



The Place of Natural Resources in Islamic Jurisprudence

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Abstract

Natural resources hold a special position in Islamic jurisprudence. These resources refer to those that are created in nature without human intervention and encompass numerous examples. Islam, with its comprehensive and holistic perspective, asserts that the utilization of these resources is for all generations (the present era and future generations). Anfal, which is one of the manifestations of natural wealth, is—according to the belief of Shia jurists—under the authority of the Prophet (PBUH) and the Imams due to their esteemed status. In the present era, the Wali al-Faqih (Guardian Jurist) manages it in accordance with public interest. This research has been compiled using a descriptive-analytical method. There are differing opinions among Shia jurists regarding the examples of Anfal. In the terminology of Sunni jurists, Anfal differs from its definition in Shia jurisprudence and is considered part of war spoils. Shia and Sunni jurists hold different views on Fei, which is one of the instances of Anfal. Sunni jurists consider concepts such as Jaziya (poll tax) and Kharaj (land tax) as part of it. Generally, one of the characteristics of Anfal is that it is not privately owned, and its use is permitted only with the permission of the Wali al-Faqih for public welfare. In the case of Mubahat Amma (publicly permissible resources), utilization is allowed for the general public, and individuals can gain ownership through possession and appropriation without requiring the permission of the Islamic ruler. However, public property, which belongs to all people and is managed by the government, cannot be privately owned, and its destruction or unauthorized use is a crime. Principles such as the principle of non-ownership, justice, fairness, and environmental protection are among the governing principles governing natural resources.

Keywords: *Natural Resources; Anfal; Fei; Public Offerings; Public Property*

1. Introduction

Natural resources are one of the divine blessings of Allah for all generations of humanity. Islamic jurisprudence, with its comprehensive perspective on this national asset and its importance in economic policymaking, considers the preservation and protection of these natural resources a collective duty. By safeguarding these resources, the life of living beings is also supported. Natural resources such as minerals, water, soil, rivers, seashores, forests, etc., are God-given assets that exist without human

intervention, and the Creator of nature has designated them as sustenance and a share for His creatures. In the terminology of jurists, these assets are referred to as *Anfal*; resources or natural wealth are considered part of *Anfal*. The management of these resources in jurisprudence is regarded as a religious and ethical responsibility of Muslim jurists.

2. Conceptualization

Understanding terms and concepts plays a fundamental role in explaining the subject, so related concepts are reviewed.

2.1. The Concept of Natural Resources

Natural wealth refers to beings that are created naturally and humans do not interfere in their creation. With proper use of these wealth, they will never be exhausted or unusable, such as air, soil, water, forests, wildlife pastures, and fish. (Ahmadi Niaz, November 3, 2013)

2.2. Wealth

Wealth, Assets, Prosperity, Abundance of wealth, Wealth or the science of wealth, economics, the science of production, distribution, and consumption of wealth, and in this case, wealth consists of all kinds of human assets, including goods, food, tools, machinery, railroads, and so on (Dehkhoda, 1965), Vol. 6, p. 3157)

2.3. Natural

Natural, that which pertains to nature, Innate, Instinctive, Inherent, Congenital, Constitutional, Essential, As opposed to artificial, man-made, and manufactured, Created, as opposed to fabricated. That which conforms to natural disposition. All matters related to matter and material things. It is a science that deals with the states of natural bodies, and its subject is corporeal substance. One of the established sciences of philosophy. (Ibid., vol. 28, p. 173)

2.4. Definition of Natural Resources

Natural wealth refers to resources that have emerged from nature without human intervention and are ready for economic, social, and biological exploitation. These resources and wealth include forests, mines, waters, pastures, marine resources, deserts, oil and gas, mountains, etc. An important feature of these national assets is the lack of private ownership and their public origin.

3. Islam and Natural Resources

Islam, as a complete and comprehensive religion, has provided strong and solid principles and foundations for both individual and social life. From an Islamic perspective, natural wealth and resources hold a special and unique position. In the Holy Quran and Islamic traditions, these natural resources and wealth are considered divine blessings, placed at the disposal of humanity for public use. The Quran states:

"He is the One Who created for you all that is on the earth." (Surah Al-Baqarah, verse 29).

This verse clearly indicates that natural resources and national wealth are created for the benefit of all people. The use and exploitation of these divine blessings are permitted and lawful for all human beings.

All that is on the earth has been made subservient to humans. Through industry and agriculture, humans interact with nature, utilizing its hidden and latent forces to develop nature itself. (Makarem Shirazi et al., 1995, commentary on verse 29 of Surah Al-Baqarah).

According to Mohsen Qaraati, this verse conveys several messages, which are:

1. Disbelief in Allah, the All-Generous and All-Powerful, who fulfills needs, is astonishing. "How can you disbelieve... He is the One Who..."
2. The universe is created for humanity. "He created for you all that is on the earth."
3. No creation in nature is without purpose, even if we do not know how to utilize it. "He created for you."
4. The benefits of the Earth's blessings are for everyone. "He created for you all that is on the earth."

4. Jurisprudential Principles Governing Natural Resources

Natural resources and wealth are divine trusts; humans, as God's vicegerents on earth, must prevent transgression, destruction, etc., of this national capital, undertake its protection, and utilize it through proper and balanced use.

"He it is Who created for you all that is in the earth." (Quran 2:29)

He is the One who created everything on earth for His servants. The current generation and future generations share in these resources. It is the duty of all, especially governments representing the people, to make appropriate management efforts to protect this national capital so that future generations may also have their share in these resources.

We find numerous verses that introduce humans as the ultimate purpose of the creation of all the world's creatures, as stated in Surah Al-Jathiyah, verse 13:

"And He has subjected to you whatever is in the heavens and whatever is on the earth."

Elsewhere, we read in more detail:

"And He has subjected for you the ships... And He has subjected for you the rivers... And He has subjected for you the night and day... He has subjected you to the sea... And He has subjected for you the sun and moon..."

Then it returns to the proofs of monotheism, saying: "Then He directed Himself to the heaven and made them seven heavens, and He is Knower of all things" (Thumma istawa ila as-sama'i fasawwahunna sab'a samawatin wa huwa bikulli shay'in 'alim). The phrase "istawa" is derived from the root "istiwa", which lexically means complete control, comprehensive authority, and power over creation and management. Additionally, the word "thumma" in the phrase "thumma istawa ila as-sama" does not necessarily indicate temporal sequence.

From these divine verses, we understand that all natural resources placed at humanity's disposal were created by God for mankind, so that through their use, the grounds for poverty and class differences may be removed from society, and by developing these national natural resources, we can create a flourishing society.

5. Research Background

Generally, regarding natural resources, Muslim scholars and jurists have presented various discussions; for example: Tafsir Nemuneh (concerning Anfal and other related verses) by Naser Makarem Shirazi; in Tafsir al-Mizan (interpreting Anfal and related verses) by Ayatollah Mohammad Hossein Tabatabai; in Tahrir al-Wasilah by Ayatollah Khomeini; in Jawahir al-Kalam by Ayatollah Mohammad Hasan Najafi; in Kitab al-Khums by Ayatollah Sheikh Ansari; in al-Aradi by Ayatollah Mohammad Ishaq

Fayyaz; in *al-Khums wa al-Anfal* by Ayatollah Mohammad Fazel Lankarani; *Economic Policies and Natural Resource Economics from an Islamic Perspective* by Saeed Farahani; *Iqtisaduna (Our Economics)* by Martyr Sadr; *Introduction to Public Finance in Islam* by Majid Rezaei; *Jame al Ahkam al-Quran (Tafsir al-Qurtubi)* by Muhammad ibn Ahmad al-Ansari; *al-Umm* by Muhammad ibn Idris al-Shafi; *Bidayat al-Mujtahid* by Muhammad ibn Ahmad ibn Rushd; *al-Mughni* by Ibn Qudamah; *Tafsir al-Manar* by Muhammad Rashid Rida; *al-Kharaj* by Abu Yusuf; *al-Amwal* by Abu Ubayd al-Qasim ibn Salam; *al-Ahkam al-Sultaniyyah* by Abu Ya'la Muhammad ibn al-Husayn al-Farra'; *Tafsir al-Ayyashi* by Muhammad ibn Mas'ud al-Ayyashi; and others.

Certainly, considering these studies from the perspective of Muslim jurists (both Shia and Sunni) regarding the status of national natural resources, the common points of view require further research. In this study, we seek to reach those common points.

6. Research Structure

This research, entitled "The Place of Natural Resources in Islamic Jurisprudence," has the following structure: Introduction (background, examples, etc.), the views of Muslim jurists (Shia and Sunni) on *Anfal*, and on public indulgences, the views of Shia and Sunni jurists, and finally, conclusions and summaries.

7. Examples of National Natural Resources

Natural resources in jurisprudential and narrational sources are referred to as *anfal*, *mubahat* (permissible resources), and *mushtarakat* (common properties), such as barren lands, minerals, water resources, etc. *Anfal* or state properties are assets whose management rights belong to the Prophet (PBUH), the Imams, and in the current era according to some opinions, to the *Wali al-Faqih* (Jurist Guardian) or heads of governments. Although the specific examples of national natural resources have not been systematically codified and defined in laws, in Quranic verses and narrations, natural resources are referred to with terms such as: *anfal*, *mushtarakat* (common properties), and *mubahat* (permissible resources). Generally, these examples include:

7.1. Anfal

Regarding the term *anfal* in *Lisan al-Arab*, it is stated: "*An-nafl* (with *tashdid*): means spoils of war and gifts, and its plural is *anfal* and *nifal*." "*Nafla*" means spoils and gifts, and its plural is *anfal* and *nifal* (Ibn Manzur, 671 AH, vol. 11). *Anfal* refers to properties that by law belong to the primary person in Islam (the Prophet or Imam) ... (Ja'fari Langarudi, 1381 SH, p. 94).

The precise definition of *anfal* that is both comprehensive and exclusive is that it has no specific owner, but is attached to the position of and leadership as an office and considered public property (with consideration of public interests), as explicitly stated.

7.1.1. Anfal and Its Relationship with Public Property

Public property, as evident from its name, is designated for public use while preserving public interests. Its management is the responsibility of the government, which acts on behalf of the people to safeguard and maintain these assets (Katouzian, 2003, p. 65). Public property is directly or indirectly accessible to all people, and everyone can utilize it either immediately or through intermediaries (Shams, 2007, p. 37). Examples include: public bridges and roads. Or like railways and telephone cables... where companies or the government indirectly undertake their operation.

7.1.2. Differences and Similarities Between Public Property and Anfal

The ownership of public property belongs to the general society and is considered with regard to public interests. However, the ownership of anfal is connected to the position of Imamate and leadership of the society. Generally speaking, it can be claimed that there is no difference between these two in this regard, as both are for the general public. Public property has no specific owner, and the same applies to anfal - it is not specifically owned. Therefore, there is no difference between them in this aspect; neither is under specific ownership, and both are for the benefit of the general public and serve public interests.

a. Anfal in Imamiyyah Jurisprudence

Anfal refers to properties that are under the authority of the Prophet (PBUH) and then under the authority of the infallible Imam, who may dispose of them as they deem appropriate. The late Imam [Khomeini] states in *Tahrir al-Wasilah*: "Anfal is what the Imam is specifically entitled to due to his position of Imamate, just as the Prophet (PBUH) was entitled to anfal due to his divine leadership." (Khomeini, 1992, vol. 1-2, p. 288)

In the terminology of Shia jurists, anfal refers to properties specifically designated for the Prophet (PBUH) and after him, his successors. They may utilize these properties in any manner they consider appropriate (Hamadani, 1995, p. 238; Najafi, vol. 16, *Kitab al-Khums*, p. 115; Sheikh Ansari, 1990, p. 345).

Some scholars describe anfal as: "marshes, seas, and minerals. It can be said that the term anfal particularly refers to public properties." (Montazeri, 1990, vol. 4, p. 8) These are properties that the Imam, like the Prophet (PBUH), is entitled to due to his specific position (Imamate) (Muhaqqiq al-Hilli, 1987, vol. 1, p. 183).

Some jurists, such as the Muhaqqiq [al-Hilli] in his book *Shara'i'*, have restricted anfal to five categories; he states: "The first discussion concerns anfal: Anfal are those things which are specifically for the Imam just as they were for the Prophet (PBUH), and these are five things: Land acquired without war, whether its inhabitants migrated or voluntarily surrendered to Muslims. And barren lands (*mawat*), whether those which were in someone's possession and were abandoned, or those which never came under anyone's ownership at all, such as valleys, seashores, mountain peaks, and what pertains to them. Also, the expanses of deserts, forests, and marshes. Also, when *dar al-harb* is conquered, whatever is taken from the selected possessions and items that belonged to their ruler becomes the Imam's property, provided it was not usurped from Muslims or those under a treaty. Also for him is whatever he chooses from the spoils - whether horses, clothing, slaves, or anything else - as long as he does not act unjustly, and whatever the warriors take as spoils without his permission belongs to the Imam." (Muhaqqiq al-Hilli, 1987, vol.1, p.123)

Therefore, Anfal is a general concept and in narrations it is merely an expression of examples of it, which is changing. For example, in the past, there was no or less attention paid to seas and oceans, etc. because they were not affected.

There is a difference of opinion among Shia jurists regarding the instances of Anfal. Some, like Sheikh Ansari, consider seven cases (Sheikh Ansari, *Kitab Al-Khums*, 1411, p. 2), while others, like Ayatollah Khoei, consider five cases (Ayatollah Khoei, *Kitab Al-Khums*, 1364, p. 355), and the late Naraqi considers eleven cases (Naraqi, *Doqed Al-Shi'a*, vol. 10, p. 109), and some consider any ownerless property to be Anfal and the property of the Islamic government. Imam Khomeini says in the book of *bai*:

"What is understood from the totality of narrations in this chapter is that 'what belongs to the Imam' is a single title applicable to numerous cases, and the criterion in all of them is one - that anything, whether land or otherwise, if it has no owner, then it belongs to the ruler (*Wali*) who may place it

wherever he wishes for the benefit of Muslims. This is also a common practice among nations - minerals... seas... airspace... all belong to states... thus everything either has an owner or not; the first case belongs to its owner, and the second belongs to the Imam." (Khomeini, 1989)

Therefore, according to the perspective of Shia jurists, *anfal* are among those resources that during the occultation and under an Islamic government are under the authority of the Wali al-Faqih, and cannot be utilized without his permission - such as seashores, mountain peaks, naturally barren lands and naturally cultivated lands, valley depths and marshes, lands acquired without war, minerals, etc. These types of resources, with the permission of the Wali al-Faqih, can become private property through: *ihya* (development of naturally cultivated lands), extraction and exploration (of underground minerals), and reclamation (of barren lands). In other words, productive and beneficial work with the permission of the Wali al-Faqih establishes private ownership over these resources.

b. Anfal According to the Sunni Perspective

In the terminology of Sunni jurists, the concept of "*anfal*" is different from what is stated in Shia jurisprudence; the author of the book "*Al-Mughni*" states as follows: "*Nafal*" is an excess that is added to the share of a warrior and soldier. "*Nafal*" is of three types:

a) After paying the *khums*, the Imam should give a quarter of the booty to those who fought against the enemy on the battlefield and divide the rest among the other armies; and when some soldiers who attacked the enemy camp on the orders of the Imam return, after paying the *khums*, another third should be given; and the rest should be divided among the other armies. (Ibn Qudamah, Vol. 8, p. 378;)

One of the Sunni jurists named Awza'i, as well as the majority of Sunni jurists, believe that the Imam cannot make more than one-third of the prayer "*nafl*", but there is no limit to the minimum. (Qurtubi, vol. 1, p. 383; Qurtubi's commentary, beginning of Surah *Anfal*.)

According to Shafi'i (one of the leaders of Sunni schools of thought), "*nafl*" does not have a specific size, because the Holy Prophet (PBUH) once considered a quarter, a second time a fifth, and in another case half a sixth as "*nafl*", and this is evidence that giving "*nafl*" is at the discretion of the Imam. (Shafi'i, 1367, vol. 4, p. 144)

b) The Imam may prefer some soldiers over others because of their resistance and tolerance of the hardships they have endured; for example, he may prefer those who have taken booty from the enemy over those who have not, and may pay them a larger share. (*Bida'iyyah al-Mujtahid*, vol. 1, p. 383, *al-Fasl al-Thaalish fi ahkam al-Nafl*; *al-Mughni*, vol. 8, p. 381.)

c) The third category is when the Imam says: "Whoever scales this fortress, or demolishes this wall, or performs such an action" - an action that scholars would approve of, but the owner may disapprove, saying: "This would cause the war to be fought for worldly purposes (not for God's pleasure)." The owner may object, saying: "If there is a valid interest, there is no problem in performing such matters, just as the Noble Prophet (PBUH) did, and numerous narrations also indicate this." (Al-Qurtubi, *Tafsir al-Qurtubi*, beginning of Surah *Anfal*)

According to Sunni jurists, "*anfal*" is considered in relation to war spoils and related matters. However, in Shia jurisprudence, "*anfal*" has broader meanings, one of which includes war spoils.

c. The Cost of Anfal and Its Cases in Sunni Jurisprudence

"What Allah restored to His Messenger from the people of towns belongs to Allah and to the Messenger and to near relatives and orphans and the needy and the wayfarer, so that it may not circulate solely among the wealthy among you." (Verse 7, Surah al-Hashr)

The expenditure of anfal in Sunni jurisprudence is not limited to these mentioned cases; rather, these six categories refer to numerous examples. One of the Sunni jurists, Qal'ahji, writes: The expenditure of anfal concerning Allah and the Prophet encompasses all matters that elevate the word of Allah, such as road construction, bridge building, weapon manufacturing, payment of salaries to the military and government employees and judges, administration of educational and healthcare centers, and similar matters. The category of "near relatives" includes those who support the government and bear its burdens; this group during the Prophet's time were the close relatives of the Messenger of Allah. The category of "orphans and the needy" symbolizes individuals in need and those deserving who are unable to provide life's necessities. "The wayfarer" represents stranded travelers and those in transit who need assistance to reach their destinations. (Qal'ahji, vol. 13, p. 1536)

7.2. Examples Given for Anfal Include:

7.2.1. Land Acquired Without War

If lands that have been acquired by Muslims without war are part of Anfal, whether their inhabitants have migrated or have been given to Muslims with their consent, these lands are part of Anfal without any disagreement among the jurists, and with the claim of consensus. (Najfi, (1325 AH), Vol. 16, p. 116)

It was narrated by Muhammad ibn Muslim from Imam Sadiq that he said: I heard him say:

“Anfal is the land on which no blood has been shed, or where people have made peace and given it up willingly, and the barren lands and deserts, all of which are from the fei. And Anfal is for God and His Messenger, and whatever is for God is for the Messenger, He may use it wherever He wills.” (Wasa'il 367/6, Ab'ab al-Anfal, Chapter 1, Hadith 10).

It is narrated by Zararah from Imam Sadiq that he said: I asked him about the saying of Allah the Almighty: “They ask you about the Anfal: Say: Anfal is for Allah and His Messenger.” He said: Anfal is for Allah and His Messenger, and every land that its people have abandoned without a horse, camel, rider, or footman having ridden on it, that is for Allah and His Messenger. (Wasa'il 367/6, Chapters of Anfal, Chapter 1, Hadith 9).

7.2.2. Barren Lands

One of the instances of anfal is barren lands (mawat), such as deserts that are not under specific individual ownership, or lands that were previously owned but have been abandoned by their owners. There is no disagreement among jurists regarding this matter. Concerning who should have control over barren lands, Sunni jurists hold different opinions: some Sunni jurists believe that barren and uncultivated lands during the time of the Messenger of Allah (PBUH) were under his authority, and people would utilize these lands with his permission. Abu Hanifah maintains that reviving barren lands without the Imam's permission is not permissible. In the book al-Amwal, Abu Ubayd narrates from the Messenger of Allah (PBUH): "Barren land belongs to Allah and His Messenger. Therefore, if they grant permission, it becomes yours." (Abi Ubayd al-Qasim ibn Salam, 1981, p. 286)

7.2.3. Fei

The land that the infidels cede to the Islamic government without war or bloodshed, whether they surrender it of their own accord or abandon it and leave, is called fei and is part of the Anfal. (Sheikh Tusi, p. 63.)

In the opinion of Sunni jurists, the meaning of fi is broader than that of Shia jurists, because in Sunni jurisprudence, the jaziya and kharaj and what is given to Muslims from the infidels are also examples of fei; such as:

- a) Everything that is taken from the people in the name of jaziya (capita tax) and kharaj (land tax).
- b) What is taken from merchants as tithe, which is a warlike infidel.
- c) Movable property and land that is given to Muslims by peace.
- d) All property that is given to Muslims from infidels without war.
- e) Property that is given to Muslims after war with the consent of the infidels.

Lands from which the owners have migrated or have voluntarily surrendered to the Muslims and they themselves reside there; they consider this land as "fi'ah"; and what Allah has returned from them to His Messenger is something for which you have not ridden a horse or a camel, but Allah makes His Messengers over whom He wills, and Allah has power over all things. And...

Islamic narrations also confirm this matter. Imam Sadiq said: "Lands that came under Muslim control without war are from the anfal." Reliable narration from Muhammad ibn Muslim: "From him, from Ibrahim ibn Hashim, from Hammad ibn Isa, from Muhammad ibn Muslim, from Abu Abdullah that he heard him say: 'Indeed, anfal is what comes from land where no blood was shed.'" (Wasail al-Shia, vol. 9, p. 523, hadith 12625)

One of the Sunni jurists defines fei as:

"Fei refers to properties that come under Muslim control from disbelievers without war." (Qal'ahji, vol. 2, p. 1536) Regarding the examples of fei and its expenditures, the heads of Sunni schools have various opinions.

According to al-Zuhayli, fei consists of properties taken from combatants without fighting, through peace treaties like jaziya and kharaj, and fei was specifically for the Messenger of Allah (PBUH) to dispose of as he wished... However, after the demise of the Prophet (PBUH), fei is for all Muslims and is used for their welfare. (Al-Zuhayli, 1997, p. 5894)

Generally, according to Sunni jurists, all examples mentioned as anfal relate to war spoils; spoils of war are one instance of anfal, while they consider fei as part of publicly permissible properties (mubahat amma). There are differing views among Sunni jurists regarding examples of fei, including properties of deceased dhimmis without heirs and properties of apostates without heirs.

A) Hanafi Jurisprudence

One of the scholars of the Hanafi school of thought states in the definition and examples of fi': "He considers fei to be property that has been given to Muslims from the infidels without war. "Fei is the property of the Messenger of God, which he can spend in any way he wants." And he considers one of the examples of fei to be Fadak. "When the people of Fadak were informed, the people of Khaybar made peace with the Messenger of God." (Ala' al-Din Abu Bakr ibn Mas'ud al-Kasani al-Hanafi, Bad'i' al-Sana' fi Sardil al-Shara'i', vol. 12)

B) Shafi'i Jurisprudence

One of the Shafi'i jurists, Abu Ishaq al-Shirazi, defines fei as follows: Fei refers to property obtained from disbelievers without war, and it is of two types:

1. Property that disbelievers abandoned out of fear, or gave to Muslims to protect their lives.
2. Property given to Muslims without fear, such as jaziya, one-tenth of commercial goods, and the inheritance of a disbeliever who dies in dar al-Islam without heirs.

Regarding the khums (one-fifth) of this category, there are two opinions: earlier scholars held that khums does not apply, while contemporary scholars maintain that it does, based on the verse "What Allah has restored (ma afa'a Allah)" (Quran 59:7).

According to one Shafi'i opinion, during the lifetime of the Messenger of Allah (PBUH), four-fifths of fei was spent on Muslim welfare priorities (al-aham fa al-aham), while another opinion holds that it was distributed to warriors. (Shaykh Abu Ishaq Ibrahim ibn Muhammad al-Shirazi, *al-Muhadhdhab and al-Masadir al-Fiqhiyya*, vol. 13, p. 608)

C) Maliki Jurisprudence

A Maliki jurist defines fei and its examples as follows: "Fei refers to any property obtained from disbelievers without war or conquest, such as *jaziya*, *kharaj*, properties acquired through reconciliation agreements, and all properties obtained from disbelievers without resorting to warfare." Regarding the expenditure of fei, he states: "The distribution method for fei is similar to that of khums (one-fifth). Imam Malik held that fei is under the Imam's authority; according to expediency, like khums, he may reserve it to address Muslims' emerging needs or distribute all or part of it among Muslims. He must maintain equality among all Muslims while prioritizing the poor. The share of the Prophet's (PBUH) relatives should be given according to the Prophet's (PBUH) discretion. According to Malik, fei is distributed exclusively to the poor among the Prophet's (PBUH) relatives in the region where the property was acquired." (Shaykh Abu Umar Yusuf ibn Abdallah al-Qurtubi al-Maliki, *Fi Fiqh Ahl al-Madinah and al-Masadir al-Fiqhiyya*, vol. 12, p. 234.)

Another Sunni jurist defines fei as: "According to the majority of jurists, fei refers to any property obtained from disbelievers before instilling fear and without military engagement." (Qadi Abu al-Walid Muhammad ibn Ahmad ibn Rushd, *Bidayat al-Mujtahid and al-Masadir al-Fiqhiyya*, vol. 12, p. 270.) A Maliki jurist named Kalbi states regarding fei expenditure: "The just Imams' method for fei and khums was to first address critical needs and shortages, then prepare military equipment, distribute to warriors, allocate to judges and officials, and finally spend on mosques, bridges, and the poor. Any surplus would be either retained by the Imam or distributed to the needy." (Kalbi al-Aznati, vol. 12, p. 2270)

D) Hanbali Jurisprudence

A Hanbali jurist named Ibn Qudamah defines fei and its expenditures as follows: Fei refers to properties taken from polytheists without warfare, such as *jaziya*, *kharaj*, one-tenth of commercial goods, properties abandoned by disbelievers out of fear, and properties granted during peace agreements. Prioritization (*aham wa muhim*) must be observed in spending fei: for soldiers' livelihoods, constructing necessary buildings, purchasing weapons, building bridges, road construction, mosque erection, judges' salaries, dredging waterways, imams' and muezzins' wages, and all that Muslims require. Fei 's specifically designated for warriors. (Ibn Qudamah, *al-Mughni and al-Masadir al-Fiqhiyya*, vol. 13, p. 788.)

7.2.4. Lands Conquered by Force

Territories conquered by the military forces of Islam and under the administration of the Islamic government, including many lands in Islamic countries such as Iraq, Egypt, Syria, Mecca, and parts of Iran like Khorasan, Sistan, Fars, and Kerman, are considered 'lands conquered by force' ('*anwatan*') (Ibn Khaldun, 133, 1987). In '*anwatan*' conquered lands, neither individuals nor legal entities nor governments have ownership rights; rather, the state only holds trusteeship rights. The management of '*anwatan*' lands is the responsibility of the Islamic government, which, according to circumstances and conditions, may grant usage rights through contracts such as lease (*ijarah*), sharecropping (*muzara'ah*), etc., in exchange for land tax (*kharaj*). Therefore, these lands are also called '*kharaji*' lands' (Sadr, 1996, p. 422).

E) Features of Anfal

Anfal refers to properties that, in the present era (during the occultation), are managed by the Islamic ruler. They are to be utilized for administering society and public interests in ways deemed appropriate, and possess specific characteristics such as:

- Having no specific owner (no individual owns them).
- Their use and exploitation must be with the permission of the Wali al-Faqih and the Islamic government.
- They are to be spent on public interests like building hospitals, caring for individuals with special needs whom the government must support, providing for orphaned and abandoned children, etc.

2. Publicly Permissible Resources (Mubahat Ammah)

Mubahat ammah (publicly permissible resources) are properties that were previously unowned and which all people may utilize. If an individual exploits them, they become his property. The government oversees mubahat ammah to preserve public interests and the welfare of future generations. Governments regulate how these resources are utilized, and both natural and legal persons may use them.

Ihya (reclamation/appropriation) is one of the means of acquiring ownership, though not for all things. Only ihya that which does not restrict others' living space or deprive them of their right to livelihood qualifies as a valid means of ownership. If individuals appropriate resources in a manner that leaves no common domain for others, such appropriation is invalid.

Ayatollah Sayyid Muhammad Baqir al-Sadr (ra) defines mubahat ammah as: "Mubahat ammah are resources whose exploitation and ownership are permitted for all individuals. Thus, the permissibility (ibahah) governing them is not merely permissibility of use (intifa), but permissibility of ownership (tamalluk)." (Muhammad Baqir al-Sadr, *Iqtisaduna*, p. 499. Arabic original: "wa al-mubahat al-ammah hiya: al-tharawat allati yubah li'l-afraad al-intifa' biha wa tamalluk raqabatiha; fa'l-ibahah fi al-mubahat al-ammah ibahat tamalluk, la mujarrad ibahat intifa").

A) Examples

- Catching sea fish
- Plants in the plains and mountains
- Natural springs
- Permitted hunting of animals
- Mines and...

B) Features of the Mubahat

- By possession and possession, individuals become its owners.
- It has no specific owner.
- The permission of the Islamic ruler is not required except in special cases.

Ayatollah Sayyid Muhammad Baqir al-Sadr states regarding this matter:

Natural resources are valuable things, such as pearls, coral, etc., that exist in seas and large rivers and are extracted through diving and other methods. Also valuable resources like animals and plants

that live on land, and valuable resources like birds and oxygen that are dispersed in the earth's atmosphere, and natural energies like the power to rotate large turbines that is stored in water behind dams, etc. - all of these are natural resources. (Sadr, Iqtisaduna, 1996, p. 418)

3. Public Property

It refers to property that belongs to all people and is managed by the Islamic government; private ownership of it is not possible. Public property is defined as property that does not belong to any specific individual, but rather belongs to general categories such as the people and the poor, and is designated for specific public interests and expenditures. (Mishkini, 2013, p. 21)

In narrations, public property is referred to with terms such as: "God's property," "the Prophet's property," "the Imam's property," and "Muslims' property." As Amir al-Mu'minin Imam Ali described Uthman's caliphate: "And his paternal relatives from Banu Umayya rose with him, consuming God's property like camels devouring spring vegetation." In this hadith, Amir al-Mu'minin refers to the public treasury as "God's property."

A) Examples

- Public roads
- Public schools
- National parks
- Dams
- Public water sources

B) Features

Public property has the following characteristics:

- It cannot be privately owned; the ruler of Muslims does not have the right to transfer it to individuals or legal entities through contracts or declarations such as gifts or sales;
- Its management is with public governmental or public institutions; the government's role regarding public property is as administrator and guardian, with the duty of supervision.
- Its destruction or appropriation is a crime.

No one has the right to appropriate or destroy this property; if such an incident occurs, the government must protect this property and file a complaint with the public prosecutor in case of its destruction.

8. Jurisprudential Principles Governing the Exploitation of Natural Resources

8.1. The Principle of Non-Appropriation of Natural Resources

No individual can own natural resources and wealth because these resources are God-given and are for the welfare and comfort of people in our time and for future generations.

8.2. The Principle of Justice and Fairness

Achieving justice is one of the objectives of economic systems; Islam, as a comprehensive and complete religion, strongly emphasizes the principle of justice. One of the divine prophets' missions was to establish fairness and justice to create a society free from discrimination. For it is under the shade of

justice that public welfare is achieved, and through this, poverty and misery are eliminated. Imam Ali said: "By implementing justice, God's blessings are multiplied." (Ghorar al-Hakam, 1989, vol. 3, p. 205.)

According to the principle of justice, the utilization and extraction of these national resources must be conducted in a manner that considers the interests of future generations. Some jurists, while acknowledging income and wealth disparities, consider anfal as wealth. (Saeed Farahani Fard, (2022), no. 94, 2022, p. 24.)

8.3. The Principle of Environmental Protection

In the current era, one of the primary concerns of scholars is environmental protection; because the destructive effects of polluting industries in this field have depleted finite resources and created serious threats to a healthy environment. In the Islamic ethical and legal system, protecting a healthy environment holds special importance. The Noble Prophet of Islam (PBUH) and the Imams have advised everyone to support animal life and protect trees and plants. The Noble Prophet of Islam (PBUH) said: "Do not make anything possessing a soul the target of your arrows." (Muhammad Baqir Majlisi, Bihar al-Anwar, vol. 64, p. 204, hadith 7.)

Conclusion

The following conclusions can be drawn from the above:

1. Natural resources hold a special position in Islamic jurisprudence. These resources are national assets that all human beings share, both current and future generations. Natural resources are divine trusts placed at humanity's disposal.
2. Protecting these resources is a collective responsibility, ensuring future generations may also benefit from this divine blessing. Governments, as representatives of the people, manage these national assets to ensure future generations can properly benefit from these God-given resources.
3. Natural resources have strong jurisprudential foundations. As God's vicegerents on earth, humans have a religious duty to protect these national assets from destruction.
4. In jurisprudential sources, national natural resources are classified under anfal, mubahat, and mushtarakat. Anfal belongs to the position of Imamate and leadership, not to individuals - the criterion being the office itself, not the person.
5. In Shia/Imami jurisprudence, anfal is under the authority of the Prophet and Imams to utilize as they deem appropriate. There are differing views among Shia jurists regarding its examples. In Sunni jurisprudence, anfal differs from Shia interpretations and primarily relates to war spoils.
6. Regarding anfal expenditures in Sunni jurisprudence, some jurists limit it to six categories based on Surah al-Hashr, while others argue it's not restricted to these. One example is fei, which Sunni jurists interpret more broadly than Shia jurists, including concepts like jaziya, kharaj, and anything obtained from non-Muslims. There are differing views among Sunni jurists about fei. In Hanafi jurisprudence, fei includes properties obtained from non-Muslims without war.
7. Mubahat ammah (publicly permissible resources) are natural resources that, according to Shia jurisprudence, can become private property through reclamation and utilization.
8. Public property belongs to all people and is managed by governments. Private ownership is prohibited, and its destruction or appropriation is a crime. Certain principles govern natural resources: the principle of non-ownership (as these God-given resources exist for public welfare); the principle of social justice (as public welfare is achieved through justice); and environmental protection (as destruction threatens animal and plant life).

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