

INTRODUCTION TO: ENVIROMENT, ECONOMY AND SOCIETY: THE MEASURE OF SUSTAINABILITY IN DIFFERENT LEGAL TRADITIONS

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*“Human beings are members of a whole,
in creation of one essence and soul.
If one member is afflicted with pain,
other members uneasy will remain.
If you have no sympathy for human pain,
the name of human you cannot retain.”*

“Bani Adam”, Saadi Shirazi, XIV century

This VIII SIRD conference, devoted to sustainability, is hosted here in this historical Villa Mondragone where the the Gregorian calendar was introduced in 1582 by Pope Gregory XIII to correct the errors that had accumulated in the Julian calendar. The main innovation was the improvement in the calculation of leap years, making the measurement of time more precise and aligned with the solar cycle.

It is now time to recalculate the concept of sustainability, focusing on its measurability and the potential to aligning it into a comparative perspective that highlights the contributions of various legal cultures. Comparative analysis could present a unique opportunity to identify shared sustainable practices and adapt them to local contexts, fostering greater inclusivity and a global vision of sustainable progress. Hence the idea of this conference.

The term sustainability is currently abused and it appears – more and more frequently – in so many debates, public as well as private events, congresses, seminars, and media activities.

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Il presente contributo è stato presentato al VIII Convegno Nazionale SIRD: “Ambiente, economia, società. La misura della sostenibilità nelle diverse culture giuridiche”, Roma, 12-14 settembre 2024.

That's why this conference with an apparently simple title, imposes some introductory reflections and remarks.

Let's start with the subtitle, it is to say the measure of sustainability.

It is well known that development is sustainable if it can meet the needs of future generations as well as those of the current ones. The unpredictability of future events, therefore, requires that the use of resources to protect the needs of all people today takes a long-term perspective: development is sustainable today if it aligns with the needs of future generations. This principle, introduced in the Brundtland Report and reiterated in numerous sustainability initiatives, implies a broad concept of development that encompasses the three dimensions mentioned in the title of this conference, namely environmental, economic, and social, to which the institutional dimension can certainly be added. These dimensions are not just separate and parallel policies and actions, but their interweaving forms the concept of sustainability: economic growth must generate income and employment for all populations, ensuring everyone's well-being, and preserving and guaranteeing the reproducibility of resources.

It is also known that programs at the national and international levels have been developed for the pursuit of the well-being of populations, culminating in the United Nations' intervention with the 2030 Agenda, signed in September 2015 by 193 UN member governments. The Italian project for the measurement of fair and sustainable well-being (*Benessere Equo e Sostenibile*) expresses in turn the indicators of progress for economic, social, and environmental production, included in 2018 among the tools for informing and evaluating national economic policy. Certainly, it can well represent an advanced model of sustainability measurement at European level¹.

But we all know that sustainable development has emerged as a pivotal focus globally to confront various challenges such as climate change, poverty, inequality, and environmental degradation.

Briefly, sustainable development is, for sure, a worldwide challenge necessitating a comprehensive approach that includes economic, social, and environmental dimensions. But how to measure this process?

Sustainability *per se* is a non-measurable concept, because it is not a physical phenomenon in itself. Since sustainability is an ideal point, a "utopia" that we necessarily strive towards as the only possible survival scenario (against the dystopia

¹ See the Europe Sustainable Development Report 2025. SDG Priorities for the New EU Leadership, available at <https://eu-dashboards.sdgindex.org/>. See also E. Giovannini et al., *Measuring Sustainability*, in *For Good Measure, Advancing Research on Well-being, Metrics Beyond GDP*, OECD Publishing, 2018, pp. 241-282.

or retro-topia depicted by Zygmunt Bauman ²), we face an alternative: either the system is sustainable or it is not. The answer is always (or almost always) that the system we are analyzing is not sustainable, due to the use of energy and matter and/or due to the waste that human systems generate. Therefore, we reverse the problem and let's try to understand something more about unsustainability: we can try to measure it as the "distance" from the ideal point of sustainability. We thus see sustainability, or rather unsustainability, as a relative concept: we do not seek to know if we are sustainable (we know we are not!), but how unsustainable we are. This can allow us to understand where we stand concerning sustainability criteria and highlight what we can do to reduce unsustainability. And since the concept of sustainability is very complex, as we will have the opportunity to hear during the presentations of this conference, and not directly measurable, many interdisciplinary indicators are necessary to assess how far we have to go, depending on the aspects, to reach the "goals". But above all, we must start, first of all, from achieving a dual objective: the awareness that sustainability is, on the one hand, the only possible condition if we want to go down in history as the generation that made a turn to what appears to be an irreversible phenomenon of planet destruction. On the other hand, only a holistic and interdisciplinary approach allows a precise understanding of the phenomenon and the possibility of providing appropriate answers at every level.

Interdisciplinarity and a systemic vision are, therefore, the keystones for promoting the only possible development of a sustainable system. Tito Livio reports to us (in the Second Book of *Ab Urbe Condita*, Libri) the famous parable that Menenius Agrippa Latato, pronounced in 494 B.C. to the plebeians who, in protest, had abandoned Rome and occupied the Sacred Mount to obtain equal rights with the patricians (*secessio plebis*). Agrippa explained the Roman social order metaphorically, comparing it to a human body in which, as in all ensembles made up of connected parts, the organs survive only if they collaborate and otherwise perish³.

So, we should keep in mind that when dealing with this concept we have to consider the totality of things as we were one body, as magnificently depicted in the Persian poem at the *incipit* above ⁴.

² Z. Bauman, *Retrotopia*, London, 2017.

³ See, ex multis, L. Garofalo (a cura di), *Il corpo in Roma antica. Ricerche Giuridiche*, Pisa, 2015;

⁴ «Human beings are members of a whole, in creation of one essence and soul. If one member is afflicted with pain, other members uneasy will remain. If you have no sympathy for human pain, the name of human you cannot retain». The United Nations motto, "Peace through dialogue", is derived from this poem by the Persian poet Saadi Shirazi. This phrase is inscribed in stone at the entrance of the UN's European headquarters in Geneva, emphasizing the importance of dialogue and cooperation in achieving peace. Saadi's work reflects the values of mutual understanding and respect, which are central to the mission of the UN.

Therefore, today there is a lack in public opinion (and perhaps also in institutions?) of generalized awareness of the continuous interconnection between the various aspects of sustainability; just as there is a lack (alas) of awareness, or only a superficial awareness, of the interdependence of terrestrial sustainability with that of space (*ab infera usque ad sidera!* Romans would say). Here at our University of Rome Tor Vergata – I am keen to say – we established an Interdisciplinary University Center on Space Sustainability and we are experimenting the factual interdisciplinary approach with these topics/ themes. Everything that happens in space reverberates on this earth: just consider the rapid development (and related business volume) of the new space economy, with increasing involvement of the private sector⁵. And, once again, the extent of environmental, economic, and social unsustainability of a neocolonial vision becomes apparent if someone seems to suggest in the United States the recognition of private property to individual citizens of asteroids and raw materials (including rare earths) that can be extracted from space⁶.

Through this way, there is another important aspect that we need to clarify. Often, more or less unconsciously, it is believed that sustainability is an ingenious discovery of the contemporary world, the result of a vision of the Western world (the Western Legal vision) capable of declaiming lofty principles, setting utopian goals in ineffective international documents, and dictating (on paper) government agendas. Furthermore, the complexity of sustainability, which is not only confined to the environmental dimension but is strongly interdependent with the economic and social dimensions, is often forgotten. Moreover, this partial vision cannot grasp the contribution of "other" legal cultures on the path towards achieving global sustainability. Comparatists, for their part, in comparing the different legal traditions, are accustomed to dealing with issues related to legal translation and conceptual approval processes.

So that, if – free from a Eurocentric perspective – we look at other cultures, we discover (in other latitudes and in entirely different historical contexts) the richness and modernity of a comprehensive vision of sustainability that is practiced and not merely proclaimed in other societies. We could mention examples of sustainability

⁵ See S. Di Pippo, *Space Economy: The New Frontier for Development*, in Bocconi University Press, 2023.

⁶ G. Sanna, *New Space Economy, Ambiente, Sviluppo sostenibile. Premesse per il diritto aerospaziale dell'economia*, Torino, 2021. On the specific neocolonialist vision of the space, see M. Spagnulo, *Capitalismo stellare. Come la nuova corsa allo spazio cambia la terra*, Soveria Mannelli, 2023.

from different cultures (the millennia-old civilizations of India, China, Africa, or Latin America, to stay outside the Western world, offer admirable integrated visions of sustainability).

For reasons of time and heart, allow me - *Cicero pro domo sua* - to make an incursion into the beloved Persian culture.

For example, traditional Persian architecture, employed by builders and artisans in the cultural area of Greater Persia and surrounding regions to build vernacular houses, was designed in proportion to its climatic conditions and in respect of the social fabric. The fabric of the old cities of Iran is composed of narrow and winding streets called *kocheh* with high brick walls and plaster often covered in various layers. This form of urban design, which was common in Iran, is an optimal form of architecture of the Iranian plateau that minimizes the expansion of the desert and the effects of dust storms, maximizes shadows during the day, and insulates the urban fabric from harsh winter temperatures.

All public structures such as the *hammam*, mourning houses (*tekyeh*), tea houses (*chay khanê*), *madrasah*, courts (*dadgâh*), and administrative offices were located within the neighborhood. Besides the central bazaar, each neighborhood had a *bazar-keh* (small bazaar), as well as its own *ab anbari* (public water reservoir) that provided clean water to the neighborhood. A body of market inspectors, a sort of “aediles curuli”, ensured the proper and fair functioning of the markets.

Think also of the well-known wind towers, *badghir*, to cool the interiors of houses, often combined with *kariz* (water channels that flowed inside the courtyards of homes, known as *qanat* in the Arab world), the use of organic and recyclable material for building houses (Yazd and Kashan), splendid courtyards and *moshrabiyye* to shield the sun and prying eyes (beautiful examples can be found in Isfahan); the iconic Persian gardens (Kashan is the pearl) praised as an anticipation of paradise, the cool hypogeum *shabestan* of mosques, not to mention the rationality in the construction of bazaars and caravanserais that enabled flourishing trade along the Silk Road. All these are excellent examples of holistic vision of sustainability.

Even classical poetry, a true epitome of Persian culture, a UNESCO heritage, tells us of possible sustainability in its totality and completeness (in its holistic dimension). "And he will know how to erect a stone arch so beautiful that it will capture the stars from the sky like lanterns": this beautiful verse by the Persian epic poet Nizami

Gangevj, who lived in the 12th century, taken from the masterpiece “The Seven Princesses”, in the translation by Alessandro Bausani, depicts a splendid example of environmental, social, and economic sustainability. The construction of a wonderful palace built in harmony with the cosmos and the laws of nature, inclusive of the workers without distinctions of race, in an eschatological perspective that already sees a perfect social balance among its inhabitants in the hereafter.

This formidable poetic verse reminds us that, outside the Eurocentric vision, other civilizations, other cultures, in other epochs, sustainability, far from abstract declamations, was a possible condition to strive for, towards a possible utopia, as our illustrious guest and friend Enrico Giovannini would say⁷. In short, traditional Persian architecture was able to amalgamate all those aspects of sustainability that today seem so difficult to coexist: social, technological, economic, and environmental sustainability, finding, in the cities and buildings of ancient Iran, a surprising balance⁸. However, the close correlation between sociality, technology, and environment in the Persian tradition offers a point of reflection for the search for sustainable development not only in contemporary Iran but also in the West where some declinations of sustainability, such as environmental and economic, are often considered a priority over others. The Persian experience demonstrates, on the contrary, how the recipe for truly sustainable development must increasingly be based on the simultaneity and indispensability of each of the addressed topics.

Countries with predominantly Muslim populations have the capacity to use *shari’a*, the Islamic law and ethics system, to aid sustainable development. I want, now, within the limits of this introduction, to investigate the contribution of Islamic Legal tradition to sustainable development as a form of Islamic law reform in the modern era.

We can affirm that *shari’a* offers a robust ethical and normative foundation to support sustainable development. Principles of *shari’a* like justice (*’adl*), public benefit (*maslahat*), and trust (*amanah*) are crucial in overcoming sustainable development challenges. If we analyze policy documents of Islamic states, we see that although there are initiatives to integrate *shari’a* principles into public policy, implementation remains limited and sporadic.

Indeed, the integration of *shari’a* in public policies supporting sustainable development is still poorly understood and widely under-implemented⁹.

⁷ E. Giovannini et al., *Measuring Sustainability*, op.cit.

⁸ A.A. Shahraki, *Sustainable new towns in Iran Reactions on problems and practices of urban planning and design using case studies*, Department of Urban Planning and Environment, 2014.

⁹ R. I. Sujono - M. Layli, *The Role of Sustainable Development in Alleviating Poverty and Unemployment*, in *Circular Economy and Sustainable Development*, 2022, p. 185.

Within Muslim societies, the Islamic faith and shari'a significantly influence individual conduct and perspectives on life, albeit to varying degrees across the Islamic world. As a cornerstone of Islamic teachings, shari'a provides a comprehensive ethical framework that shapes practices in diverse areas, including commercial activities, environmental conservation, and the pursuit of social justice.

Shari'a principles, indeed, play a crucial role in supporting sustainable development by providing an ethical and normative foundation for equitable resource distribution, environmental stewardship, and social welfare. Let's have a closer look to these principles then.

Justice (*'adl*) is a cornerstone of *shari'a*, underpinning principles of equitable wealth distribution, protection for marginalized groups, and sustainable management of natural resources. Policies designed to ensure fair access to resources and defend vulnerable populations serve as vital tools for advancing social justice, narrowing inequalities, and fostering long-term development. Economic justice, a central element of the doctrine, is upheld through practices like *zakat*, *infaq*, and *waqf*, which actively support poverty alleviation and the equitable sharing of wealth¹⁰. *Zakat*, as a religious obligation, ensures that wealth circulates within society, preventing excessive concentration and providing for the needy¹¹. *Waqf* institutions further support public services such as healthcare, education, and infrastructure. Recent research indicates that effectively managed zakat and waqf can significantly reduce poverty and improve access to essential services, contributing to broader economic stability and social welfare¹².

Social justice, rooted in the concept of *maslaha* (the public benefit), serves as a guiding principle for safeguarding vulnerable groups and formulating policies aimed at

¹⁰ M. U. Chapra, *The Islamic Vision of Development in the Light of Maqasid Al-Shariah*, Islamic Research and Training Institute, 2008. See also D. Wijayanti – T. Widiastuti, *Zakat and Waqf as an economic development*, in *AFEBI Islamic Finance and Economic Review (AIFER)*, Vol. 5, No. 2, 2020, p. 106 ff; Islamic Development Bank, *The Role of Zakat and Waqf in Economic Development*, 2020.

¹¹ A. Zysov, *Zakat*, Leiden, 2002, XI, p. 406 ff; M. Abdullah – A.Q. Suhaib, *The Impact of Zakat on Social life of Muslim Society*, in *Pakistan Journal of Islamic Research*, Vol. 8, 2011, p. 85 ff.

¹² S.A. Shaikh, A.G. Ismail, M.H. Mohd Shafai, *Application of waqf for social and development finance*, in *ISRA International Journal of Islamic Finance*, Vol. 9, No. 1, 2017, pp. 5-14.

promoting the well-being of society as a whole, including environmental justice¹³. It promotes transparency, community participation, and inclusive decision-making, which are essential for achieving sustainable development¹⁴.

Shari'a views human beings as stewards (*khalifs*) of the earth, responsible for its preservation¹⁵.

Environmental justice emphasizes the prudent and sustainable management of natural resources to secure their availability for future generations. The Islamic Foundation for Ecology and Environmental Sciences (IFEES) has demonstrated the effectiveness of Islamic environmental initiatives, such as water conservation and reforestation, in enhancing resource efficiency and mitigating environmental degradation¹⁶. Research on water management policies in the Middle East highlights the effectiveness of equitable distribution frameworks grounded in principles of justice and sustainability. These approaches have played a key role in alleviating conflicts while enhancing the efficiency of resource utilization, demonstrating the importance of fairness in addressing shared environmental challenges¹⁷.

Islamic financial instruments, such as green *sukuk*, have also played a significant role in funding sustainable environmental projects, including renewable energy and water management initiatives¹⁸.

¹³ B. R. Hakim et al., Reactualization of maslahat and social justice principles in the contextualization of fiqh zakat, in *Jurnal Hukum dan Pemikiran*, Vol. 24, No.1, 2024, p. 102 ff.

¹⁴ On this point, see amplius J. L. Esposito - J. O. Voll, *Islam and Democracy*, Oxford University Press, 2001; M. F. Khan, *The Role of Maslahah in Islamic Economics*, in *Journal of Islamic Economics*, 2014.

¹⁵ N.M. Nasir et al., Environmental sustainability and contemporary Islamic society: A Shariah perspective, in *Asian Academy of Management Journal*, Vol. 27, No. 2, 2022, pp. 211-231.

¹⁶ M. A. Fitryansyah, Islamic Perspective on Urban Ecology Environmental Preservation in the Context of Urbanization, in *Al-Madinah: Journal of Islamic Civilization*, Vol.1, No.2, 2024, pp. 145-156.

¹⁷ United Nations Environment Programme, *Faith for Earth: A Call for Action*, op.cit.

¹⁸ A. Alam, R. T. Ratnasari, I. Latifathul Jannah, A. El Ashfahany, Development and evaluation of Islamic green financing: A systematic review of green sukuk, in *Environmental Economics*, 2023, pp. 61-72.

Countries that have implemented green sukuk have effectively mobilized financial resources for environmental conservation initiatives while adhering to Islamic financial ethics. By integrating the principles of justice into financial systems, particularly through sharia-compliant microfinance, they have advanced financial inclusion and reduced poverty by facilitating access to capital for underprivileged communities. Studies by the World Bank indicate that social justice-focused financial policies, such as Islamic microfinance, can significantly reduce inequality and improve economic opportunities for disadvantaged groups¹⁹.

The concept of public benefit (*maslaha*) underscores the importance of prioritizing the welfare of society as a whole over individual interests. Sustainable development strategies grounded in *maslaha* place a strong emphasis on environmental preservation, the promotion of public health, and the advancement of education, recognizing these as essential pillars of collective well-being.

Environmental protection is central to the principle of benefit in Islam, as human responsibility towards the earth necessitates policies that maintain ecosystem balance and prevent environmental degradation. Islamic teachings advocate for benefit-driven environmental policies that address climate change, pollution, and resource depletion²⁰. Islamic law emphasizes the obligation of environmental

stewardship, prescribing responsible practices and explicitly prohibiting pollution and the mismanagement of waste. Contemporary Muslim scholars contend that the principles of sharia can be applied to modern environmental issues, advocating for ethical conduct and sustainability as essential responses to these pressing challenges²¹.

The principle of public benefit (*maslaha*) encompasses public health, recognizing it as vital to societal well-being in Islamic thought. Policies that ensure equitable access to healthcare, clean water, and sanitation reflect the Islamic dedication to fostering social welfare. According to WHO studies, Muslim-majority nations that incorporate Islamic values into public health strategies—such as vaccination drives and maternal

¹⁹ The World Bank, *Community-Based Approaches to Sustainable Development*, op.cit.

²⁰ F. Khalid, *Islam and the Environment*, op.cit. p. 23

²¹ M. Farid, *Environmental Jurisprudence in Islam*, op.cit., infra.

health initiatives—have reported notable advancements in health outcomes. Community-based immunization efforts, often bolstered by the advocacy of religious leaders, have significantly enhanced vaccine coverage and reduced rates of child mortality.

The education sector also benefits from the principle of *maslaha*, as accessible, high-quality education is fundamental to collective prosperity²².

Economic prosperity is deeply intertwined with the principle of public benefit (*maslaha*), which advocates for policies that prioritize equitable wealth distribution and universal access to resources. Studies by the Islamic Development Bank (IDB) have demonstrated that well-managed zakat and waqf initiatives play a critical role in reducing poverty and driving economic growth. Zakat programs not only provide financial aid to the underprivileged but also stimulate local economies by empowering recipients to participate in entrepreneurial activities. Similarly, waqf projects often fund educational institutions, healthcare services, and community development efforts, creating lasting positive impacts on societal progress.

Countries like Malaysia and Indonesia serve as exemplary models in leveraging zakat-based welfare systems. These nations have implemented innovative strategies, such as digital platforms for zakat collection and distribution, ensuring efficiency and transparency in the process. As a result, these programs have successfully reduced poverty levels, improved financial inclusion, and strengthened community resilience²³.

The principle of trust (*amanah*) underscores humanity's ethical duty as caretakers of the earth, emphasizing the importance of moderation in consumption, prudent management of resources, and the implementation of sustainable economic practices. Responsible stewardship, as guided by this principle, aims to preserve natural resources for the benefit of future generations. Studies by UNEP highlight the effectiveness of trust-driven policies in fostering community involvement in conservation efforts, with religiously motivated programs standing out for their moral

²² M. F. Khan, *The Role of Maslahah in Islamic Economics*, op.cit.

²³ S. H. Nasr, *Man and Nature: The Spiritual Crisis in Modern Man*, op.cit.

and spiritual appeal. In alignment with these values, Islamic law mandates environmental responsibility, condemning practices of overexploitation while advocating for harmony within ecosystems ²⁴.

Reforestation programs in Muslim-majority countries have been particularly successful due to their integration of religious values, fostering a deeper commitment to sustainability²⁵.

Social and environmental responsibility, as central components of the principle of trust (*amanah*), advocate for public policies that balance the protection of individual rights with the preservation of ecological integrity. The OECD emphasizes that strengthening institutional frameworks through education and training in Islamic values can enhance the effectiveness of policies and foster stronger community commitment to sustainability. Furthermore, scientific and technological progress can harmonize with the ethos of trust, driving advancements like renewable energy technologies to reduce dependence on fossil fuels. Public awareness campaigns grounded in Islamic environmental values have also demonstrated success in motivating behavioral shifts that support sustainable practices ²⁶.

In conclusion, *shari'a*, as an Islamic legal and ethical system, offers a comprehensive framework for sustainable development by emphasizing justice, public benefit, and trust. These principles guide economic policies, social justice initiatives, and environmental conservation efforts, providing a holistic approach to sustainability.

Although efforts have been made to integrate *shari'a* principles into public policy, their implementation has often been inconsistent, fragmented, and limited in scope. This inconsistency may stem from a lack of comprehensive frameworks, insufficient collaboration among stakeholders, and challenges in adapting traditional Islamic jurisprudence to address complex contemporary issues. To enhance the integration of *shari'a* principles, future research must take a more systematic and structured approach. This includes conducting in-depth case studies that examine successful and

²⁴ F. Khalid, *Islam and the Environment*, Islamic Foundation, 2002.

²⁵ Ibid.

²⁶ OECD, *Institutional Capacity and Sustainable Development*, cit.

unsuccessful examples of *shari'a*-based policy integration. By analyzing these cases, researchers can identify key factors that contribute to effective implementation and draw lessons applicable to different sociopolitical and cultural contexts. Moreover, the development of practical, adaptable frameworks is essential. These frameworks should outline clear steps for integrating *shari'a* principles into policy design and execution, ensuring alignment with broader goals of sustainable development and justice.

Equally important is the active engagement of diverse stakeholders, including policymakers, religious scholars, civil society organizations, and local communities. Collaborative efforts can foster a shared understanding of *shari'a* principles and their relevance to public policy, while also addressing potential challenges or

misconceptions. Public education campaigns and capacity-building programs can further support this engagement, empowering communities to participate in the policy process.

Additionally, it is crucial to assess the long-term impact of *shari'a*-based policies on sustainable development, justice, and equity. This involves establishing robust monitoring and evaluation mechanisms to measure outcomes, identify areas for improvement, and ensure accountability. Metrics could include indicators such as poverty reduction, resource efficiency, and social cohesion.

Finally, integrating *shari'a* principles into public policy should embrace innovation and adaptability. This might involve leveraging modern technologies, such as digital platforms for zakat collection and distribution, or incorporating contemporary perspectives on environmental and economic sustainability into traditional frameworks. A systematic, well-informed application of these principles holds significant potential to contribute to the creation of a more just, equitable, and sustainable society.

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