

Islamic Law and Climate Justice



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Introduction

To reduce greenhouse gas emissions, it will be necessary for the world's leading fossil fuel producers to decouple their economies from sources primarily responsible for the continued rise in global temperatures. Some of these economies include nations whose laws and society are dominated by Islamic jurisprudence, such as Saudi Arabia, Qatar, and the United Arab Emirates (UAE). Other nations such as Indonesia, while not strictly governed by Islamic law, also have a large portion of society which accepts *fatwas* and other sources of Islamic law as a code of conduct for their behavior. It is therefore useful to examine whether Islamic law offers any means for incentivizing actors into engaging with the green transition. This includes, in particular, whether and to what extent we could look to Islamic law as a means of enshrining climate justice within the legal framework of a pan-Islamic society.

Principles of Islamic Law and Climate Justice

The foundation of the Islamic approach to environmentalism lies in the concept of *Khalifa* (guardianship, stewardship or trusteeship). *Khalifa* manifests itself as a belief that humans can benefit from natural resources, but only to the extent that they do not overindulge or impact upon the ability of society and future generations to also benefit from these resources. As stated in The Qur'an 7:32: "...eat and drink but exceed not the bounds; surely, He does not love those who exceed the bounds" and 28:77: "[d]o not seek to spread corruption in the land, for Allah certainly does not like the corruptors". Indeed, some would argue that there is an [obligation on Muslims to address environmental concerns](#). This is supported by 2:30, where the Qur'an states:

"And (remember) as your Lord said to the angels, 'Surely I am making in the earth a successor.'

They said, 'Will You make therein one who will corrupt in it and shed blood while we [are the ones who] extol [with] Your praise and call You Holy?'

He said, 'Surely I know what you do not know'."

Additionally, there is the principle of *Maslahah* or securing benefit and removing harm. More broadly, this principle is perceived, [according to Al-Ghazali](#), as "the benefit that intended by The Law Giver for mankind in preservation and protection of their religion, life, reason, lineage and property". These values are placed in hierarchical order, with the higher value to prevail in the event that there is a clash of ideals. *Maslahah* can be regarded as a means of incorporating the public interest into considerations of Islamic law, and is therefore an important interpretive tool in analyzing potential issues of climate justice.

Both of these concepts leave scope for the pursuit of climate justice. The breach of guardianship caused by the failure to moderate humanity's use of greenhouse gasses presents Muslims with an obligation to take measures to remedy this breach. More broadly, the catastrophic effects of climate change are a severe threat to life, health and the prospects of future generations. When examining the aforementioned hierarchy of interests, it is clear that life and lineage are perceived as being superior to interests of wealth. This is important in that it makes it difficult to justify the continued protection of existing investments and fossil-fuel based economies when the impact of these policies would have a long-term effect on the higher values. In placing emphasis on the need to protect resources for future generations, Islam can allow for an understanding that action must be taken to avoid a disproportionate impact on those most vulnerable to the effects of climate change.

The Islamic Declaration on Climate Change

One of the most important modern interpretations of Islam and climate change can be seen in the [Islamic Declaration on Climate Change](#). The Declaration was issued as part of a conference held jointly between the Organization [of Islamic Cooperation](#), [ISESCO](#) and the [International Islamic Fiqh Academy](#). It outlines the spiritual demands placed upon Muslims to

take action to mitigate the climate crisis. In particular, it references actions taken by the Prophet such as the establishment of protected areas for conservation (*Hima*), the living of a frugal life and the recycling of possessions through repair or giving the items away, to demonstrate the obligation on Muslims to live sustainably. It draws on a variety of Qur'anic sources including verse 30:4 to further bolster its support for climate action:

“Corruption has appeared on land and sea
Because of what people’s own hands have wrought,
So that they may taste something of what they have done;
So that hopefully they will turn back”.

The Declaration has some interesting perspectives on climate justice. For example, it calls on wealthy states to “[r]efocus their concerns from unethical profit from the environment, to that of preserving it and elevating the condition of the world’s poor”, while people of all nations are asked to “[p]rioritize adaptation efforts with appropriate support to the vulnerable countries with the least capacity to adapt. And to vulnerable groups, including indigenous peoples, women and children”. This places the onus firmly on wealthy, and by extension, high carbon emitting states to mitigate climate injustice, while creating a more universal obligation to adapt in a manner conducive to the protection of minority groups. When viewed through the lens of *Khalīfa and Maslahah*, it further expands upon the protection of future generations without compromising on Islamic principles.

Additionally, the Declaration is useful in examining the potential spiritual consequences for those who ignore climate action. It notes for example *Hadīth* related from Abu Sa’īd Al-Khudrī; “the world is sweet and verdant, and verily Allah has made you stewards in it, and He sees how you acquit yourselves”, and the Qur’an 99:6-8; “Then he who has done an atom’s weight of good, shall see it; and he who has done an atom’s weight of evil, shall see it”. This would demonstrate that humans can and should be held accountable for their failures in respect of climate change. Accountability for such damage would also imply a capacity to introduce climate justice mechanisms to deter and prevent further violations of *Khalīfa*. This may be useful in elevating spiritual concerns about climate inaction to practical legal measures.

However, it is important to recognize the limitations of the Declaration. While it does possess support from jurisprudence centers like the Fiqh Academy, it is not in and of itself a *fatwa* on climate justice. Some scholars remain wary of applying interpretive tools to climate justice simply because the area is so new and the issues involved could potentially have wide-ranging consequences for Islamic society. As [Jenkins notes](#), “such questions illustrate that the moral authority of the Qur’ān and Sunna cannot be invoked simply by a quantity of apposite quotations”, for example, in the way that the Declaration uses quotations”. Consequently, it is likely that jurists would need to rely on *ijtihad* or the exercise of

independent reason, to generate a consensus on climate justice. Jenkins warns that this could lead to a conservative response from Muslim scholars, who may be wary of applying traditional sources to a multi-faceted area such as climate change. At the same time the Declaration, through its analysis of the above sources, does illustrate that there is some foundation for the exercise of *ijtihad* in favor of climate justice.

The Way Forward? Lessons on Climate Justice from Indonesia

Some environmentally conscious Muslim jurists have sought to apply Islamic tools of interpretation to generate *fatwas* in line with the goals of climate justice. The most obvious examples of these have occurred in Indonesia.

In 2011, the Ulama Council of Indonesia issued a *fatwa* declaring that destructive mining operations are *haram*. A similar *fatwa* called [Law on the Burning of Forests and Land and the Control Thereof No. 30/16](#), also deemed 'slash and burn' farming to be a *haram* activity. Both *fatwas* drew on concepts of social justice to bolster their broader point surrounding conservation. For example, the *fatwa* on mining notes the effects of destructive mining not only on the environment, but also on economic, social and cultural aspects of the community. It further demands that any mining that does occur does not cause impoverishment of the community and must be in line with the interests of the public. This is notable in that environmental damage is prohibited not only due to the direct harm it causes to humans, but also for its exacerbation of existing inequalities linked to economic injustice. The references to culture also imply a connection in Islam between environmental damage and harm to social traditions. Such recognition is conducive to efforts being made to recognize the interests of minority groups in preventing their traditions being threatened by sudden shifts in environmental conditions.

Meanwhile the *fatwa* on forestry advocates for mechanisms to empower communities by reinforcing the concept of social forestry, while also drawing on references to the *Hadith* as spoken by Abu Dawud and al-Tirmidzi from Sa'id bin Zaid, stating that "[h]e who has toiled an ownerless land, than such land shall be his right, and no right shall be given to dishonest venture". In other words, there is not only recognition of the social and cultural impacts of environmental damage but also a further demand for justice to those deprived of such benefits by this damage. There would be interesting potential for redress, either spiritually or through litigation, were these or similar *fatwas* to be adopted in countries with Islamic courts.

Both of these *fatwas* concerned themselves with localized issues of conservation. Whether they could serve as inspiration for further *fatwas* on the more global issue of climate change remains questionable. However, it is important to recognize that both the *fatwas* and the sources discussed above consistently link environmental protection to broader issues of social justice. As a result, it appears that there is far more Islamic interpretation which is conducive to climate justice objectives than there are jurists who would be aware of this approach. Both *fatwas* relied on its *ijtihad* and both came to similarly climate justice friendly

conclusions. Therefore, Indonesia's movements in this area offer examples for other Muslim environmentalists who may wish to persuade their countries' jurists of the religious and legal validity of climate justice.

Conclusion

In conclusion, Islam has much to say on climate justice. Traditional concepts of guardianship over the earth combined with recognition of the need to serve the interests of society offer great scope for the incorporation of climate justice into Islamic law and policy. The Islamic Declaration on Climate Change shows there is at least some desire to legitimize climate justice as being a necessary component to Islamic law, while the *fatwas* from the MUI offer an example of how the intersection between environmental issues and social justice can be deployed in practice. Given that climate justice remains such a new area, it remains to be seen whether Muslim jurists will expand on the preliminary foundations laid by these sources, or whether they will perceive it as a step too far in the exercise of *ijtihad*.

Topics

[Environmental Law, General](#)