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32. Narrated by Muslim.

33. Narrated by Al-Tirmidhi, # 2799.

34. Narrated by Al-Bukhari and Muslim.

35. Narrated by Muslim, Ahmad, and Abu Dawud.

36. Narrated by Abu Dawud, Ibn Majah, Al-Hakam and Al-Bayhaqi.

37. Narrated by Al-Darimi, # 560.

38. Narrated by Muslim.

39. Narrated by Abu Dawud, Al-Nasa'i, and Ibn Majah.

40. Narrated by Al-Tirmidhi.

41. Abu Bakr al-Jaza'iri, Minhaj Al-Muslim (Dar Al-Shuruq: 1991), p. 267.

42. Al-Ghazzali, The Revival of Islamic Sciences, vol. 1, p. 139.

43. Narrated by Abu Dawud, Ibn Majah, Ibn Habban and Al-Hakim.

44. Narrated by Al-Bukhari and Muslim, Al-Lu'lu' wal-Marjan, # 331, 332.

45. Ibid, # 333.46. Narrated by Ahmad, Abu Dawud and Ibn Hibban.47. Al-Qaradawi, op. cit., p. 28648. Isma'il Al-Hasani, Nazariyyat Al-Maqasid 'ind Al-Imam Muhammad Al-tahir Ibn 'Ashur, p. 16.

اپنے پیاروں کو عالم بناؤ..... اپنا پیارا ملک بچاؤ
بغیر علم کے اللہ کی معرفت حاصل نہیں ہوسکتی..... دنیاوی علم اللہ کی معرفت عطا نہیں کرتا
یہ دینی علم ہی کی شان ہے کہ وہ اللہ سے ملاتا ہے..... دنیاوی علم محض وسیلہ روزگار ہے۔
علماء کی قدر کیجئے..... عالم بنئے..... جاہل رہنے پر قناعت مت کیجئے۔
تحریک فروغ علم

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to the methodology of Al-Bukhari.

12. Ibn Taymiyyah, al-Fatawa; vol. 4, p. 619

13. Narrated by Abu Dawud in the chapter on Jihad # 2675

14. Narrated by Al-Nasa'i, 7/ 207; and by Al-Hakim who stated that it has a sound chain of narrators. His statement was approved by Al-Mundhiri and Al-Dhahabi.

15. Yusuf Al-Qaradawi, al-Sunnah Masdaran Lil-Ma'rifah wal-Hadarah; pp. 145-6

16. Narrated by Abu Dawud, # 4129.

17. Narrated by Al-Bukhari and Muslim; Al-Lu'lu' wal-Marjan, # 1279.

18. Narrated By Al-Bukhari.

19. Narrated by Muslim, # 2117.

20. Narrated by Abu Dawud, # 2556.

21. Narrated by Abu Dawud, # 2548; Ahmad, 4: 180, 181; and Ibn Hibban, 545.

22. Al-Qaradwai, op. cit., p. 295

23. Ibid, p. 296.

24. Narrated by Muslim, # 2595.

25. Isma'il al-Hasani, Nazariyyat Al-Maqasid 'Ind Al-Imam Muhammad Ibn 'Ashur (IIIT: Herndon, 1995) p. 142.

26. Ahmad Nawfal et al, al-Thaqafah al-Islamiyyah, p. 85.

27. Narrated by Muslim, 7:44

28. Abu Dawud, # 2839; Al-Tirmidhi, # 1489,; Al-Nassa'i, # 4285: and Ibn Majah, # 3204.

29. Alden D. Hinckley, Applied Eccology (Macmillan: New York, 1976), pp. 317-318.

30. Narrated by Al-Tirmidhi, # 5239.

31. Al-Qaradawi, op. cit., pp. 143-144.

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Adopting this position makes it imperative for the Muslim governments to establish laws for the protection of the environment and implement them.

Conclusion:

This paper is a modest attempt to show that the Islamic world-view is indeed comprehensive and that it could adopt itself and live up to the new challenges that face humanity. Moreover, the Islamic position is considered a via media compared to the extreme positions regarding the environment. Finally, like in every problem that challenges the Muslim Ummah, the Qur'an and the Sunnah have an appealing tone. As such, it is hoped that such a topic will find the right place among the other issues in books of jurisprudence. We cannot afford to remain indifferent, or to think that environmental issues are alien to the Islamic world-view.

Notes

1. Muslim, Sahih.

2. Ibn Kathir, Tafsir; vol. 1, p. 7 (Beirut Edition)

3. Sayyid Qutub, Fi Zilal al-Qur'an. 12th Edition (Dar al-Shuruq) Vol. 12, p. 1907. Again, the original word in the Qur'an for 'populated' is 'amaruha, which has the same root as I'mar. It is obvious that the meaning goes beyond populating the earth.

4. Qur'an, 7:1575. Yusuf Al-Qaradwai, al-Sunnah Masdaran lil-Ma'rifati wal Hadarah (Cairo: 1977, Dar al-Shuruq), p. 286.

6. Sa'id Al-Nursi, al-Mathnawi al-'Arabi al-Nuri; Ihsan Qasim Al-Salihi, ed. 1988, p. 53.

7. Sayyid Sabiq, Fiqh al-Sunnah, vol. 2, pp. 477-79.

8. Malik Ibn Anas, al-Muwatta' (Narrated by Malik from the report of Yahya Ibn Sa'id in the chapter on Jihad # 9:8)

9. Yusuf Al-Qaradawai, al-Sunnah Masdar Lil-Ma'rifah, p. 15.

10. Narrated by Muslim.

11. Narrated by Al-Hakim; he stated that it is a sound hadith according

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The argument goes that if a loud voice reciting the Qur'an, using loud speakers, is prohibited because it harms and annoys people, then other sources of noise pollution deserve the same judgment; they are prohibited. It is already established that if one is subjected to loud noise over a long period of time, it reduces the person's hearing ability and possibly psych-somatic illnesses.

The Aims of Islamic Shari'ah:

The agreed upon major aims (maqasid) of the Shari'ah, through out of its history and untill recent times, are five: protection of religion, life, mind, offspring, and property. Sheikh Muhammad Al-Tahir Ibn 'Ashur (d. 1973) went beyond the original five and added another two: equality and freedom.[48]

This paper firmly believes that protecting the Environment is a major aim of the Shari'ah. I am not adding to the aims of the Shari'ah; I am only discovering one more. Looking at the original five, we would recognize that to protect the environment is a major aim. For if the situation of the environment keeps deteriorating, there will ultimately be no life, no property and no religion. The environment encompasses the other aims of the Shari'ah. The destruction of the environment prevents the human being from fulfilling the concept of vicegerency on earth. Indeed, the very existence of humanity is at stake here. Excessive pollution might lead to sterility, deformities, abortion and chronic diseases.

As far as protecting the mind or reason, the highly polluted industrial cities might not see the sun for long days resulting in deep depressions which effects the person's ability to rationalize properly. Certain radiation might also destroy the brain.

The attempt to protect the property will also be in vain in the context of a highly polluted environment. There are already many rivers and lakes that are considered dead with no marine life. This is a direct result of acid rain which destroys also forests. These forests and water sources form the natural habitat of many species; their death means the possible extinction of some of the Signs pointing in the direction of God.

To consider the protection of the environment as one of the major aims of the Shari'ah will hopefully enable the neo-model of Islamic civilization a chance to be advanced as an alternative to the already existing western model which is the primary source of pollution.

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Jaber reported the following: "He who eats garlic or onion should stay away from us", or he said: "should stay away from our mosque and stay at his home."[45]

The period which one should stay away from the mosque is limited to the duration of the smell. This is understood from the Hadith of Al-Mughirah Ibn Shu'bah: "He who eats from this wicked plant, should not get close to our mosque, until its smell goes."[46]

Commenting on eating garlic and onion, and the harm they cause to others because of their smell, Dr. Yusuf Al-Qaradawi stated the following:

"What should be prohibited in our times, without any doubt, is smoking [tobacco] for it harms people. These [onion and garlic] plants are originally lawful, yet smoking is harmful to the [physical] and mental health, and to the economy. So, the appropriate ruling is to prohibit it ..."[47]

So Al-Qaradawi based his religious ruling [fatwa] upon the fact that smoking is detrimental to the health of primary and secondary smokers. It is the harm that results from releasing anything into the air which forms the backbone of al-Qaradawi's fatwa. By analogy, anything that pollutes the air and is detrimental to the health should be prohibited. This includes indirect harm such as in the case of CFC which depletes the ozone. Harmful fumes that cannot be prohibited all together, should be reduced and alternatives should be made popular. The level of Carbon Monoxide would certainly be reduced if "solar" cars become popular!

Protecting the Human being Against Noise Pollution:

Islam took care of the human being and made sure that he should not be subjected to loud and annoying noises to prevent harm to him both physically and psychologically. The Hadith states that loud noise is foolish and harmful. In the Qur'anic, Luqman advised his son saying:

"...and lower thy voice; for the harshest of sounds without doubt is the braying of the ass." Qur'an. 31:19

The Islamic Shari'ah does not allow loud voices in the mosques, even if it is Qur'an that is recited. The right of the others to pray peacefully or to recite the Qur'an quietly on their own, during times other than the obligatory prayer which is performed together, should be respected.

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The Hadiths that directly focus on the proper use of water include the following:

The Prophet performed ablution three [times] and said "Whoever increases [more than three] he does injustice and wrong."[39]

In addition to the encouragement to save water, the Prophet himself provided the model which should prove to be useful if followed by Muslims and non-Muslims alike:

The Messenger of God [S.A.A.S] performed ablution using one mud [i.e. a measure equal to a handful of water].[40]

Moreover, the Prophet [S.A.A.S] took a shower using one sa' [four handfuls]. The Muslim scholars understood the message of the Prophet in this respect and they have reiterated it in their writings.[41] Imam Al-Ghazzali said that to have a shower one should not keep pouring water, but should restrict oneself to the amount needed.[42]

In a Hadith that reflects the future scene regarding the said issue, the Prophet [S.A.A.S] said: "There will be a people amongst this Ummah who will transgress in their supplication and ablution."[43]

It is obvious that the transgressing in ablution means the use of excessive amounts of water. This is contrary to the Islamic ethos.

6. Air:

Protecting the air from pollutants can be deduced from the many Hadiths that, at the time of the Prophet [S.A.A.S], discouraged or prohibited activities that result in offensive smells and odors, from taking place in certain public places. We have already mentioned some of the Hadiths that prohibit the Muslims from relieving themselves near the rest place under a tree or near their paths. It is clear that there are two associated harms with such behavior: offensive scenes and smells. The Prophet himself, when traveling with the companions, used to disappear from sight whenever he had such a need.

Another Hadith aims at protecting the Muslim community from offensive smells that result from eating garlic or onion. The Prophet [S.A.A.S] said: "He who eats from this tree - meaning garlic - should not get close to our mosque."[44]

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Towards an Islamic Jurisprudence of the Environment

(Fiqh al-Bi'ah fil-Islam)

By: Prof. Mustafa Abu-Sway

(Part....3, continued from Fiqh-e-Islami issue May. 2008)

5. Water:

It is God's will that all living beings on earth are dependent for their existence on water:

"...We made from water every living thing..." Qur'an, 21:30

Furthermore, there are tens of verses in the Qur'an that reflect the direct involvement of the Divine Will whenever it rains. Following are three examples:

"And God sends down rain from the skies, and gives therewith life to the earth..." Qur'an, 16:65

"...and He sends down rain from the sky and with it gives life to earth..." Qur'an, 30:24

"And We send down from the sky rain charged with blessing, and We produce therewith gardens and grain for harvests." Qur'an, 50:9

While we already know that every thing that takes place in this universe is subject to Divine Will, such verses further highlight this fact. We have already discussed the impact of faith and good conduct on the environment. So, whenever there is a shortage of rain, the "why" is known (without excluding the possibility of human factors such as the greenhouse effect which, if proven right, is left to the cause-effect realm of relationship) and the address of the authority that can send relief, is also known.

In addition to the protection of water from pollution, the Sunnah emphasized the proper use of water without wasting it. One more Hadith regarding the protection of water is related to the use of clean still water. The Prophet [S.A.A.S] said: "No one should bathe in still water, when he is junub [i.e. either had intercourse or a wet dream]"[38]

☆ طرفین: فقہ میں طرفین سے مراد امام ابوحنیفہ و امام محمد ہیں۔ (رحمہما اللہ تعالیٰ) ☆

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