-Zamakhshari says: because they were wronged, that is, because they were oppressed, and they were the companions of the Messenger of Allah. The polytheists of Mecca used to harm them severely. They used to come to the Messenger of Allah while they were afflicted and wounded. They complained to him, and he told them: Be patient, for I was not commanded to fight. When he immigrated, this verse was revealed, and it is the first verse in which fighting was permitted after what was forbidden in more than seventy verses²⁰.

Part Three: Charity and Prohibition of Aggression

Polluting the environment should neither be a goal nor a means to resolve the battle since this is a transgression that is not approved by Islamic law. The Almighty said: "*Fight in the cause of Allah those who fight you but do not transgress limits; for Allah loveth not transgressors.*" (Al-Baqara: 190). The Almighty Allah said: "*So whoever has assaulted you, then assault him in the same way that he has assaulted you. And fear Allah and know that Allah is with those who fear Him.*" (Al-Baqara: 194). He also forbade wishing to meet the enemy, as it appears in the hadith narrated by Muslims: *Do not wish to face the enemy*²¹. Wishing to meet the enemy is undesirable because it means fighting, blood, and scattered body parts, destruction of money and property, and pollution of the environment. It must be pointed out here that "since it is permissible to kill souls, which is more sacred than other things, then destroying buildings and cutting down trees is less permissible."²² Just as killing people has its own rules that govern it during a battle, so too does attacking civilian objects and dealing with the environment during war. Concerning this, Al-Tabari says: Abu Bakr forbade burning and drowning palm trees. He only forbade doing so intentionally, but if it was burned and drowned during a raid, this action is not followed in this world and the hereafter²³.

The evidence of this is the rule of benevolence that Islam applied and called on Muslims to apply in their dealings with this existence, including the situation of war. The Almighty Allah said: "*Allah commands justice, goodness, and generosity towards relatives. And He forbids immorality, injustice, and oppression. He instructs you, so that you may remember.*" (Al-Nahil: 90). Al-Ezz bin Abdul Salam considers this verse to be the most comprehensive verse in the Qur'an, as he says:

The Almighty's saying: "*Allah commands justice, goodness, and generosity towards relatives. He also forbids immorality, injustice, and oppression. He instructs you, so that you may remember.*" (Al-Nahil: 90) is the most comprehensive verse in the Qur'an that encourages all interests and discourages all evils. The *Alif* and *Lam* refer to justice and benevolence to the general public.

Nothing remains of the essence and majesty of justice except that it is included in His saying: *"Indeed, God commands justice"* [An-Nahl: 90]. Nothing remains of the subtlety and glory of benevolence except that it is included in His command of benevolence. Justice is compromise and fairness. *Ihsan* (benevolence) can be used either to bring benefit or repel harm. The same applies to the Alif and Lam in indecency, evil, and transgression in general, encompassing the types of immoralities and the words and deeds mentioned. Transgression -which is the oppression of people- was singled out for mention despite its inclusion in immorality and reprehensible behavior, to pay attention to it. If the Arabs cared, they would come up with general names. For this reason, transgression, which is injustice, has been singled out for attention, just as giving remembrance to relatives has been singled out, although it has been included with justice and benevolence²⁴.

Therefore, Islam commands kindness in slaughtering animals by reducing their pain, for excessive pain is not tolerated. The Messenger of Allah said: *"Verily Allah has prescribed Ihsan (kindness) for everything. So when you kill, you must make the killing in the best manner; when you slaughter, make your slaughter in the best manner. Let one of you sharpen his knife and give ease to his animal (to reduce his pain)"*²⁵. Al-Nawawi says that this hadith is comprehensive of all the rules of Islam. Although the weapons used during jurisprudence were not polluting the environment because the fighting was based on confrontation between armies and confrontation between combatants in which swords, spears, and other individual weapons were used, the jurists mentioned the means or tools of fighting whose effect or harm extends beyond the non-combatant. Among these: Abu Bakr - *may Allah be pleased with him* - sent armies to the Levant, and he went out following Yazid bin Abi Sufyan and said: *"I advise you ten things: Do not kill women or children or an aged, infirm person. Do not cut down fruit-bearing trees. Do not destroy an inhabited place. Do not slaughter sheep or camels except for food. Do not burn bees and do not scatter them. Do not steal from the booty, and do not be cowardly."*²⁶ Al-Sarkhasi says: Based on the apparent meaning of the hadith, Al-Awza'i provided evidence. He said: It is impermissible for Muslims to do anything that leads to sabotage in the land of war, because that is corruption. (*Allah does not like corruptors*) (Al-Baqara: 205). He also cited the words of the Almighty as evidence: *"And when he gains power, he strives to spread corruption on earth, destroying properties and lives"*. (Al-Baqara: 205). As it was narrated by Ali, *may Allah be pleased with him*, the Messenger of Allah used to mention this in his commandments to the commanders of the brigades.²⁷

The jurisprudence that made the removal of harmful objects from the road as a charity to protect and preserve the environment does not accept polluting and destroying the environment as an objective of war or a means of subduing the enemy and breaking its strength. The law governing the

conduct of battle and war is Sharia's provisions and values, not dictated by the will of the victor or imposed by his power. Islam's rules, morals, and values do not accept transgression in the environment. In this regard, Durant says: For five centuries, from the year 700 to the year 1200, Islam led the entire world in power, order, and the authority of the ruling, all manners and morals, a high standard of life, compassionate human legislation, and religious tolerance. However, it appears that the Muslims were more perfect than Christians. They were more careful of the covenant and merciful to the defeated. In their history, they rarely committed such brutality as the Christians committed when they seized Jerusalem in the year 1099.

The Christian Law continued to use the method of divine arbitration by combat, water, or fire, at a time when Islamic law established a set of sophisticated legal principles implemented by enlightened judges²⁸. Islam sought to humanize war, which is the pinnacle of violence. It humanized it in terms of its causes, goals, how to manage it, the rights of its parties, and how to deal with people, civil and cultural objects²⁹. These and other humanitarian legislations are what prompted the Swiss thinker Marcel Poisar to write his book "The Humanity of Islam," where he says: Muslim warriors had imposed on themselves a spirit of tolerance with non-Muslims and with conquered peoples. In a time when violence was not defined by law or emotion, Abu Bakr (may Allah be pleased with him), the first successor of the Prophet, issued to his soldiers the famous, often repeated instructions that summarize the moral spirit of Islamic law³⁰. Durant described Muslim fighters by saying: They were more careful of the covenant than them and merciful to the defeated³¹.

Section Five: Military Necessity and Proportionality

The rule "necessity is assessed proportionately" means that it is permissible to perform an action based on necessity and to the extent sufficient to eliminate that necessity. It is not permissible to exceed the limits of necessity. Whatever is not motivated by necessity or something else, or at least it is not permissible to be expanded or undertaken because Islam prohibits the excessive use of force, and the environment cannot be a target for deterrence attacks because its damage is severe and permanent. This rule determines the conduct of military operations, which requires:

- **Distinguishing between military targets and non-military targets.** Non-military civilian objects may not be targeted or harmed. This includes the environment with all its components. It also requires avoiding the indiscriminate use of weapons that harm the environment, especially weapons of mass destruction that cause damage.
- Ensuring proportionality between environmental harm and the military advantages gained from using force. If the harm outweighs the military benefits, the action is prohibited. This principle

aligns with the Almighty's command, "And do not transgress," and is reflected in jurisprudential rules such as "choosing one of two evils" and "preventing harm is better than bringing benefits" (Article 30). The rule of proportionality, where what is permissible for necessity is assessed proportionately, also applies (Article 22). The rule "preventing evil is prioritized over achieving benefits" implies that when there is a conflict between harm and benefit, preventing harm takes precedence over pursuing benefits, warding off the harm takes precedence over bringing about the benefit. If an action benefits an individual but causes equal or greater harm to others, the individual must refrain from it to avoid harm, as the law prioritizes prohibitions over commands.

- This rule addresses the issue of preference between interests and harms if they conflict and compete. If this happens and an interest conflict with a harm, preventing the harm takes precedence over bringing about the interest.

This indicates that the Islamic army must balance the damage it inflicts on the environment with the victory it achieves. If the damage is severe, widespread and long-term, then Islamic law applies. Accordingly, Islamic legislation prohibits weapons of mass destruction because they cause great harm to humans and the environment. The rule of reciprocity does not apply to environmental damage and does not affect the enemy's power. Islamic law, based on religious principles, governs the conduct of Muslim fighters. There are actions that Sharia prohibits and does not permit, even if they are permitted by international law and all laws and conventions. Ibn Qudamah says: As for the enemy, and if it is defeated, it is not permissible to burn them with fire, without disagreement that we know of Abu Bakr Al-Siddiq, may Allah be pleased with him, used to order the burning of apostates, a practice carried out by Khalid bin Al-Walid. However, this practice is not widely accepted today³².

Accordingly, Islam determined the rules that govern the behavior of warriors during war. Force is not the criterion for military conduct. An indication of this is that all chapters on fighting and jihad in the books of Islamic jurisprudence have devoted a special heading to those who are not permitted to be killed, such as children, women, the elderly, and monks. They have also dealt with the ruling on attacking civilian objects, burning property, etc. The hadith books also included special chapters entitled "Chapter on abstaining from mutilation, burning, cutting down trees, and demolishing buildings except for need and interest."³³ The rule of treatment, even if it is a custom, is stated in the Holy Qur'an. The Almighty Allah said: "*Then whoever transgresses the prohibition against you, you transgress likewise against him*" (Al-Baqara: 194).

However, it remains governed by the provisions of Islam and its moral rules that inspired jurists. This is what Al-Shaybani explained when he said: If they had pledged but betrayed the Muslim pledge, then the blood of their pledge would be permissible for us, and then if they killed them, the

blood of their pledge would not be permissible for us. This incident was narrated during Muawiyah - may Allah be pleased with him. He and Muslims agreed not to kill the polytheists because they are safe from us, their blood is not permissible due to a crime committed by someone else, and the condition that was made is contrary to the ruling of Sharia law and is therefore invalid³⁴. Rather, the Holy Qur'an calls for the highest level of morality by preferring forgiveness and patience over revenge. The Almighty Allah said: *"And if you punish [an enemy, O believers], punish with an equivalent of that with which you were harmed. But if you are patient - it is better for those who are patient."* (Al-Nhil: 126). Al-Tabari says: Allah said in a verse to the believers: *"And if you punish someone who wronged you and attacked you, punish him with the same punishment with which your oppressor inflicted on you. And if you are patient with his punishment and consider before God the injustice he has inflicted upon you, and entrust his affairs to Him, so that He is the one responsible for His punishment"*³⁵.

Al-Razi says regarding this verse, if you are punishing that oppressor, then be satisfied with the same. Then he said: If you left him, that would be better. Then he gave him a decisive command to leave him, and he said: And be patient, and your patience is only with God³⁶. The rule of reciprocity may not be applied to harm caused to the environment because if harm is not a means of achieving an intended goal, then it is corruption. Based on the rule, every action that deviates from achieving its intended goal is invalid. Therefore, if the enemy targets the environment and pollutes it, this is not considered a justification for carrying out the same act.

The statement that war is a state of necessity goes in consistency with the theory which states that peace is the foundation of the relationship between Muslims and others, and this is the opinion of several contemporary scholars such as Abdul Wahhab Khallaf, Mahmoud Shaltut, Muhammad Abu Zahra, Muhammad Abdullah Daraz and others. This is what we tend to do, but there is not enough room to list the evidence. In this regard, we quote the jurist Al-Sherbini the following text: Jihad is an obligation of means, not of goals. So, what is meant by fighting is guidance and other forms of martyrdom, and as for killing infidels, it is not intended. Even if guidance were possible by establishing evidence without jihad, it would be better than jihad³⁷.

As for those who believe that the basis of the relationship is war, war is not considered a necessary condition in their view in the sense that we mentioned, but it is considered a necessity to repel the disbelief of the infidel. If he converts to Islam, the state of necessity will be lifted as the Almighty Allah says: *"But if they repent, perform the Salah and give the Zakah, then they are your brethren in religion"*. (Al-Tawba: 11). Also, *"Then, when the Sacred Months have passed, kill the polytheists wherever you find them. And capture them, besiege them, and lie in wait for them at every ambush. But if they repent,*

and perform the prayers, and give the alms, then let them go their way." (Al-Tawba: 5). This is the opinion of most scholars. What we mentioned previously about the governance of the environment in the event of armed conflicts does not differ in terms of the governance of the two parties. Everyone believes that it is not permissible to target civilians or non-military objects or to pollute and destroy the environment and cause severe and long-term damage to it.

Ibn Qudamah says³⁸: He does not cut down their trees or burn their crops unless they are doing that in our country, in which case he should do that to them so that they may end. In summary, trees and plants are divided into three parts: One is what needs to be destroyed, such as what is close to their fortresses, prevents them from fighting, or is used to cover themselves from Muslims, or needs to be cut to expand a road, enable fighting, block a ditch, repair a road, or cover a catapult, or something else. They would do that to us, then he would do that to them, so that they would end. This is permissible, without any disagreement that we know of.

The second is that Muslims are harmed by cutting it, because they benefit from its continence for their fodder, or to seek shade from it, or to eat from its fruit, or it is not the custom between us and our enemy to do so, so if we do it to them, they do it to us, then this is forbidden because it harms Muslims. Third, except for these two sections, which do not cause harm to Muslims or benefit other than angering the infidels and harming them, there are two narrations in it: one is not permissible; According to the hadith of Abu Bakr and his will. Something similar was narrated with a chain of transmission attributed to the Prophet - may Allah bless him and grant him peace - and because it involves pure destruction, it is not permissible, such as sterilizing an animal. Thus, Al-Awza'i, Al-Layth, Abu Thawr, and the second narration said that it is permissible.

This is what Malik, Al-Shafi'i, Ishaq, and Ibn Al-Mundhir said. Ishaq said: Burning is a Sunnah, if it is worse for the enemy. Allah the Almighty said: "*Whether ye cut down (O ye Muslim!) The tender palm-trees, or ye left them standing on their roots, it was by leave of Allah, and in order that He might cover with shame the rebellious transgresses.*" (Al-Hashir: 5). What indicates that fighting in Islam is not permissible to target the environment in all its forms if there is no military necessity, is the reason for the revelation of the Almighty's saying: "*Whether ye cut down (O ye Muslim!) The tender palm-trees, or ye left them standing on their roots, it was by leave of Allah, and in order that He might cover with shame the rebellious transgresses.*"

When the Prophet besieged them and cut down their palm trees, they became frightened and said: O Muhammad, you claimed that you wanted righteousness, but is it righteousness to uproot trees and cut down palm trees? Did you find corruption on earth in what was revealed to you? Therefore, this was difficult for the Messenger of Allah and Muslims found it within themselves³⁹. As a result, the

Almighty's saying was revealed, "*Whether ye cut down (O ye Muslim!) The tender palm-trees, or ye left them standing on their roots.*" (Al-Hashir: 5).

It was narrated from Ibn 'Umar that the Messenger of Allah burned the palm trees of Banu Nadir and cut down Buwairah (the name of their garden). Then Allah revealed the words: "*What you (O Muslims) cut down of the palm trees (of the enemy), or you left them standing*" (Al-Hashir: 5)⁴⁰. In reference to the Almighty's saying, "*What you (O Muslims) cut down of the palm trees*", Al-Suhayli said: in singling out the *lina* in mentioning it is an indication that what is permissible to cut down from enemy trees is what is not intended for sustenance, because they used to eat *ajwa* and *barniya*, not the *lina*. Al-Bukhari also translated in his interpretation, saying: "*whatever palm tree you cut*" (Al-Hashr: 5) means a palm tree unless it is a palm tree or *ajwa*⁴¹. Al-Nawawi says: In this hadith, it is permissible to cut down the trees of infidels and burn them, and this was said by Abd al-Rahman ibn al-Qasim, Nafi' Mawla ibn Umar, Malik, al-Thawri, Abu Hanifa, al-Shafi'i, Ahmad, Ishaq, and the majority. Abu Bakr Al-Siddiq, Al-Layth bin Saad, Abu Thawr, and Al-Awza'i, may Allah be pleased with him, said in a narration from them that it is not permissible⁴².

The Messenger of Allah burned and cut down the palm trees of Banu al-Nadir, which is al-Buwairah, so the Almighty Allah revealed the verse "*whatever palm tree you cut*" (Al-Hashr: 5). Scholars have differed regarding the interpretation of what the Messenger of Allah did. Some of them said that he only ordered the palm trees to be cut down because he was facing people, so he ordered them to be cut down so that there would be room for him. This speaker disliked cutting down trees and used Abu Bakr's prohibition against that as evidence. Al-Awza'i went to this meaning, and Al-Awza'i said that there is no harm in cutting down trees and burning them in the lands of the polytheists and in demolishing their homes, and Malik also said. The people of opinion said that there is nothing wrong with it, and Ishaq said the same⁴³.

The scholars differed regarding the issue of cutting down trees and destroying crops and fortresses. Some argued that it was permissible based on the hadith of Ibn Umar: that the Messenger of Allah burned the palm trees of Banu al-Nadir. However, some disliked that, and this is Al-Awza'i's statement. Al-Awza'i said: Abu Bakr Al-Siddiq, may Allah be pleased with him, forbade cutting down a fruitful tree or destroying a tree, and Muslims did that after him. Al-Shafi'i said: there is no harm in burning enemy's land and cutting down trees and fruits. Ahmed said: It may be in places where they cannot find it, but if it is tampered with, it should not be burned. Ishaq said that burning is Sunnah if it is a disgrace to them⁴⁴.

It is impermissible to kill a sheep or an animal, except for food and in cases of necessity. Killing their animals during a non-war state to anger and corrupt them is not permissible, whether

we fear that they will take them or not. This is what Al-Awza'i, Al-Layth, Al-Shafi'i, and Abu Thawr said. Abu Hanifa and Malik said: It is permissible because it angers them and weakens their strength, so it is like killing it while fighting them⁴⁵.

Do not drown the bees. In sum, drowning and burning the bees is not permissible, according to most scholars, including Al-Awza'i, Al-Layth, and Al-Shafi'i. Malik was told: Should we burn their bee houses? He said: As for bees, I don't know what they are. The doctrine of Abu Hanifa requires its permissibility because it enrages them and weakens them, and it is like killing their animals while fighting them. Abu Bakr Al-Siddiq -may Allah be pleased with him- told Yazid bin Abi Sufyan while advising him when he sent him as a commander to fight in the Levant: Do not burn bees or drown them. It was narrated on the authority of Ibn Masoud that his nephew, one of the raiders who had invaded it, came to him and said: Perhaps you burned a field? He said: Yes. He said: Perhaps you drowned in bees? He said: Yes. He said: Perhaps you killed a boy? He said: Yes. He said: Let your campaign be self-sufficient. Checked by Saeed. This is similar to Thawban.

It has been proven that "the Messenger of Allah forbade killing a bee, and forbade killing any animal out of patience. "Since it is corruption, it falls within the general meaning of the Almighty's saying: *"And when he goes away, he strives throughout the land to cause corruption therein and destroy crops and animals. And Allah does not like corruption"*. (Al-Baqarah: 205). Because it is an animal with a soul, it was not

permissible to kill it due to the anger of the polytheists, their women, and their children. *"Whether ye cut down (O ye Muslim!) The tender palm trees, or ye left them standing on their roots."* (Al-Hashir: 5).

The Messenger of Allah (PBUH) had come to Banu al-Nadir to speak to them, but they betrayed him. Some said, " I will approach the house and throw a rock on him. Then the news came, so he got up, returned to the city, and sent to them: "Do not live with me". So Ibn Abi sent to them: Do not go out; I have two thousand with me, and Qurayza will support you. So they said to the Messenger of Allah, we are not going out, so do what you want. He went to them, and they stood on their forts with arrows and stones, but Qurayza isolated them, and Ibn Abi abandoned them. It comes from Al-Bukhari, now from the hadith of Ibn Omar: The Messenger of Allah burned and cut down the palm trees of Banu al-Nadir, which is al-Buwayrah. Al-Tirmidhi said: A group of scholars adhered to this hadith and did not see any harm in cutting trees or destroying fortresses, but some disliked that. This is Al-Awza'i's opinion. Al-Awza'i said: Abu Bakr Al-Siddiq, may Allah be pleased with him, forbade cutting down a fruitful tree or destroying a tree, and Muslims did that after him. Al-Shafi'i said: There is no harm in burning enemy land and cutting down trees and fruits.

Ahmed said: It may be where they cannot find it, but if it is tampered with, it should not be burned. Ishaq said: Burning is a Sunnah if there is distress among them. End quote from Al-Tirmidhi. Some scholars mentioned that the Messenger of Allah cut down their palm trees to anger them with that, and he revealed about that: “And to disgrace the transgressors” (Al-Hashr: 5). Cutting and uprooting palm trees was a disgrace to them. Al-Nawawi narrated in Sharh Muslim what Al-Tirmidhi narrated on the authority of Al-Shafi’i: It is the doctrine of the majority and the four imams⁴⁶.

(His saying: If they refuse to do that, seek help from the Almighty Allah against them and fight them, according to what the Messenger of Allah said in the hadith of Suleiman bin Buraydah: “But if they refuse to do that, then seek help from Allah and fight them.”) The hadith was presented in its length and the discussion. The destroyer (so they seek help from God in all matters). As the Messenger of Allah, PBUH, appointed the people of Taif) according to what is detailed in Al-Tirmidhi, as he said: Qutaybah said: Waki` told us on the authority of a man on the authority of Thawr ibn Yazid, “The Prophet - may peace and blessings of Allah be on him- set up a catapult on Taif. I said to Waki’: Who is this man?” He said: Your friend Omar bin Harun.

Abu Dawud narrated it in Al-Maraseel on the authority of Makhul, and Ibn Saad also narrated it in Al-Tabaqat, adding forty days. Al-Waqidi mentioned it in Al-Maghazi: He mentioned that what Salman Al-Farsi referred to was that he burned them because the Messenger of Allah “burned Al-Buwairah” according to what the six narrated in their books on the authority of Ibn Omar. He said: “The Messenger of Allah burned and cut down the palm trees of Banu al-Nadir, which is al-Buwairah.” This means that al-Buwairah is a name for the palm trees of Banu al-Nadir, and Hassan bin Thabit says about it. “It is easy for the elite of Banu Luai to burn Al-Buwairah in a Frightening manner.”

Since the intention is to suppress the enemies of Allah and break their strength, they do what they can, including burning, cutting down trees, and spoiling the crops, if it is unlikely that they are taken to do otherwise. If it appears that they were defeated and that the conquest was lost, then this is disliked because it is corruption in a place where there is no need, and it is only permissible for it⁴⁷.

Results and Discussion

Islam places profound importance on environmental protection, viewing it as a critical component of Sharia law. This obligation is not confined to periods of peace; it extends into the conduct of war. Islamic teachings unequivocally prohibit the targeting or destruction of environmental elements unless it is necessary for military purposes. Even in such cases, the damage must be strictly proportional to the military advantage gained, ensuring that no excessive harm is done to the environment.

Islamic law distinctly differentiates between environmental objects that may serve a legitimate military purpose and those that do not. Only the former may be targeted when necessary, while the latter must remain protected. Any damage caused must be carefully considered to avoid long-term environmental consequences, and the immediate military benefits must outweigh the potential harm. Furthermore, Islamic jurisprudence establishes that the environment should never be an intentional target in warfare. Muslim fighters are obliged to avoid actions that would harm or destroy the environment, reflecting a broader Islamic principle that seeks to prevent corruption and maintain the integrity of the natural world. This principle highlights the significance of preserving the environment as a fundamental duty in Islam, emphasizing the need to maintain balance and prevent unnecessary destruction.

In summary, Islamic law advocates for environmental protection as an essential aspect of religious duty. Even in warfare, preserving the environment is prioritized, with any necessary harm being carefully measured, justified, and minimized. The environment holds a significant place in Islamic legislation, as its preservation directly correlates with the preservation of human life, one of the core objectives of Sharia law.

Conclusion and Contribution

This study seeks to illustrate how Islamic principles of environmental protection are deeply ingrained within the framework of Sharia law, extending even to contexts of armed conflict. Through an in-depth examination of relevant Quranic verses, Hadiths, and interpretations by Islamic scholars, the study underscores the paramount importance Islam places on safeguarding the environment as a fundamental aspect of religious and moral duty.

The findings of this research highlight that Islamic law mandates the protection of the environment during warfare, imposing strict conditions to ensure that any damage to the environment is both necessary and proportionate to the military objectives at hand. This demonstrates Islam's commitment to preserving the integrity of Allah's creation, even amidst the exigencies of war.

This research contributes to the broader discourse by elucidating the intersection of environmental ethics and Islamic jurisprudence, particularly in the context of armed conflict. It provides a detailed analysis of how Islamic teachings can inform contemporary environmental protection strategies, offering valuable insights for policymakers, religious scholars, and environmental advocates. These insights are particularly relevant in regions where Islamic law significantly influences governance and societal values, enhancing the application of Islamic principles to modern environmental and legal challenges.

Margin list:

- (¹) Al-Khateeb. M: Taking care of the Environment from an Islamic Perspective. Jordan Journal of Islamic Studies, Vol. (9), No.(4). p. 319.
- (2) Al-Qarala: Animal rights and their guarantees in Islamic jurisprudence, research published in the Jordanian Journal of Islamic Studies, Fifth Magazine, Issue 1, 2009, p. 27.
- (3) Al-Qurtubi: Al-Jami` li Ahkam al-Qur'an, vol. 13, p. 170.
- (4) Narrated by Muslim. Killing Snakes and the like. Prohibition of killing cats.
- (5) Narrated by Muslim. Killing Snakes and the like. Virtue of watering respectable animals.
- (6) Narrated by Muslim in the Book of Hunting and Slaughter, Chapter on the Order to Slaughter and Kill Well, and Specifying the Blade, Hadith No. 1955.
- (7) Narrated by Abu Dawud in the Book of Hunting, chapter on taking a dog for hunting.
- (8) Al-Isfahani: Tafsir Al-Manar, vol. 2. 168.
- (9) Rashid Reda: Tafsir Al-Manar, vol. 2, p. 168
- (10) Al-Zarkashi: Al-Manthur fi Al-Qawad, vol. 2, p. 317.
- (11) Al-Zuhaili: The Theory of Legal Necessity, p. 69.
- (12) Al-Bahuti: Kashshaf Al-Qinaa, vol. 3, p. 49.
- (13) Ibn Khaldun: History of Ibn Khaldun 1/334.
- (14) Al-Naysaburi: Al-Wajeez fi Tafsir, vol. 1, p. 163.
- (15) Al-Maturidi: Interpretation of Al-Maturidi, vol. 2, p. 113.
- (16) Al-Baghawi: Ma'alim al-Tanzeel, vol. 1, p. 274.
- (17) Ibn Ashour: Liberation and Enlightenment, vol. 2, p. 230.
- (18) Sayyid Qutb: In the Shadows of the Qur'an, vol. 1, p. 223.
- (19) Ibn Abd al-Salam: Rules of Rules, vol. 1, p. 54.
- (20) Al-Zamakhshari: Al-Kashaf, vol. 1, p. 160.
- (21) Narrated by Al-Bukhari in Fighting for the Cause of Allah, who is forbidden to kill in the land of war, Hadith No. 33121.
- (22) Al-Sarkhasi: Al-Sir Al-Kabir, vol. 1, p. 43.
- (23) Ibn Hajar: Fath al-Bari, vol. 1, p. 181.
- (24) Al-Ezz bin Abdul Salam: Rules of Provisions, vol. 2, p. 190.
- (25) Narrated by Muslim in the Book of Hunting, Sacrifices, and Edible Animals, chapter on the command to slaughter and kill well, and specifying the blade, Hadith No. 1955.
- (26) Classified Ibn Abi Shaybah, Hadith No. 3026.
- (27) Al-Sarkhasi: Al-Sir Al-Kabir, vol. 1, p. 43.
- (28) Durant: The Story of Civilization, vol. 13, p. 382.
- (29) Imad al-Din Khalil: The Humanity of Islam, written by: Marcel Poisar, research published in the Islamic Journal of Knowledge.

- (30) Imad al-Din Khalil: The Humanity of Islam, written by: Marcel Poisar, research published in the Islamic Journal of Knowledge.
- (31) Imad al-Din Khalil: The Humanity of Islam, written by: Marcel Poisar, research published in the Islamic Journal of Knowledge.
- (32) Ibn Qudamah: Al-Mughni, vol. 9, p. 289.
- (33) See, for example, Muntaqa al-Akhbar, with his explanation by Nail al-Awtar, vol. 7, p. 292.
- (34) Al-Shaybani: Al-Sir Al-Kabir, vol. 5, p. 1753.
- (35) Al-Tabari: Jami' al-Bayan, vol. 17, p. 322.
- (36) Al-Razi: Al-Tafsir Al-Kabir, vol. 3, p. 356.
- (37) Al-Sherbini: Mughni al-Muhtaj, vol. 6, p. 9.
- (38) Ibn Qudamah: Al-Mughni, vol. 9, p. 289.
- (39) Ibn al-Jawzi: Revealing the Problem from the Hadith of the Two Sahihs, vol. 2, p. 553.
- (40) Narrated by Muslim in the Book of Jihad and Sir, chapter on the permissibility of cutting down and burning the trees of infidels, Hadith No. 1746.
- (41) Al-Shawkani: Nayl Al-Awtar, vol. 7, p. 296.
- (42) Al-Nawawi: Explanation of Sahih Muslim, vol. 12, p. 50.
- (43) Al-Khattabi: Maalim al-Sunan, vol. 2, p. 264.
- (44) Ibn Battal: Umdat al-Qari, Sharh Sahih al-Bukhari, vol. 12, p. 162.
- (45) Ibn Qudamah: Al-Mughni, vol. 9, p. 289.
- (46) Ibn Battal: Umdat al-Qari, Sharh Sahih al-Bukhari, vol. 12, p. 162.
- (47) Al-Kamal bin Al-Hammam: Fath Al-Qadeer, vol. 5, p. 447.

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