

Urban just sustainability: Capitalist reform vs. Islamic tradition

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Abstract: Despite the apparent agreement today on the concept of sustainability, the means to achieve it holistically are still controversial. “Just sustainability” concept has recently gained traction, casting doubt on whether sustainability can be attained under capitalism. On the social level, many recent urban studies have been concerned with the concept of social justice and the distribution of resources and wealth as a means to achieving socially equitable sustainability. In this regard, a few questions are brought up: can social sustainability be achieved under capitalism? Are Islamic built environments a viable alternative? Many contemporary studies have described Islamic built environments as sustainable and strived for defining their sustainability criteria. However, they mostly focused on the built environment’s physical environmental aspects without relating them to the socio-economic spheres. Using the concepts of power and rights as key analytical tools, the paper examines a few capitalist utopian reform approaches and compares them in terms of their ability to achieve just sustainability with Islamic built environments. Several examples from primary Islamic history books will be used to examine Islamic built environments. It is concluded that Islamic built environments have attained the just sustainability that contemporary reform approaches sought to accomplish.

Keywords: rights; power; Islamic built environments; Capitalist built environments; just sustainability

1. Introduction

Despite the apparent agreement between researchers on the concept of sustainability, the persistence of environmental problems have raised considerable debate about the efficiency of the means of achieving sustainability. In 2015, the United Nations adopted seventeen Sustainable Development Goals (SDGs) that aim to end poverty, protect the planet and ensure peace and prosperity by 2030. However, most, if not all, of the goals are unlikely to be met by 2030. This raises concern on the achievability of the policies and mechanisms set to achieve these goals (Biermann et al., 2022). The question of whether capitalism can achieve the desired sustainability rose to the fore. Several studies asserted the existence of substantial contradictions between the bases of capitalism and the concept of sustainability in its various spheres. Among these contradictions in the economic sphere is the concept of growth as one of the bases of capitalist economy and its exploitation of resources (Cato, 2009; Hawken, 2005; Kovel, 2007; Porritt, 2007; Schweickart, 2008, 2009). As a result, the concept of green economy emerged as a corrective economic system based on the establishment of a stable and balanced economic structure instead of growth. Taking the argument further, a few studies declared that the desired sustainability is unachievable under capitalism, neither can capitalism be modified to fit sustainability (Knight, 2009). Capitalism, in most of its types, must be replaced by another alternative. The various types of capitalism (social democratic, ne-liberal, etc.) exist along a spectrum with common core values and ideals. The degree of centralization

and interference, as well as the state ownership vary across the spectrum, ranging from laissez-faire capitalism to a centralized planned economy. The in-between models are mixed economies, with the same general characteristics. Given the lack of a viable alternative to sustainable development and population welfare, many researchers have succumbed to the general capitalist framework and sought to reorient, modify and resolve its contradictions (Porritt, 2007). One example was to embrace the Scandinavian model of social democratic capitalism, which incorporates a capitalist mixed economy and a welfare state with high taxation (Kenworthy, 2013).

Some of the most important contradictions in the sphere of social sustainability are the concept of social justice, the distribution of resources and wealth, and other related issues like poverty and underdevelopment which are thought to be secretions of capitalism. Several approaches emphasized the centrality of the social dimension in sustainability and called for the need to reorient the concept of sustainability from being an environmental concept to an environmental-social concept that deals primarily with social and human dimensions. In that respect, several studies have shown a close correlation between the quality of the environment, social justice, and the rights and quality of population's life (Agyeman, 2008). Boyce et al. (1999), for example, showed that countries with unequal distribution of power have more environmental pressures than countries with more sensible distribution. Torras and Boyce (1998) have shown that countries adopting the Scandinavian model such as Sweden, Denmark, Norway, and Finland which have relative equity in their income distribution, civil liberties, political rights and higher standards of education have a better quality of environment than countries with less life qualities. Wilkinson associated social equality with the potential for social and health problems; the higher the income gap between the rich and the poor, the greater the health problems, the higher the mortality rate in society, and vice versa (Wilkinson, 2005, 2009). Hence, the concept of sustainability must in essence focus on issues of social justice and distribution of wealth and resources to reach a sustainable society and life. The concept of "sustainable capitalism" emerged as an important part of this debate. The question was: How can sustainability, which addresses concerns of social justice, a balanced economy, and equitable distribution of resources and wealth, be achieved under capitalism? Is capitalism compatible with the concept of sustainability? Many attempts emerged to answer these questions by looking for an alternative or reformed socio-economic system that can achieve "just sustainability".

This paper, focusing on the social sphere, will raise two questions regarding the concept of just sustainability. First, is it possible to achieve social sustainability under capitalism? This question will be addressed by examining a few societal reform approaches and analyzing their proposed solutions for resolving the contradictions and issues in the urban milieu. Second, is there an alternative to capitalism in this regard?

Searching for viable solutions to achieve sustainability, many recent studies have described traditional Islamic built environments as sustainable, using their sustainability criteria in contemporary contexts. However, most of these studies focused on the physical aspects of particular elements or solutions (such as thermal comfort, passive energy, use of local building materials, etc.) without relating these to the socio-economic aspects of the environment. These studies were partial and incapable of scrutinizing the essence of sustainability in Islamic built environments.

But, how did traditional Islamic societies produce sustainable solutions while today we are striving to achieve this? To address this, it is imperative to direct attention away from the physical solutions themselves and toward the mechanisms of production that gave rise to them.

This paper will conceptually compare between the built environments under capitalism and Islam as to the extent to which both systems integrated the concept of sustainability, i.e., the system of capitalism will be read from a standpoint outside its context. As human rights are central to most of the SDGs and to most of the contemporary capitalist approaches (as shown below), and since rights are fundamental to the production of Islamic built environments, the paper focuses in its comparative reading on the concept of rights and the societal power structure as a primary analytical tool. For Islamic built environments, this is performed by referring to a number of examples stated in prominent historic texts. Regarding the capitalist system, a few leading contemporary capitalist reform approaches are read in terms of their realization of social sustainability. This comparison is not in any way a historical comparison, but rather a comparison between two societal systems in terms of their perception of the concepts of rights and power in the achievement of just sustainability.

2. Capitalism and the modern state

Since its inception, the concept of sustainability has been associated with capitalism and its pursuit for economic growth and expansion to increase capital turnover and profit. This involves depletion and exploitation of natural resources to increase investment and raise production. The development of capitalism is concomitant to the emergence of modernity and the modern state, which, the latter, led to changing the power structure in capitalist societies in a way that supports capitalism and maintains its reproduction.

The concept of the modern state is primarily based on the principles of sovereignty, legitimacy and representation. The state forms a “superstructure” separated from the people but representing them. It has the supreme legislative authority through which it protects the interests of its people and conduct their affairs. It possesses through its legislative status and authority the power that entitled it the right to intervene in society’s affairs under the slogan of organization. To maintain its sovereignty and supreme authority, the state has enacted laws and regulations to protect, as it claims, the interests of society thus became the State of law. It has also expanded its power scopes through controlling and seizing the natural resources in its area. It has thus appropriated the keys to production.

Moreover, the modern state has spread its control over the built environment through possessing and controlling its infrastructure and services, public spaces, like streets and railways, a matter that gave it a legal cover to intervene in and control the production and reproduction of the built environment. Under the emblem of the “welfare state”, the modern state controlled other spheres of its people’s lives through the services it provides them as part of its welfare program, such as health, education, security and alike. This is particularly evident in the Scandinavian model which has a welfare state at its center, with high tax imposed on the people. As such, the state owned and/or controlled most, if not all, spheres of life and keys to production and

imposed taxes and fees on people to cover their expenses. The state became the supreme authority with the largest scope of power and control.

3. The modern concept of rights and power

The concept of rights is closely related to the concept of power in society, however, the relationship between rights and power varies among societies. Power in its modern sense generates rights; it draws rights of individuals and groups in society. Those who possess power have the right and ability to manage things. The modern concept of power embodies the concepts of hegemony and control, thus domination. The power holder controls and dominates the less powerful party. Domination, as Foucault defines it, refers to the asymmetrical relationships of power in which the subordinated party has extremely limited margin of liberty by the effects of power (Allahham, 2005; Hindess, 1996).

The modern capitalist system, as seen by many scholars (e.g., Marx, Habermas, and Foucault), is a system based primarily on the concept of power and domination. The structure of power in capitalist societies is an inverted hierarchical structure, with the state as the supreme power being its broad head. In order to maintain its sovereignty and control, the state always seeks to nurturing its power sources and expanding its scope. The power possessed by the state grants it the right to control and subjugate others. Through its enactment of laws and regulations, the state allocates rights to individuals and groups in society, and redistributes resources and opportunities as it sees fit. This modern, hierarchical power structure is reflected in turn in the capitalist urban reality. Those who possess power have more rights. This is the case of the capitalists and those who control resources and investments.

The hierarchical power structure of capitalist societies is a direct manifestation of the asymmetrical power relationships (Wrong, 1979). Power in capitalist societies is almost exclusive to certain groups who control resources and have the power of capital. This justifies the huge disparities in the wealth of the globe's population. The party possessing power can mobilize more resources to develop its power and increase its scope. As long as power enables its party to produce the intended effects and achieve its wishes, everyone will be in a continuous struggle, questing for power. In order to gain more power, more and more resources such as wealth and control over natural resources must be sought after. The capitalist society is in a state of conflict and strife in pursuit of power by seeking to acquire its resources; which essentially contradicts with the concept of just sustainability.

4. Sustainability and social justice

In light of the exacerbation of environmental, social and economic crises (such as pollution, climate change, poverty, hunger, inequality in resource distribution), calls for the right to a better life or to slow capitalism's growth pace have been mounting. These crises are seen as part of capitalism's lust for power from which only the capitalists benefit, a matter that leads to increasing the gap between the rich and the poor. The basic living standard of half of the world's population today has deteriorated from five hundred years ago (Schweickart, 2009). A group of scientists appointed by the UN General Secretary declared that the seventeen SDGs are unlikely to be

achieved by 2030. Many goals experienced significant setbacks. The scientists stated that “The world is far off track”, calling for “urgent course correction” in implementing these goals (United Nations, 2023).

Considering the failure of the modernist approaches of previous century (e.g., Fourier and Owen, which attributed the urban social problems then to capitalism) in changing the power structure on which the modern state is based and introducing an alternative socio-economic system, most of today’s appeals accept capitalism with no alternative. They attempt to modify its deficiencies, however, from within the system of capitalism. They are reformist approaches rather than systemic alternatives. Most of these approaches focused on the problems of capitalism, not on capitalism itself, such as the achievement of social justice, equitable distribution of resources, wealth, and life chances, and the right to a better life. Fixing these issues is considered as a reformation of capitalism that can provide its societies a better, “just” life. The most significant of these reformist approaches are the “Good City” approach, pioneered by John Friedmann and Ash Amin, which focuses on the concept of urban upgrading and social cohesion, as well as the “Just City” led by Susan Fainstein and the “Urban Social Justice” by David Harvey. Most of these approaches align with the seventeen SDGs, however with a theoretical basis to achieve them.

As part of their acceptance of the capitalist societal system, these reformist approaches accepted its power structure which was conceived as unchangeable. They attempt to reform, rather than change, the power structure by reducing the unequal power relationships through adjusting people’s rights so as to improve the capitalist urban reality. Rights, according to Harvey, are the basis for thinking about an alternative future (Pinder, 2005, p. 263).

In his proposition to improve urban society and achieve a good city, Amin (2006) presented four basic principles called “registers of urban solidarity” in which he emphasized the concept of social cohesion, pluralism, and acceptance of difference. These principles include: repair, relatedness, rights, and re-enchantment. The principle of repair includes access to the basics of life from housing, water, food, and public services, while the principle of relatedness includes equitable distribution for all, including the marginalized. But, how can equitable distribution of resources and services be achieved while the state controls the distribution of resources? What are the bases for that redistribution? What is the criterion of justice?

As to the third principle of rights, Amin refers to the rights of all citizens in the formation and use of their urban life, including the empowerment of citizens to accomplish these rights. In the principle of re-enchantment, Amin emphasized the need for coherence and harmony between different groups. However, although he considered rights as a basis for realizing the good city, his concept of rights is subject to the prevailing power structure; he did not provide mechanisms that would change the societal power structure. Since rights in the modern concept are the product of power, granting the population more rights means giving them the power generating these rights. This necessarily influences the structure of the prevailing power and its distribution in the contemporary urban scene, unless they are marginal rights thus ineffective or non-enabling.

By accepting the contemporary capitalist system, Amin implicitly assumes that the state is the party responsible of realizing these principles such as the just

distribution of wealth and resources and access to the basics of life. Amin accepts the role of the state that modernity has set for it, but demands that it expands its services to the population or redistribute these services more fairly. In this sense, Amin preserves the state's power as the supreme party in control of the resources and services, however, it must increase the quantity and quality of services provided to the less fortunate.

Such proposals are partial; they cannot eliminate the inequalities and injustices that prevail in capitalist societies. They do not grant rights to the population but increase the state power and its control over the population through controlling the quality of social justice and the methods of allocating resources. These rights which Amin calls for are not empowering rights that open more opportunities for the population to produce. Rather, they are ostensible rights that do not involve the transfer of power and lead to greater dependence on the state in providing services, which in turn raises the level of state expenditure, a matter that requires increasing tax or state investments, and thus greater exploitation of natural resources, which is contrary to the concept of just sustainability.

Friedmann (2000) has set, as he claims, a realizable normative vision of the good city that is centered on the "human flourishing right" as the main pillar for activating his vision. It is the human right to develop his or her physical, intellectual and moral skills in society, i.e., the right of people to start their lives equally. This right is achieved through what Friedmann calls the multiply/city, which is an independent urban life, free of the state's direct control and surveillance. To achieve this, Friedmann presented four basic pillars to provide the conditions for the good city: adequate housing, health care with affordability, jobs with adequate wages, and sufficient social welfare. He focused in his four pillars on the basic services of human life (housing, health, wages, and public services), which are currently under the state control. These pillars act as a key to provide the basic conditions for the human flourishing right; a basic right to achieve the good city. But how will these pillars be provided and the flourishing right be achieved? How to get housing and medical services, and who will provide it for the people, is it the state, being the party that dominates those areas?

Friedmann did not tackle the non-materialistic pillars of the human flourishing right, it thus appeared as if it is a limited right of starting a life only, not a continuous one, thus not-sustainable. It is confined within the power structure and mechanisms of capitalism to which the population is subjected, such as access to resources, the availability of suitable life chances, and the like. The domains of Friedmann's pillars fall within the realm of state control and power, a matter that Friedmann did not deal with. Will the provision of housing, health care, paid jobs, and certain social services enable a decent standard of living, a just and sustainable life, and human equality? Granting people the right of flourishing can only be realized through granting them enabling rights to mobilize the necessary resources to activate and maintain this right. The services mentioned by Friedmann are but the products of the power enjoyed by the state. Friedmann's concept of right at the individual level does not change the power game in capitalist urban societies, and therefore does not lead to a reformation of capitalist societies and the achievement of the sought good city.

At the city's political level, despite Friedmann's definition of the multiply/city as the city that includes independent civil life and his emphasis on the role of the civil

society in the decision-making process, Friedmann did not offer mechanisms to activate this role, but rather he employed this within a democratic institutional framework. That is, the activation of this role will inevitably lead to diminishing the state's control over parts of the civil sphere, which changes the power distribution in the urban scene, thus reduces the state's main pillar; its power. Friedman was unable to free himself from the authority of the state and its local institutions to rule the city or to change the power structure in society. Friedmann's ideal extends freely in the society until it hits the scope of the state's power to stop incapable to penetrate it, hoping that it can improve the urban reality without compromising its power structure.

Similarly, in her theory on the "Just City", Fainstein (2009, 2010) focused on the concept of equality (justice in distribution), democracy, and recognition of the other. Based on her belief that there is no alternative to capitalism, Fainstein sought to achieve justice within the existing capitalist framework. But is this possible? How and who will define the standards of justice and equality, and what are the mechanisms of their application? Fainstein's theory was characterized by hesitation and lack of clarity and tended to be purely theoretical. It is, as described by Nancy Fraser, a "Non-reformist reform" (Fainstein, 2009). It was criticized by Harvey (2009) for not providing more than vague general outline of what might be called the "Just City". Fainstein did not reflect her rights and concept of justice on reality, and perhaps this is because it is impossible to do so under capitalism and its prevailing power game.

One of the most important issues confronting capitalist urban environments which most reformist approaches address is the centralization of the capitalist state and its reliance on a hierarchical power structure, a matter that makes the state controls most areas of life. The problem lies in the capitalist state's control over the strings of the power game which leads to inequities in resource distribution and life chances and inequality of rights. This is the case for implementing the seventeen SDGs. Whereas scientists attributed the SDGs failure to their handling in isolation rather than simultaneously attaining them (United Nations, 2023), it is more likely that their failure is due to being pastiche solutions adopted by the state under the umbrella of capitalism.

Although most reformist approaches stem from the acceptance of capitalism with no alternative, they ended up in being mere idealistic, non-applicable theories, unable to provide effective mechanisms to bring about change. They simply addressed some of the phenomena that prevail in contemporary urban milieu without addressing the roots of the problem (power structure). Accordingly, these approaches are unable to upset the balance of the power game and bring about the desired change.

On the other hand, many contemporary approaches have emerged, diminishing the role of the state and reducing its centrality, like neoliberal capitalism that calls for the liberation of the market from the state power. However, it suggests transferring the power into the hands of the capitalist entrepreneurs, especially the large and international ones and not the people, a matter that deepens in-equality in rights and access to resources. Other similar approaches are the political-economic "minimal state" approach which called to minimize the role of the state, and the "Anarchist City" approach, adopted by Richard Sennett in the field of urbanism. Most of these approaches remain idealistic, far from fulfilling their dream on the ground. With this failure to accomplish social justice as an important vehicle for just sustainability, the

current urban scene continues living the same power game and reproducing itself unsustainably.

Harvey's statement in that respect that it is not possible to achieve social justice and the desired change under the capitalist system is very true. However, given the inevitability of the contemporary urban scene, the impossibility of change without altering the existing power structure, and the impossibility of this under capitalism and the modern state, should we accept reality and its urban ills without seeking changing it? Will just sustainability be limited to idealized approaches that have no chance of being implemented? Is there a non-capitalist alternative that would allow for its accomplishment? To learn more, we will next look at the Islamic model of built environment production.

5. The concept of rights and power in Islam

The concept of rights and power in Islam is completely different than in modernity and capitalism. While power in its modern concept generates rights, it is in Islam the product of rights, that is, rights in Islam come first as a source of power and not a product of it. Power in Islam is the ability to act in order to reach a goal, but within the framework of the system of rights, emanating from the Islamic law (Shari'a). When someone has the power to perform an act in the urban environment, it means that he has the right to perform that action at that particular site. Nevertheless, rights in Islam cannot be considered, as Alabbadi (1974, p. 1, 106) mentions, to be power in the sense of capacity and ability, but capacity and ability are the fruit of rights and their effect. Property owner, for example, does not have absolute rights to dispose of his property as he wishes. Ownership is not considered a source of power (as in contemporary built environments), but rights associated with the property grant the owner the decision-making power regarding his property, as long as it does not violate other people's circles of rights. Politics in the contemporary era, as Hume states, is a power and not a right, but in Islam it is rights, not power. Rights in Islam are the source of power and capacity to decision-making.

To illustrate this, we will cite an example: Al-Qarawi judge in North Africa was asked about a man who had a house (A in **Figure 1**) with a shop on its left side, and a house on the opposite side (B). The owner of house (A) wanted to transform three rooms from his house into three shops to the right of his house door, claiming that this action is of his right due to that the two houses are located on a wide street that is one of the city's greatest streets with the most circulation. The owner of house (B) forbade him, claiming that "House doors can be opened into thorough streets, however in case of shops, their harm is severe due to the continuous sitting in the shops, which causes harm and no-privacy to the house." Based on the opinion of the building expert assigned by the judge to inspect the site and assess the potential damage to party (B), the three shops were found to overlook the inside of the opposite house, therefore, opening the shops was disallowed (Ibn Arrami, n.d., pp. 274–275).

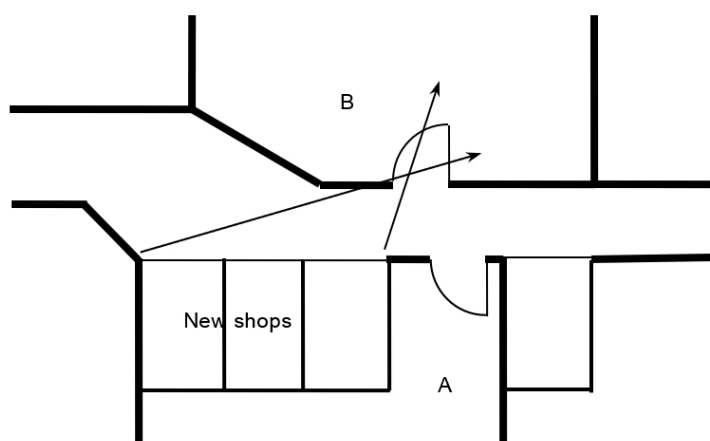


Figure 1. An illustration of a case cited by Al-Qarawi judge in North Africa.

The right of property ownership in house (A) did not grant its owner the power to absolute disposition of his property, but rather it granted him certain rights (in accordance with Shari‘a) to act without infringing on the rights of others. Rights in Islamic urban built environments can be imagined as a network of circles, with each circle constituting the rights of a particular party. Circles of rights may overlap at certain points, which might be points of friction between properties, as in the example above. If the owner of house (B) agrees to the act of party (A), then the act would have continued, but if objected, then the judge’s decision is effective. According to the result of this case, the map of rights is reformulated. If the action of party (A) was accepted, property (A)’s rights will be expanded as the new shops will be part of the property.

What is considered to be sources of power in the modern concept such as property, position and knowledge are not sources of power in Islam, but their associated rights grant their owners power in some cases. The only source of power in Islam is the system of rights emanating from Shari‘a. This determines the power map that shapes the relationships between people and between properties. For example, the President of the Chamber of Industry and Trade in Aalborg, Denmark, managed to reformulate the traffic plan in Aalborg’s city center redevelopment project to serve his own interests. The President of Chamber owns a large, high-yielding commercial property due to its proximity to the old bus station (Flyvbjerg, 1998). The position and authority delegated to the President of Chamber in this case were considered a power source that was used to achieve the objectives of the party holding power. This situation cannot happen in Islamic societies where the system of rights, not power structure, forms the basis of the organizational process in the production and management of its built environments.

Rights in Islam are distributed among individuals, groups, institutions and the state according to maps of rights in which the rights of each party are clearly determined according to their position in society and the built environment. The state in Islam is considered a party like the individual and the group, which is granted rights by Shari‘a and does not have the authority to grant or deprive others of their rights. Perhaps the incident of Abbas bin Abd al-Muttalib when Caliph Omar bin al-Khattab could not appropriate his house to expand the Holy Mosque except with his approval is a good example of the inability of the state to interfere in individuals’ rights and to

appropriate their properties under the name of public interest (Allahham, 2008). Abu Yusuf states that “it is not for the imam to remove anything from the hand of anyone except with a well-known right” (Ibn Abidin, n.d., p. 296).

As the only power source, rights in Islam are transparent; they are determined, fixed and well-known to all. Rights of both parties A and B in the above example were well known and clear to both which led them to act accordingly. In case of dispute over the right itself or its interpretation, the case is referred to the judiciary. On the contrary, power in its modern concept is variable and not determined; it is not known to all. The power of any party may increase or decrease depending on the power sources possessed by the party. Thus, in its modern concept, power is characterized by non-transparency. For example, a property owner may obtain special exemptions to high-rise his building in exchange for what is known as the planning gain, such as erecting a public park in the area. This owner has acquired additional power that enabled him to carry out his project despite its violation of law, that is, he enjoyed an additional power unknown in advance. Similarly, certain positions in capitalist environments grant their holders additional power and capacity.

Since rights in Islam are pre-established and there is no room for their expansion in any particular site, no party can exercise beyond its rights, thus lusting for power is minimized. There is no struggle for power, nor dominance of one party over another as in the capitalist system. In addition, Islam has found a number of mechanisms stemming from the system of rights that limit domination and control in the built environment, such as the easement rights (Allahham, 2005).

To summarize, the system of rights in both the capitalist system and Islam is determined by the ideology and mechanisms of that system. While law in the capitalist system, which claims to be based on justice, equality and democracy, features the concept of power and domination, the system of rights in Islam presents rights as the basis for relationships in Islamic society. To scrutinize this, we will examine next the production mechanisms of Islamic built environments and just sustainability, as stemmed from maps of rights in Islam.

6. Islamic urbanism: Is it the hoped-for alternative?

To explore the rights-based mechanisms of Islamic built environments, a few examples drawn from authentic historic texts will be examined. Despite their limited scope of action, these examples stand as a microcosm of the relationships between individuals, and between them and the state; they illustrate the circles of rights and practices of concerned parties. Comparing these examples to what might happen if these cases occurred in contemporary built environments, which is subject to laws, regulations and authority of the state, then the difference between the mechanisms of regulating relationships in traditional Islamic societies (rights) and contemporary capitalism (power structure) can be understood.

In one case, a man who owned a house in a dead end alley which back is facing a thorough road, wanted to open a door at the back of his house to the road so that the passer-by could pass through his house to the dead end alley, but he was disallowed. An-Nawawi (n.d.) said in his book *Al-Majmou'* that: “As the alley is owned by its people, no stranger could cross their alley. If he asks for permission from the owners

of the alley saying, I will open the path and will not make it as a road and that I will make it a door with locks and bars where only my family and guests can pass through it, then there are two opinions: ...". Ibn Qudamah (n.d.) says about this, "... if his door was in the street and the back of his house to the dead end alley, and he wanted to open a door to the alley to gain the right of using it (istitraq), he is not allowed to do so because he has no right in the alley which is owned by its people ...". In other words, if the owner of the two-door house wants to enable people to pass into the dead end alley, it is forbidden because it gives the right of usage to those who have no right, thus increasing the number of passers-by using the dead end alley.

Re-reading an-Nawawi's statement "the alley is owned by its people," and Ibn Qudama's affirmation "has no right in the alley," we note that the focus of these jurists was on the rights in the site and its role in organizing the relationships between the parties involved. The system of rights regulates the production and management of Islamic built environments. It supports the property ownership rights, acting as a self-regulatory mechanism governing the relationships between neighboring territories and the inhabitants without intervention from the state or its agents; it regulates the spatial and social relationships in Islamic cities.

The dead end street in the Islamic city is owned by its inhabitants, not by the state, and they have the right to its control and use. Their consensus should be sought before any change can take place. This mechanism leads to enabling the inhabitants in their territories, granting the territory great autonomy, as well as solidifying the inhabitants and creating a sustainable community within the territory. The decision-making mechanism in Islamic cities was an enabling mechanism grounded on consensus-based decision making process, without external interference. Comparing this with Friedmann's call to grant the people a flourishing right to achieve the good city, whereas Friedmann considered the state as the provider of this right, a matter that made this right tied to the power structure, turning it into a non-enabling right, Islamic mechanisms absolutely freed this right and turned it into an enabling right restricted only by the rights of others.

In one case, the backside of a neighbor's house, which has no access to a street, lines a dead end street. The neighbor has an old covered underground septic tank attached to the wall of his house with a channel coming out of his house. The neighbor did not use the septic tank or the channel for a long time, however, when he wanted to use it again, the street inhabitants tried to prevent him from doing so. Eventually, they did not manage to prevent him from using his septic tank as it is earlier in the site and has the right of precedence (Ibn Qudamah, n.d., p. 32). In this case, despite the autonomy of the two adjacent territories spatially, they were overlapped through the rights of the septic tank, which led the owners of the houses in the dead end street territory to dialogue with the neighbor from the adjacent territory. This mechanism linked the inhabitants of the two territories together. Hence, the spatial territories are at times independent and at other times overlapping, supporting the spatial and social structure of the city and maintaining its cohesion, thus preventing it from turning into a divided society in closed neighborhoods behind gates, as the case of the contemporary gated communities. This cohesion is intensified as a result of the territorial structure of Muslim cities. Territories or circles of rights that it represents are cumulative. The house owner in an alley is a partner in the party controlling the

alley, a partner in the party using the thorough street within the territory, and in the main Muslim street in the city and so on.

The overlap in the circles of rights makes the decision-making process at the city level participatory, as there are no sharp divisions between the concerned decision-making parties, in contrary to the situation in capitalist built environments, where the relationship between the state and the population is characterized by asymmetrical power relationships. The modern state as well as those with substantial power sources (e.g., the capitalists) have an impact on the decision-making process, whereas the people are sidelined, except in special cases. This participatory mechanism and its resulting social cohesion are what Amin called for in his two registers of re-enchantment and relatedness. However, Amin linked the responsibility to achieve this to the state as the supreme power holder. He did not seek to change the system of rights, which was also one of his proposed principles, making it a utopian, non-achievable theory.

As the decision-making process in Islamic built environments, based on the system of rights, is decentralized, it opened the door to empowering the inhabitants by providing them with the necessary power, derived from their rights, and giving them the freedom to make decisions (without harming others). It set the people free for developing responsive solutions from within the site, a mechanism that led to the enrichment of urban knowledge and motivation for more creativity. The structure of rights in Islamic societies and the power it generates is non-hierarchical; it achieves equality and justice among the population, thus qualifies these societies to be described as democratic and collaborative (in the Western sense), or, put differently, as achieving some aspects of the just sustainability sought by the contemporary urban reformist approaches mentioned above and the SDGs.

In terms of just distribution and access to basic life requirements, advocated by many contemporary scholars such as Amin, Friedmann, and Fainstein, Islamic built environments have established through their enabling rights a set of mechanisms that allows inhabitants to obtain their own basics of life, from access to land to access to natural resources, without any external intervention. The principle of revivification of unowned dead lands, for example, is an empowering right to acquire a piece of land, which is an important life requirement, at no cost. The Islamic principle of revivification (with the conditions available) is one of the bases for an equitable distribution of resources without preference to one party over another and without state intervention. This is clearly opposite to the situation in contemporary built environments where distribution of resources and wealth, such as land, is controlled by the state. Today, vast areas of land are owned by the few who exploit it through land speculations to reap more profit that maintains capital growth. Also, whereas the state owns enormous areas of vacant land, some of its population live as homeless due to lacking the most important means of enablement; that is access to land and shelter. These state lands were at certain time dead lands, however, with the abolition of the principle of dead land revivification in all Arab countries, dead lands became state properties (Akbar, 1992; Allahham, 2019).

To achieve justice in resources distribution, Islamic law has created a set of mechanisms that regulate access to natural resources without state intervention. Here I shall cite an example of the mechanisms of access to minerals in owned lands, as

there is no room in this paper for further elaboration. According to most doctrines of jurisprudence, minerals in owned land are associated with the land in which they are found. However, regardless of the detailed differences between the jurists in this respect, there is almost a consensus that minerals are the property of those who extracted them. In other words, Islamic jurisprudence places the right to extracting and possessing minerals in the hands of the people themselves and not in the hands of the state (Akbar, 2014). This is one of the most important foundations of the just distribution of resources in Islam compared to the state-controlled contemporary capitalist environments.

The principle of just distribution is one of the most important foundations that most contemporary reformist approaches emphasized. However, they addressed this issue in an ineffectual manner, upholding the role of the state as the service provider. This will maintain the power structure for future generations, and will not lead to a reformation of the current urban conditions. Rights, as discussed in these approaches, are instant rights that meet the needs of the present generation only, i.e., they are not sustainable rights. Reform approaches have not and will not be able to provide the enabling mechanisms needed to achieve their goals under capitalism. In contrast, rights of access to resources in Islamic built environments are sustainable enabling rights that always drive people to work and produce, thus achieving just sustainability.

Restricting the state's power and role in built environments will curtail its intervention in the affairs of private properties, hence emphasizing their autonomy. The expansion of the state authority to intervene in and control the built environment transforms its role (as defined by Islamic law) from supporting the process of community empowerment into an exercise of power outside the legitimate rights system. This will decrease people's freedom of choice and decision making, which may fundamentally contradict the concept of just sustainability in the built environment.

From the above, we can define the concept of sustainability as prevailed in Islamic built environments as the balance between granting people maximum freedom in their locations to act while not harming others and the surrounding environments. This leads to empowering the inhabitants and releasing their capacities and abilities to contribute to the production and development of the environment on the one hand, and preserving the environment and the people in the present and the future, on the other hand. If this balance is applied in all areas of life, such as economic and management fields, this will increase the productivity of society by utilizing its resources to the maximum without harming the environment and its population. This represents an achievement of just sustainability in the contemporary sense, however, within a non-capitalist system.

Accordingly, we may say that the distribution of decentralized and non-hierarchical rights is the foundation of justice and balance in Islamic built environments. This brings us back to the central issue, as most contemporary capitalist reformist approaches focus on the concept of rights, why weren't they able to accomplish their objectives? The reason is apparently related to the nature of the rights claimed by these approaches which reflected their inability to confront and change the pillars of capitalism. In other words, the root of the problem lies in capitalism itself, its power-based mechanisms, and its vertical power structure.

7. Conclusion

While the pursuit of just sustainability and the concept of rights are central to contemporary reformist approaches, the relationship of this concept and its association with the concept of power in society makes it a power-based concept and effectively a pillar of capitalism that they are attempting to reform. It is power in the modern concept that produces the right and delineates its system. It is one of the most significant pillars of the state, therefore, any radical change in the system of rights will change the power structure and weakens the foundation of the state and capitalism, a matter that is extremely prevented by the power holders. These approaches revolve in a vicious cycle that cannot be resolved without changing the relationship of the concept of rights to power and thus changing the power structure in society. If these concepts change, capitalism will change to another non-capitalist model. In consequence, the concept of just sustainability and sustainable capitalism cannot be achieved under capitalism itself. Yet, can Islam as a societal system based on the concept of rights that generate power be the alternative model to achieve social justice and sustainability?

By focusing on the concepts of rights and power and their association with the centrality of the modern capitalist state, and the resulting unequal distribution of resources in life opportunities, or non-sustainability, this paper drew attention to traditional Islamic built environments which, through its *Shari'a*-based mechanisms produced decentralized environments which people enjoyed rights and freedom with no domination of one party over another. It is an environment that has achieved what the reformist approaches and the SDGs strive for today, just sustainability.

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