

## LITERATURE REVIEW OF LIVABLE CITY WITHIN THE FRAMEWORK OF MAQASID AL-SHARI'AH: A PRELIMINARY STUDY

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### ABSTRACT

*Livability is defined as "quality of life" as experienced by the residents within the city or region. Therefore, the livability and quality of life is more subjective and intangible, as people perceive many different things when they speak of quality of living. While everyone agrees that a high crime rate is undesirable and the air we breathe, the house, the environment we live in should be clean, there is great diversity in ideas about quality of living, thus reflecting the different use of the term and different understanding depending on age, gender, religion, etc. Hence, it is crucial to explore the concept of livable city from the western viewpoint and Islamic viewpoint. In addition, it is also important to discover the criteria or factors of livability which are consistent with Maqāṣid of SharĒ'ah to give a clear picture of livable city in Islam. Before doing so however, it is crucial to study the literature review of this issue. As such, as a preliminary study of this topic, this paper will highlight the literature review of this topic.*

Key words: *Maqāṣid of SharĒ'ah*, livable city, ideal city, Islamic city, civilization.

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### Introduction

A livable city is a place where people live and not merely survive; in a livable city people enjoy fresh air, greenery, the smooth drive to the office, more hours to share with the family, safety, inclusiveness, friendly neighbours, etc.<sup>3</sup> In fact, livability is defined as "quality of life" as experienced by the residents within the city or region. Therefore, the livability and quality of life is more subjective and intangible, as people perceive many different things when they speak of quality of living. While everyone agrees that a high crime rate is undesirable and the air we breathe, the house, the environment we live in should be clean, there is great diversity in ideas about quality of living, thus reflecting the different use of the term and different understanding depending on age, gender, religion, etc.

According to Omer al-FĒrĒbian outstanding Muslim philosopher of the fourth/tenth century, who wrote on the ideal city (*al-Madinah al-FaĒilah*), the fashioning of a city (state) is not the outcome of a natural process; it depends, similar to the ethical existence of people, on the right decision being taken, it makes all the difference whether 'will' and 'choice' are directed towards the true good or not. The result will be either a good or bad city (state). Furthermore, the excellent city looks like the perfect and healthy body, whose all limbs collaborate to make the life of the animal perfect and to preserve it in this state. The ruler(s) of the excellent city, the foundation and source of the policies by which the city will be governed, must align with resourcefulness and energy with vision and pragmatism rooted in wisdom and knowledge. Wisdom and knowledge that the ruler(s) must receive firstly by means of his predisposition to rulership by his inborn nature, and secondly from his fervent and fruitful relationship with the divine reality, i.e. the revelation conveyed to the Prophet (pbuh) and embodied in the Holy Qur'an and Sunnah. Due to his central qualities, such a ruler may well become something like a visionary forecaster capable of warning of things and problems that are yet to come and befall the city, as well as telling of and solving particular predicaments which exist at present, unlike those who had detached themselves from divinity and through their faulty judgments missed the right path, bringing about, in consequence, nothing but ignorance and wickedness to their cities.<sup>4</sup>

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<sup>3</sup> Retrieved from <http://www.medinanet.org/index.php/urban-history/198-conceptualizing-the-phenomenon-of-the-islamic-city-madinah-part-one> on (20/05/2014)

<sup>4</sup> Spahic Omer, "The prophet Muhammad (pbuh) and urbanization of madinah" (IIUM press 2013) p.7

Furthermore, Omer<sup>5</sup> subscribed to the foregoing discourses by proving that the Islamic theory of general planning and development is as old as the Muslim community. Its fundamental principles have been comprehensively laid in the Holy Qur'an, as well as in the sayings and practices of the Prophet (PBUH). Certainly, the best example of the earliest Islamic development and city planning is the establishment of the Muslim community in Madinah in the wake of the migration (Hijrah) from Makkah. The first city element introduced by the Prophet (PBUH) to the city of Madinah was the mosque institution. Since its inception, the mosque was a community centre with activities of different types being conducted within its realm. In addition to serving as a place for congregational prayers, as well as for other collective worship ('ibÉdah) practices, the mosque likewise furnished the Muslims with some other crucial social amenities: it was the seat of the Prophet's government, a learning centre, a kind of hospital, a kind of detention (rehabilitation) centre, a welfare centre and the place for some legitimate recreational activities.<sup>6</sup> The essence of this paradigm, usually expressed in such terms as "cultural tradition" or "Muslim urban archetype," is that all Muslim cities share a common character derived mainly from the religion of Islam and, therefore, they could be explained only in such context.<sup>7</sup>

In short, according to the characteristics of an Islamic city from the historical Islamic civilization and urbanization and also the different personal and subjective assessments each of us may make, there are some aspects everyone would probably agree on as being important for having good quality of living standards such as personal safety and security, health issues, transport infrastructure, availability of consumer goods and adequate housing and schooling and recreation opportunities.<sup>8</sup> So, list of factors that can be considered in evaluating quality of life includes many things that citizens take for granted, but that are not available in a significant number of countries around the world. Nowadays European cities enjoy a high overall quality of living standard as compared to those in other regions, with very high standards of infrastructure and health care as well as political stability and low crime levels.<sup>9</sup>

Therefore, it is important to carry out the research to establish a comparative study between livable city from the western aspect and livable city in Islam with the separate definition and key factors of livable city in both sides to find out a livable city in the light of *MaqÉlid al-Shari'ah*. . Before doing so however, it is crucial to study the literature review of this issue.

#### Literature review

Although the discourse on the Islamic city and historical process of Islamic urbanization is already discussed and written by some scholars but it is not sufficient as compared to the study on livable city in the west.

In addition, the pages which are written on Islamic city, haven't clarified the factors of livability. Therefore, in this research, the researchers will collect the books, journals, articles, etc in the context of these two fields to find out the quality of living factors in both camps and furthermore explore the livable city according to the *MaqÉlid al-SharÉ'ah*.

As an essential reference in the field of *MaqÉlid al-Shari'ah*, the researchers referred to the published Arabic language book "*NaÐariyyah al-MaqÉsid inda al-ImÉm ShÉtibi*" written by Dr. Ahmad Al-RaysÉni<sup>10</sup>. The author has explained *al-MaqÉlid* from the 'usÉly scholars' viewpoints and emphasized on ShÉtibi's definition of *MaqÉlid*. He has clarified the main objectives of Islamic legislation and described the beneficial (*al-MaÉliÉ*) and harmful (*al-MaqÉsid*) within the framework of these objectives. The researchers referred to this book because it is relevant to the subject matter, where the present study benefits from its discussion on *MaqÉlid al-Sharia'h* and beneficial of people's life. However, the categories of *MaÉlalah*, which are being discussed by the author are general, while, the current study wants to find out the relationship between *MaqÉlid al-SharÉ'ah* and the quality of living factors.

In addition to ShÉtibi's book, the same subject has been written by Muhammad Al-Tahir Ibn Ashur in his book entitled "*Ibn Ashur treatise on MaqÉlid al-SharÉ'ah*"<sup>11</sup> translated from the Arabic to English and annotated by Mohamed el-Tahir el-Mesawi. The author has proposed *MaqÉlid* as a methodology for the renewal of the theory of the Islamic law. As the author has adopted a new methodology which takes a moderate position between two contemporary extremes, namely, 'neo-literalism' and neo-rationalism, this book is helpful indeed to be farther understanding *MaqÉlid al-SharÉ'ah*. Ibn Ashur also contributed to the development of new *MaqÉlid* by inventing contemporary terminology that were never formulated in traditional *UÉl al-Fiqh*, like developing the theory of the preservation of lineage and protection of true belief, etc. However, there is no specific discussion on the concept of livable city according to the framework of *MaqÉlid al-SharÉ'ah*.

The most helpful book in the field of Islamic urbanization for the current research is "*The Prophet Muhammad (P.B.U.H) and urbanization of Madinah*" written by *Spahic Omer*<sup>12</sup>. In this book, the author has attempted to identify and examine some

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<sup>6</sup> Spahic Omer, "The prophet Muhammad (pbuh) and urbanization of madinah" (IIUM press 2013) see p.23

<sup>7</sup> From the selected works of Mansur M ElbÉbour, "System of cities: An Alternative Approach to Medieval Islamic Urbanism" (April 2007) see p.1,2.

<sup>8</sup> <http://www.imercer.com/uploads/common/pdfs/definingqualityoflife> > retrived on December 16,2014

<sup>9</sup> <http://www.mercer.com/insights/view/2014/quality-of-living-rankings-spotlight-emerging-cities.html>, Retrieved on December 18, 2014.

<sup>10</sup> Al-raysÉni, Ahmad, *NaÐariyyah al-MaqÉlid inda al-ImÉm ShÉtibi* (Egypt, al-mansÉrah: dÉr al-kalimah, 1997).

<sup>11</sup> Muhammad Al-Tahir Ibn Ashur, *Ibn Ashur Treatise on MaqÉlid al-Shari'ah*. (London. Washington: the international institute of Islamic thought, 2006).

<sup>12</sup> Spahic Omer, *The Prophet Muhammad (P.B.U.H) and urbanization of Madinah* (Malaysia: IIUM Press, 2005).

principles of Islamic urban planning and development, which the Prophet (pbuh) under the aegis of revelation had bequeathed to the subsequent Muslim generation. The main focus of the book is some vital city planning and development issues as advanced by the Islamic perception of life. The issues which have been discussed in this book are: the philosophy of the Islamic city, the mosque institution, provision of communal facilities and services for all, the relationship between spirituality and development, peaceful symbiosis with the environment, housing, the marketplace, and open space. Although these issues are needed to be discussed in the present research, yet the livability factors are not detailed. Hence, the present work is inclusive study in analyzing the quality of living factors and clarifying the concept of livable city within the framework of *Maqasid al-SharĒ'ah*.

The researchers also referred to the published Arabic language book "*Al-Madinah Al-Islamiyyah*"<sup>13</sup> written by Dr. Muhammad Abd Al-Sattar Usman. The contents of this book contain preliminary entry which deals with Islamic thought and urbanism strategy based on Quran and Sunnah. The author also provides the genesis of Islamic city and its evolution from the era of the Prophet (p.b.u.h) and *KhulafĒ al-RashĒdĒn*. He also provides the Islamic theory of general planning and linking the theoretical side with practical side by giving the example of Islamic cities. In addition, he examines the general factors of living in terms of, public facilities, political and social life in Islamic city. The current research has benefited from this book in genesis of Islamic urbanization and its evolution. In addition, it has benefited more in quality of living factors. But still the precise classification of living factors hasn't been carried. He also didn't link living factors with *MaqĒlĒd al-sharĒ'ah*.

*Hooshang Amirahmadi and Salah S. el-Shakhs* in their common and joint work "*Urban development in the Muslim world*"<sup>14</sup> addressed the impact of Islam on the spatial and functional development of cities in a relatively large part of the Muslim world. They also offered practical planning guides based on a number of remarkable events, notably the Makkah (Mecca) experience, with planning for the modernization and preservation of cities in the Muslim world. The researchers referred to this book because, the impact of Islam on the changing functions and spatial structures of cities and the consequences of traditional urban forms and management on the tenacity of urban problems have been debated. Additionally, urbanization trends and consequences and the applicability of western urban planning models to cities in Islam countries have been examined. Nevertheless, they have not discussed about livable city according to the framework of *MaqĒlĒd al-SharĒ'h* and they haven't provided the classification of living factors in western viewpoint and Islamic perspective. Therefore, the present work aims at filling these gaps.

A careful analysis and illustration of living factors in Islamic law in light of *MaqĒlĒd al-SharĒ'ah* has been undertaken by *M. Umer Chapra* through the article entitled "*The Islamic Vision of Development the Light of MaqĒlĒd Al-SharĒ'ah*"<sup>15</sup>. This article was very useful for the researchers' study as it relates closely to this research. This article in 52 pages, basically emphasizes that the main objective of Islamic legislation is mankind's real well-being. Throughout this writing, the author provides classifying factors of mankind's protection and the well-being of the people which lies in safeguarding and enrichment the five necessities. He puts the living factors under these five basic necessities in the light of *Maqasid al-SharĒ'ah*. However the discussion of living factors according to the west was absent while the current research discovers the quality of living factors through the comparison of living factors in west and Islam.

Furthermore, "*Cities in the pre-modern Islamic world*"<sup>16</sup> a writing by *Amira K. Bennison and Alison L. Gascoigne* is an interdisciplinary effort that brings together recent research on aspect of urban life and structure by architectural and textual historian and archaeologists, engendering exciting new perspectives on urban life in the pre-modern Islamic world. This book approaches this topic from three different but interrelated perspectives: the genesis of Islamic cities in fact and fiction, the impact of Muslim rulers upon urban planning and development, and the degree to which a religious ethos affected the provision of public services. They also examine chronologically and geographically, thought-provoking case studies from seventh century Syria to seventeenth-century Mughal India by established and new scholars in the field. Even so, the discussion of livability factors is not carefully observed as what the present study intends to do.

In terms of the quality of living factors according to the western scholars, the researchers referred to the "*Mercer*" website. Mercer conducts its Quality of Living survey annually to help multinational companies and other employers compensate employees fairly when placing them on international assignments. Two common incentives include a quality-of-living allowance and a mobility premium. A quality-of-living or "hardship" allowance compensates for a decrease in the quality of living between home and host locations, whereas a mobility premium simply compensates for the inconvenience of being uprooted and having to work in another country. Mercer's quality of Living reports provide valuable information and hardship premium recommendations for over 460 cities throughout the world, the ranking covers 223 of these cities.<sup>17</sup> However, this evaluation of living factors is not based on Islamic law and objectives of Islamic legislation. The researchers intend to compare these factors with livability factors in Islam to discover the livable city within the framework of *MaqĒlĒd al-SharĒ'ah*.

<sup>13</sup> Muhammad Abd Al-Sattar Usman, *Al-Madinah Al-Islamiyyah* (Cairo: Dar al-'afaq al-arabiyyah, 1999).

<sup>14</sup> Hooshang Amirahmadi and Salah S. el-Shakhs, *Urban development in the Muslim world* (New Brunswick(U.S.A.) and London (U.K.): Transaction publishers, 2012).

<sup>15</sup> M. Umer Chapra, *The Islamic Vision of Development in the Light of MaqĒlĒd Al-SharĒ'ah* (Research Adviser Islamic Research and Training Institute Islamic Development Bank, Jeddah, published by Zeynab Hamitu).

<sup>16</sup> Amira K. Bennison and Alison L. Gascoigne, *Cities in the pre-modern Islamic world, the urban impact of religion, state and society* (London and New York: Routledge, 2007).

<sup>17</sup> <http://www.mercer.com/newsroom/2014-quality-of-living-survey.html>, Retrieved on December 18, 2014.

In addition, the researchers also obtain general factors of living in the book entitled “*The livable city*”<sup>18</sup> written by *Partners for livable communities*. This book addresses every surface of improving livability-from building private, business and governmental alliances to obtaining funding-and provides a clear roadmap from urban nightmare to “Most livable city” status. It also brings together examples, methods, goals and working case studies, resources, and tried-and-tested techniques- all designed to enrich the quality of life in urban, suburban, and exurban communities. However, this book doesn’t refer to Islamic city and living factors from the Islam perspective.

## Conclusion

Based on this study, it is found that many books, researches, articles etc; which have been written on livable city are according to the western viewpoint. On the other hand, most authors who have written books and articles on Islamic city have focused on historical Islamic civilization without clarifying the factors of livable city in Islam.

Hence, the research is needed to discuss the topic of livability factors more extensively to find out the relationship between *MaqĒĒid al-SharĒ’ah* and the quality of living factors. The study is also needed to compare between quality of living factors according to the west and Islamic perspective. Only after doing these studies, a clear picture of a livable city in light of *MaqĒĒid Al-SharĒ’ah* will show up.

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<sup>18</sup> Partner for livable communities, *The livable city, Revitalizing urban communities* (New York, St. Louis, San Francisco, Auckland, Bogota, Caracas, Lisbon, London, Madrid, Mexico, Milan, Montreal, New Delhi, Paris, San Juan, Sao Paulo, Singapore, Sydney, Tokyo, Toronto: McGraw-Hill, Inc., 2000).

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