



Protection of the Environment during War in Islamic Law Literature¹

Asst. Prof. Dr. Veysel NARGÜL

Former Faculty Member of Yozgat Bozok University Faculty of Divinity Department of Fiqh -
v.nargul@gmail.com ORCID: 0009-0007-4533-7394

Abstract

Human-centered environment issue is a phenomenon in the agenda as old as human history. In the earlier periods, it was not regarded as a common problem because environmental damage was not at a level that will negatively affect the ecosystem and living beings. In the modern period, especially after the industrial revolution, some solutions have been developed in national and international level after taking into consideration the damage of the environmental problems to animals and ecosystem on a global scale. Even though countries that were experiencing the problem on a national scale made some work on the issue, at the international level the problem has been brought to the agenda for the first time at the 1972 Stockholm Declaration in order to protect the environment.

The Qur'an does not approve any illegitimate war against a state or a community. It is not recorded any war against a community by Prophet Muhammad without a legitimate reason. Islamic law proposes maximum legality and morality during a legitimate war. It is also seen that this Islamic perspective is grasped in terms of protecting the environment. When analyzing the opinion of jurists of the Islamic Law, it is seen that unnecessary destruction of the environmental values such as houses, trees and green spaces is prohibited, as a basic principle. Starting from this principle, the views of Islamic jurists about the provisions regarding damaging environmental factors such as trees, building, and green areas are limited on if there is military necessity. Thus, damage to the environment during the war is valid only for purposes of creating shield. The legitimacy of this requirement is also limited to not demolish unnecessarily.

Keywords: Islamic Law, Law, War, Environment, Environmental Protection.

İslam Hukuku Literatüründe Savaş Sırasında Çevrenin Korunması

Özet

İnsan merkezli çevre konusu insanlık tarihi kadar eski bir gündem maddesidir. Daha önceki dönemlerde çevreye verilen zarar ekosistemi ve canlıları olumsuz etkileyecek düzeyde olmadığı için yaygın bir sorun olarak görülmemiştir. Modern dönemde, özellikle sanayi devrimi sonrasında küresel ölçekte çevre sorunlarının hayvanlara ve ekosisteme

¹ This article was submitted to the symposium on *Nature and Environment in World Religions*, organized by Nazareth College in Rochester, New York, USA, on 23-25 May 2016, "Protection of the Environment in Time of War in Islamic Law" It is a version with some changes made on the communiqué titled, which was prepared and accepted but could not be presented due to some bureaucratic obstacles.

verdiği zararlar dikkate alınarak ulusal ve uluslararası düzeyde bazı çözümler geliştirilmiştir. Sorunu ulusal ölçekte yaşayan ülkeler konu üzerinde çalışmalar yapmış olsa da, uluslararası düzeyde çevrenin korunması amacıyla sorun ilk kez 1972 Stockholm Bildirgesi ile gündeme gelmiştir.

Kur'ân'da, bir devlete veya bir topluluğa karşı yapılan gayri meşru savaş onaylanmaz. Hz. Peygamber'in bir topluluğa karşı meşru bir sebep olmadan savaştığı kaydedilmemiştir. İslam hukuku, meşru bir savaş sırasında maksimum yasallık ve ahlakilik önerir. Bu İslami bakış açısının çevrenin korunması açısından da kavrandığı görülmektedir.

İslam hukukçularının görüşleri incelendiğinde, temel prensip olarak ev, ağaç, yeşil alan gibi çevresel değerlerin gereksiz yere tahrip edilmesinin yasak olduğu görülmektedir. Bu prensipten yola çıkarak İslam hukukçularının ağaçlar, binalar, yeşil alanlar gibi çevresel faktörlere zarar vermesine ilişkin hükümler hakkındaki görüşleri askeri zorunluluk durumu ile sınırlıdır. Dolayısıyla savaş sırasında çevreye verilen zarar yalnızca kalkan oluşturma amacıyla geçerlidir. Bu şartın meşruluğu da gereksiz yere yıkım ve tahribat yapılmaması ile sınırlıdır.

Anahtar Kelimeler: İslam Hukuku, Hukuk, Savaş, Çevre, Çevrenin Korunması.

1. Introduction

Human-centered environment issue is a phenomenon in the agenda as old as human history. In the earlier periods, it was not regarded as a common problem because environmental damage was not at a level that will negatively affect the ecosystem and living beings. In the modern period, especially after the industrial revolution, some solutions have been developed in national and international level after taking into consideration the damage of the environmental problems to animals and ecosystem on a global scale. Even though countries that were experiencing the problem on a national scale made some work on the issue, at the international level the problem has been brought to the agenda for the first time at the Stockholm Declaration (1972) in order to protect the environment.² Since then, developments with regard to protecting the environment have

² It is the final declaration of the meeting hold on 16 June 1972 in Stockholm regarding the issue of environment. Stockholm Declaration is one of the most important documents in which world countries took the decision of performing common action on the protection of the environment. It was stated in the final declaration that protection of natural environment and artifacts deemed as cultural heritage of mankind was the requirement of living under better conditions and human rights. It was focused on the compulsion of protection of the environment for sustainable development and providing better living conditions for the future generations. Countries decided to act together in preventing increasing environmental destruction. An action plan was prepared within a wide scope such as prevention of marine pollution, protection of endangered animals, restoration and maintenance of historical structures accepted as cultural heritage. It was specified that protection of the environment was the human duty and it was aimed at preparing laws and entering international laws into force in order to protect the environment (Marc Pallemerts, "Stockholm'den Rio'ya Uluslararası Çevre Hukuku: Geleceğe Doğru Geri Adım Mı?", translated by Bülent Duru, Ankara Üniversitesi SBF Dergisi, 1997, Cilt: 52 Sayı: 01, , p. 614. <https://dergipark.org.tr/tr/pub/ausbf/issue/3109/43040> (22.10.2023); Selim Kılıç, "Uluslararası Çevre Hukukunun

made progress towards protecting the environment mainly in peacetime. Whereas destruction on the environment being negatively affected by harmful activities and negligence in peacetime can be more serious.³

Armed conflicts threatening natural environment have caused destructive results on the natural environment directly or indirectly. Modern war techniques appearing in arms industry depending on the technological development bring the issue of possible environmental destruction caused by armed conflicts to more alarming dimensions. This threat directed by armed conflicts towards the sustainability of natural environment has brought the role of international law to the agenda.⁴

War and violence movements which have occurred in different parts of world geography, mainly Middle East for the last decades have caused disappearance or damage of many environmental values along with living creatures and attributed currency to the protection of the environment during wartime.⁵ In fact, within the context of this current issue which has been decided to be examined with Islamic law perspective, we will try to classify the scattered information in the Islamic law resources regarding protection of the environment during wartime and reach a scientific conclusion.

2. Protection of The Environment during the Wartime in The Islamic Law

Although war is an undesired phenomenon in Islamic law, some regulations have been made by acknowledging historical experience and social reality. In Qur'an and Sunnah which are two main sources of Islamic law, there are provisions regarding continuing war in human dimensions.⁶ In this scope, it is prohibited to use barbarous methods in war; it is not allowed to kill and hurt those who actually do not contribute to the war such as women, children, elderly, blind individuals and clergymen, to batter/torture corpses of enemy soldiers; all kinds of actions including violence and

Gelişimi Üzerine Bir İnceleme", Cumhuriyet Üniversitesi İktisadi ve İdari Bilimler Dergisi, Volume 2, Issue 2, (2001), p. 136-138.

³ Hüseyin Pazarcı, "Uluslararası Hukuka Göre Çevrenin Savaş Sırasında Korunması", Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi, Gündüz Ökçün'e Armağan, (January-June 1992), Issue. 1-2, p. 103.

⁴ Ahmet Hamdi Topal, "Silahlı Çatışmalarda Doğal Çevrenin Korunması", Milletlerarası Hukuk ve Milletlerarası Özel Hukuk Bülteni, MHB year 29, issue 1-2, (2009), p. 214-215.

⁵ Iraq's setting fire in oil-wells of Kuwait and pouring some amount of oil into the sea in the Gulf War in 1990-1991, destruction of historical artifacts along with Baghdad and other cities in the occupation of Iraq and movements of violence being experienced in Syria show that the environment is under threat.

⁶ See. Bakara, 2/190-194; Maide, 5/2; Enfal, 8/61.

fierce are forbidden. Even though this is the general principle, it is allowed to response violence with violence in compulsory situations and as much as it is necessary.⁷

Killing, hurting, following, holding captive, astonishing, demoralizing enemies engaging in war and manipulating for directing them towards wrong tactics and strategies are allowable in Islamic law. In addition, all kinds of actions intended for preparation to war such as cold war and propaganda as well as destructing castles or drowning enemies are allowed. Night raid and ambush are also among the battle tactics that are seen allowable in the management and control of the war. As in the Battle of Badr, intercepting waterlines and making them unusable as well as marine and air war are also allowable. According to the provisions of Islamic law, it is permitted to attack enemies with all kinds of weapons necessary for the battle; however, it is not allowed to use poisonous weapons.⁸

Although regulations regarding Islamic war law are based on an anthropocentric protective reflex, it is also paid attention to protect other living creatures and natural environment except from humans. Accordingly, in the event of a war, actions giving damage to human and environment are prohibited such as cutting trees, burning fruit gardens and residential areas, destructing agricultural products, demolishing animals and poisoning water resources of an army. With these provisions, it is aimed to prevent threat on the lives of living creatures, deteriorations in ecological order and crisis on the issue of environment.⁹

Recognizing to protect the environment in wartime is connected with knowing war in terms of basic principles and legitimacy in Islamic law. It should be emphasized that war is compulsory to make and it is a basic rule with legitimate reasons. Therefore, a war which has no legitimate reasons cannot be approved in terms of Islamic law.¹⁰ One of the principles that an army should

⁷ Muhammed b. Ahmed b. Muhammed İbn Rüşd, *Bidayetü'l-Müctehid ve Nihâyetü'l-Muktesid*, İstanbul 1985, 1/310-311; Ebu Abdillâh Muhammed b. İsmail Buhari, *Sahihu'l-Buhari*, (İstanbul: 1992), Cihad, 146; Süleyman b. Eş'as Ebu Davud, *Sünenu Ebi Davud*, İstanbul 1992, Cihad, 110.

⁸ İbrahim b. Muhammed Halebi, *Mülteka'l-Ebhur*, İstanbul 1309, p. 86-87; Damat Efendi, *Mecmeu'l-Enhur fî Şerh-i Mülteka'l-Ebhur*, Beyrut 1998, 2/412-413; Ahmet Reşid Turnagil, *İslamiyet ve Milletler Hukuku*, İstanbul 1972, 216.

⁹ Rum, 30/41.

¹⁰ War is the topic of a separate study in Islamic law. In brief, war in Islamic law is conducted in cases when protecting rights of Muslims, helping agreement and neighbor countries, solving problems which are impossible to solve with peaceful relationships (Bakara, 2/216; Bakara, 2/190; Bakara, 2/194; War deemed as bad depending on its structure in Islamic law and depending on the principle of "compulsions make prohibitions allowable" (*Mecelle-i Ahkam-i Adliyye*, Edited by Ali Himmet Berki, İstanbul, 1985, article 21) is legitimated in order to withstand against invasions. This legitimacy is validated in a way that will counteract against damage and cruelty with the principle of "compulsions are assessed within their own amounts" (*Mecelle*, article 22) and framework of the legitimacy area is determined (Ahmet Yaman, *İslam Devletler Hukukunda Savaş*, İstanbul 1998).

obey with during war is not cutting trees for giving damage to the environment.¹¹ Besides, it is allowable in Islamic law to dissuade enemy physiologically as a war tactic, cut and burn trees and crops on the lands of enemies in order to force the enemies to ceasefire depending on the compulsion.¹²

In fact, although it is prohibited in Islamic law to demolish any kind of properties in both peacetime and wartime, there are some actions which can be realized during war against environmental values belonging to the enemy. It is allowable to destruct buildings, cut trees and demolish agricultural products of the enemy by preaching to some exceptional principles and going beyond the general provisions because of war in compulsory situations.¹³

Parties have targeted manpower of each other as well as their natural resources in the wars made throughout the history. Many living creatures and natural environment have been exposed to destruction such as demolishing herds along with environmental values such as forests, vineyards, orchards and planted areas as well as casualty of human during wartime. It is stated that armies killed private citizens who did not have direct contribution to wars, demolished crops and burned residential areas in pre-Islamic period, as well.¹⁴ These kinds of practices are deemed as *conspiracy* in Qur'an and they are prohibited.¹⁵ Accordingly, it is not allowed to demolish agricultural areas, trees, sanctuaries and built-up places during war in Islamic law.¹⁶

In addition to the abovementioned cases, it is also prohibited to attack civilian targets and give harm to plants and living creatures apart from human. Every action that may give harm to the environment in wartime is valid in the event of a military necessity/compulsion. The fact that the Prophet Muhammad gave the order of not killing women and children, not attacking civilian people, not burning trees and not demolishing built-up places/residential areas in Mute war¹⁷

¹¹ Hemmam es-San'ani Abdurraezzak, *el-Musanef*, thk. Habiburrahman el-Azami, Beyrut 1983, V, 220, 201.

¹² Buhari, Megazi, 14, Tefsir-i Haşr, 2, Hars, 6, Cihad, 154; İbn Haccac Ebu'l-Hüseyn Kuşeyri Müslim, *Sahihi Müslim*, Cihad, 29; Ebu Davud, Cihad, 83. See Macit, Yunus, *Hiz. Peygamber'in Sünnetinde Çevre*, Trabzon 2000, p. 78-79.

¹³ Halebi, *Mülteka'l-Ebhur*, p. 86; Damat Efendi, *Mecmeu'l-Enhur*, 2/412-413; Turnagil, *İslamiyet ve Milletler Hukuku*, p. 218-219.

¹⁴ In pre-Islamic age of ignorance, armies gave harm to the environment with practices such as demolishing products, destructing fields, killing people, setting fires in the places they entered. (See. Mevdûdî, Cihad, *İslam'da Savaş Hukuku*, translated by Beşir Eryarsoy, İstanbul 1992, p. 205- 249; Philip K. Hitti, *Siyasi ve Kültürel İslam Tarihi*, translated by Salih Tuğ, İstanbul 1980, 1/134.

¹⁵ Bakara, 2/205; Buhârî, Tefsîr, 33.

¹⁶ İbn Rüşd, *Bidayetü'l-Müctehid*, I, 311; Buhari, Cihad, 146.

¹⁷ Hattab, Muhammed Şîr, *er-Rasûlü'l-Kâidu*, Bağdat 1960, p. 204.

comprised a basis for the formation of general principle on this issue. In the meaning of the order of Ebu Bekir during his caliphate period that he circulated to the army commanders as “...*do not uproot date palms and do not burn them, do not cut any fruit tree, do not kill any sheep, any cow and even any camel except for the necessary situations...*”,¹⁸ three of the ten articles focused on the protection of the environment during war. In this order, it is emphasized that protection of environmental assets such as animals and plants as well as innocent people is the main principle in wartime. It is specified in Islamic law that protection of the natural environment is the principles that should be obeyed with not only in peacetime but also in extraordinary times such as wartime. Declaring these orders as the head of the state can be perceived as legalizing principles of war law. When the negative practices against environmental values in pre-Islamic period are taken into consideration, these principles set forth by Ebu Bekir should be evaluated as an important phase in terms of Islamic law history. Accordingly, it can be said that in Islamic law there is an understanding of protecting the environment with a wide perspective that will include the whole universe in which people live as well as the protection reflex placing human into the center during wars.

In spite of the significance given to the protection of the environment in the disciplines and practices of Qur'an and the Prophet Muhammad, the basic principles developed and orders of Ebu Bekir, there are the Prophet Muhammad's practices which are justifiable and limited in wars. Although it is prohibited to give harm to the environment in wars as a principle, the presence of practices of damages of the Prophet Muhammad to the environment may bring to minds that there is a contradiction on this issue. Although they do not coincide with the techniques used today, the Prophet Muhammad used some practices suitable for the conditions of his age as the necessity of military principal and interfered with the environment. Before examining them within the scope of the protection of environment, it should be searched for what reasons those practices were performed and whether the said reasons were legitimate or not. By this means, the Prophet Muhammad's practices which are seen as the adverse side of the general rule, possessing the potential to damage the environment and actualizing the techniques of using environment for

¹⁸ Muhammed b. Hasan eş-Şeybani, *Şerhu Kitabi's-Siyeri'l-Kebir*, İmla: Muhammed b. Ahmed es-Serahsi, thk. Hasan İsmail eş-Şafii, Beyrut 1997, 1/31-32; Ebu Cafer Muhammed b. Cerir et-Taberi, *Târîhu'r-Rusul ve'l-Müluk*, Mısır ts., 3/226-227.

hostile purposes will be legitimized. When the practices regarding this issue are examined, it is seen that three incidents became prominent.

2.1. Use of the Environment against Enemy in War: Practices of the Prophet Muhammad

2.1.1. Cutting date palms of Nadirogullari

One of the sample practices in which environment is directly used as a means of war was cutting date palms of Nadirogullari. Nadirogullari were exiled from Mecca due to the fact that they violated the agreement between them and the Prophet Muhammad and they did not give the blood money demanded from them depending on the agreement and they also attempted to make serious betrayal such as assassinating the Prophet Muhammad¹⁹. The Prophet Muhammad made a peace agreement with them in Medina. When Amr b. Umayya mistakenly killed two people from Kilab tribe, the Prophet Muhammad went Nadirogullari tribe with a group and demanded assistance from agreed Nadirogullari in order to pay blood money of the two killed people as the tradition of Arabs. Although they stated that they had accepted the demand seemingly, they made a plan to kill the Prophet Muhammad. When the malicious trap was reported by oracle, Nadirogullari who nestled into their castle and tried to protect themselves were surrounded.²⁰ When they did not respond to peace and agreement suggestions, their houses were demolished and date palms were cut.²¹ Nadirogullari gave reaction to that practice of the Prophet Muhammad while trees were being cut.²² The hesitation against reaction was resolved with the verse.²³

2.1.2. Cutting date palms of Khyberians

The other practice was cutting date palms of Khyber Jews around Natat. The holy war of Khyber was made in order to prevent propaganda of Jews against Muslims, inactivate enemy Jews for

¹⁹ Ebu Davud, Harac, 23; Muhammed b. Ömer el-Vakidi, *Kitâbu'l-Megazî*, Oxford University 1966, 1/363-370; Ebu Muhammed Abdülmelik İbn Hişam, *es-Sîretün-Nebeviyye*, thk. Mustafa Sekâ, Kahire ts., 3-4/190-193; Muhammed Hamidullah, *İslam Peygamberi*, translated by Salih Tuğ, Ankara 2003, 1/582.

²⁰ See. Haşr, 59/14; Serahsi, *Şerhu Siyeri'l-Kebir*, 1/40-41.

²¹ Serahsî, *Şerhu Siyeri'l-Kebir*, 1/39-41. Only six date palms were cut. (Muhammed Şükri Ahmed Zâveyti, *Tefsîru'd-Dahhâk*, Kahire 1999, 2/854).

²² Serahsi, *Şerhu Siyeri'l-Kebir*, I, 40-41. For more detailed information, see İbn Hişam, *es-Sîretün-Nebeviyye*, 3-4/191.

²³ Bkz. Haşr, 59/11, 14; Serahsi, *Şerhu Siyeri'l-Kebir*, 1/40-41; Maverdi, *el-Ahkâmu's-Sultaniyye*, Beyrut ts., p. 52-53; Buhari, *Tefsir/Haşr*, 462.

north Madinah and defuse the region before the future war with Quraysh.²⁴ Targeting counteracting against the cold war started against Muslims and Jews who are dangerous is the proof of that excursion was made with legitimate reasons.²⁵ Due to the fact that the Prophet Muhammad knew that Khyberians were defeated in Madinah and the fruit trees they found in Khyber were their sole financial source,²⁶ attempting to cut date palms was an effective method. The reason of applying that method as a sanction was keeping the peace before giving more damages. Due to the fact that deteriorating financial power of the enemy was going to be an effective method, approximately 400 date palms were cut with the order of the Prophet Muhammad.²⁷ The practice was legitimated by the presence of dense date palms between two parties and the fact that enemy soldiers could shelter among the trees.²⁸

2.1.3. Cutting grapevines of Taif

Cutting grapevines of Taif was another practice. Sakifians who were defeated in Evtas sheltered in Taif, locked the doors of the city and started to make preparations for war;²⁹ they restored their castle and stocked one-year food-stuff in the castle.³⁰ Individuals named Urve b. Mes'ud and Gaylan b. Seleme were sent to learn how to make debbabe, catapult and shield in order to get prepared for the war.³¹

The active war preparation of Sakifians against Muslims necessitated the Prophet Muhammad to move towards Taif. Taifians not venturing to fight outside of the castle made it compulsory to cut³² and burn grapevines as an efficient war tactic for peace.³³ In this practice which was performed in order to break the resistance of Taifians, ordering to cut five trees from each fruitless tree type³⁴

²⁴ Ebu Bekir Ahmed b. Hüseyin Beyhaki, *es-Sünenü 'l-Kübrâ*, thk. Muhammed Abdulkadir Atâ, Beyrut 2003, 9/230-233; Ebu Muhammed Ali b. Ahmed b. Saîd İbn Hazm, *Cevâmiu's-Sîre*, translated by M. Salih Arı, İstanbul 2004, p. 203-205.

²⁵ Hattab, *er-Rasûlü 'l-Kâidu*, p. 201-202.

²⁶ Vakidi, *Kitâbu 'l-Megazî*, 1/375; Ali b. Burhanuddin Halebi, *İnsânu 'l-Uyûn fî Sîreti Emîni 'l-Me'mûn*, Beyrut 1320, 2/565-566.

²⁷ Serahsi, *Şerhu Siyeri 'l-Kebir*, 2/41; Vakidi, *Kitâbu 'l-Megazî*, 2/640, 642, 643, 644, 645.

²⁸ Halebi, *İnsânu 'l-Uyûn*, 2/731.

²⁹ Muhammed İbn Sa'd, *Kitabu't-Tabakâti 'l-Kebir*, thk. Ali Muhammed Ömer, Kahire 2001, 2/145-146.

³⁰ İbn Sa'd, *Kitabu't-Tabakâti 'l-Kebir*, 2/145; Ebu'l-Feth Muhammed İbn Seyyid, *Uyûnu 'l-Eser fî Funûn 'l-Megâzi ve's-Şemâil ve's-Siyer*, Beyrut ts., 2/270-271.

³¹ Taberi, *Tarih*, 3/81-82.

³² İbn Hişam, *es-Sîretün-Nebeviyye*, 3-4/478.

³³ Serahsi, *Şerhu Siyeri 'l-Kebir*, 1/41.

³⁴ Beyhaki, *Sünen*, 9/84.

shows the fact that fruit trees were not cut and the unnecessary destruction was not made by cutting limited number of trees.

As it is seen, reasons of the Prophet Muhammad's practices during wartime regarding environment are clear. The Prophet Muhammad tried to compel enemy who wanted war to peace. The damage given to the environment came to the agenda with compulsory reasons such as turning war attempt of the enemy into peace with the most moderate way and it was concluded without allowing extremity. Use of the environment against enemy in wartime is not limited with only these three practices. Discussing the issue depending on these examples has necessitated it to examine the practices along with their reasons.

These three practices of the Prophet Muhammad can be explained with the principle of *military necessity* in terms of their basic reasons.³⁵ With that principle, it was aimed to prevent damaging the environment by prohibiting use of methods and weapons which were harmful in armed conflicts apart from compulsory situations. Except for the compulsory situations as necessitated by the war, it is prohibited to demolish and seize goods of enemy. It is anticipated to protect forests along with the properties of enemy even though it is limited with the conquered lands.³⁶ Apart from the situations in which military operation is necessary on the occupied lands during war, it is prohibited to demolish properties of personal and corporate entities.³⁷ It is aimed to protect personal and state properties in the events of war on occupied lands. Natural resources are also within the scope of the protected properties.³⁸ And now, views of Islamic jurists about the issue will be shared.

³⁵ Pazarıcı, *Çevrenin Savaş Sırasında Korunması*, (dn. 8), p. 112. The principle of military necessity is the basic principle affecting presence and context of international common law in the protection of environment during armed conflicts. Accordingly, behaviors which do not provide military benefits and lead to unnecessary destructions and damages are prohibited. (Pazarıcı, (d. 8), p.112). With this principle, it is also prohibited to use methods and weapons which are damaging and do not possess military necessity in armed conflicts (Topal, *Silahlı Çatışmalarda Doğal Çevrenin Korunması*, p. 228-229).

³⁶ IV Numbered Geneva Convention, Article, 55. See. http://ceidizleme.org/ekutuphaneresim/dosya/434_1.pdf (22.10.2023). See. *12 Ağustos 1949 Tarihli Cenevre Sözleşmeleri ve Ek Protokolleri*, Yayına hazırlayanlar: Melike Batur Yamaner, A. Emre Öktem, Bleda Kurtarcan, Mehmet C. Uzun, Galatasaray Üniversitesi Hukuk Fakültesi Yayınları: 42, İstanbul, ts., s. 21.

³⁷ IV Numbered Geneva Convention, Article, 53. See. http://ceidizleme.org/ekutuphaneresim/dosya/434_1.pdf (22.10.2023). See. *12 Ağustos 1949 Tarihli Cenevre Sözleşmeleri ve Ek Protokolleri*, s. 20.

³⁸ In the decision made by UN General Assembly with the number of 47/37 and date of 25 November 1992, titled as Protection of the Environment in Armed Conflicts, it is stated that destruction of the environment without any military necessity is against international law (Topal, *Silahlı Çatışmalarda Doğal Çevrenin Korunması*, p. 228).

2.2. Protection of the Environment within the Framework of Views of Islamic Jurists

Information with regard to protection of the environment during wartime in Islamic law presents a point of view for solving today's environment problems. Issues regarding detection of the damages given to the environment such as cutting trees, destructing houses and demolishing animals have been discussed by the jurists and there have also been some approaches trying to change the subject from its main focus point. We will try to assess the issue from this perspective.

2.2.1. The Allegation that Order of the Prophet Muhammad Contradicted with the Order of Ebu Bekir

In Islamic law, in addition to the banishment through killing and enslaving enemy, there is also banishment by plundering prospects of the enemy.³⁹ Differences of opinion on the issue of banishment considered to be in three parts namely goods, building, animals and crops are explained with the assumed contradiction between order of Ebu Bekir and practice of the Prophet Muhammad. According to the holders of the views, there is a discrepancy between burning date palms of Nadirogullari⁴⁰ and order of Ebu Bekir regarding protection of the environment during war. Due to the fact that Ebu Bekir knew that it was advised to follow order of the Prophet Muhammad, he declared his instruction regarding protection of the environment.

With the instruction of Ebu Bekir to the army commander which says "... *Do not cut fruit trees and do not demolish standing buildings! Do not kill camels and sheep with a reason except from eating them as a food! Do not ever burn and drown bees!*",⁴¹ it is asserted that he contradicted with the order of the Prophet Muhammad.

When the instruction of Ebu Bekir is taken into consideration, it is specified that authority of the Prophet Muhammad's practices were removed/ignored; however practices which interfered with the environment in wars such as cutting date palms of Nadirogullari were specific incidents. Therefore, it is accepted that instruction of Ebu Bekir and practices of the Prophet Muhammad do not contradict with each other on the issue of cutting date palms; both of them are right as a principle.⁴²

³⁹ The word "banishment" which has meanings such as punishing, dismissing, enchaining and hammering means making an example of someone before the public as law term. Banishment is also used to refer as annihilating enemies or harmful individuals altogether (İbn Manzur, *Lisanu'l-Arab*, Kahire ts., 7/4544; Ali Şafak, *Hukuk Terimleri Sözlüğü*, Rehber Yayıncılık, Ankara, 1992, p. 600).

⁴⁰ Buhârî, *Megâzî*, 149.

⁴¹ Malik b. Enes, *el-Muvatta*, (Yahya Leysî Rivayeti), thk. Beşşâr Avvâd Ma'ruf, Beyrut 1997, 1/577.

⁴² Ebu'l-Fidâ İsmail İbn Kesir, *Tefsiru'l-Kur'âni'l-Azîm*, Beyrut 1987, 4/356.

Those who state that it is impossible for Ebu Bekir to contradict with the Prophet Muhammad and those who say that the practice is specific to Nadirogullari tribe have finally approved instruction of Ebu Bekir. On the other hand, those stating that there is not any proof against the practices of the Prophet Muhammad are in the opinion that it is allowable to burn trees in wartime.⁴³

Imam Shafii (h.204) evaluated the prohibition of the practices giving harm to the environment in Damascus battles by Ebu Bekir who sent Halid b. Velid to Tuleyha and Temimoğulları as follows: *“I think the order of Ebu Bekir regarding prohibition of cutting fruit trees may be caused by his hearing rumor that the city of Damascus was going to be conquered by Muslims. When it was allowable to cut or not to cut fruit trees depending on the situation, Ebu Bekir preferred not to cut them by taking the general situation into account”*.⁴⁴

There are also comments that Ebu Bekir knew the reasons of the Prophet Muhammad’s practices. Indeed, Nadirogullari who were not eager to make peace in spite of the diplomatic attempts were punished with burning their date palms because of the legitimate reasons that brought the war to the agenda. That practice was not realized as demolishing all date palm gardens. Some amount of the date palms were cut until Nadirogullari went out of their castle and when they did so, the practice was concluded. Cutting some date palms is seen as legitimate for enabling peace depending on the fact that the sanction gave positive results.⁴⁵

While instruction of Ebu Bekir shows that damaging the environment is not legitimate during wartime, practices of the Prophet Muhammad pave way for damaging the environment during wartime if necessary. It can be assumed that seemingly there is a contradiction between these two proofs. Burning and demolishing was allowable as the requirement of war as well as attacking Taif with catapults. The prohibition on this issue was explained as Ebu Bekir knew that those lands could be conquered by Muslims.⁴⁶

Consequently, the instruction of Ebu Bekir to army commanders should not be understood as a general practice and a principle that necessitates demolishing the environment. In this respect,

⁴³ İbn Rüşd, *Bidayetü'l-Müçtehid*, 1/311-312.

⁴⁴ Ebu Abdillâh Muhammed b. İdris eş-Şafii, *el-Ümm*, thk. Rıfat Fevzi Abdulmuttalib, Dâru'l-Vefâ, 2001, 5/633.

⁴⁵ Ebu Bekir Muhammed b. Abdillâh İbnu'l-Arabi, *Ahkamu'l-Kur'an*, tahrir ve ta'lik: Muhammed Abdulkadir Atâ, Beyrut ts., 4/210.

⁴⁶ Ahmed b. Ali b İbn Hacer el-Askalani, *Fethu'l-Bari bi Şerhi Sahihi'l-Buhari*, thk. Abdulaziz b. Abdillâh b. Bâz, Beyrut ts., 6/155.

actions and orders of the Prophet Muhammad during wartime and in compulsory situations do not contradict with the general principles of Ebu Bekir.

2.2.2. The Approach specifying that References of Classical Islamic Law are Invalid

It is asserted that there are not inductive-deductive practices in the Islamic social order in the field of international relations. Besides, formal-legal discussion regarding cutting trees, burning houses and demolishing animals of enemy army taking place in the practices of the Prophet Muhammad has been shown as concrete examples of this issue. Today, it has been stated that mass war makes it indispensable to demolish the environment and it has been expressed that principles and provisions set forth by Islamic law regarding protection of the environment are invalid.⁴⁷

Systematic views of Islamic jurists do not make any sense in terms of today's wars. Terms on this issue do not correspond to the terms of modern day. According to this approach, mass destruction is unavoidable in modern wars. This view which argues unavoidability of modern war technology ignores universality and dynamism of Islamic law. The fact that today's modern war technology causes mass killings does not legitimate the current situation. It does not invalidate Islamic jurists' social-reality based terms. When the practices of the Prophet Muhammad and Ebu Bekir were examined, along with the general rules regarding protection of the environment during peacetime, it was understood that freedoms of statesmen who dealt with the enemy depending on the changing condition were not restricted and they behaved within the scope of the agenda as it was required by the agenda.⁴⁸

Ebu Bekir was supporting Syrian and Iraqi peoples who were under sovereignty of Roman and Persians that were two super powers of the age, possessed wide lands and did not bear enmity, but were unlovable. Destruction of a friendly people's means of living has risks due to the fact that it may be a political attitude to cause the people become alienated and attend to enemy side. Islamic jurists' evaluating practices of the Prophet Muhammad and Ebu Bekir within their own conditions⁴⁹ show that terms of Islamic law regarding protection of the environment during wartime are not invalid and they have developed universal principles in solving environmental problems.

⁴⁷ Ahmed Ebu Süleyman, *İslam'ın Uluslararası İlişkiler Kuramı*, İnsan Yayınları, İstanbul 1985, p. 95; See. For the characteristics of Islamic law, Vahap Ovacı, *İslam Hukukunun Karakteristik Özellikleri*, Bozok Üniversitesi İlahiyat Fakültesi Dergisi, Volume 7, Issue 7, (2015), pp. 69-80.

⁴⁸ Ebu Süleyman, *İslam'ın Uluslararası İlişkiler Kuramı*, p. 94-96.

⁴⁹ Ebu Süleyman, *İslam'ın Uluslararası İlişkiler Kuramı*, p. 94-96.

In the incident of Nadirogullari, the Prophet Muhammad who encountered with a tribe sheltering to their castles had to annihilate date palms which were their main source of livelihood in order to compel them to go out of their castle and yield. This practice was the most dissuasive sanction that could be applied without suffering from the war against enemy. In Islamic war law, some sanctions can be imposed during surrounding in order to prevent appearance of an actual state of war. It is a clear proof of this sanction to cut and burn date palms which were their main source of livelihood in order to ease yielding of the enemy and getting result without spilling blood.⁵⁰

Before the surrounding, some date palms intercepting military operation were cut and burnt around the residential area of Nadirogullari; however it was not touched to those date palms which did not intercept the operation.⁵¹ The destruction made during a war within the framework of military necessities is understood as subversion. Actually, subversion can be explained as an army's demolishing everything in the territory of enemy unrestrainedly. In the incident of cutting date palms of Nadirogullari, choosing especially date palms which were fruitless⁵² shows that date palms were not cut randomly in the extraordinary circumstances where it was so difficult to make balance between logic and feeling and it was not touched to the trees which could provide benefit to people. This detection is highly important in terms of revealing the dimensions of the sensitivity given to the environment in Islamic law.

2.2.3. Legitimacy of Damaging the Environment in case of Military Necessity

The view that it is allowable to demolish the environment as a military requirement during wartime in Islamic law has gained weight. According to Ibn Mesud (h.32), cutting only Nadirogullari's trees taking place in the region of war⁵³ showed that the decision was compulsory and it was limited with the war. Most of the Islamic law jurists have agreed that it is allowable to damage the environment during wartime because of military requirement and it is not allowable to cut trees unnecessarily.

Furthermore, scribes such as Leys b. Sa'd (h.175) and Ebu Sevr el-Evzai, (h.240) were of the opinion that there was a special term for that period without taking the principle of military requirement into account and thus, the term did not hold generality. Evzai based his view on the

⁵⁰ Haşr, 59/5; Vakidi, *Kitâbu'l-Megazî*, 1/372; İbn Hişam, *es-Sîretün-Nebeviyye*, 3-4/191.

⁵¹ İbn Hacer el-Askalani, *Fethu'l-Bâri bi Şerhi Sahihi'l-Buhâri*, 7/333; Ebu Hasen Ali b. Ahmed el-Vâhidî, *Esbâbu'n-Nüzûl*, ta'lik ve tahriç: Mustafa Dîp el-Buga, Beyrut 1993, p. 343-345.

⁵² Abdurrahman b. Ahmed Süheyli, *Ravdu'l-Unuf fî Tefsiri's-Sîreti'n-Nebeviyye li İbn Hişam*, Kahire ts., 2/177.

⁵³ Ebu'l-Hasen Ali b. Ahmed el-Vâhidî en-Neysâbü'rî, *el-Vasît fî Tefsir-i Kur'âni'l-Mecîd*, Beyrut 1994, 4/271.

instruction of Ebu Bekir and specified that it was prohibited to damage fruits along with the trees. According to him, this order was an absolute proof and it was unthinkable for Ebu Bekir to give orders which were not based on the terms and principles of the Prophet Muhammad. Instruction of Ebu Bekir was indirectly approved by the Prophet Muhammad. It should be also taken into consideration the possibility that there was not a necessity to demolish the trees in the age of Ebu Bekir. Evzai thought that compulsory military requirements would remove that ban in a situation where the enemy strengthened their power and gained an unbeatable strength with the presence of forest. On the other hand, some of the Islamic law jurists are of the opinion that it is allowable to uproot the trees and burn the buildings.⁵⁴

There are contradictory hearsays whether the Prophet Muhammad himself ordered to cut the trees or his companion cut the trees and then took approval of the Prophet Muhammad. According to the hearsay of Ibn Ömer (h.73), trees were cut with the order of the Prophet Muhammad.⁵⁵ Companion of the Prophet Muhammad conducted cutting depending on his own opinion and had difference of opinion whether to cut them or not. As a result of the hesitation, the issue was asked to the Prophet Muhammad and it was specified in the verse that opinions of both sides were right.⁵⁶ Those deducing from the first hearsay of Islamic law jurist asserted that the incident had occurred after taking opinion of the Prophet Muhammad and then supported by oracle. According to them, opinion of the Prophet Muhammad was taken due to the fact that there was not a clear order in Qur'an on this issue. Islamic law jurists deducing from the second hearsay thought that two groups from the companions had different opinions and practices of both sides were suitable with the purpose of the oracle in the verse. Depending on this view, although pundits whose opinions were received reached different results with different methods, approaches of both groups overlapped with the basic principles of Qur'an and Sunnah. Views set forth regarding legitimacy of the practices damaging the environment such as destructing and burning buildings, cutting and uprooting fruit trees in order to compel enemy to make peace in Islamic law as a war tactic can be discussed in three parts:⁵⁷

⁵⁴ Haşr, 59/5.

⁵⁵ Ebu Cafer Muhammed İbn Cerîr et-Taberî, *Câmiu'l-Beyân an Te'vil-i Âyi'l-Kurân*, thk. Abdullah b. Abdilmuhsin et-Turkî, Dâru Hicr, ts.,22/511.

⁵⁶ Taberî, *Câmiu'l-Beyân*, 22/507, 510, 511.

⁵⁷ İbn Kudame, *Muğni*, 13/146-147.

2.2.3.1. Those arguing that it is legitimate to damage the environment during wartime

Imam Malik (h.179) thought that it was legitimate to perform practices damaging the environment during wartime.⁵⁸ Accordingly, military operations performed in order to acquire the competence to fight against the enemy who sheltered in their castle or used environmental values such as plants and trees as shield for them had to be performed even though they damage the environment as military requirement.⁵⁹

2.2.3.2. Those arguing that it is illegitimate to damage the environment during wartime

According to Leys b. Sa'd and el-Evzaî, damages given to the environment during wartime were not legitimate.⁶⁰ It was prohibited to demolish the environment due to the fact that it was thought that damage would affect Muslims negatively and put the soldiers into trouble with possibilities such as blowback by the enemy soldiers, devoiding of their shades, not being able to benefit from their fruits and not being able to procure food of animals.⁶¹ Those who argue that it is not legitimate to damage environmental values during wartime have specified that the said practices are not allowable and there are also some people who state that these practices are abominable.

Evzai who argued that destruction was unallowable/abominable during wartime in case of military necessity attributed to the evidence in the hadith as *“Do not cut a tree starting to give fruits, do not burn date palms and do not cut grapevine”*⁶² and stated that it was not allowable to make destruction during wartime for Muslims due to the fact that the practice was conspiracy. Evzai based his view on the verse *“When he comes into power in the world, he starts to conspire and eradicate crops and bloodstock. Allah does not like conspiracy”*⁶³ and supported that view with the following hadith:

“Allah SWT inspired one of his prophets that whoever is inspired by the greatness and reign of the world, they should look at the property of ahlul Âl-i David and Fars. That Prophet said: “My

⁵⁸ Malik b. Enes, *el-Müdevvenetü'l-Kübrâ* (Mukaddemâtu İbn Rüşd), Beyrut 1994, 1/500; İbnu'l-Arabi, *Ahkamu'l-Kur'an*, 4/209-210.

⁵⁹ İbn Kudame, *Muğni*, 13/146-147; Malik, *el-Müdevvenet'ü-Kübra*, 1/513.

⁶⁰ Muhyüddin Yahya b. Şeref en-Nevevî, *Sahihu Müslim bi Şerhi'n-Nevevi*, Mısır 1929, 12/50.

⁶¹ İbn Kudame, *Muğni*, 13/146-147; Malik, *el-Müdevvenet'ü-Kübra*, 1/513.

⁶² Serahsi, *Şerhu Siyeri'l-Kebir*, 1/32.

⁶³ Bakara, 2/205.

*God! David merits the things you glorify. What does ahlul Persian have who are Zoroastrian? Allah SWT ordered as: They built up their cities. And my servants lived in those built-up places”.*⁶⁴

When the meaning of the hadith is examined, it is understood that building up the world is praised and a contrario, it is criticized to make destruction in the world. As it is allowable to kill people who deserve more esteem in order to demoralize polytheists, demolishing buildings and cutting trees which are at the lower level of human in terms of value in the hierarchy of existence should also be allowable.⁶⁵ In our opinion, the abominable decision given without taking the cause of operation is legitimated by the said cause.

Ebu'l-Hasen el-Kerhî (h.340) comprehended that hadith as cutting trees which removed the competence to fight and prevented to fight against the enemy and those trees that did not intercepted to fight should not have been cut. Starting from the principles regarding protection of the environment during peacetime, it was emphasized that it was abominable to carry out practices that included demolishing and cutting during wartime. By referring to the instruction of the war by Ebu Bekir, Evzai was in the opinion that the mentioned practices were abominable.⁶⁶ According to Evzai, it was abominable to demolish buildings and cut fruit trees whether they included a shrine or not. According to Shafii, it was allowable to demolish buildings and cut trees if the competence to fight was removed and enemy made shelter for themselves. If there was not such a situation, it was abominable.⁶⁷ In our opinion, it is allowable to give decision depending on the reason of Imam Shafii's competence of war.

2.2.3.3. Those arguing that it is legitimate to damage the environment in compulsory situations

If there is not another way except for damaging the environment during wartime in Islamic law, it is legitimate to conduct military operations damaging the environment in moderation.⁶⁸ In this sense, the principle of “*Compulsions make prohibitions allowable*”⁶⁹ poses a proof.

⁶⁴ Serahsi, *Şerhu Siyeri'l-Kebir*, 1/33.

⁶⁵ Serahsi, *Şerhu Siyeri'l-Kebir*, 1/33; Sehasi, *el-Mebsut*, 10/32; E. J. Rosenthal, *Political Thought in Medieval Islam*, Cambridge, Cambridge University Press, 1958, p. 8, 38-39, 54, 241-242 and 244.

⁶⁶ Serahsi, *el-Mebsût*, 10/31-32.

⁶⁷ Yakup b. İbrahim Ebu Yusuf, *Kitâbu'l-Harâc*, Kahire 1396, p. 210-211; İbn Rüşd, *Bidayetü'l-Müçtehid*, 1/311-312; Şafii, *el-Ümm*, 7/242-243.

⁶⁸ İbnu'l-Arabi, *Ahkâmu'l-Kur'an*, 4/210.

⁶⁹ Zeynüddin b. İbrahim İbn Nüceym, *el-Eşbah ve'n-Nezâir*, Kahire 1998, p. 94; Ali Haydar, *Dureru'l-Hukkâm Şerhu Mecelleti'l-Ahkam*, Riyad 2003, p. 37-39.

Plants and trees can be demolished in order to annoy the enemy and give harm to them. There are views whether to demolish or not. Firstly, it cannot be deemed allowable to demolish these kinds of plants. Ebu Bekir prohibited his army commander to damage those kinds of plants. Secondly, according to Malik (h.179), Shafii, Ebu Ishak Shirazi (h.393) and Ibn Münzir (h.319), it is allowable to demolish natural assets. Ishak stated that it was Sunnah to demolish when there was a possibility of damage more than usual and it was allowable to use catapult, even burn the villages justifying that practice on the use of catapult by the Prophet Muhammad for Taif people.⁷⁰

According to Maverdî (h.450), it is allowable for the commander to use catapult while trying to surrender the enemy. He is of the opinion that date palms and other trees of the enemy can be cut when there is a possibility of being defeated by the enemy and if it is thought that cutting trees will be beneficiary, they should be cut.⁷¹ According to Malik, it is allowable to burn and demolish villages and castles of the enemy by throwing into water.⁷²

After these evaluations, we can clarify views of most of the Islamic law jurists on this issue. According to most of the Islamist law jurists, the decision of cutting trees and demolishing is related with the statesman's or the commander's considering it necessary to do so in order to defeat the enemy. In this context, the issue has been evaluated within the scope of *siyasa al-shar'iyya* and it has been linked to compulsion. Compulsion is valid when there is not an alternative way to win the war. If the intervention to be made with alternative way will pose damage more than burning and demolishing, it is allowable to burn and demolish as necessary in order to prevent a greater danger. It is allowable to compensate damage with a less serious damage.⁷³ Damage to be given by burning and demolishing the environment should be limited depending on the compulsion.⁷⁴

Conclusion

In Qur'an, it is not approved to start a war against a state or community without a legitimate reason. The Prophet Muhammad did not fight against a community without a legitimate reason. In Islamic

⁷⁰ Ebu Abdillâh Muhammed b. İdris eş-Şafîi, *Ahkamu'l-Kur'an*, Beyrut 1990, p. 383.

⁷¹ Maverdi, *Ahkamu's-Sultaniyye*, p. 52.

⁷² Malik, *el-Müdevvenet'ü-Kübra*, 1/513.

⁷³ "Zarar-ı eşed zarar-ı ehaf ile izale olunur" (Ali Haydar, *Dureru'l-Hukkâm Şerhu Mecelleti'l-Ahkam*, p. 40-41).

⁷⁴ Bakara, 2/173, 178.

law, maximum legitimacy and morality are set forth during wartime whose legitimate conditions are apparent. This point of view is also valid while protecting the environment during wartime.

When the views of Islamic law jurists are examined, it is seen that unnecessary destruction of environmental values such as houses, trees, green fields and fruits is prohibited as a general principle. Depending on this principle, legitimacy-based terms on the issue of destroying environmental elements such as uprooting trees and burning houses are seen valid when there is not any alternative and they are military compulsion/necessity. Accordingly, the damage to be given to the environment during wartime comes to the agenda if the enemy uses environment and its elements as a shield. Legitimacy of this term is justified by conducting destruction without going beyond the limit.

In the age of the Prophet Muhammad, it is impossible to mention about an elaborate environmental problem threatening the entire environment as in the case today. In that age, the principles of protecting environment which are based on the practices of Qur'an and the Prophet Muhammad contribute to solving today's environmental problem and this shows universality and dynamism of Islamic law. In the early periods of Islam, practices of protecting the environment brought to the agenda by the Prophet Muhammad and Ebu Bekir and systematic approaches of the Islamic law jurists should be attached importance by the Islamic law history.

As it is allowed to kill people during wartime in Islamic law, destroying buildings and cutting trees which possess less importance when compared to human being within the hierarchy of existence should be allowable. The damage that can be made on the environment in order to overcome the obstacles such as enemy's making shield during wartime should be legitimate.

Due to the fact that practices of the Prophet Muhammad regarding destruction of the environment were conducted because of military necessity, some practices which are prohibited during peacetime should not be prohibited during wartime as the military necessity even if these practices damage the environment.

Consequently, it can be concluded from the elaborate decisions and comments on the protection of the environment during wartime in Islamic law, a contrario it is paid more attention to protect the environment during peacetime.

Resources

- Abdurraezzak Hemmâm es-San'ânî, *el-Musanef*, thk. Habiburrahman el-Azami, Beyrut 1983.
- Ali Haydar, *Dureru'l-Hukkâm Şerhu Mecelleti'l-Ahkam*, Riyad 2003.
- Askalânî, Ahmed b. Ali b İbn Hacer, *Fethu'l-Bâri bi Şerhi Sahihi'l-Buhârî*, thk. Abdulaziz b. Abdillâh b. Bâz, Beyrut ts.
- Beyhâkî, Ebu Bekir Ahmed b. Hüseyin, es-Sünenü'l-Kübrâ, thk. Muhammed Abdulkadir Atâ, Beyrut 2003.
- Buhârî, Ebu Abdillâh Muhammed b. İsmail, *Sahihu'l-Buhârî*, İstanbul 1992.
- Damat Efendi, *Mecmeu'l-Enhur fî Şerh-i Mülteka'l-Ebhur*, Beyrut 1998.
- Ebu Dâvûd, Süleyman b. Eş'as, *Sünenu Ebi Dâvûd*, İstanbul 1992.
- Ebu Süleyman, Ahmed, *İslam'ın Uluslararası İlişkiler Kuramı*, İnsan Yayınları, İstanbul 1985.
- Ebu Yûsuf, Yakup b. İbrahim, *Kitâbu'l-Harâc*, Kahire 1396.
- Halebî, İbrahim b. Muhammed, *Mülteka'l-Ebhur*, İstanbul 1309.
- Halebî, Ali b. Burhanuddin, *İnsânu'l-Uyûn fî Sîreti Emîni'l-Me'mûn*, Beyrut 1320.
- Hamidullah, Muhammed, *İslam Peygamberi*, translated by Salih Tuğ, Ankara 2003.
- Hattab, Muhammed Şîr, *er-Rasûlü'l-Kâidu*, Bağdat 1960.
- Heyet, *Mecelle-i Ahkam-ı Adliyye*, Edited by Ali Himmet Berki, İstanbul, 1985.
- Hitti, Philip K., *Siyasi ve Kültürel İslam Tarihi*, translated by Salih Tuğ, İstanbul 1980.
- İbn Hazm, Ebu Muhammed Ali b. Ahmed b. Saîd, *Cevâmiu's-Sîre*, translated by M. Salih Arı, İstanbul 2004.
- İbn Hişâm, Ebu Muhammed Abdülmelik, *es-Sîretün-Nebeviyye*, thk. Mustafa Sekâ, Kahire ts.
- İbn Kesir, Ebu'l-Fidâ İsmail, *Tefsiru'l-Kur'ânî'l-Azîm*, Beyrut 1987.
- İbn Manzûr, *Lisânu'l-Arab*, Kahire ts.
- İbn Nüceym, Zeynüddin b. İbrahim, *el-Eşbâh ve'n-Nezâir*, Kahire 1998.
- İbn Rüşd, Muhammed b. Ahmed b. Muhammed, *Bidâyetü'l-Müctehid ve Nihâyetü'l-Muktesid*, İstanbul 1985.
- İbn Sa'd, Muhammed, *Kitâbu't-Tabakâti'l-Kebir*, thk. Ali Muhammed Ömer, Kahire 2001.
- İbn Seyyid, Ebu'l-Feth Muhammed, *Uyûnu'l-Eser fî Funûn'l-Meğâzi ve's-Şemâil ve's-Siyer*, Beyrut ts.

- İbnu'l-Arabî, Ebu Bekir Muhammed b. Abdillâh, *Ahkâmu'l-Kur'ân*, tahric ve ta'lik: Muhammed Abdulkadir Atâ, Beyrut ts.
- Kılıç, Selim, “*Uluslararası Çevre Hukukunun Gelişimi Üzerine Bir İnceleme*”, Cumhuriyet Üniversitesi İktisadi ve İdari Bilimler Dergisi, Volume 2, Issue 2, (2001), p. 136-138.
- Macit, Yunus, *Hiz. Peygamber'in Sünnetinde Çevre*, Trabzon 2000.
- Malik b. Enes, *el-Muvatta*, (Yahya Leysî Rivayeti), thk. Beşşâr Avvâd Ma'ruf, Beyrut 1997.
- Malik b. Enes, *el-Müdevvenetü'l-Kübrâ (Mukaddemâtu İbn Rüşd)*, Beyrut 1994.
- Maverdi, *el-Ahkâmu's-Sultaniyye*, (Beyrut: ts.), p. 52-53
- Mevdûdî, *Cihad, İslam'da Savaş Hukuku*, translated by Beşir Eryarsoy, İstanbul 1992.
- Müslim, İbn Haccac Ebu'l-Hüseyin Kuşeyrî, *Sahihu Müslim*, İstanbul 1992.
- Nevevî, Muhyüddin Yahya b. Şeref, *Sahihu Müslim bi Şerhi'n-Nevevî*, Mısır 1929
- Neysâbûrî, Ebu'l-Hasen Ali b. Ahmed el-Vâhidî, *el-Vasît fî Tefsir-i Kur'ânî'l-Mecîd*, Beyrut 1994.
- Ovacı, Vahap, *İslam Hukukunun Karakteristik Özellikleri*, Bozok Üniversitesi İlahiyat Fakültesi Dergisi, Volume 7, Issue 7, (2015), pp. 69-80.
- Pallemarts, Marc, “*Stockholm'den Rio'ya Uluslararası Çevre Hukuku: Geleceğe Doğru Geri Adım Mı?*”, translated by Bülent Duru, Ankara Üniversitesi SBF Dergisi, 1997, Cilt: 52 Sayı: 01.
- Pazarcı, Hüseyin, “*Uluslararası Hukuka Göre Çevrenin Savaş Sırasında Korunması*”, Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi, Gündüz Ökçün'e Armağan, (January-June 1992), Issue. 1-2, p. 103.
- Rosenthal, E. J., *Political Thought in Medieval Islam*, Cambridge, Cambridge University Press, 1958.
- Serahsî, Muhammed b. Ahmed, *Şerhu Kitabî's-Siyerî'l-Kebir*, thk. Ebu Abdillâh Muhammed b. Hasen eş-Şâfiî, Beyrut 1997.
- Serahsî, Şemsüddin, *Kitâbu'l-Mebsût*, Beyrut, 1986.
- Süheylî, Abdurrahman b. Ahmed, *Ravdu'l-Unuf fî Tefsiri's-Sîreti'n-Nebeviyye li İbn Hişâm*, Kahire ts.
- Şafak, Ali, *Hukuk Terimleri Sözlüğü*, Rehber Yayıncılık, Ankara 1992.
- Şâfiî, Ebu Abdillâh Muhammed b. İdris, *Ahkâmu'l-Kur'ân*, Beyrut 1990.
- Şâfiî, Ebu Abdillâh Muhammed b. İdris, *el-Ümm*, thk. Rifat Fevzi Abdulmuttalib, Dâru'l-Vefâ, 2001.

- Şeybânî, Muhammed b. Hasan, *Şerhu Kitâbi's-Siyeri'l-Kebîr*, İmla: Muhammed b. Ahmed es-Serahsî, thk. Hasan İsmail eş-Şâfiî, Beyrut 1997.
- Taberî, Ebu Cafer Muhammed İbn Cerîr, *Câmiu'l-Beyân an Te'vil-i Âyi'l-Kur'ân*, thk. Abdullah b. Abdilmuhsin et-Turkî, Dâru Hicr, ts.
- Taberî, Ebu Cafer Muhammed b. Cerir, *Târîhu'r-Rusûl ve'l-Mülûk*, Mısır ts.
- Topal, Ahmet Hamdi, “*Silahlı Çatışmalarda Doğal Çevrenin Korunması*”, Milletlerarası Hukuk ve Milletlerarası Özel Hukuk Bülteni, MHB year 29, issue 1-2, (2009), p. 211-236.
- Turnagil, Ahmet Reşid, *İslamiyet ve Milletler Hukuku*, İstanbul 1972.
- Vâhidî, Ebu Hasen Ali b. Ahmed, *Esbâbu'n-Nüzûl*, ta'lik ve tahriç: Mustafa Dîp el-Buga, Beyrut 1993.
- Vâkidî, Muhammed b. Ömer, *Kitâbu'l-Megazî*, Oxford University 1966.
- Yaman, Ahmet, *İslam Devletler Hukukunda Savaş*, İstanbul 1998.
- Yamaner, Melike Batur - Öktem, A. Emre - Kurtarcan, Bleda -Uzun, Mehmet C., *12 Ağustos 1949 Tarihli Cenevre Sözleşmeleri ve Ek Protokolleri*, Galatasaray Üniversitesi Hukuk Fakültesi Yayınları: 42, İstanbul, ts., s. 21.
- Zâveytî, Muhammed Şükrî Ahmed, *Tefsîru'd-Dahhâk*, Kahire 1999.
- http://ceidizleme.org/ekutuphaneresim/dosya/434_1.pdf (22.10.2023).
- <https://dergipark.org.tr/tr/pub/ausbf/issue/3109/43040> (22.10.2023).