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## DEVELOPING A TAUGHT MODULE ON ‘LAW, RELIGION, AND ENVIRONMENT’

Pedi Obani, Ph.D\* 

### ABSTRACT

Building on the Arab Barometer seventh wave survey, which highlights the regional priorities on climate change, water resources, and environmental development in Middle East and North Africa, this paper explores the potential for a module on “Law, Religion and Environmental Sustainability”. The module aims to mainstream environmental sustainability in the legal education curriculum through forging the intersections between law, religion, and the environment. The growing body of interdisciplinary research on religion and environmentalism mainly involves scholars from academic disciplines such as sociology, theology, and religious studies, but not law. The Arab Barometer results indicate that citizens’ environmental concerns are mostly linked to the micro level, without directly reflecting on related macro level issues. However, religious beliefs and faith systems often cut across the micro and macro levels, and could potentially advance environmental and sustainable development objectives. Moreover, there have been pockets of non-international armed conflicts that are in some ways tied to religious beliefs and cultural values on access to natural resources such as land and water. This paper addresses how to train law students to embrace and contribute to the emerging field of religion and environmentalism. Such training would equip law graduates to (a) have a good understanding of the contemporary social, economic and political context of environmental governance and sustainable development laws; (b) appreciate the interlinkages between law, religion and environment at a theoretical and practical level; and (c) be better equipped to maximise the opportunities and resolve tensions that may arise from mainstreaming legal principles, including human rights and justice, in advancing sustainable development goals, including environmental sustainability.

**Keywords:** Theocentricism, Environmental Sustainability, Curriculum Development, MENA region, Legal Education, Environmentalism.

## 1. INTRODUCTION AND BACKGROUND

Conflicts over the environment or natural resources are likely to persist in the Anthropocene. This is due to climate change and other adverse human impacts on natural systems, leading to scarcity of arable land, freshwater systems and other environmental goods that support human livelihoods. The sustainability of the environment is a central focus of sustainable development. This is reflected in the formulation of global and regional development frameworks, such as the United Nations Sustainable Development Goals (SDGs) and the AU Agenda 2063, respectively. The SDGs include three environmental sustainability-focused goals which mainstream climate action (SDG 13), the protection of life below water (SDG 14), and the protection of life on land (SDG 15). Environmental conflict management can also be linked to enabling peace, justice, and strong institutions (SDG 16), and to the AU Agenda 2063 goal on advancing environmentally sustainable and climate resilient economies. Environmental conflicts characteristically involve multiple parties with diverse interests, rights and values that are often poorly understood. This renders adjudication ineffective. Environmental conflicts demand innovative strategies for their resolution, as well as specialised skills, knowledge and training for lawyers and other professionals engaged in the dispute resolution process.<sup>1</sup> The central argument of this paper is that legal education could harness the importance of religion and theocentricism to foster the effective management of conflicts that are linked to the environment and natural resources. The focus of the paper is in line with the global Education for Sustainable Development (ESD) agenda. ESD is an interdisciplinary process that prioritises equipping learners with the knowledge, skills, attitudes, values, and agency to effectively address global challenges in a way that meets the present generation's needs without compromising the interests of future generations.

The Middle East and North Africa region provides a relevant context for the paper's analysis for three reasons. First, religion plays a central role in the domestic legal systems of countries in the region. Second, the diversity of religions practiced by citizens and residents coupled with the influence of religious tenets on law-making and different spheres of personal life offers

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<sup>1</sup> Jill I. Gross, and Alexandra D. Dunn, 'Environmental Dispute Resolution in the Law School Curriculum' [2009] (27)(1) *Pace Environmental Law Review*, 41-60.

broad perspectives for inter-faith approaches. Third, the Middle East and North Africa region faces many environmental challenges that are intricately connected to existing and emerging tensions in the region. The main environmental challenges in the MENA region include water scarcity, aridity and desertification, deforestation, air pollution, biodiversity loss, poor waste management, and climate change. As an example of the links between the environment and stability, access to and allocation of scarce water resources is a prominent source of conflict in some parts of the region. In this regard, the MENA region is similar to other parts of Africa where there are pockets of non-international armed conflicts over natural resources with religious or cultural undertones.<sup>2</sup> These conflicts with proximate and underlying religious and biophysical drivers are incredibly complex. They pose new challenges for the judiciary which entail the interactions between religion and environmentalism. The MENA region is also embroiled in broader political instability and tensions which further complicate effective environmental governance and peaceful resolution of any related conflicts. Olawuyi (2022:5) notes that: “A convergence of the unstable political climate, fragile governance structures, and arid climate conditions, as well as a fast- growing population and sprawling urban growth, makes the region one of the world’s most vulnerable to environmental shocks.”

Remarkably, the Arab Barometer seventh wave survey emphasizes climate change, water resources, and the development of the environment as regional priorities in the Middle East and North Africa. On the other hand, the Arab Barometer results indicates that while environmental protection and sustainability is a prominent concern at the domestic or micro level, there is no direct connection to the relevant macro level environmental issues. This gap between citizens’ environmental concerns and the macro level global environmental concerns weakens the potential impact of international environmental law and governance at the micro level. This calls for innovative

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<sup>2</sup> In various Sub-Saharan African countries, such as Ghana and Nigeria, there is the notorious conflict between predominantly Muslim nomadic herders and predominantly Christian indigenous farming communities that has often acquired an intense coloration of an inter-religious conflict in the public domain. These conflicts mainly erupt during the dry season when the herders allegedly encroach on private or communal lands and water sources to feed their livestock. On a macro-level, the recurrent conflicts over scarce natural resources exacerbated by climate change reflect the failure of governance institutions to prevent resource capture, promote equitable access to the available resources and protect property rights, human rights, and livelihoods against violent attacks amidst environmental scarcity.

responses to foster the synergies between domestic and global environmental governance. For this purpose, religion and values evidently influence people's relationship with the environment in important ways. This is because religious beliefs and faith systems often cut across the micro and macro levels, and could potentially advance environmental and sustainable development objectives. Religion is also an important source of law, particularly in the MENA region.<sup>3</sup> Whereas environmental law seeks to regulate the adverse impacts of humans and industrial activities on nature, the gap between the environmental concerns of individuals and at the global level has significant implications for effectively regulating local environmental issues through regional and global mechanisms. Legal education could be redesigned to offer a strong knowledge base and capabilities for the effective management of conflicts over natural resources and the realisation of environmental sustainability by drawing from religion.<sup>4</sup>

This paper explores the potential for a “Law, Religion and Environmental Sustainability” module in response to the question of how to train law students to embrace and contribute to the emerging field of religion and environmentalism? Using the Middle East and North Africa as a case for illustration, this paper considers the potential for developing a module titled: “Law, Religion, and Environment”, for universities in the region. The proposed module aims to mainstream environmental sustainability in the legal education curriculum through forging the intersections between law, religion, and the environment. The paper makes a case for training law students in higher education institutions to embrace and contribute to the emerging field of religion and environmentalism, especially in addressing conflicts over environmental scarcity with religious undertones. Such training

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<sup>3</sup> For instance, Article 1 of The Permanent Constitution of the State of Qatar 0 / 2004 states that Qatar is “an independent sovereign Arab state. Its religion is Islam and the Sharia Law shall be the principal source of its legislation.” Similarly, in Oman, Book 1 Article 2 of the Royal Decree 6/2021 Promulgating the Basic Statute of the State provides that “The religion of the State is Islam, and the Islamic Sharia is the basis of legislation.” Remarkably, Article 9 of the Constitution of the Republic of Lebanon recognises the freedom of all religions and in Article 22 providing for legislative powers states that “... a Senate shall be established in which all the religious communities shall be represented. Its authority shall be limited to major national issues.”

<sup>4</sup> The essential elements of religion for this purpose are a unified system of belief in relation to a deity or sacred objects, common practices, and a moral community. See Emilie Durkheim, *Elementary Forms of the Religious Life*: Newly Translated by Karen E. Fields (Free Press 1995)

would equip law graduates to (a) have a good understanding of the contemporary social, economic and political context of environmental governance and sustainable development laws; (b) appreciate the interlinkages between law, religion, and environment at a theoretical and practical level; and (c) be better equipped to maximise the opportunities and resolve tensions that may arise from mainstreaming legal principles, including human rights and justice, in advancing sustainable development goals, including environmental sustainability. The following four sections of the paper interrogate the intersections between religion and environmental ethics, explore the rationale, prospects, and challenges for the proposed module, present the proposed module content, and the conclusion.

## 2. RELIGION AND ENVIRONMENTAL ETHICS

From the perspective of environmental ethics, connections exist between humans and other components of the environment. Ethical theories highlight approaches for mitigating contemporary environmental challenges and supporting environmental sustainability goals. There are close links between ethics and religion. This section of the paper highlights the links between environmental law and ethics and religious values, as a basis for managing environmental conflicts. This section does not delve into the contestations over the impacts of religious practices on environmental protection. It, however, recognises that the undertone of religious differences where it occurs could enhance the complexity of environmental conflicts in a way that legal systems are currently not equipped to address without further escalating the conflict. It also acknowledges that religious conflicts are also on the rise in the region, which could exacerbate environmental challenges.<sup>5</sup> An evaluation of religious tenets and practices highlights diverse modes of religious environmental ethics which are relevant for addressing complex environmental challenges.

Environmental law is already an established (interdisciplinary) subfield in international and municipal legal studies across the region. Moreover, a growing body of multidisciplinary research on religion and environmentalism

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<sup>5</sup> Jonathan Fox (2013) Religious Armed Conflict and Discrimination in the Middle East and North Africa: An Introduction, *Civil Wars*, 15:4, 407-410, DOI: 10.1080/13698249.2013.853406

or environmental ethics exists. This involves scholars from academic disciplines such as sociology, theology, and religious studies, but hardly law. Remarkably, the study of Environmental Law is subject to methodological limitations.<sup>6</sup> It primarily focuses on the rules for accessing, allocating, and conserving environmental/natural resources to benefit human beings. The current scope of Environmental Law<sup>7</sup> does not lend itself well to addressing and curbing the increasing number of non-international armed conflicts over natural resources such as land and water, particularly within countries in developing regions. The environmental dispute resolution field explores alternative dispute resolution methods for addressing climate change-related and natural resource scarcity conflicts.<sup>8</sup> This presents an imperative for conflict-sensitive legal education entailing multidisciplinary strategies<sup>9</sup> and the need for collaborative law-making. Given the increasingly important role of religion and ethics in environmental regulation,<sup>10</sup> the environmental law curriculum also needs to embrace the intersections of law, religion, and the environment.

With as much as 85% of the world's population identifying with a religion, the incorporation of faith-based values that are consistent with environmental sustainability could be beneficial across various levels of governance, from the macro to the micro levels.<sup>11</sup> The top three religions across the world, Christianity (31%), Islam (24%) and Hinduism (15%) each incorporate faith-based values that are relevant for addressing environmental challenges and managing related conflicts, which can inform the proposed legal curriculum

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<sup>6</sup> Elizabeth Fisher, and others, 'Maturity and Methodology: Starting a Debate about Environmental Law Scholarship' [2009] (21)(2) *Journal of Environmental Law*, 213-250. DOI:10.1093/jel/eqp012.

<sup>7</sup> United Nations Environment Programme, *Framework Model Curriculum on Continuing Legal Education in Environmental Law* (UNEP 2009).

<sup>8</sup> *Ibid.*

<sup>9</sup> See for instance, Carrie Menkel-Meadow, 'Dispute Resolution: Raising the Bar and Enlarging the Canon' [2004] (54)(1) *Journal of Legal Education*, 4-29.

<sup>10</sup> Kusumita P. Pedersen, "Religious Ethics and the Environment: A Review Essay" (2015) 43(3) *J. Religious Ethics* 558.

<sup>11</sup> Pam Wasserman, *World Population by Religion: A Global Tapestry of Faith* (Population Education, 12 January 2024) <https://populationeducation.org/world-population-by-religion-a-global-tapestry-of-faith/#:~:text=Population%20growth%2C%20through%20history%2C%20has,globe%20identify%20with%20a%20religion.>

development (Table 1).<sup>12</sup> Remarkably, there are contestations over the impact of religion on environmental protection and regulation.<sup>13</sup> It could be argued that harmful religious practices are a reflection of the limits of human-centred values and the prioritisation of human interests over other components of the environment. On a broader scale, the emergence of anthropocentric approaches to environmental regulation and sustainability is regarded as a fundamental challenge to environmental protection which needs to be countered through recognizing the intrinsic rights of nature.<sup>14</sup> Conversely, theocentricism regards environmental protection as a duty to a deity without necessarily prioritizing direct benefits for humans (anthropocentrism) nor the environment (ecocentrism).

Table 1 Faith-based values

<b>Christianity</b>	<b>Islam</b>	<b>Hinduism</b>
Respect (care for God’s creation)	Respect and care for Allah’s creation	Respect for God’s creation
Peace (living in peace)	Unity of Allah’s creation ( <i>Tawhid</i> )	God is in everything (All pervading)
Stewardship (custodian of the environment)	<i>Khalifah</i> (steward or custodian) of the environment	Everything should be revered

<sup>12</sup> There are several options for adopting a faith-based approach to ESD, including curriculum development; design of relevant games, textbooks and other learning resources; piloting related community projects; pastoral programmes and commemorations or other special events. See for example, B.D. Otieno, Faith-based Education for Sustainable Development: Teacher’s Toolkit (Alliance of Religions and Conservation (ARC) and the Kenya Organization of Environmental Education (KOE) 2019)

<sup>13</sup> Lynn White, Jr, *The Historical Roots of our Ecological Crisis* (1967) 155 (3767) Science 1203-1207 DOI: 10.1126/science.155.3767.1203

<sup>14</sup> The Rio Declaration, Principle 1 declares that “Human beings are at the centre of concerns for sustainable development.” Due to the limitations of human-centred approaches to sustainable development and the dire consequences on the environment, there is growing discourse on advancing the rights of nature in furtherance of environmental protection. Examples of countries with laws on the rights of nature include Ecuador, Bolivia, and New Zealand. The Global Alliance for Rights of Nature maintains an online database of developments on rights of nature laws, policies, and court decisions <https://www.garn.org/rights-of-nature-timeline/>.



Accountability (responsibility for preserving the environment)	Accountability for preserving the Earth ( <i>Akhirah</i> )	Stewardship/care/love for nature
Harmony (living in harmony with Nature)	Living in harmony with Nature	Living in peace/harmony with Nature
Wisdom (wise use of resources)	Wise use of resources	Living in peace/harmony with nature
Justice (fairness in use of resources)	Fairness in use of resources	Maintaining nature's integrity (preserving nature)
Caring for the needy	Caring for the needy	Uphold justice for all as all is seen as aspects of divinity
Faith (conviction for conservation of God's creation)	Showing mercy on Allah's creation	Responsibility/accountability in managing the universe
Honesty (doing what we say)	Maintaining ecological integrity ( <i>Mizan</i> )	Wise and benign use of resources

Source: Adapted from Otieno, 2019:7

Focusing on Islamic, as the main religious basis for law making in the MENA region, there are Sharia principles that align with dominant environmental ethics and can be integrated into environmental law education (Table 2). Olawuyi (2022) identifies three principles underpinning Islamic environmentalism: *fitrah* (creation),<sup>15</sup> *Khalifah* (trustee), and *amana* (responsibility). The principle of *fitrah* emphasises the balance and harmony in nature, humans living in that harmony and having the responsibility of protecting this harmony.<sup>16</sup> The underlying harmony in the *fitrah* principle

<sup>15</sup> Quran 15:19: "And the earth We have spread out (like a carpet); set thereon mountains firm and immovable; and produced therein all kinds of things in due balance.";

<sup>16</sup> Olawuyi (2022:16) highlights that: "In this harmonious epoch, which shares significant attributes with what geological scientists and stratigraphers describe as the early Holocene, humans lived in perfect equilibrium and harmony with nature and considered the protection of nature for its own sake as the natural order of things." See also Jan Zalasiewicz, Colin N. Waters, Mark Williams, and Colin P.

resonates with Principle 1 of the Declaration of the United Nations Conference on Environment and Development 1992 (Rio Declaration), which declares that “Human beings . . . are entitled to a healthy and productive life in harmony with nature.” Hence, pollution and other environmental challenges which result from industrialisation and other anthropocentric factors disrupting the harmony of nature are an anomaly. The *khalifah* (trustee) principle highlights the responsibility of humans as trustees or stewards of nature.<sup>17</sup> This imposes a duty on humans to protect the environment as a custodian, rather than to convert the environment into property for the benefit of individual owners. The duty entails improving and preserving the quality of nature, for the benefit of the environment rather than any personal gains for humans. Similarly, the *amana* principle places a duty on humans to use environmental resources responsibly and to avoid waste or despoilation.<sup>18</sup> This is also in line with Principle 1 of the Declaration of the United Nations Conference on the Human Environment 1972 (Stockholm Declaration) which declares that humans “... bear a solemn responsibility to protect and improve the environment for present and future generations.” Principle 2 of the Stockholm Declaration also declares that “The natural resources of the earth, ..., must be safeguarded for the benefit of present and future generations...” and Principle 4 of the Stockholm Declaration declares that humans have “... a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat, which are now gravely imperilled by a combination of adverse factors”.<sup>19</sup>

Drawing from the example of Islamic environmentalism, faith-based

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Summerhayes (eds.), *The Anthropocene as a Geological Time Unit* (Cambridge University Press 2019).

<sup>17</sup> Klaus Bosselmann, *Earth Governance: Trusteeship of the Global Commons* (Edward Elgar 2015); Mary Christina Wood, *Nature’s Trust: Environmental Law for a New Ecological Age* (Carolina University Press 2013).

<sup>18</sup> For example, the Quran 7:31 provides that “O Children of Adam! Look to your adornment at every place of worship, and eat and drink, but be not wasteful. Lo! He loveth not the wasteful.”

<sup>19</sup> This aligns with promoting human development and use of resources within the carrying capacity of the Earth. Regarding the utilisation of renewable and non-renewable resources, the Principle 3 of the Stockholm Declaration declares that “The capacity of the earth to produce vital renewable resources must be maintained and, wherever practicable, restored or improved” and Principle 5 of the Stockholm Declaration declares that “The non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all mankind.”

principles can offer a basis for linking micro and macro-level environmental governance and promoting environmental sustainability. Integrating relevant faith-based principles into the environmental law curriculum, particularly topics such as conservation, pollution, resources management, climate change,<sup>20</sup> and environmental dispute resolution and related international environmental law principles and governance mechanisms can become more relatable for individuals at the micro level. Writing on environmental law in the MENA region, Olawuyi (2022:17) proposes:

“Islamic principles also provide a basis for Arab countries to reconstruct their environmental protection laws to directly reinforce the development of green endowment funds (Waqf) to finance environmental conservation and restoration programs and to promote green activism (Jihad) to ensure a positive and peaceful transition of the environment back to its original natural state of balance (fitra). Islamic environmentalism also provides strong foundations for promoting green innovation (Ijtihad), green lifestyle (Zohd), and a transition to a green and low- carbon economy by promoting nature- inspired and nature- centered innovation (ijtihad).

Table 2 Overview of religious environmental ethics

Religious environmental ethics	Implications	Practical application
Caretaker (stewardship/khali fah; peace/tawhid/all pervading)	Emphasizes a moral duty to protect the Earth, as custodians and representatives of the Divine	Conservation practices; could be linked to ecofeminism
Worshipper (Respect; faith; harmony)	Highlights respect or the spiritual value of the environment and is sometimes reflected in worship of components of the environment or the protection of sacred spaces	Pilgrimage; could be linked to social ecology

<sup>20</sup> See for instance Muslim Green Guide to Reducing Climate Change (LifeMakers UK and Islamic Foundation for Ecology and Environmental Sciences 2019); “Islamic Declaration on Climate Change” (United Nations Climate Change, August 18, 2015) < <https://unfccc.int/news/islamic-declaration-on-climate-change>>.

Defender (Accountability; justice)	Recognition of the intrinsic connections between humans and the environment and the need to advocate for environmental protection by religious groups, 'greening' of religious movements	Indigenous religions; could be linked to deep ecology
Beneficiary (amana/wise use of resources)	Places humans at the centre of environmental protection, as the main beneficiaries. The extreme could manifest as anthropocentrism, which elevates humans on a higher pedestal than other components of the environment	Ecosystem services; could be linked to caring for the needy and fairness in the distribution of natural resources

### 3. RATIONALE, PROSPECTS AND CHALLENGES FOR THE PROPOSED MODULE

#### 3.1 Rationale and Prospects

An underlying philosophy of legal education is to instigate law students to critically analyse and interrogate the prevailing social, economic, and political systems at any given level (from the international to the local). The legal training should also equip the law students to objectively evaluate the impact of any given rule of law on the various systems and appreciate the plurality of legal rules emerging from the formal order (Statutory Law, Customary Law, Islamic Law, Common law and equity, Received English Law and International Law) and informal orders (such as customary practices and individual value systems). Given the central function of law in society, law students should be prolific in solving problems, including environmental scarcity and resolving and preventing conflicts to promote justice and order. This is one of the main reasons for the growing emphasis on clinical legal education methods in the curriculum of law faculties. Clinical legal education aims to mainstream the role of law in society in the design of legal studies. Clinical legal education also equips law students to be critical thinkers, change agents and social justice practitioners, irrespective of their chosen career path. It is opposed to training law students to become lawyers who rigidly approach legal problems in a reactionary and monotonous manner as a simple question of applying existing laws.

Remarkably, despite the severity of the violent attacks in many countries where environmental conflicts linked to religion have occurred, there are no records of the prosecution of the perpetrators of the violence. Beyond the inherent challenges of access to justice for rural communities that are often at risk of such violent attacks, a significant reason for the non-prosecution of the perpetrators is the inability of the legal system to effectively address the complex religious undertone in such conflicts without escalating the violence. As a result, there is neither deterrence from the justice system to prevent repeat attacks nor is there any formal reparation for the survivors of such violence. This can potentially deepen mistrust between religious groups and other affected communities. It also seriously threatens security and integration across various scales, from the local to the national and regional levels. It is, therefore, essential to train law students on the intersections between law, religion and environment, to promote peaceful co-existence between various faith practitioners and mutual benefits for the society and environment. First, such training could equip law students to understand how religion can promote environmental sustainability and peaceful co-existence. Second, the module could afford the cohorts a good understanding of the intersections between religious diversity and natural resource scarcity, including the methodological challenges to conceptualising such intersections within the legal framework of a secular state with diverse religions or non-religious beliefs. Third, the module could equip law students with the skills to address the conflicts that may arise from mainstreaming legal principles, including human rights and justice, in resolving environmental disputes linked to religion. It would also enable broader reforms required in the justice system to meet the challenges posed by such conflicts.

### 3.2 Challenges

The challenges that will be encountered in developing and introducing the module are similar to those facing Environmental Law scholarship as espoused by Fisher, Lange, Scotford and Carlarne (2009).<sup>21</sup> One of the main challenges will relate to the internal incoherence of the subject of law, religion and environment. The module will require a mosaic of principles drawn from jurisprudence and legal theory, philosophy and religious theory. As such, it would be difficult but not impossible to define an intellectual paradigm that can hold diverse principles and theories together to support the internal coherence of the subject. In the case of Environmental Law scholarship, the presumption is that adopting a paradigm promotes the subjects' maturity; such

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<sup>21</sup> Fisher and others (n 7)

presumptions belie the complexity of the subject and the need for plurality in the scholarship.<sup>22</sup> Nonetheless, the plurality of principles and theories does not necessarily equate with incoherence. The underlying aim of the proposed module – to prevent and, where they occur, promote the just resolution of conflicts over environmental scarcity by imbibing religious ethics – offers a unifying paradigm for and thereby promotes internal coherence.

A second challenge is accepting the subject as part of mainstream legal scholarship. Despite the growing recognition of the role of different religions in promoting environmental sustainability and the advancement of Law and Religion scholarship as a field of applied law that analyses the recognition and regulation of religious activities in various societies, the legal curriculum in most countries is yet to catch up with the trend. The prominent mentions of religion in the legal curriculum are often in connection with customary or personal law - with reference to the role of religion in influencing municipal legal systems, as part of comparative legal studies or in the context of jurisprudence and legal theory. The proposed module could be marginalized in legal scholarship, as there are no prior legal modules or related laws. Nonetheless, such marginality could afford a broader horizon for scholarship, making the module more responsive to societal changes. Further, marginality arguably preserves the intellectual value of the module from the risk of rigidity that assimilation by mainstream legal scholarship could create.

A third challenge is interdisciplinarity, which exists in terms of the subject matter and the skills required of the scholars. The nature of the subject is interdisciplinary law in the sense that it would involve studying scholarly principles from law and other disciplines. The legal scholar will interact with and contribute to knowledge co-production in other fields such as theology, philosophy, and socio-legal scholarship. The ability to interact meaningfully with the other disciplines would depend on the legal scholar's interdisciplinary research skills – this is the second aspect of interdisciplinarity in connection with the skills set of the legal scholar. This creates a methodological issue for the proposed subject that cannot be addressed through traditional legal research skills alone.<sup>23</sup> Even so, embracing the interdisciplinary nature of the subject offers avenues for scholarly engagement with various research methods to find the most suitable approach for addressing a research problem.

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<sup>22</sup> Ibid

<sup>23</sup> Pedi Chiemenia Obani, *Strengthening the Human Right to Sanitation as an Instrument for Inclusive Development* (CRC Press 2018).

A fourth challenge is the paradox of secularity and religious hegemony at different levels of governance. In a secular state or a religious state with one or two dominant religions, there is still a challenge of integrating religious principles in the module without excluding any religious groups or offending the stated secularity of the legal system. Notwithstanding, various religions integrate values relating to the creation of the universe(s), the role of God in creation and the duty of humans as custodians of the universe(s). They may vary in terms of the specifics and level of clarity, though.<sup>24</sup> Religious diversity can enrich the ethical and normative aspects of the module, bearing in mind the need for inclusion of principles from both the dominant and minority religious groups in the country, especially around the hotspots of the violent attacks.

#### 4. PROPOSED MODULE CONTENT

This section delves deep into the proposed module design and content. Module design and content can promote deep, strategic, achieving or surface learning, depending on the teaching and learning activities. Surface learning mainly entails a cursory engagement with the topics in the module, mostly at a level sufficient to meet the assessment criteria. The strategic or achieving learning is focused on earning high examination grade and could involve a deep approach with some elements of a surface approach for a specific assessment.<sup>25</sup> Deep learning involves a thorough engagement with the topics in the module through reading widely, discussing with others etc, and will often lead to good assessment grades as well.<sup>26</sup> Deep learning enables the students to relate the new knowledge earned in a module to previous

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<sup>24</sup> UN Environment Programme, 'How Religions are Involved' <<https://www.unenvironment.org/about-un-environment-programme/faith-earth-initiative/how-religions-are-involved>> accessed 26 March 2024.

<sup>25</sup> John Biggs, *Aligning Teaching for Constructing Learning* (The Higher Education Academy 2003) <[https://www.heacademy.ac.uk/system/files/resources/id477\\_aligning\\_teaching\\_for\\_constructing\\_learning.pdf](https://www.heacademy.ac.uk/system/files/resources/id477_aligning_teaching_for_constructing_learning.pdf)> accessed 26 March 2024; Heather Fry, Steve Ketteridge, and Stephanie Marshall, 'Understanding Student Learning' in Heather Fry, Steve Ketteridge, and Stephanie Marshall (eds), *A Handbook for Teaching and Learning in Higher Education: Enhancing Academic Practice* (3<sup>rd</sup> ed., Routledge 2009), 8-26.

<sup>26</sup> Susan Toohey, *Designing Courses for Higher Education* (SRHE & Open University Press 1999); Eghosa O. Ekhtator, 'Development of a Nigerian Business Law Module for Business Students at the University of Hull, United Kingdom' [2013] (4)(2) *Makerere Journal of Higher Education*, 221-234.

knowledge and validate evidence and conclusions reached based on this.<sup>27</sup> As a result, students can generally gain a functioning understanding of the subject which they can apply beyond the classroom.<sup>28</sup>

Module development should promote deep learning for the students.<sup>29</sup> It is also vital for the learning outcomes of a module to align with the teaching and learning processes and the assessment to enable a student to construct his or her own learning effectively.<sup>30</sup> Proponents of constructivism focus on how student develop their learning experiences and find meaning from complex interplay between various influences operating both within and outside the classroom and the curriculum.<sup>31</sup> Hence, it is the duty of the teacher not only to present students with the relevant knowledge in a subject area but also to create a sound learning system that promotes constructive alignment, one that allows each student to construct their learning to achieve deep learning and a thorough appreciation of the subjects presented in the module. There are four stages of constructive alignment, including: (a) define the intended learning outcome; (b) select teaching and learning activities that are likely to result in the intended learning outcomes; (c) assess students learning outcomes to see how they fit with the intended learning outcomes; and (d) determine a final grade.

This section specifically focuses on the first two stages of the proposed module, i.e., defining the intended learning outcomes and selecting teaching and learning activities for the module (see Figure 1). First, the intended learning outcome is a statement of what a student should learn from teaching and how learning could occur at the institutional, degree programme or course level.<sup>32</sup> This paper proposes a framework for defining the intended learning outcomes at the course/module level. Second, teaching and learning activities convey the normative content of the module, and determine how students assimilate, affecting the likelihood of achieving deep learning. The

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<sup>27</sup> Paula Baron, 'Deep and Surface Learning: Can Teachers Really Control Student Approaches to Learning in Law?' [2002] (36)(2) *The Law Teacher*, 123-139. DOI:10.1080/03069400.2002.9993101.

<sup>28</sup> Biggs (n 26).

<sup>29</sup> Ekhtator (n 27).

<sup>30</sup> Biggs (n 26).

<sup>31</sup> Nelson P. Miller, *Teaching Law- A Framework for Instructional Mastery* (2nd edition, Crown Management LLC 2018).

<sup>32</sup> John Biggs, and Catherine Tang, *Teaching for Quality Learning at the University: What the Student Does* (3<sup>rd</sup> ed., Mc. Graw-Hill/Society for Research into Higher Education & Open University Press 2007).



learning outcomes and teaching and learning activities are to be defined in consultation with student representatives, educators, and regulators to ensure quality assurance at the relevant level of study.

<b>1. Module Title:</b> Law, Religion and Environment	
<b>2. Module Level:</b>	<b>3. Module Type:</b> Optional Elective*
<b>4. Weight in Credit Units:</b>	<b>5. Pre-requisite Course:</b> Not Applicable
<b>6. Aims</b> The purpose of the module is to enable law students understand the different perspectives and challenges in addressing conflicts over environmental scarcity laced with religious undertones.	
<b>7. Syllabus</b> Drivers and characteristics of environmental conflicts Synergy between religion and environmental sustainability Religion and environmental conflicts Direct and indirect costs of environmental conflicts History and trends in violent attacks related to religion and environmental scarcity religious organisations and violent attacks related to religion and environmental scarcity The State and violent attacks related to religion and environmental scarcity Prosecuting violent attacks related to religion and environmental scarcity Alternative dispute resolution approaches for resolving environmental conflicts Reparation for survivors of violent attacks related to religion and environmental scarcity	
<b>8. Learning Outcomes</b> On successful completion of the module, students will be able to: i. Critically assess the drivers and impacts of environmental scarcity on human and natural systems ii. Explain and critically assess the historical and modern context of the relationship between law, religion and environment, particularly in the context of conflicts over environmental scarcity laced with religious undertones iii. Comprehend and critically assess the current research and scholarship on 'Law, religion and environment' iv. Synthesise relevant sources of law and multidisciplinary approaches to produce appropriate principles, techniques and processes that can	

be applied to different possible manifestations of conflicts involving law, religion and the environment in the interest of social justice v. Acquire skills for developing collaborative approaches and engaging multiple stakeholders in the process of resolving environmental conflicts
<b>9. Teaching and Learning Activities</b> The module will be delivered through small group lectures of two hours and a tutorial session of one hour every week. In addition, the module will be taught through workshops, seminars, case studies and clinical sessions through which students can assist survivors of conflicts over environmental scarcity laced with religious undertones to access justice. Self-reflection, multiple choice questions and peer assessment will be adopted for formative assessment.
* An <b>Optional Elective Course is one which students</b> may graduate without passing, provided they have obtained the minimum credit unit for their programme.

Figure 1 Proposed course content and description

In line with the broader vision of clinical legal education and the role of law as an instrument for social change, the module will emphasise ‘applied’ law rather than theory to equip law students with practical legal skills for social justice.<sup>33</sup> Further, the proposed module would adopt mixed delivery methods that are amenable to students’ unique interests, abilities and learning needs.<sup>34</sup> This will involve using both tutor-centred methods such as lectures, seminars, e-learning and workshops on the one hand and student-centred methods such as experiential learning, action learning, case studies,<sup>35</sup> role playing,<sup>36</sup> moot courts, and law clinics involving a service component<sup>37</sup> on the other hand.

<sup>33</sup> David McQuoid-Palmer, and Robin Palmer, *African Law Clinicians’ Manual* (Institute for Professional Legal Training 2013).

<sup>34</sup> Mihail Danov, ‘Teaching International Commercial Arbitration at postgraduate level – Techniques for enhancing students’ learning’ [2011] (45)(1) *The Law Teacher*, 101-113. DOI: 10.1080/03069400.2011.546968.

<sup>35</sup> Cynthia A. Wei, Minna Brown, and Meghan Wagner, ‘Pursuing the Promise of Case Studies for Sustainability and Environmental Education: Converging Initiatives’ (2018) *Case Studies in the Environment*, 1–8. DOI: <https://doi.org/10.1525/cse.2018.001065>; Fry, Ketteridge, and Marshall (n 26).

<sup>36</sup> Karl S. Coplan, ‘Teaching Substantive Environmental and Practice Skills through Interest Group Role-Playing’ [2016] (18) *Vermont Journal of Environmental Law*, 194-221.

<sup>37</sup> McQuoid-Palmer, and Palmer (n 34).

Teaching could be delivered through the sporadic mode of intensive teaching that typically involves teaching for short durations but over a relatively long period of time,<sup>38</sup> for instance two semesters in one academic session. This could also be adapted to align with the local context. The assessment for the proposed module would include both formative assessments and summative assessments and extensive feedback to students to support deep learning. Further, the module delivery should incorporate learning technologies to improve the accessibility for a diverse range of students, including those who may be unable to attend physically due to physiological factors, conflicts, etc. Bell (2021:252) writing on disruptive legal education for tackling climate change proposes that: “Integrating enquiry-based learning approaches and technologies into training programs and courses on climate change can prepare future climate actors for the challenges they will face.”<sup>39</sup> The increasing use of technologies in the courts and other aspects of the justice delivery system, particularly post-COVID 19, reinforces the need to integrate the use of technologies for legal education.

## 5. CONCLUSION

Global environmental governance concepts need to be adapted to local and religious contexts. This would promote effective implementation and minimize policy incoherence or conflicts among various stakeholders. Further, religious environmental ethics can potentially contribute to understanding and effectively addressing complex environmental challenges such as pollution, efficient utilization of natural resources, conservation, and resolution of related conflicts. There are similarities in the values of major religions which align with environmental sustainability and could promote inter-faith and faith-based approaches in context. This is significant, given that a majority of the world’s population identify with at least one religion. Where tensions exist between religious values and legal principles for

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<sup>38</sup> Ian Ramsay, ‘Intensive Teaching in Law Subjects’ [2011] (45)(1) *The Law Teacher*, 87-100. <http://dx.doi.org/10.1080/03069400.2011.546967>.

<sup>39</sup> Hilary Christina Bell, ‘Tackling the legally disruptive problem of climate change with disruptive legal education’ Chapter 14 in D. S. Olawuyi, *Climate Change Law and Policy in the Middle East and North Africa Region* (Routledge 2021).

environmental protection, these could be resolved through discursive processes to identify the tensions and explore options for resolving these to promote coherence at the micro and macro levels and advance sustainability. Such inter-faith dialogues would also be relevant for mitigating the incidents of violent attacks triggered by disputes over environmental scarcity also connected with religious identity. Moreover, there are inherent complexities in prosecuting the perpetrators of the violence, providing justice for survivors and the families of victims, and promoting peaceful coexistence between competing uses that lay claim to environmental resources. These complexities require training in principles and skills beyond the scope of the taught Environmental Law module available in most universities. In light of this, the development of a module on “Law, religion and environment” is not only desirable for the expansion of legal knowledge but is required to equip law students with the requisite skills to address conflicts arising from environmental scarcity also connected with religion. This paper has provided the rationale and prospects for developing such a module, possible challenges and module content designed to promote deep learning among students who may enrol for the module. As environmental law is not yet well established in the law faculties across the MENA region, this offers a good template to develop a module that responds to the critical environmental needs of the region while harnessing the synergies between Islamic principles, environmental sustainability and peace and stability in the region. Although it is written primarily within the context of legal education in the Middle East and North Africa region, this could be adapted to form the basis for developing a similar module in law faculties across other regions.