

The Role of Jurists in Organizing Civilization and Urban Development in the Lands of Islamic West

دور الفقهاء في تنظيم الحضارة والعمران في بلاد الغرب الإسلامي

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Summary

This research paper aims to highlight the role of jurists and scholars in the Islamic West in establishing laws and regulations, that significantly contributed to the organization of urban and rural development. It also seeks to clarify how technicians, builders and craftsmen adhered to these legal rules and provisions, which led to their clear impact on the distribution of spatial units within population centers, as well as in the distribution of architectural units. However, we cannot deny that these rulings were among the main factors that contributed to the organization of architecture and urban development in the Maghreb Islamic residential communities, We have also used the historical and analytical approaches in order to develop a general understanding of our topic.

Keywords: Jurisprudence of urban development, urbanization, Islamic residential communities, Urban Development, lands of Islamic West.

1. INTRODUCTION:

The legal jurisprudential texts in the lands of Islamic West had a significant impact on organizing, coordinating, and managing the overall fabric of cities and villages alike. These texts aligned with the most prominent issues faced by the population, which led to disputes among them. Consequently, there was a variety of references and writings aimed to organizing urban development and cities by the authors from the Islamic Maghreb and Al-Andalus.

It is noteworthy that the idea of establishing cities and residential communities in MAGHREB gained strength with the expansion of the Islamic state, and the reasons for their establishment varied. This coincided with their emergence in the Islamic East, starting from Medina, passing through Basra, Kufa, and Fustat, and reaching Kairouan and beyond in the lands of the West. As cities spread, there was an increase in writings and responses to various issues related to urban affairs.

Our topic is primarily related to specific tasks for jurists and scholars in the Islamic Maghreb, which involve developing a general and comprehensive vision for many issues and incidents related to the architectural aspect and urban life of Islamic cities and towns.

The issue at hand is: How did Muslim jurists and thinkers contribute to regulating urban development and civilization? And how did the general public respond to these regulations?

2. The emergence and development of Islamic urbanism jurisprudence in the Islamic West:

The scholar Ibn Khaldun is considered one of the most prominent figures who highlighted the independence of the science of urbanism from other sciences, as he pointed out its pillars and objectives. However, we cannot ignore that several Islamic scholars preceded Ibn Khaldun in this field. Additionally, the spread and expansion of the Maliki school of thought played a significant role in enhancing the interaction between eminent jurists and architectural affairs.

In this context, Professor Sana'a Attabi conducted a comprehensive study on the Maliki jurisprudential rulings related to urbanism, where she classified the writings that addressed legal opinions in this area. She identified the most

important jurisprudential references and their works that focused on the jurisprudence of urbanism. Among these jurists, 'Isa ibn Dinar (d. 212 AH) is considered one of the first to establish the jurisprudence of construction, as he dedicated a separate chapter titled "The Wall" (Isa ibn Musa, 1996 p. 119). He was contemporaneous with Abdullah ibn Abdul Hakim al-Masri (d. 214 AH), who authored a book in the same direction (Attabi, 2019 p. 167).

These early efforts demonstrate how Muslim jurists contributed to the development of the jurisprudence of urbanism, reflecting their deep engagement with architectural and social issues in their communities.

Professor Sana'a Attabi continues to provide detailed insights into the three prominent figures in the school of thought who addressed the concepts of urban development and its jurisprudence. She begins by discussing the jurist Abu Marwan Abd al-Malik ibn Habib al-Andalusi (d. 238 AH). Although the legal chapters he included in his work "Al-Wadihah" not all of them have reached us, Professor Attabi believes that he had a particular interest in the rulings related to construction and urban development, despite not emphasizing a separate chapter for this topic.

She then moves on to Abu Sa'id Abd al-Salam al-Tanukhi, known as Sahnun (d. 240 AH), who also did not dedicate a specific chapter to construction issues. However, his interest in this matter is evident through the distribution of his rulings among the initial chapters of the legal compendium.

Finally, she refers to the "Al-Ittabi" - or "Al-Mustakhraj" - authored by Abu Abdullah Muhammad al-Ittabi (d. 254 AH), which has not reached us in its entirety, as only the book on pilgrimage has been verified. Nevertheless, Professor Attabi does not rule out the possibility that this work contained chapters related to construction and rulings on damage.

Professor Attabi concludes that the early legal references demonstrated an interest in the field of urban development and its organization, despite the idea not being fully developed.

If we look at the son of Imam Isa ibn Musa al-Tatili, who authored his well-known book titled "The Book of the Wall," we find that it is undoubtedly considered one of the most prominent works in this field. Isa relied in his book on a collection of legal writings from the Maliki school, particularly those that addressed aspects of urban development. Professor Sana'a Attabi provided us with the most important sources of Ibn al-Imam in "The Book of the Wall" (Attabi, 2019 p. 170).

Ibn al-Imam derived his rulings from several famous Maliki works, such as the Muwatta of Imam Malik, the issues or narrations of Ibn al-Qasim, Ibn Abd al-Hakam al-Masri, Imam Ashhab, Isa ibn Dinār, Ibn Wahb, the author of the Great Compilation, and the Mudawwana of Imam Sahnun, among others. Among the most notable citations, we find that Ibn Habib, the author of Al-Wadihah, had the largest share, with his citations exceeding one hundred, followed by Al-‘Atbiyyah with 71 citations, and the Jamia of Ibn Abdus with nearly fifty citations (Attabi, 2019 p. 170)

This highlights the diversity of early approaches among Maliki jurists in addressing the rulings, issues, and subdivisions related to urban and architectural matters.

3. The development of urban thought among a group of Muslim writers, historians, and geographers:

Cities and their architecture have attracted the attention of many authors, ranging from engineers, historians, and geographers to travelers, as well as writers and poets. By browsing through the works of Muslim geographers and historians, it becomes clear that they had a significant interest in describing countries, regions, and their architectural establishments. Their descriptions reflect the intellectual tendencies of these authors and their perspectives on urbanism and related matters. Therefore, we have selected some well-known examples in the historical and geographical fields that have addressed urban issues in a distinctive manner in their writings.

•Urban Thought of Al-Baladhuri: Ahmad ibn Yahya ibn Jabir al-Baladhuri was born in the late 2nd century AH in Baghdad, where he grew up and learned under the guidance of several of its scholars until his death in 279 AH (Redwan, 1987 p. 06). Al-Baladhuri authored many books, the most notable of which is "Futuh al-Buldan" (Conquests of the Countries), in which he did not overlook discussing aspects of architecture and urbanism.

His discussion of the founding of the city of Basra and the allocation of a separate title for it is one of the most prominent indicators of his urban thought, as he addressed the city's plans, its mosques, its water sources, and its urban development over the years. He also explained the reason for choosing its geographical location, pointing to the availability of water and grazing in that area.

Al-Baladhuri did not fail to highlight the abundance of houses, streets, and mosques in Basra, and he noted the prevalence of baths in the city (al-Baladhuri, 1978 p. 349). More importantly, he mentioned poetry that addressed aspects of Basra's urbanism, reflecting the depth of his interest in urban thought in Islamic regions.

Like other geographers, al-Baladhuri did not hesitate to refer to the Prophet's Mosque and its architecture, emphasizing its central location in the city. He supported this idea by highlighting the importance of having the main mosque at the heart of the city.

As for Kufa, al-Baladhuri was captivated by its organized urban planning, where he pointed out the significance of city planning and the role of site selection in its architectural success. Among the points he emphasized was the choice of location based on climate, understanding the impact of weather conditions, and the availability of water, in addition to the importance of fortification, whether natural or constructed.

Al-Baladhuri also discussed many other cities, analyzing their urban layouts and origins, such as Wasit, the City of Peace (Baghdad), Samarra, and Mosul. He significantly contributed to the understanding of markets, borders, and the excavations and wells of Mecca, which established a methodological approach to urban and architectural practices in Islam. These urban characteristics of the early Islamic cities helped make them a model to be emulated in the establishment of other cities across various Islamic regions.

•**Urban Thought of Al-Ya'qubi:** Ahmad ibn Abi Ya'qub Ishaq ibn Ja'far ibn Wahb al-Baghdadi, one of the most prominent Muslim geographers, played a pivotal role in highlighting the development of Islamic cities from both urban and architectural perspectives. This was evident in his famous work "Al-Buldan," where Al-Ya'qubi did not hesitate to address the topic of urbanization and its related aspects, expressing his views clearly.

Through a review of the book "Al-Buldan" and Al-Ya'qubi's methodology, one can discern his comprehensive vision regarding urbanization and development. Al-Ya'qubi began his discussion about Baghdad, noting that it is the center of the earth and the middle of the world (al-Yaqoubi, 2002 p. 11). He also did not overlook the role of climate in organizing and establishing cities, citing Baghdad's location between the Tigris and Euphrates rivers. One of the most notable points he mentioned in this context was the impact of climate on the quality of the place, where he referred to the resulting good fruits, sweet

waters, fertile crops, and flourishing trees (al-Yaqoubi, 2002 p. 30)

Al-Ya'qubi agreed with many specialists in urban affairs about the importance of rivers in shaping cities, noting that the Abbasids recognized this feature when establishing Baghdad, linking it to the health and well-being of its inhabitants.

Al-Ya'qubi, when discussing the establishment of the city of Baghdad, identified three sciences that he considered fundamental to city founding: the science of lengths and distances, which he referred to as "the arm," then the science of areas, and finally the division of land.

Al-Ya'qubi excelled in providing precise details about the construction of Baghdad and its materials, noting the measurements of the bricks used in the building. He explained that the measurement of a brick ranges between one arm in length and width, with a weight of two hundred pounds for a single brick, while half of it measures one and a half arms in length and weighs one hundred pounds (al-Yaqoubi, 2002 p. 43). It seems he intended to establish these measurements and weights as fundamental standards for construction.

Among the basic rules of construction that Al-Ya'qubi mentioned were those related to digging channels and waterways to supply water, especially concerning their covering with clay and bricks. Al-Ya'qubi believed that the abundance of water channels was primarily due to agricultural activities and the operation of mills and their related functions.

Al-Yaqubi praised the walls, corridors, and gates of Baghdad, emphasizing the importance of defensive structures in preserving the city and ensuring its continuity. He considered that this idea should be generalized to all Islamic cities (al-Yaqoubi, 2002 p. 26)

Regarding Baghdad's circular shape, Dr. S. Ahmed Al-Ali, referencing Al-Yaqubi's views, pointed out that the round shape carries different connotations compared to the square shape. The circular form helps bring the city's inhabitants closer to one another, especially if the ruler is in the center of the square, while proximity is equal in the circular shape without any increase (Saleh Ahmed Al-Ali, n.d p. 43)

After discussing Baghdad, Al-Yaqubi moved on to talk about the city of Surra Man Ra'a (Samarra), where he elaborated on its wonders, landmarks, and layout. Through his analysis of the descriptions of these two cities and their

origins and development, Al-Yaqubi expressed his vision regarding urban thought, architecture, and the foundations of building and developing Islamic cities, reflecting the importance of this topic in the context of Islamic civilization.

•**Urban Thought of Al-Maqdisi:** Shams al-Din Abu Abd al-Malik ibn Muhammad ibn Ahmad ibn Abi Shakir al-Banna al-Maqdisi was born in the year 334 AH in Jerusalem. His father was one of the most prominent builders and engineers of his time, and he is well-known for his book "The Best Divisions for Understanding the Regions." Al-Maqdisi's intellectual creativity is evident in this book through his unique approach to the central clustered division of regions, starting from the region and moving through the district, the town, and the city, all the way to the village (Naji, 2019 p. 394).

Al-Maqdisi also linked the emergence of Islamic urban centers to two prominent institutions: the mosque as a religious institution and the markets as an economic institution. Additionally, he showed particular interest in defensive structures such as fortresses, as well as health facilities like baths.

The Al-Maqdisi did not hide his assertion that the most important factor in the establishment of cities is water from its various sources, which is clearly evident in many Islamic cities, whether they are established or new.

The second most influential factor in the selection of city locations, according to Al-Maqdisi, is trade, which played a prominent role in the construction and development of cities and urban areas.

What is new in Al-Maqdisi's thought regarding urban development is the importance of the cultural factor, as he believes that scholars, sheikhs, and their study circles play a significant role in the prosperity of cities. This is a natural result of students gathering around a distinguished scholar, which necessitates the provision of various necessary facilities.

•**Urban Thought in Ibn al-Shi'ar al-Mawsili:** Kamal al-Din Abu al-Barakat ibn Abi Bakr, known as Ibn al-Shi'ar al-Mawsili, composed his work "The Necklaces of Pearls in the Unique Poems of the Poets of This Era" in the year 654 AH. In it, he unleashed his thoughts to explore various urban and architectural phenomena related to the personalities he translated. This is particularly evident when he addressed the topic of cities and their plans, where he pointed out the close relationship between the development of structures and economic growth on one hand, and the flourishing of religion and knowledge on the other (Al-Sabbawi, 2010 p. 24).

Ibn al-Shi'ar noted that urbanization and civilization reflect the stability and development enjoyed by the country. He pointed this out through his observations about the city of Mosul, where he mentioned the Ma'afi bin Imran cemetery located west of the city, and the Ahmad bin Hanbal cemetery in Baghdad. He also discussed the Sufi ribat in Mosul, the Ribat al-Ma'muniya in Baghdad, as well as the Ribat of Debate in Erbil, which are considered some of the largest establishments of Sufism and mysticism in Iraq (almawsili, 2005 p. 408). He also did not overlook mentioning other religious edifices, such as the ancient Umayyad Mosque in Mosul, which was translated by al-Tusi, and the Al-Mansur Mosque in Baghdad, which was mentioned by Sheikh Abdul Rahman bin Isa (almawsili, 2005 p. 307)

Abu al-Barakat emphasizes the importance of defensive and fortification structures in his discussion of Ibn al-Tabbal, such as the Bab al-Azaj in Baghdad, in addition to the major fortresses known in his time, like those in Erbil, Tikrit, Aleppo, Ja'bar, and Mardin.

Ibn al-Shi'ar also highlights many natural elements, such as rivers, highlands, and forests, alongside architectural structures like buildings, arches, and walls, stressing their vital role in the development of urbanization and construction. This comes as part of his efforts to establish solid foundations for the planning of various Islamic cities.

•**Urban Thought of Al-Azdi:** Abu Zakariya Al-Azdi, who passed away in 324 AH, followed the approach of many thinkers who preceded him in addressing the topics of urbanization, civilization, and development. Through studying his book "History of Mosul," it becomes clear that he excelled in analyzing and establishing urban thought. Al-Azdi linked the conditions of markets and their economic activity to the status of the city and the growth of its urbanization, reflecting the depth of his vision in this field (Hamid, 2007 p. 12).

Al-Azdi also pointed out an important issue related to the disturbances in people's conditions, linking this to the disruption of markets and the decline in urbanization compared to previous periods of stability (Al-Azdi Abu, 1967 p. 157)

A new architectural principle was mentioned by Al-Azdi in his discussion of the reforms carried out by Ismail ibn Ali Al-Abbasi in the year 137 AH. These reforms involved relocating the markets from the vicinity of the Great Mosque of Mosul, where most markets were located, to the cemetery, which was then

moved to the desert outside the residential areas (Al-Azdi Abu, 1967 p. 161)

Al-Azdi did not hide his admiration for the grand architectural works established by the caliphs, attributing this to political stability on one hand and economic prosperity on the other. He described many religious, defensive, civil, and service facilities, often detailing the architecture and its units and key components, as he did when describing the congregational mosque, its prayer niche, and its pulpit (Al-Azdi Abu, 1967 p. 199)

The Azdi did not hesitate to showcase the most important intricate details when discussing the House of the Emirate, referring to it as "Al-Manqousha," attributing this name to the fact that it was built from teak and mosaic (Al-Azdi Abu, 1967 p. 197)

It is worth noting that when Azdi addressed the streets, paths, and neighborhoods, he interpreted their names based on the significance of their inhabitants or the events that took place there (Hamid, 2007 p. 16)

Professor Abdul Jabbar Hamid also pointed out another idea related to Azdi's architectural perspective, linking his economic thought, which examines the types, specializations, and levels of markets, with his urban thought that includes the locations and extensions of those markets. He clarified that the size of these markets corresponds to the volume of their economic activity (Hamid, 2007 p. 20)

From all of the above, it becomes clear to us the intellectual and architectural dimension of Azdi and his insightful urban vision regarding the city of Mosul, which was one of the Islamic cities that the Rightly Guided Caliphs paid great attention to in terms of reconstruction and development, based on the principles of Islamic urbanism.

4. CONCLUSION

Islamic urban thought has played a prominent role in shaping civil life within the Islamic city, where these cities have become a stage for the manifestation of urban development in its social, economic, cultural, and literary aspects. We find such a matter very much applied in many Islamic cities in Central MEGHREB - Algeria - for example, in Tlemcen. It is noteworthy that the distribution and organization of Islamic architecture in Islamic communities are significantly influenced by Islamic regulations, as the Islamic city represents the spiritual and material framework for the application of these regulations.

Al-Fayruzabadi referred to the city as "its greatness and vastness," where

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the term "madani" is used to indicate a relationship with it, and it is pluralized as "mudun" or "madain." Meanwhile, Ibn Manzur views the word "madina" as derived from "madan," meaning to reside in a place, from which the term "madaniyya" is derived, Following the pattern of "fa'liyya," the plural forms are "madain" (with a hamza) and "mudun" (which can be pronounced both lightly and heavily).. The city is considered a fortress built on the surface of the earth, where any place built upon is regarded as a fortress, thus qualifying it as a city.

As a recommendation, we can highlight the possibility for contemporary architects to draw upon the ideas and characteristics that distinguished Islamic cities, particularly in terms of providing comfort and health for individuals, as well as fostering a harmonious relationship between the urban development and the architecture of a single city.

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