

# State, Society, and Huquq: Rights-Based Governance and the Making of Urban Space in Amman, Jordan

by

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## **Author's Declaration**

This thesis consists of material all of which I authored or co-authored: see Statement of Contributions included in the thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

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## Statement of Contributions

I, Mahmoud Abu Ali, am the sole author of Chapters 1 and 5 and served as the lead author for Chapters 2, 3, and 4. In that role, my contributions include conceptual development, theoretical framing, research design, data collection, analysis, and writing (original draft; review and editing). My coauthor provided guidance at each stage of the research and offered feedback on successive manuscript drafts.

Chapter 2 is in second-round peer review at the *Journal of Planning Literature*; Chapter 3 is in first-round review at the *Journal of Planning Education and Research*; and Chapter 4 is under consideration at *Planning Theory & Practice*.

## Abstract

Urban planning in Jordan has long operated within technocratic and centralized models that remain institutionally and epistemically disconnected from the normative frameworks of social values and Islamic legal principles valued by many of its residents. This disjuncture is particularly visible in Amman, where imported planning systems, initially introduced under British colonial rule, displaced longstanding Islamic spatial practices grounded in jurisprudence, community ethics, and reciprocal obligation. Yet these Islamic planning rights, *huquq*, such as *ihyaa' al-ard* (revivification of land), *la darar wa la dirar* (no harm and no reciprocating harm), and *mulk tam* (full ownership), continue to hold relevance beyond their historical origins and are increasingly invoked in grassroots negotiations over land, access, and authority.

This dissertation investigates the status and potential reintegration of these rights into contemporary planning discourse and practice through a case study of Amman. It draws on interviews with key informants, narrative interpretations, planning documents, and policy texts to trace how institutions and communities interpret and operationalize *huquq*. This multi-layered empirical approach allows for an in-depth exploration of how formal institutions and everyday actors negotiate the meaning, relevance, and applicability of *huquq* in shaping urban life. Amman is a salient site for this study, as it exemplifies both the entrenchment of colonial planning legacies and the persistence of alternative rationalities in informal practice and community discourse.

The findings are developed across three chapters. The first chapter revisits the literature on Islamic cities through the lens of New Institutionalism, offering a framework for analyzing both the historical displacement and the continued potential of Islamic planning principles. With a specific focus on Jordan as a case study, the chapter illustrates how these principles, grounded in enduring normative commitments, may support the development of decolonized and community-responsive approaches to urban governance. It proposes an expanded institutionalist model that incorporates Islamic jurisprudential foundations, presenting them as a conceptual anchor and a practical guide for rethinking urban planning in contexts shaped by Muslim legal

and epistemic traditions. The second chapter examines public and professional awareness of Islamic planning rights, revealing both fragmented understandings and significant potential for institutional reintegration if accompanied by curricular reform, participatory planning platforms, and juridical clarity. The third chapter analyzes institutional ambiguity and identifies ‘soft spots’ in the Jordanian planning system, zones of partial implementation, normative dissonance, or legal silence, where reinterpretations of *huquq* can re-emerge, while resisting the symbolic-functional divide that relegates these rights to moral rather than legal relevance.

Altogether, the dissertation repositions Islamic planning rights as viable tools for decolonial governance. It contributes to urban planning theory by offering a rights-based institutional framework grounded in Islamic jurisprudence and enriched by decolonial and sociological insights. In practice, it advocates for reforms that bridge ethical commitments and legal systems, re-embed local epistemologies into formal planning, and foster urban futures that are more just, responsive, and culturally resonant. Planning in Amman, the dissertation argues, need not remain alienated from the communities it governs. Through the principled revival of *huquq*, an alternative path toward legitimate, grounded urban governance becomes imaginable.

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# Chapter 1: Introduction

Islam emerged in the early 7th century in the Arabian Peninsula, and over the course of several decades, extended into surrounding regions, including the Levant, Persia, North Africa, and parts of Europe. This expansion led to the formation of new political structures that redefined existing territorial boundaries and governance norms (Mortada, 2003). Although Arabs played an early role in this advancement, Islamic rule extended far beyond Arab populations, such as Persia, North Africa, al-Andalus (Iberian Peninsula), and parts of Central Asia. These territories were brought under a shared legal and administrative order structured around the principles of Islamic jurisprudence (*fiqh*<sup>1</sup>), which provided a unifying framework for governance across varied linguistic and cultural contexts. As Islamic authority took hold through both the conversion of local leaders and the integration of existing administrative systems, it gradually shaped the organization of public life, including how cities functioned and how space was managed. This transformation did not follow a single cultural or ethnic path but emerged through the interaction of various local customs with a growing Islamic worldview that centered on the Qur'anic and prophetic teachings and conception of justice, human dignity, individual freedom, social responsibility, flexibility in interpretation, and the recognition of rights within a broader moral order. As this worldview developed, it began to shape the ways cities were organized and space was governed across different regions.

Urban planning in Arab-Muslim cities has historically operated within a complex tension between inherited local values and imported systems of regulation (Al-Lahham, 2000; Elsheshtawy, 2004; Razzaz, 1994). Historically, planning in Islamic cities was deeply rooted in *fiqh* and structured by a system of rights (*huquq*), encompassing principles including but not limited to land revivification (*ihyaa' al-ard*), full ownership (*mulk tam*), and protection from harm (*la darar wa la dirar*) (Akbar, 2021, 2022; Hakim, 1986). These rights governed the relationship between individuals, communities, and urban space, anchored in divine sovereignty and community-oriented governance. Islamic planning was characterized as a dynamic system grounded in distinct legal and ethical principles, historically structuring urban life through

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<sup>1</sup> This dissertation adopts a simplified system of transliteration for Arabic terms to balance phonetic accuracy with readability for non-Arabic speakers. Diacritical marks are omitted except where necessary for clarity. Commonly used Islamic and Arabic terms (e.g., *Sharia*, *waqf*, *'urf*, *ihyaa' al-ard*) are consistently transliterated and italicized throughout this dissertation. Proper names and place names follow widely accepted English spellings unless otherwise noted.

community-based practices and ethical negotiations. However, colonial interventions imposed centralized, Eurocentric planning paradigms that displaced these local frameworks, particularly evident in cities like Amman, Jordan (Alon, 2005; Antoun, 2014; Fischbach, 2000; Massad, 2001; Owen, 2013; Razzaz, 1994). This shift replaced rights-based traditions that had long shaped equitable spatial dynamics with abstract cadastral classifications and centralized legal codes, introducing a profound rupture in urban regulation.

The legacy of this imposition remains evident in many Arab-Muslim cities today, where planning institutions often reflect colonial logic more than local priorities (Al-Lahham, 2000; Rabady & Abu Khafajah, 2021). Contemporary urban governance has become increasingly detached from the lived realities, moral orders, and community structures that historically anchored the physical and social fabric of the city. Centralized, expert-driven processes have replaced community-based, relational forms of urban governance, leading planning to assume a more technocratic and exclusionary character, particularly observable in Jordan (Khirfan & Momani, 2017).

The shift toward centralized, expert-led planning in Jordan reflects overlapping historical processes rather than a single rupture. Elements of bureaucratic centralization began during the late Ottoman Tanzimat reforms (1839–1876), which introduced modern municipal councils and cadastral surveys intended to standardize governance across the Empire. However, it was under the British Mandate (1921–1946) that these administrative logics were consolidated into a technocratic planning system modeled on colonial urban management in other parts of the Empire. This period marked a decisive break from earlier, community-regulated mechanisms of spatial governance that operated through Islamic rights and local negotiation. While some Muslim-majority regions, such as the Arabian Peninsula, retain partial continuities with rights-based spatial practices through local arbitration and waqf governance (Al-Hathloul, 1981), most postcolonial Arab states have adopted similar centralized frameworks, reflecting broader modernist and bureaucratic transformations in the region.

This has resulted in enduring institutional ambiguity and persistent tensions between formal state systems and the lived practices of communities. Planning decisions are frequently made based on zoning codes, land monetization, and modernist aesthetics rather than Islamic rights and principles, or local conventions, and are often experienced by residents as alienating, extractive, or unjust (Abu-Dayyeh, 2006; Elsheshtawy, 2008; Falahat, 2018; Khirfan, 2019). This

marginalization of Islamic principles signified both their removal from institutional frameworks and the weakening of their role as effective tools for achieving spatial justice.

Jordan, and its capital Amman, serves as a compelling case study for examining the tensions between local values and formal planning regimes. The country experienced what Fischbach (2000, p. 202) describes as “one of the most thorough colonially inspired land programs in the Arab world,” profoundly restructuring the state's institutional apparatus and sidelining Islamic legal traditions such as *huquq*. This led to a fundamental shift away from a rights-based planning ethic embedded in local norms, toward centralized, state-led governance structures rooted in British administrative logic (Owen, 2013). While Islamic legal ideas remain influential in informal practices, such as land cultivation without state permission under *ihyaa' al-ard* (Razzaz, 1994), or community objections to demolition projects seen as violating collective rights (Rabady & Abu-Khafajah, 2021), they are not institutionally recognized.

These examples illustrate persistent friction between societal expectations shaped by Islamic and customary norms and the technocratic structures currently guiding urban development in Amman (Khirfan & Momani, 2017). This dissonance signals deeper structural entanglements with colonial legacies and imported legal frameworks (Hallaq, 2013; Massad, 2001). Such a contested landscape invites renewed exploration of how Islamic planning rights could be reintroduced to ease tensions and bring formal planning institutions into closer alignment with community norms. As Momani (2015) notes, these tensions reflect broader issues in governance shaped by colonial histories, underscoring the importance of approaches that consider both formal institutional dynamics and everyday social practices.

New Institutionalism (NI) provides a useful framework for this task. Emerging in the late 20th century as a critique of behaviorist and rational choice models of institutional action, new institutionalism redefines institutions not just as formal rules or structures, but as socially constructed systems of meaning, embedded practices, and cultural norms that shape, and are shaped by, human behavior. Scholars such as Hall and Taylor (1996), DiMaggio and Powell (1991), March and Olsen (1984), and later, Healey (1999, 2007) in the planning field highlighted how institutions mediate social life and evolve through processes of internalization and contestation. This perspective intersects with the literature on planning cultures, which underscores that planning is not a uniform or technocratic endeavor but an institutionally embedded and politically entangled practice. Friedmann (2005) captures this by arguing that

planning is shaped by local institutional settings and must continuously reinvent itself amid shifting politics, economies, technologies, and social values. As each country responds to these pressures in distinct ways, planning systems develop cultural specificities and internal tensions that reflect broader societal transformations. These insights are especially relevant in contexts like Jordan, where planning institutions have emerged at the crossroads of Islamic jurisprudence, colonial land regimes, and postcolonial state-building.

While new institutionalism enables an analysis of how embedded norms, practices, and ideas shape institutional behavior, decolonial planning thought brings a critical awareness of the epistemological exclusions that have marginalized local knowledge systems within state-centric governance (Porter, 2016; Roy, 2017; Sandercock, 1998, 2003; Watson, 2016; Winkler, 2018, 2023). In the Arab-Muslim context, Islamic planning principles and legal rights historically governed spatial and civic life through ethical frameworks derived from divine law (Hallaq, 2013; Quraishi, 1984). Yet the imposition of colonial legal orders and the modern state's selective preservation of these structures have produced a landscape in which Islamic planning traditions are often treated as obsolete or supplementary.

Decolonial thinkers insist that planning cannot be reduced to technical rationality or liberal assumptions about civil society and the public sphere. Winkler (2018, p. 589) advocates for an epistemic de-linking that makes space for “resistant texts,” i.e. vernacular knowledge systems that illuminate social and ethical logics disqualified by dominant paradigms. In this sense, Islamic planning rights such as *ihyaa' al-ard* or *la darar* (no harm) must be understood not only as historical artifacts, but as normative frameworks that continue to inform contemporary land claims, dispute resolution, and communal obligations. This aligns with emerging scholarship on legal pluralism, which emphasizes the coexistence of state-based law and non-state normative systems within the same social field (Merry, 1988). Planning, as both a legal and non-legal ordering practice, inherently operates within these plural landscapes. Recognizing Islamic planning rights as part of this plurality helps expand planning theory beyond its dominant paradigms.

This approach builds on the argument advanced by Mignolo (2000, 2011) and Nyamnjoh (2012) that genuine transformation in postcolonial societies requires a recognition of alternative ontologies, particularly those that embed moral obligation within social and spatial organization. In this spirit, the dissertation advances a theoretical orientation that affirms the value of Islamic

planning principles as generative foundations for shaping collective life, enriching governance practices, and contributing meaningfully to contemporary planning thought.

Extending this line of thought, this dissertation argues that Islamic planning rights or *huquq* can be meaningfully reactivated within contemporary urban governance in contexts shaped by colonial legacies, using contemporary planning theories to reduce friction between planners and residents in Amman, Jordan, while better addressing local needs. Drawing on contemporary planning theories, namely new institutionalism and decolonization, this research proposes a hybrid analytical framework that critically engages global theories while centering Islamic principles. Despite the disruptions caused by colonial interventions, Islamic planning traditions still retain their relevance in shaping community approaches to land and urban life. Rights such as *ihyaa' al-ard*, *mulk tam*, and *la darar wa la dirar* can nevertheless inform how some communities engage with land and development. Therefore, rather than viewing Islamic and colonial systems as completely opposed, this research examines how they overlap and where there is potential for alignment. The study suggests a middle ground approach that allows for the reintroduction of Islamic rights into planning in ways that work alongside existing institutions.

The remainder of this introduction is organized as follows. First, I define the research scope and objectives. Second, I offer a concise overview of Islam as a way of life, and the broader literature on Islamic urbanism, highlighting the limited attention given to Islamic rights (*huquq*) within this field. Third, I examine the impact of colonialism on urban systems in the Arab-Muslim world, including Jordan. Fourth, I provide a contextual overview of the planning landscape in Jordan, with particular reference to the city of Amman. Fifth, I outline the dissertation's theoretical framework, which draws on new institutionalist perspectives in Islamic planning and integrates insights from decolonial planning approaches. Sixth, I describe the study methods. Finally, I conclude with a summary of the dissertation's overall structure and its key contributions to scholarship.

## **1.1 Scope and Aims**

This research aims to explore the potential for reactivating Islamic planning rights to inform transformative, decolonial, and community-centered urban governance, with a specific focus on Amman, Jordan. The study is driven by the observation that urban planning in Jordan is characterized by enduring institutional ambiguity and persistent tensions between formal systems

and the lived practices of communities, largely stemming from the historical displacement of Islamic spatial governance traditions by British-imposed frameworks.

The overall aim of this research is to revisit historical Islamic planning practices to identify effective responses to current contradictions in local urban governance. It specifically seeks to understand how Islamic planning principles, though often marginalized by modern and colonial governance models, can be meaningfully reintegrated into contemporary planning systems to reduce friction between planners and residents while better addressing local needs. The research is grounded in Islamic jurisprudence, specifically the rights-based system of *huquq*, which historically governed spatial relations in Arab-Muslim cities. Key Islamic planning rights examined include:

1. *La darar wa la dirar*, a foundational principle requiring urban activity to avoid causing injury or obstruction to others.
2. *Mulk tam*, referring to absolute ownership rights that include use and benefit, but are constrained by communal rights or avoiding harm.
3. *Ihyaa' al-ard*, which grants ownership to individuals who cultivate previously unused (dead) land, linking property rights to productive use and stewardship.
4. *Haqq al-asbaqiyyah*, which grants spatial priority to earlier-established uses, protecting them from harmful later developments.

The study argues that these principles offer a historical foundation and a viable framework for reconfiguring planning systems in contexts like Jordan, where formal governance remains fragmented and contested. Moreover, the research employs NI as its central theoretical lens, particularly drawing on Patsy Healey's multi-level model of institutional change. This framework helps analyze how planning processes are shaped by formal structures, policies, culturally embedded meanings, and power relations. Crucially, this study extends Healey's model by introducing a fourth institutional layer: a foundational normative level rooted in Islamic jurisprudence, termed "Transcendent Divine Authority". This addition accounts for the enduring, divinely sanctioned nature of Islamic rights, which function as structuring norms guiding governance practices.

The research objectives for achieving this overall aim are to:

1. Assess public and expert awareness of Islamic planning rights, mapping how these concepts are interpreted, enacted, or overlooked in contemporary urban life.

2. Examine how Islamic planning principles have been marginalized, adapted, or preserved within current urban governance and planning discourse in Amman, particularly in light of colonial legacies and modern regulatory systems.
3. Investigate the role of contemporary institutions in either sustaining or suppressing knowledge of Islamic rights within planning processes, and analyze the implications of this institutional positioning for decolonial planning.
4. Explore the potential for reactivating Islamic planning rights as part of a community-based, culturally grounded approach to urban transformation that challenges dominant state-centric and neoliberal models of planning in the Arab-Muslim world.

Each part of this dissertation addresses a distinct facet of the broader research objective: exploring the potential for Islamic planning principles to inform transformative and decolonial planning practices in Amman, Jordan. Specifically, the research seeks to address the following broad questions:

1. How can contemporary planning theories, particularly new institutionalism planning, be utilized to study, critique, and revive Islamic planning principles? What insights emerge when these theories are applied to contexts like Jordan, where colonial legacies continue to shape urban governance?
2. To what extent are Amman residents and civil society actors aware of Islamic rights and planning principles? How are these rights and principles perceived, enacted, or misinterpreted in contemporary urban life? What are the institutional and discursive barriers to the integration of Islamic planning rights into urban governance in Jordan? How can the revival of Islamic rights contribute to building a foundation for decolonial and community-centered planning in Amman?
3. How might Islamic planning rights be meaningfully reactivated within the framework of contemporary urban governance in Jordan to reduce friction between planners and residents while better addressing local needs? What institutional and societal conditions would be necessary for the reintegration of these rights into current planning systems?

To ensure coherence between research design and analytical focus, each research question directly maps onto one or more of the stated objectives. The first research question concerning how contemporary planning theories, especially New Institutionalism, can be mobilized to critique and revive Islamic planning principles corresponds primarily with Objectives 2, 3, and 4.

These objectives involve examining how Islamic planning principles have been marginalized, investigating institutional roles in either suppressing or sustaining these traditions, and exploring their potential reactivation as part of culturally grounded governance. The second research question about assessing public and civil society awareness and identifying institutional or discursive barriers aligns with Objectives 1 through 3. These objectives collectively address the extent to which Islamic planning rights are recognized, enacted, or neglected, and the forces shaping such dynamics. The third research question that explores how Islamic planning rights might be meaningfully reactivated within Jordan's current governance frameworks maps onto Objectives 3 and 4, which focus on the institutional and societal pathways necessary for reintegrating these rights into planning systems. Together, this mapping ensures that each objective informs a distinct analytical layer of the research while contributing to the overarching aim of developing a decolonial and community-responsive planning framework rooted in Islamic jurisprudence.

## **1.2 Islam, Islamic Urbanism, and the Role of Huquq**

The Arabic word "Islam" is commonly understood to mean submission or total surrender to *Allah* (God) and His order. It is rooted in the word "silm" or peace (Mortada, 2003). A Muslim is a person who performs this act of surrender, dedicating themselves entirely to God alone. Islam also signifies sincere devotion and the belief that God has no other partner, requiring the total submission of creativity to His service. Islam is based on the concept of *tawhid*, the unity of God. This means that only God is the Creator, Sustainer, Master, and Sovereign of the universe and all that exists within it (Hallaq, 2013). He alone has the right to command or forbid, and worship and obedience are due only to Him.

The fundamental sources of Islamic teachings and jurisprudence are the Holy *Qur'an* and the *Sunnah*. The *Qur'an* is the verbatim word of God, containing His Message which can be either informative or prescriptive. The *Sunnah* is the tradition of the Prophet Mohammed, comprising his deeds, words, and indirect commandments, serving as a model pattern of behavior grounded in the *Qur'an* (Hallaq, 2013). Reports of the Prophet's conduct, actions, and sayings are known as *Hadith*.

*Sharia*, often translated as Islamic law, is a divinely derived legal and ethical system that governs all aspects of Muslim life, both individual and collective (Hallaq, 2012; Mortada, 2003).

It provides comprehensive guidance on rituals, personal conduct, social and economic affairs, and governance, aiming to promote *ma'rufat* (good) and prevent *munkarat* (evils) for the benefit of society (Kaminski, 2021). Islam is often described as a complete way of life, encompassing spiritual, legal, social, and political dimensions (Sirat & Abdullah, 2007). Core tenets include the five pillars and six articles of faith<sup>2</sup>, which are widely shared across Islamic traditions. Islamic teachings provide detailed guidance on personal conduct and social relations through legal and ethical principles (Antoun, 2014). This value-based framework has historically shaped various aspects of life, including the built environment in Muslim societies (Mortada, 2003).

The concept of the *Ummah*, or community of believers, reflects Islam's emphasis on solidarity, equality, and social justice (Antoun, 2014; Kaminski, 2021). All individuals, including non-Muslims, are considered equal in rights and duties, and injustice is strongly condemned (Lim, 2008). The family forms the foundation of the social structure, fostering compassion and moral responsibility (Sirat & Abdullah, 2007). Individuals are accountable for their actions, with worship encompassing all aspects of life as an expression of devotion and ethical commitment. Principles like humility, moderation, and promoting good while resisting wrongdoing are core to this framework (Hallaq, 2013).

Islam has an inherently urban orientation, with the Qur'an favoring settled, communal life over nomadism, viewing cities as ideal spaces for fulfilling social and moral obligations (Mortada, 2003; Sirat & Abdullah, 2007). *Sharia* provides the framework for individual and collective conduct that historically shaped these urban settings, blending abstract principles with practical application (Al-Lahham, 2000). Moral considerations extend across all domains, including economics and politics (Kaminski, 2021). Islam's self-description as *al-Umma al-Wasat*, or the Middle Community, emphasizes balance and moderation as central values (Hallaq, 2013).

Islamic property concepts promote individual ownership while emphasizing God's ultimate ownership and the need for a redistributive ethos within an Islamic legal and ethical framework (Lim, 2008). Through *Sharia*, Islam provides a normative system that governs relations among individuals, between individuals and the state, and between humans and the

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<sup>2</sup> The *Five Pillars of Islam* represent the foundational acts of worship that structure Muslim life: the *shahadah* (declaration of faith), *salah* (ritual prayer), *zakat* (almsgiving), *sawm* (fasting during Ramadan), and *hajj* (pilgrimage to Mecca). Complementing these are the *Six Articles of Faith*, which define the core tenets of Islamic belief: faith in God (*Allah*), His angels, His revealed books, His messengers, the Day of Judgment, and divine decree (*qadar*).

environment. At its foundation, *Sharia* seeks to uphold justice (*'adl*), public welfare (*maslaha*), and mutual rights and responsibilities (*huquq*) (Akbar; 1988, 2022; Al-Lahham, 2000; Hallaq, 2013).

Islamic ethical commitments manifest in socio-spatial principles that guide the built environment. Property, streets, and communal spaces are regulated not just for efficiency or aesthetics, but to uphold moral obligations and prevent harm (Mortada, 2003). Rights are seen as relational and divinely mandated, balancing autonomy with social interdependence (Al-Lahham, 2014; Lim, 2008). Through *fiqh*, these principles were translated into legal mechanisms such as *ihyaa' al-ard*, *haqq al-asbaqiyyah*, and *mulk tam* (Al-Lahham, 2000). Scholars like Besim Hakim, Abeer Al-Lahham, and Jamil Akbar base their analyses on both classical jurisprudence and Arabic primary sources, framing Islam as a civilizational system essential to understanding the evolution of planning rights in the Arab World and beyond (Antoun, 2014; Al-Lahham, 2000).

Islamic urban studies trace the evolution of cities in the Islamic world from the 7th to early 20th centuries, examining their legal, spatial, and social dimensions. The field emerged in the 18th century and formalized in the early 20th, relying heavily on archaeological sites and European travel accounts (Grabar, 1976). Influenced by Orientalist perspectives, early scholars sought to define a universal “Islamic city” model based on features like narrow streets and mosque-centered layouts (Abu-Lughod, 1987). Marcais (1928) emphasized Islam’s inherently urban character by highlighting mosques and markets in cities like Fez (Costello, 1977), but such work often overlooked socio-economic variation and relied on limited external sources rather than Islamic court records (Al Sayyad, 1991).

As critiqued by Edward Said’s *Orientalism* (1977), this framework portrayed Muslim cities as static and deficient compared to European models (Said, 1977; Al-Hathloul, 1981). It privileged form over lived experience and ignored cultural practices, favoring rationalist, cartographic interpretations (Falahat, 2018). The resulting concept of the “Islamic city” became a widely debated generalization (Abu-Lughod, 1987), shaped by Western theories such as Weber and Marx, and failed to recognize the complex, rights-based systems that historically structured these urban environments (Al-Hathloul, 1981; Al-Lahham, 2000).

By the mid-20th century, scholars began challenging the “Islamic city” paradigm, which exposed the biases underlying Occidental representations of Muslim societies. This intellectual

shift prompted a move away from a monolithic model toward a contextual understanding of urban forms, emphasizing historical, cultural, and regional influences. Jean Sauvaget's studies on Syrian cities like Aleppo and Damascus highlighted Byzantine influences on urban planning, challenging the notion of a purely Islamic origin (Lapidus, 1969). Ira Lapidus's work on Mamluk-era cities shifted focus to social and political structures, revealing complex systems of administration, public service provision, and communal governance (Lapidus, 1969). The term "Islamic city" is used in this dissertation with caution and critical awareness of its limitations. Scholars such as Janet Abu-Lughod (1987) have shown that the concept emerged largely from Orientalist urban studies of the mid-twentieth century, which sought to identify fixed morphological or functional traits, such as the mosque–suq–citadel triad, as markers of a distinct "Islamic" urban form. Abu-Lughod argued that this essentialization obscured the historical, regional, and political diversity of cities across the Muslim world and imposed a static, ahistorical model that reflected Western preoccupations more than local realities.

In this dissertation, the term "Islamic city" refers specifically to traditional or historical urban contexts in which *huquq* were effectively applied in structuring the built environment and mediating social relations. It is not used to describe all cities in Muslim-majority countries, nor to imply religious homogeneity. In contrast, contemporary cities particularly in the Arab world such as Amman are referred to as *Arab-Muslim* cities, as they operate largely under modern, centralized, and neoliberal planning systems. A city can be considered "Islamic" only insofar as it embodies Islamic rights in its governance and urban organization (Akbar, 2004); once these rights are replaced or marginalized, shifts in power dynamics occur, producing bureaucratic and exclusionary forms of planning detached from communal agency (Al-Lahham, 2000).

This dissertation does not seek to define what is "purely Islamic in origin," nor to isolate urban features as products of a particular faith. Such an approach would overlook the intertwined political, cultural, and environmental processes that shaped cities across the Muslim world. My concern is not with religious identity per se, but with how certain rights and regulatory principles articulated in Islamic jurisprudence informed spatial organization and governance. In this sense, "Islamic" refers to the legal-ethical framework through which urban interactions were historically mediated, rather than to a theological or architectural essence. The notion of a purely Islamic origin in architecture or urban design is therefore misleading; cities such as Damascus, Aleppo, and Cairo evolved through continuous layers of influence, including Byzantine, Persian,

and Islamic civilizations, each adapted within prevailing Islamic legal and social frameworks. In this study, the term “Islamic city” does not denote a uniform physical type but rather refers to urban environments historically shaped by institutions, norms, and practices derived from *fiqh* and its system of rights (*huquq*). It is thus used as an analytical shorthand to describe a mode of governance and spatial organization grounded in relational ethics and negotiated responsibilities, rather than as a claim to architectural purity or cultural homogeneity.

Later scholarship shifted focus toward the principles underlying Islamic urbanism, especially the influence of *Sharia* and social norms on the built environment (Falahat, 2018). Hakim (1986) highlighted mechanisms like *waqf*<sup>3</sup> and *ihyaa'* as tools for applying Islamic values in adaptable urban forms. Akbar (2021, 2022a) proposed a framework linking Islamic values (imperceptible), legal mechanisms (operative), and physical form (manifested), arguing that city morphology emerged from individual agency shaped by *huquq* within various constraints. However, the central role of *huquq* remains underexplored in the literature (Al-Lahham, 2000). While some addressed *Sharia* in governance, few framed *huquq* as foundational, often overlooking rights such as *ihyaa' al-ard*, *haqq al-asbaqiyyah*, and *mulk tam* (Hakim & Rowe, 1983).

Recent scholarship has begun to address this gap, exploring a system of rights as a lens for understanding Islamic urbanism (Akbar; 2021; Hakim, 1986). Rather than treating the Islamic city as a result of random growth or aesthetic taste, scholars such as Akbar, Mortada, and Al-Lahham ground their work in a range of Islamic sources. These include Qur'anic and Prophetic teachings, as well as classical writings by figures like Ibn Khaldun and Al-Ghazali. Drawing from these foundations, they argue that the city's spatial organization was shaped through practical arrangements that governed interaction, movement, and the use of space in everyday life. This approach highlights how *huquq* fostered resilient, adaptable cities through principles like social justice and communal responsibility, contrasting with the rigid, centralized structures of many European cities (Idrus, 1985).

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<sup>3</sup> A *waqf* (plural: *awqaf*) is an endowment of property, typically land or real estate, dedicated to charitable, religious, or public welfare purposes in accordance with Islamic law. Once designated as *waqf*, the property becomes inalienable and is managed to provide continuous benefit to the community, such as funding mosques, schools, hospitals, or public infrastructure. The institution of *waqf* represents a key mechanism for resource distribution and urban development in Islamic societies, embodying principles of social responsibility, public good, and intergenerational equity (Hallaq, 2009).

While Modern European urbanism often relied on bureaucratic institutions, Islamic cities historically developed through a rights-based decentralized governance and social interactions, allowing communities to self-organize and adapt to changing circumstances (Hakim & Rowe, 1983). This rights-based framework offers a valuable perspective for contemporary urban planning, emphasizing equity and community agency over top-down control, and challenges the static representations perpetuated by early Orientalist scholarship. Scholars note the need for conceptual vocabulary in scholarly literature that acknowledges the phenomenological characteristics of Islamic cities, rather than reducing them to purely rational or geometrical frameworks (Falahat, 2018).

This comparison refers primarily to the pre-industrial and early modern periods, roughly spanning the 9th to the 18th centuries, when cities across regions such as the Levant, North Africa, and parts of Anatolia developed governance systems based on Islamic jurisprudence and community negotiation. Governance in these cities operated through interlinked social and moral arrangements that regulated property, trade, and public life in accordance with commonly recognized rights and responsibilities. By contrast, modern European urbanism, particularly from the 19th century onward, evolved within bureaucratic and industrializing states that emphasized central control, cadastral regulation, and spatial standardization. The shift toward centralization in the Arab world occurred gradually, beginning under the Ottoman Tanzimat reforms and consolidating under European colonial mandates. Thus, while most earlier Islamic cities reflected decentralized, rights-based governance, by the late Ottoman and colonial periods, these practices were increasingly replaced by modern bureaucratic planning institutions.

This review of the literature on Islamic urbanism underscores the need to foreground *huquq* as a conceptual and analytical framework for understanding the institutional and moral dynamics that have historically shaped cities in Muslim-majority contexts. Earlier Orientalist interpretations framed these cities through static typologies and architectural generalizations, but more recent scholarship has moved toward examining the underlying mechanisms that guided their development. The continuing challenge does not lie in revisiting those outdated framings, but in extending contemporary urban studies to engage more seriously with Islamic rights-based traditions as active systems of governance. Within this evolving discourse, a perceived “crisis in identity” and a “rupture with tradition” in the built environment emerge where external planning models are adopted without sufficient regard for local moral and cultural frameworks (Akbar,

1988; Al-Lahham, 2000; Elsheshtawy, 2008). This sets the stage for examining the planning landscape in Jordan, particularly Amman, where inherited rights-based logics intersect with modern urban challenges and bureaucratic systems. The next section explores how colonial interventions disrupted these traditions across the Arab-Muslim world, reshaping urban governance and spatial organization with enduring implications for Jordan's development trajectory.

### **1.3 Colonialism in the Arab-Muslim World**

The Islamic Caliphate, spanning from the Prophet Muhammad's era through dynasties culminating in the Ottoman Empire, once governed a broad region including present-day Jordan, Syria, Iraq, Palestine, Lebanon, and northern Yemen. Ottoman rule from 1516 to 1918 began to weaken under the twin pressures of European political upheaval and British economic ascendancy (Massad, 2001; Owen, 2013). Although the Ottomans enacted modernization reforms such as the Vilayet Law (1864) and the Municipality Code (1877), these changes coexisted with growing European influence. This combination of reform and foreign influence intensified local discontent and catalyzed Arab nationalist movements, which increasingly questioned Ottoman legitimacy and sought greater autonomy (Clark, 2018; Fischbach, 2000; Owen, 2013; Reimer, 2005). These movements played a crucial role in the eventual dissolution of the Ottoman Empire during World War I. The fall of the Caliphate in 1918–1919 marked the end of a centuries-long mode of Islamic governance and paved the way for colonial mandates systems that reshaped land rights, planning institutions, and governance models across the region (Mortada, 2003).

It is important to note that the question of whether the Ottoman Empire or earlier Islamic dynasties should be described as imperial or not falls outside the concern of this study. My focus is not on the political form of these regimes, but on the continuity and transformation of Islamic planning rights as social and legal practices that shaped land use and the built environment. From the seventh century onward, Muslims across the regions of the Caliphate lived in societies where Islamic law and ethics guided daily life to varying degrees. Successive dynasties, including the Umayyads, Abbasids, Ayyubids, Mamluks, and Ottomans, exercised differing levels of adherence to Islamic governance, yet the institutional structures supporting rights to land and urban interaction remained embedded in local communities. These rights were sustained through

the work of *qadis*, jurists, and scholars who interpreted and applied *fiqh* in matters of property, neighborhood relations, and public welfare, often independently of political rulers.

It is therefore within this social and jurisprudential continuity that the enduring relevance of Islamic planning rights can be traced. Regardless of how populations perceived particular ruling families or dynasties, the legal and moral frameworks governing land, ownership, and harm prevention persisted as part of a shared civilizational infrastructure. Only in the later Ottoman period, particularly with the *Tanzimat* reforms of the nineteenth century, did this equilibrium begin to shift. The gradual adoption of European legal and administrative models redefined property, planning, and governance in more centralized and bureaucratic terms, contributing to the eventual weakening of locally grounded, rights-based practices that had long underpinned urban life.

It is crucial to distinguish between Islam or Islamic jurisprudence and the political actions of historical empires that ruled in its name. The final stages of the Ottoman Empire therefore was not a reflection of Islamic governance but an attempt by a weakening state to preserve power through administrative centralization and European-inspired reform. These measures often deviated from established Islamic norms governing land, justice, and rights, replacing huquq-based social mechanisms with bureaucratic control. The reforms thus signaled not an evolution of Islam, but a departure from its foundational principles in an effort to maintain imperial survival, ironically hastening further fragmentation. Recognizing this distinction avoids conflating Islamic jurisprudence with the political conduct of rulers who selectively invoked it (as Islam is based on *Quran* and *Sunnah*, not the actions of rulers and empires), and recenters attention on the legal and ethical frameworks that can still be found within local communities despite imperial decline.

Following the collapse of the Ottoman Empire, European colonial powers, primarily Britain and France, played a pivotal role in carving up its Arab provinces into new successor states. This process often involved detaching parts of former Ottoman provinces or combining several provinces to create new political entities. These newly formed states, such as Transjordan (now Jordan), were frequently characterized by artificial boundaries, new names, and a lack of ethnic homogeneity often imposed by colonial officials using rulers (Massad, 001; Owen, 2004). Before this period, identities in the region were typically formed along lines of tribes, families, religious sects, classes, occupations, and towns rather than citizenship in demarcated

nation-states. The new ruling elites, often aligned with former colonial interests, had to persuade inhabitants to identify as citizens of these newly constructed states. For instance, Transjordan, carved from British mandate territory in 1921, was sparsely populated with independent kinship-based communities that lacked national identity or unified governance (Sluglett, 2008). Similar restructuring occurred in Iraq, where Britain amalgamated three Ottoman provinces into a single state, and in Syria and Lebanon under French mandates.

Colonial authorities established centralized administrations, legal systems, and military forces, introducing nationality laws and mapping exercises to define populations and property rights. In Jordan, British officials ran the Department of Lands and Survey, embedding Western bureaucratic logics (Alon, 2005; Owen, 2004). Emphasis was placed on internal security as forces like the Arab Legion were created and commanded by British officers, consuming major portions of the budget. Colonial governance also relied on alliances with tribal leaders and landowners to maintain control and enforce indirect rule, while exploiting ethnic and sectarian divisions through “divide and rule” strategies. Economically, budgets were kept tight, currencies were tied to colonial powers, and trade agreements limited local autonomy. The colonial state thus became a conduit for external decision-making, benefiting European nationals (Hallaq, 2013). However, resistance emerged, as revolts in Iraq (1920), Syria (1925–27), and anti-British unrest in Palestine signaled widespread dissatisfaction. World War II hastened the collapse of colonial rule, and by the mid-1940s, Syria, Lebanon, and Jordan had gained formal independence.

Following independence, many Arab states inherited the political and administrative architecture of the colonial state, including its centralization of authority, bureaucratic legal systems, and coercive apparatuses of control (Hallaq, 2013; Massad, 2001). As Hallaq (2013) argues, nationalist elites, while leading anti-colonial movements, ultimately maintained and expanded the same structures of power they had resisted, preserving the European nation-state model and its hierarchical conception of governance. The result was not a return to precolonial forms of moral and communal self-regulation, but the entrenchment of a state-centered order that subordinated *Sharia*'s ethical and distributive dimensions to administrative efficiency and political control. In Jordan, for instance, British planning laws and cadastral reforms that concentrated land ownership in the hands of the state continued to shape urban governance after independence. In Egypt and Palestine, similar patterns of bureaucratic expansion and elite

consolidation marginalized local councils, religious endowments, and customary negotiation mechanisms that had once governed land and community relations (Harmsen, 2008; Mitchell, 2002). Although independence promised renewal, the new political class largely pursued modernization and development policies rooted in the colonial template i.e., technocratic, centralized, and increasingly disconnected from communal participation and ethical accountability.

While most of the Arabian Peninsula was not colonized in the conventional sense, its urban and planning trajectories were nonetheless shaped by modernization and globalization processes that mirrored the effects of colonialism elsewhere. The centralization of planning authority, state control over land and natural resources, and the concentration of wealth among political and economic elites reproduced similar patterns of exclusion seen in the postcolonial Levant. Akbar (2014) draws a revealing comparison between Amman and Riyadh, arguing that both cities, despite their distinct political histories, have evolved as consuming cities, dependent on external inputs of water, food, and energy rather than on the inherent merit of their sites. He attributes this to socio-political structures that privilege bureaucratic control over spatial justice and local productivity. From an Islamic rights perspective, Akbar notes that the implementation of mechanisms such as *zakat* and *ibn al-sabil*<sup>4</sup> would instead distribute resources locally, attract populations to productive sites, and foster economic balance between communities. The absence of such principles in both colonized and non-colonized Muslim societies demonstrates how globalized models of urban development have displaced rights-based frameworks rooted in *fiqh*, replacing them with systems that prioritize growth, consumption, and elite accumulation.

Although certain cultural forms rooted in Islamic ethics remain visible in Saudi Arabia's built environment, such as the emphasis on privacy through high walls, inward-facing courtyards, and the avoidance of overlooking windows, these are largely residual expressions. They persist at the level of physical form rather than as active legal or moral principles. What once reflected negotiated rights such as right of precedence or prevention of harm has become

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<sup>4</sup> Akbar (2014) explains that *Ibn al-sabil*—literally “the son of the road”—refers to the traveler or wayfarer entitled to financial support from *zakat* (almsgiving). Under Islamic law, *zakat* is a fixed annual tax (typically 2.5% on trade income, 5–10% on agricultural production depending on irrigation source, and 20% on mining output) designated for eight categories of recipients, as outlined in Qur'an 9:60, including the poor, the needy, and *Ibn al-sabil*. Jurists interpreted this provision as a mechanism to fund those traveling for livelihood or productive purposes, such as seeking work, trade, or exploration, thereby encouraging mobility toward resource-rich areas and equitable economic participation. This framework fostered a dynamic spatial economy in which wealth circulated locally rather than accumulating in centralized bureaucratic centers, contrasting sharply with the modern condition where borders, state control, and elite monopolies restrict access to opportunity and natural resources.

standardized through modern building codes and design conventions, divorced from their original jurisprudential meaning. Their presence, therefore, signifies only a partial and superficial continuity, one that preserves the material trace of Islamic values but not their institutional substance. Still, even this limited continuity provides a meaningful reminder of the depth of Islamic moral reasoning in shaping urban life and presents an opportunity for places like Jordan to revisit these principles as resources for more grounded and just planning practices.

The relationship between colonial planning systems and local Islamic models of urban governance in Arab-Muslim cities reveals a long history of disjuncture, resistance, and adaptation. Scholars like Elsheshtawy (2004) highlighted how colonial authorities imposed alien planning systems that fragmented historic cores, created socio-spatial segregation, and marginalized traditional governance. These new systems were not only incompatible with local social structures but also instrumental in reinforcing colonial dominance. The legacy of this imposition remains evident in many Arab-Muslim cities, where planning institutions continue to reflect colonial logic more than local priorities (Hallaq, 2013). As a result, recent scholarship has begun to question the continued dominance of external planning models and examine how local actors respond to the limitations of state-led frameworks.

Shami (2017) critiques the continued reliance on Occidental planning theories in Arab-Muslim contexts, arguing that such frameworks ignore local practices and entrench global hierarchies. Building on this critique, Khirfan (2019) documents the rise of informal actors and non-traditional agencies in Amman who step in where formal institutions falter. Harker (2017, p. 34) similarly observes that urban research in the Arab world rarely addresses “the ways in which majorities of urban residents utilize urban space to advance claims, and in so doing enact forms of governance beyond the sphere of states,” and calls for foregrounding families, housing, and religion as alternative foundations for urban governance. These observations point to the persistence of everyday forms of agency and spatial negotiation that continue to shape the city outside formal planning structures.

#### **1.4 Jordan**

The urban evolution of Jordan, particularly as seen in its capital city Amman, offers a powerful lens through which to study the interaction between state formation, colonial governance, and Islamic traditions in urban planning. Amman’s transformation reflects the

enduring tensions between formal institutions and local practices, where British colonial legacies and Islamic legal memory continue to shape its spatial and political landscape. This makes Amman an especially compelling case study for analyzing how urban governance in the Arab-Muslim world has navigated the intersection of *huquq* and colonial rationales.

Before colonial rule, urban governance in the region that is now Jordan was shaped by a mix of *Sharia*, imperial edicts (*qanun*), and local customs (*‘urf*<sup>5</sup>) (Falahat, 2018). Urban development practices emphasized social solidarity and the prevention of harm, with Islamic jurisprudence (*fiqh*) guiding decisions on building and land use. Property alterations often required neighbor approval, reflecting a rights-based ethic concerned with communal well-being (Al-Lahham, 2000; Hakim, 1986; Hakim & Rowe, 1983; Mortada, 2003).

The colonial period marked a key shift in Jordan, replacing Ottoman and Islamic urban structures with Occidental models. British rule, beginning with the 1922 Mandate, retained aspects of the Ottoman hierarchy but introduced Eurocentric bureaucratic and land administration systems (Fischbach, 1994; Owen, 2013). The British maintained the Ottoman territorial divisions—governorates, districts, and subdistricts—and expanded the existing municipal system. However, the British land program introduced in 1927 marked a significant shift, embedding a distinctly Eurocentric model of land administration (Fischbach, 2000). It featured comprehensive cadastral mapping, the partitioning of communal lands, and the establishment of a centralized bureaucracy modeled after the Torrens system, which aimed to make the land itself (not its owner) the unit of registration and title. This new system emphasized individual land ownership, formal registration, and taxation based on estimated yield, displacing customary and collective arrangements. The Jordanian Department of Lands and Survey, established under British guidance, institutionalized this framework, creating a bureaucratic infrastructure that would outlast the Mandate and continue to shape land governance in post-independence Jordan.

This transition moved society away from a decentralized, rights-based Islamic ethos toward centralized, state-driven governance (Owen, 2013; Tewfik, 1989). State planning gradually displaced Islamic rights, shifting responsibility for urban development from local

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<sup>5</sup> In Islamic legal theory, *‘urf* refers to local customs and usages that have been widely accepted by a community and persist through collective agreement. While distinct from revealed law, *‘urf* is valid within Islamic jurisprudence so long as it does not contradict Qur’anic or Prophetic principles. It reflects the practical adaptation of communities to their circumstances and serves as a complementary source of legal reasoning in matters not explicitly addressed in scripture (Mortada, 2003).

actors to the state as an external authority (Al-Lahham, 2000). Colonial authorities introduced new urban planning and architectural styles that often produced “dual cities”, i.e., urban environments in which modern, European-style districts were constructed alongside or in contrast to historic urban cores (Elsheshtawy, 2004). These dualities reflected deliberate spatial segregation, with planned, orderly new quarters serving colonial elites and administrative functions, while older, denser neighborhoods, shaped by Islamic and local traditions, were marginalized or physically altered. Amman, named capital in 1928, evolved more under British influence than Islamic tradition (Rogan, 1996), a legacy still evident in Jordan’s land governance, where British cadastral logic persists as institutional common sense (Fischbach, 2000).

After 1948, the influx of Palestinian refugees transformed Amman's urban landscape, straining infrastructure and administrative systems. In response, the Jordanian government centralized political and spatial control, favoring Transjordanian groups and reinforcing elite networks to maintain authority (Clark, 2018; Köprülü, 2014; Owen, 2013). Attempts at decentralization, such as in Madaba, were short-lived due to concerns over inefficiency and cost (Clark, 2018). Urban planning in Amman increasingly prioritized zoning, formal land titling, and modernist aesthetics, sidelining Islamic principles and disrupting local norms (Al-Hathloul, 1981; Elsheshtawy, 2004, 2008).

Structural adjustment programs in the 1990s deepened privatization and shifted Amman’s urban development toward speculative investment, resulting in “unplanning”—growth driven by private capital rather than public interest (Khirfan, 2019; Kickert & Arefi, 2019; Parker, 2009). Real estate projects focused on West Amman, while poorer communities were pushed to the margins (Elsheshtawy, 2008; Khirfan, 2019). Interestingly, British colonial officials eventually acknowledged that customary land systems like *musha* ‘curbed speculation and supported smallholders, admitting that inequality was less pronounced under earlier systems (Fischbach, 2000). Furthermore, state interventions fundamentally reshaped land governance in Jordan. Nationalizing waqf and ‘dead’ lands expanded state control, eroding communal welfare structures and Islamic norms like land revivification, which once allowed individuals to claim unused land through cultivation or building (Akbar, 2021; Alon, 2005). Amman, described as a “parasitic” capital, grew by drawing from its hinterlands, deepening city–countryside disparities (Akbar, 2004; Yitzhak, 2018). Liberalized land markets spurred speculation and inequality, replacing more equitable development models (Tewfik, 1989).

The displacement of Islamic principles has never been absolute. Razzaz (1994) shows how residents in Yajouz invoke *ihyaa' al-ard* to justify cultivating and building on unused land, despite lacking formal approval. In Wadi Amman, activists protested demolitions tied to the Hashemite Plaza project, citing violations of communal rights and loss of green space (Rabady & Abu-Khafajah, 2021). These cases show how Islamic legal memory continues to inform everyday claims. Yet, in the absence of institutional mechanisms for addressing harm through shared norms, planning remains technocratic and often exclusionary (Khirfan & Momani, 2017).

Recent Jordanian protests often invoke Islamic moral language in calls for equity and transparency, reflecting the enduring relevance of Islamic legal ideas in public discourse (Beck & Hüser, 2015). Massad (2001) attributes this to colonial restructuring, which confined Islamic jurisprudence to the private sphere while public governance adopted European legal systems. This created a disconnect between formal institutions and local practices. A decolonial approach to urban governance in Amman must therefore both recognize how Islamic legal traditions shape grassroots claims and explore ways to reintroduce them into official planning processes.

Urban planning in Jordan operates within a centralized administrative framework that combines national policy direction with municipal implementation. At the national level, the Ministry of Municipal Affairs, working closely with the Ministry of Housing and Public Works, defines the overarching policy, legislative, and regulatory environment for land use and urban development. Local authorities are responsible for executing these directives (Abu-Hamdi, 2015). Each governorate is managed by a municipal council, while in the capital, the Greater Amman Municipality (GAM) serves as the principal planning institution. GAM holds extensive powers over the preparation, review, and enforcement of spatial policies, and it functions as both a regulatory and service-delivery agency. It issues building permits, oversees infrastructure provision, and ensures that development conforms to the city's planning regulations and zoning bylaws.

Jordan's planning system is formally grounded in a collection of statutes that serve as the nominal legal basis for urban governance. Chief among them is the Cities, Villages, and Buildings Law, supported by a series of sector-specific regulations addressing environmental impact, heritage conservation, transport, and utilities. While these instruments establish the general procedures for development approval and construction oversight, their provisions are

often fragmented and inconsistently articulated. Mechanisms for public participation and land expropriation exist in principle but tend to lack clear implementation pathways.

Strategic guidance for spatial development is articulated through comprehensive and master plans that translate these national statutes into long-term spatial visions. The Greater Amman Comprehensive Development Plan (GACDP), completed in 1988, was the first major city-wide plan for the capital. It introduced a satellite-city model, identified primary growth corridors, and sought to rationalize urban expansion through a coherent land-use framework. A later effort, the Amman Plan (2008), was developed to guide growth while promoting mobility, protecting open space, and enhancing public participation. Unlike traditional master plans, it emphasized flexibility and iterative revision. Both documents sought to translate national development goals into spatial form and to balance private-sector pressures with public interest.

These strategic frameworks are operationalized through zoning bylaws, which define permissible land uses, building heights, floor-area ratios, setbacks, and parking requirements. The bylaws serve as the primary instruments for implementing spatial policy, granting municipal planners the authority to regulate development at the parcel level. In principle, they provide a mechanism to align private investment decisions with public objectives, manage population growth, and preserve urban order. In practice, however, their enforcement has been uneven. Limited municipal capacity, political interference, and the predominance of privately owned land, constituting roughly 95 percent of Amman's territory, have constrained the ability of planners to implement zoning consistently (Greater Amman Municipality, 1988).

The historical trajectory of both the GACDP and the Amman Plan reveals the fragility of planning institutions in Jordan. The 1988 plan was undermined by the fiscal crisis of 1989, which eroded municipal budgets and halted most of its proposed programs. The 2008 plan initially benefited from strong political support but quickly lost institutional momentum after the dissolution of the Amman Institute and the dismissal of the mayor who had championed it. As a result, the plan's participatory and regulatory frameworks were never fully implemented (Abu-Hamdi, 2015). Despite their ambitious visions, both documents remained largely aspirational, reinforcing a pattern of reactive, ad-hoc development in which projects are approved case by case rather than through a coherent, plan-driven process.

In summary, Jordan's planning apparatus is formally structured around national ministries, municipal councils, and a legal code anchored in the Building and Planning Laws. It

is intended to function through comprehensive plans and zoning bylaws that guide development toward national and local objectives. Yet in practice, fiscal limitations, shifting political priorities, and reliance on private landownership have prevented the realization of these strategic visions. The result is a hybrid system where formal regulation coexists with discretionary decision-making i.e., a condition that mirrors broader institutional tensions between modern bureaucratic planning and the plural, community-based traditions that once governed urban life in the region.

## **1.5 Theoretical Framework**

### ***1.5.1 Decoloniality***

Because the Occidental literature on post-colonial Arab-Muslim cities has given only cursory attention to institutional frameworks rooted in Islamic traditions, I turn to insights from decolonial scholarship that has matured elsewhere in the global South<sup>6</sup> to construct a more adequate theoretical lens. Decolonial thinking and the notion of “resistant texts” provide a bridge between these distant conversations and the gap in Arab-Muslim planning studies. According to Winkler (2018, p. 589), resistant texts “resist dominant narratives in ways that are unfamiliar, or entirely foreign, to the untrained eye.” Rooted in local knowledge production, they illuminate ontological and epistemological world-views that formal planning frameworks typically overlook. My aim, however, is not to discard external scholarship but to advance a pluriversal conversation (Winkler, 2018) in which insights from diverse locations enrich each other. By recovering the historical expertise that once organized the built environment across Jordan and other Arab-Muslim cities, I hope to weave a dialogue between Islamic jurisprudence and contemporary planning challenges, thereby expanding the repertoire of concepts available to the discipline.

A growing body of critical literature engages with the project of decolonization and interrogates the colonality of planning. This body of work critiques the enduring impact of colonial planning regimes, which historically disrupted local governance arrangements and imposed external models of legal and spatial order. Scholars such as Escobar (1992a, 1992b),

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<sup>6</sup> While the term ‘Global South’ may appear geographical, scholars like Watson (2016) use it to signify a broader historical and epistemic condition shaped by colonialism, imperialism, and structural inequality. Rather than denoting a specific location, it refers to ‘southness’ as a standpoint of marginality that offers critical perspectives from outside dominant knowledge systems.

Winkler (2018), and Miraftab (2009, 2017) argue that the power structures introduced during the colonial period continue to shape contemporary knowledge production and decision-making, long after the formal end of colonial rule. In the Arab-Muslim context, this often involved transplanting European legal codes, including specific doctrines on property rights, land tenure, and spatial organization, which were deployed as tools of domination and expropriation (Sait & Lim, 2006; Sluglett, 2008).

Within this framework, legal pluralism emerges as a crucial concept for understanding the layered legal landscapes of postcolonial societies. Legal pluralism describes the coexistence of multiple legal systems within a single social field, where formal, state-imposed legal codes operate alongside customary, Indigenous, or community-based legal orders (Benda-Beckmann, 2001; Benton, 1994; Griffiths, 1986; Tamanaha, 2000; Turriff & Barry, 2023). In the case of Jordan, for instance, British colonial governance introduced statutory legal systems while suppressing or sidelining pre-existing frameworks such as Islamic jurisprudence and customary practices like *musha*<sup>6</sup>. Yet these frameworks have not vanished. Rather, they continue to surface in everyday spatial practices and planning conflicts, particularly in informal settlements and areas where formal legal recognition is contested (Massad, 2001; Ostrom, 1990; Winkler, 2023). As Razzaz (1994, 1998) notes, the persistence of community norms around land use and tenure often conflicts with or escapes state legal frameworks derived from colonial traditions, contributing to a fragmented and contested planning environment.

From a decolonial standpoint, the continued dominance of state-centric planning regimes reflects a deeper epistemological hierarchy, in which Occidental legal and spatial paradigms are treated as universal, while alternative frameworks are ignored or dismissed (Winkler, 2018). Decoloniality therefore calls not only for a critique of colonial power but also for a reconstruction of epistemological and normative foundations. As Porter (2016) argues, this process entails unlearning colonial assumptions embedded within planning systems and cultivating a sensitivity to the diverse philosophical and legal traditions that structure local social life. Planning, in this view, must move beyond monocultural paradigms toward a recognition of knowledge plurality, or what decolonial scholars call ‘pluriversal’ perspectives (Vasudevan & Novoa, 2022).

This perspective aligns with Wa Thiong’o’s (1986) call to “decolonize the mind,” which becomes especially salient in contexts where colonial institutions persist in shaping legal norms

and planning practices. When legal frameworks reflect inherited colonial logics rather than community-grounded traditions, recovery of suppressed systems becomes essential. While often excluded from formal planning frameworks in Arab-Muslim cities, they continue to influence the social and legal sensibilities of communities, particularly through concepts like *ihyaa' al-ard*, *mulk tam*, and *la darar wa la dirar*. These rights-based principles, although sidelined by the modern planning apparatus, provide a counter-narrative grounded in stewardship, equity, and reciprocity. The persistence of these frameworks, even in conditions where the state considers them illegal or irrelevant, demonstrates the ongoing condition of legal pluralism. Their endurance affirms the insight that planning cannot be divorced from historical legal traditions and collective memories. As Hallaq (2013) argues, a genuinely postcolonial future for Arab-Muslim societies requires institutional renewal grounded in indigenous intellectual and legal traditions. Islamic jurisprudence, in this context, serves not as a relic of the past, but as a viable normative foundation for governance.

Decoloniality also involves a broader interrogation of how societies understand being and knowledge. As Mignolo (2000, 2011) and Quijano (2007) argue, the colonial project not only occupied land and resources but also entrenched onto-epistemological hierarchies, positioning Occidental ways of knowing and being as the only valid reference point. The “coloniality of knowledge” describes how this claim to universality marginalizes alternative epistemologies rooted in local experience and tradition (Gunder et al., 2017). In parallel, the “coloniality of being” refers to the suppression of local worldviews and lived realities, framing them as inferior or non-modern (Rabady & Abu-Khafajah, 2021). In the context of urban planning education, especially in Arab-Muslim countries such as Jordan, these dynamics manifest in curricula and institutional models that prioritize Euro-centric perspectives and exclude local histories and frameworks. Winkler (2023) and Porter (2016) call for a transformation in how planning is taught and practiced, advocating an ethics of relationality, wherein knowledge is seen as situated and embodied. Decolonizing the academy requires not only diversifying content but fundamentally reshaping the structures of knowledge production.

This process also entails cultivating collective awareness through what Mignolo (2007b) terms “border thinking” i.e., a critical orientation grounded in the lived experiences of those historically marginalized by colonial structures. Border thinking challenges the presumed universality of dominant paradigms by asserting the legitimacy of local, context-specific forms

of knowledge (Faria, 2013). As Manresa Axisa (2018) and Wanderley and Barros (2019) argue, this orientation fosters a plural and situated approach to research and planning, laying the groundwork for a civic order grounded in diverse ontologies. Banerjee (2007) frames this as the emergence of a planning “conscience,” a collective capacity to articulate the moral dimensions of civic action. Embracing decolonial thinking, then, becomes a means to liberate planning imaginations and reorient urban governance toward frameworks deeply rooted in place, memory, and community values. As Miraftab (2009) emphasizes, such an approach enables more transformative and just responses to the persistent spatial and institutional inequalities inherited from colonial legacies.

Re-centering Islamic ethics within planning theory as a resistant text allows planners to counter the persistent neglect of Islamic rights in Jordan’s development strategies and to reconcile grassroots rationalities with state agendas. Resistant texts destabilize entrenched power relations (Kessi & Boonzaier, 2016), a task that aligns with the decolonial imperative to confront the colonial and nationalist legacies that still structure postcolonial governance (Porter, 2016; Roy, 2015; Sandercock, 2004; Watson, 2016; Yiftachel, 2006). As emphasized earlier, this is applicable to the Arab-Muslim world, where although formal colonial rule has ended, post-independence elites largely preserved colonial power structures and pursued the same exclusionary policies (Hallaq, 2013). Decolonial thinking therefore treats planning as an anti-colonial project, calling for an epistemic de-linking from Western categories (Winkler, 2018) and diagnosing how the Western city ideal migrated from colonial administration to contemporary neoliberal regimes (Miraftab, 2009).

Decolonial theory insists on an integrated understanding of nature, culture, and spirituality (Nyamnjoh, 2012) and warns that liberal, conservative, and Marxist lenses still reproduce coloniality (Mignolo, 2011; Mudimbe, 1988). Because existing scholarly paradigms confine us to that logic, Mignolo (2000, p. 64) urges a search for knowledge that does not “come from existing philosophies and cultures of scholarship.” Such a search resonates with African analyses that intertwine the political and the socio-cultural (Chabal & Deloz, 1999) and with Watson’s (2003) call for dynamic, multi-realm inquiry. South American decolonialists similarly look beyond the modern state and secular science to pre-colonial epistemologies (Bhambra, 2014).

In Arab-Muslim contexts, the modern nation-state itself is an outgrowth of Western colonialism, a rupture that many Muslim thinkers address by returning to “historical moral resources” (Hallaq, 2013, p. 168). This dissertation follows a similar trajectory, examining how Islamic rights-based principles continue to inform civic life and contest contemporary planning norms. Understanding these rights is essential for analyzing their enduring influence within present-day planning processes, especially where they intersect with institutional power and legal authority. To operationalize these decolonial insights within planning theory, it is necessary to engage with frameworks that account for the interplay of norms, practices, and power within institutions. New Institutionalism offers one such approach, providing the conceptual scaffolding to examine how both dominant and suppressed planning traditions persist, evolve, or are reactivated in contemporary governance structures.

While the thesis critiques the colonial displacement of Islamic planning frameworks, it does not deny that certain administrative and technical practices introduced under British rule provided useful instruments for managing urban growth and legal clarity. These tools enhanced record-keeping and facilitated infrastructure development in expanding urban areas like Amman. However, their benefits were largely procedural rather than ethical or distributive. The problem is not in the instruments themselves but in their epistemological framing, as they are tools designed for centralized control and capital accumulation that were imposed without adaptation to local moral and social contexts. In a decolonial framework, such methods could be reclaimed and repurposed: cadastral mapping, for instance, could be integrated into huquq-based governance to support transparency in land rights while remaining accountable to principles such as no harm and *ihyaa' al-ard*. Thus, the aim is not a complete rejection of “Western” planning tools, but their ethical reorientation toward justice, participation, and local accountability, i.e., decision-making power and responsibility are rooted in the community directly affected by planning actions, rather than in distant bureaucratic or political authorities.

Still, such “Western” tools currently rely on a large bureaucratic apparatus that contributes little to economic or social productivity. This administrative layer, which regulates rather than produces and relies on revenue from land resources or taxes imposed on the population (this type of tax does not exist in Islam, which is different than *Zakat*) and is susceptible to corruption, becomes a structural burden on society, consuming resources that could otherwise be directed toward productive, rights-based engagement with land and people.

However, within an Islamic rights system, bureaucracy is minimized because governance operates through direct accountability between individuals and their communities, guided by *'urf* and principles such as *la darar* and land revivification.

### ***1.5.2 New Institutionalism***

New Institutionalism (NI) refers to a set of theoretical approaches in political and social sciences that, while diverse in orientation, share a common interest in the role institutions play in shaping social and political outcomes. Rather than representing a single, unified theory, NI encompasses multiple strands of inquiry that have gained prominence across disciplines, including planning theory. Since the late 1970s, scholars have increasingly turned to institutional variables to explain patterns of behavior, governance, and change—drawing from foundational work in economics, political science, and sociology (Sorensen, 2017). In contrast to earlier institutionalist perspectives that emphasized formal structures, legal mandates, and bureaucratic systems, new institutionalist thought expands the analytical lens to include the informal norms, cultural meanings, and shared understandings that underpin institutional behavior (Hall & Taylor, 1996; March & Olsen, 1984;).

While definitions of institutions vary across disciplines and among scholars, they are broadly recognized as sets of formal and informal rules that shape behavior and have developed over time within specific historical contexts (Sorensen, 2017). North (1990, p. 3) describes institutions as the “rules of the game in a society, or more formally,... the humanly devised constraints that shape human interaction.” Hall and Taylor (1996, p. 938) define them as “the formal or informal procedures, routines, norms, and conventions embedded in the organizational structure of the polity or political economy.” Streeck and Thelen (2005) understand institutions as collectively enforced expectations regarding the behavior of specific actors or the performance of particular activities. Scott (2014) elaborates further by identifying regulative, normative, and cultural-cognitive dimensions that give institutions their capacity to stabilize and structure social life.

DiMaggio and Powell (1991) emphasize that institutions are socially constructed systems of shared meaning, guiding behavior through norms and isomorphic pressures. March and Olsen (1984) argue that institutions are central to shaping social and political processes, and that understanding their significance requires careful theorization of how they function and change

over time. Healey (1997) offers a spatial and relational perspective, portraying institutions as complex webs of relationships, practices, and discourses embedded in specific places and historical moments. Building on this broader institutional turn, Healey's work provides a planning-specific articulation of new institutionalist thought, particularly attuned to questions of power, spatiality, and the relational dynamics of governance.

### *Healey's New Institutionalism*

Healey situated her work within a broad set of intellectual influences, foregrounding power as a central analytic lens in line with the concerns of Steven Lukes, who articulated a three-dimensional view of power. These dimensions include decision-making power, where conflict is visible and decisions are made; non-decision-making power, where issues are prevented from even reaching the agenda; and ideological power, where power is exercised by shaping others' desires and beliefs to accept the status quo. This framework allows Healey to foreground the ways planning processes can both reflect and reproduce dominant institutional interests, often excluding alternative or community-rooted forms of knowledge. Additionally, Sorensen (2025) characterises her contribution as a synthesis of urban political economy, social constructivism, Foucauldian power analysis, relational thinking, and new institutionalism, noting that this distinctive sociological-institutionalist approach matured throughout the 1980s and found full expression in Healey's *Collaborative Planning: Shaping Places in Fragmented Societies* (1997).

It is important to note how Healey adopts the expansive definition of institutions advanced in sociological institutionalism (SI). She treats institutions as both formal rules and informal norms, the "soft infrastructure of the governance of social life" that shapes how preferences are voiced and decisions reached (Healey, 2007, p. 65). Within this framework, she highlights two key analytical devices: "arenas", the social or institutional spaces, such as council chambers, community halls, courtrooms, where deliberation occurs; and "moments", the specific episodes within those arenas when interpretations and disputes are actively resolved (Healey, 2007, p. 80). Because Rational Choice Institutionalism assumes self-interested rational actors, she explicitly rejects its positivist orientation (Sorensen, 2025).

Within the framework of institutions, power dynamics and coercion come into play as influential factors. Giddens (1984) asserts that institutions not only impose constraints through norms but also exercise power and coercion. These mechanisms further shape the agency of

individuals by either reinforcing or challenging the existing institutional order. It is through these power dynamics that certain actors within institutions exert influence and maintain their advantageous positions, while others may face obstacles in their pursuit of change. Turning to the question of structure and agency, Healey draws on Giddens' (1984) structuration theory to argue that institutions both constrain and are reproduced by actors who, through reflexive practice, can enact change (Healey, 1997; Sorensen, 2017). Consequently, she links this insight to a communicative approach, urging collaborative, consensus-building processes that enhance local capacity to “make a difference” to place quality (Healey, 1997, pp. 204, 248). Planning, in her view, is therefore a sociopolitical project aimed at collectively shaping more desirable urban trajectories.

Healey also offers a multi-layered conception of institutional change. She distinguishes among specific governance episodes, institutionalised routines, and overarching cultural–normative frameworks (Healey, 2007). Because these layers interact, new ideas must circulate through networks to influence resources, regulations, and, in turn, conceptions of planning itself. Her normative ambition is to use spatial planning to craft better places and to “re-enchant democracy” as a governance mode (Healey, 2012; Sorensen, 2025, p. 6).

Finally, Sorensen (2025) underscores Healey's enduring influence: by weaving together institutionalism, spatial strategy, stakeholder negotiation, and discursive framing, she has shifted planning theory toward questions of legitimacy, identity, and social learning. Her notion of institutions as soft infrastructure equips scholars to analyse the negotiation of meaning, power, and practice in specific places. In so doing, Healey's sociological-institutionalist lens continues to guide research on institutional transformation in complex urban contexts—an analytical toolkit particularly valuable for settings, such as Islamic cities, where planning has long been informed by rights-based norms and collective obligations rooted in Islamic legal thought.

#### *NI and Islamic cities*

Healey's sociological institutionalism provides a valuable lens for studying Islamic cities and urban rights because it frames institutions as collections of informal norms, moral frameworks, and everyday practices, in addition to formal rules. Her emphasis on spatial planning, place-based governance, and the relational construction of institutions aligns with the character of Islamic urban traditions, where legal and ethical norms emerge through social interaction. Treating institutions as socially constructed and embedded in local contexts allows

for a detailed examination of how Islamic rights interact with and influence systems of urban governance.

This framework is particularly suited to a study concerned with institutional change, continuity, and adaptation over time. Healey's multi-level approach supports a layered analysis that accounts for both structural constraints and culturally embedded meanings. This perspective helps clarify how Islamic planning principles function across various institutional dimensions and how divine normative commitments can be brought into institutional theory to reflect Islamic ontological understandings. Her attention to relational agency, value transmission, and locally grounded practice supports the broader aim of this study, which seeks to assess the planning potential of Islamic rights frameworks.

The adaptability of Healey's model also makes space for conceptual extensions, including the integration of normative foundations grounded in Islamic ontology. Within this framework, rights such as *ihyaa' al-ard* can be interpreted as more than legal claims. They serve as institutional mechanisms that organize collective action and guide moral governance. Under broader understandings of governance as the configuration of tools for public decision-making (Cars et al., 2002), Islamic urban rights have historically structured access to land, coordinated development, and maintained principles of distributive justice. These rights operate across multiple levels, from customary practices to legal codes and shared imaginaries, reflecting Healey's layered understanding of institutions as historically and socially situated. They offer a model of urban governance that is both ethically grounded and procedurally coherent, in contrast with dominant secular frameworks that emphasize instability, fragmentation, or contestation.

In sum, NI offers a versatile lens for examining how planning institutions come into being, persist, and adapt over time. Although its various strands propose different mechanisms of institutional behaviour and change, the sociological and relational variants that are most clearly articulated in Healey's scholarship, provide planning theory with some of its most penetrating insights. By directing attention to the ways values, meanings, and normative assumptions are woven into everyday practices, these approaches illuminate how institutional 'soft infrastructure' guides decision-making and shapes urban outcomes. This perspective becomes especially useful when studying Islamic cities, where planning has intersected with jurisprudence and communal obligation. Applying New Institutional concepts in such settings makes it possible to scrutinise

how once-central Islamic planning principles have been marginalised, reconfigured, or informally sustained as political and institutional conditions have shifted.

### ***1.5.3 Bridging Decolonization and New Institutionalism***

Although decolonization and new institutionalism emerge from distinct intellectual traditions, they can be brought into productive dialogue to form a more integrated framework for analyzing planning in postcolonial contexts. This dissertation uses the intersection of these two approaches to explore how Islamic planning rights, historically displaced by colonial governance, might be reintroduced into present-day planning institutions in ways that are both critical and constructive.

Both theories engage deeply with the role of norms and power in shaping institutional behavior, albeit from different angles. Decolonial thought focuses on the epistemic dimensions of colonial rule, emphasizing how dominant planning systems marginalized indigenous knowledge systems such as Islamic jurisprudence. It challenges the assumption that Western models are universal, and instead calls for the recovery and re-legitimization of suppressed local frameworks. New institutionalism, particularly in its sociological and relational forms, provides tools for analyzing how such norms become embedded in institutions over time through practices, routines, and shared understandings, and how they can be contested or changed. Together, these perspectives allow for a layered understanding that connects the origins of institutional norms to their contemporary expressions.

In the case of Islamic planning rights, this theoretical pairing enables a dual lens. Decolonial theory critiques the erasure of these rights from formal planning systems and draws attention to their continuing relevance. New institutionalism complements this by explaining how informal or residual practices persist despite formal exclusion, and how institutions might be gradually reshaped to accommodate alternative normative orders. This convergence makes it possible to explore not just why Islamic principles were displaced, but also how they can be reintroduced in ways that interact meaningfully with existing legal and administrative systems.

Rather than simply reinstating past models or entirely rejecting modern institutions, this combined theoretical approach encourages a flexible, context-sensitive way of thinking about planning reform. It allows for the reinterpretation of Islamic rights in forms that are compatible with contemporary planning systems, without stripping them of their original significance. This

perspective supports the dissertation's wider aim of making planning more responsive to the historical and cultural realities of communities like those in Amman, while still engaging with the institutional structures that shape decision-making today.

## 1.6 Positionality

All knowledge is situated, partial, and shaped by the conditions of its production (Haraway, 1988; Mohammad, 2001). As a researcher, I recognize that I do not stand outside the social and political realities I study. Planning in Jordan is not merely an institutional field; it is a lived, contested space in which I myself am embedded. Acknowledging this positionality means rejecting claims of neutrality or detachment, and instead taking responsibility for how my own background, beliefs, and intellectual commitments shape the narratives and interpretations in this dissertation.

I was raised in a Muslim society where Islam shaped how I understood life, justice, and human relations. These ideas were not abstract; they framed how one relates to others, to space, and to the world. Growing up, I viewed Islam as a comprehensive system that orders human and social life, and that provides direction for how balance and fairness are maintained. This early grounding gave me a deep sense that questions of governance and public life must be connected to a broader moral and intellectual foundation.

When I began studying urban planning in Canada, I was introduced to the field as part of the humanities, a discipline that studies how societies organize space, power, and everyday life. This context prompted me to reflect on my own intellectual roots. I knew that my understanding of justice and social organization was shaped by Islamic thought, yet I did not initially know how to bring that into planning scholarship. In the beginning, I often referred generally to “Islamic principles” when thinking about planning, without yet identifying a concrete set of ideas that could translate into practice or policy. It was only after engaging more deeply with the work of scholars such as Akbar (1988, 1994, 2022), Al-Lahham (2000), and Hakim (1986) that I came to recognize the existence of a structured and practical system of rights—*huquq*—that historically governed urban environments in Muslim societies before colonization and before modernization.

This understanding developed further when I took a planning theory course. Reading scholars who sought to return to community-based and participatory forms of governance, such as Lefebvre's *Right to the City*, Healey's collaborative planning, and Mark Purcell's (2009) call

for people to govern themselves resonated deeply with me. These ideas echoed what I had long observed in the Islamic conception of the built environment: a system where people manage their affairs collectively, resolve conflicts locally, and balance individual and communal rights. Yet, I also felt that many of these theories, while insightful, lacked a firm foundation and clear mechanisms for realizing their aims. What I found within Islamic rights and principles was precisely that foundation, a coherent framework that links moral purpose to social organization, and abstract ideals to practical governance.

This convergence shaped both my intellectual path and my research focus. I came to see that Islamic rights are not only historical artifacts but living frameworks that offer an alternative way of thinking about planning, participation, and justice. My engagement with planning theory in the Western academy and with Islamic jurisprudential traditions together form the basis of how I approach this dissertation: as a dialogue between different systems of knowledge that can enrich one another and open new directions for urban governance in places like Amman.

Bridging these intellectual worlds also required ongoing self-awareness. Entering this research as both a Muslim and a planning scholar positioned me between two epistemic traditions, each with its own assumptions about knowledge, authority, and legitimacy. To navigate this intersection, I engaged in continual reflexivity throughout the research process, maintaining a journal to document my assumptions, emotional responses, and interpretive choices. I treated Islamic planning rights not as static doctrines to be “recovered,” but as socially lived principles that are interpreted, contested, and reshaped across time. My goal was not to speak *for* Islamic planning traditions, but to create space for them to speak *through* the lived experiences of residents and practitioners in Amman and the Arab-Muslim world.

I am conscious that working on a topic that intersects religion, law, and governance in a politically sensitive context carries both ethical responsibility and personal risk. I navigated this by maintaining transparency with participants, emphasizing that my aim was not to prescribe religious law but to understand its relevance to contemporary planning practice. My role as a Muslim researcher helped establish cultural trust, yet also required careful self-discipline to avoid romanticizing or idealizing Islamic jurisprudence in my scholarly work and discussions.

## 1.7 An Overview of Methods

The overall research adopts a qualitative, inductive methodology rooted in an interpretivist paradigm, chosen to illuminate the complex social realities and often conflicting rationalities inherent in urban planning in Jordan. This approach aims to inform and revise current planning practices by addressing local cultural and religious needs, alongside the region's historical context prior to colonialism. To achieve a comprehensive understanding, the study employs a mixed-methods research design, integrating both qualitative and quantitative data collection and analysis.

Data collection for this research was multifaceted, drawing on semi-structured interviews, online surveys, and document analysis. Thirteen semi-structured interviews were conducted in total to gain in-depth insights into the historical and contemporary influences on urban planning, institutional dynamics, and lived experiences related to Islamic principles. Participants were selected using purposive sampling, based on their professional and scholarly expertise in Islamic planning rights and Amman's urban development. While all interviews were transcribed and reviewed, eight were incorporated into the final analysis. The remaining five, while valuable in reinforcing broader themes, did not contribute substantial new insights and were thus excluded from detailed discussion to avoid redundancy.

Chapter 4 used four interviews, including a senior governmental urban planner, an NGO urban planner, and two practicing architects, chosen for their in-depth institutional knowledge and direct engagement with planning policy in Jordan, specifically for illustrating real-life experiences and practices. Chapter 3 drew on four interviews, which notably included an imam, a professor of architecture, a judge, and an architect. Interviews were primarily conducted in Arabic, lasting between 30 to 90 minutes, and were audio-recorded with participant consent, ensuring confidentiality through unique identifiers and generalized descriptions. Questions explored understandings of Islamic planning rights, colonial impacts, and institutional openness to these principles.

Limitations stemming from temporal constraints, geographic inaccessibility, and the political sensitivities surrounding the research topic in Jordan significantly curtailed participant engagement, despite persistent outreach efforts. The study's focus on the intersection of Islamic rights, governance, and planning—topics often perceived as contentious—further narrowed the pool of willing participants. The four individuals who ultimately took part were selected for their

capacity to offer distinctive, contextually rich narratives that illuminate lived experiences of Islamic planning practices in Amman. Rather than aiming for thematic saturation, the goal was to prioritize in-depth interpretation of each case, attending closely to how meaning is constructed and embedded within specific institutional and cultural contexts. This methodological decision aligns with Patton's (2002) principle of purposeful sampling and Riessman's (2008) narrative approach, both of which emphasize the interpretive value of depth and contextual specificity when exploring culturally embedded planning practices.

To explore public awareness and interpretation of Islamic planning rights among Amman's residents, the study employed an online survey administered via Google Forms. The survey link was circulated through social media platforms and personal networks, utilizing a virtual snowball sampling technique to expand its reach. A total of 255 responses were collected, of which 240 were deemed valid. While this falls short of the ideal random sample size of 385 (calculated using a 95% confidence level and a 5% margin of error for a population of 4 million), it still offers a substantial and analytically meaningful dataset for qualitative insights. The survey design incorporated multiple modes: closed-ended and Likert-scale items assessed general familiarity and perceived relevance; open-ended questions captured narrative-based understandings; and scenario-based prompts were used to elicit embedded legal and moral reasoning independently of formal legal systems.

In parallel, document analysis was conducted on three key Jordanian legal and policy documents to trace the presence, omission, or reinterpretation of Islamic planning principles within formal frameworks. These documents were purposefully sampled for their institutional significance. They included: The Comprehensive National Plan for Human Rights (2016–2025), for its articulation of national human rights commitments based on Islamic, Arab, and humanitarian values; The Buildings and Organization System (derived from Law No. 79 of 1966), as a foundational regulatory document shaping urban form, zoning, and land use permissions in Amman; and The Real Estate Law No. 13 of 2019, selected for its comprehensive regulation of land ownership and use, directly relating to Islamic legal traditions like *ihyaa' al-ard*. These documents served as supplementary sources, contextualizing interview findings and identifying 'institutional nodes' or 'soft spots' for potential transformation by revealing explicit or implicit references, omissions, or inconsistencies in legal texts. Analysis involved a

directed content analysis strategy, combining manifest and latent content analysis to identify references, framings, or omissions of Islamic planning concepts.

Both the survey and the document review served as supporting materials that contextualised the interviews rather than acting as primary data sources. The documents, while offering limited detail on Islamic planning rights, proved useful for revealing omissions, institutional framings, and discursive silences—an interpretive focus recommended by Prior (2003) and Bowen (2009). This purposive selection follows the principle of theoretical sufficiency: only materials directly relevant to the research problem were retained (Charmaz, 2006; Corbin & Strauss, 2015; Dey, 1999). Many technically oriented or tangential texts were set aside for that reason. Sampling concluded once the chosen documents and survey results were deemed adequate to ground and enrich the interview findings.

Data analysis strategies varied according to the data type. For qualitative data from interviews and open-ended survey responses, thematic analysis<sup>7</sup> was the primary approach, following Braun and Clarke's (2006) six-phase model. The process began with familiarization, involving active reading of the transcripts and open-ended survey responses. This was followed by the generation of initial codes to label significant features of the data. These codes were then grouped into broader patterns during the theme-searching phase. The themes were reviewed for internal coherence and relevance to the research questions, then defined and named to clearly articulate their scope and analytical contribution. Finally, the analysis was written up by weaving these themes into a coherent narrative, supported by illustrative quotes.

All Arabic interview and open-ended survey data were manually coded as this approach aligned with the modest size of the dataset and my greater familiarity with manual techniques. Manual coding also enabled close engagement with the data, allowing me to preserve linguistic nuance and contextual depth, particularly where local expressions and cultural references carried interpretive significance. An inductive approach, rooted in constructivist grounded theory, allowed themes and interpretations to emerge directly from the data. For Chapter 4, narrative analysis also guided the examination of participants' personal accounts, focusing on content and structure to surface institutional contradictions and envision transformative futures.

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<sup>7</sup> While this study did not aim for thematic saturation, thematic analysis was selected as a flexible and rigorous approach for identifying patterns across participants' narratives (Braun & Clarke, 2006). The goal was not to exhaust all possible themes, but to surface interpretive insights grounded in participants' lived experiences.

After verbatim transcription, the data underwent multiple rounds of close reading, during which initial inductive codes were developed through memo-writing and margin annotations. Codes such as “Recognizes *Ihyaa’ al-ard* but unclear meaning”, “No formal education on Islamic planning”, and “aesthetics in Islamic urbanism” captured nuanced expressions of awareness, institutional critique, as well as epistemological disconnect. These were then refined into broader themes: (1) partial familiarity with key Islamic planning concepts; (2) fragmentation of knowledge transmission; (3) state dominance over rights-based frameworks; and (4) symbolic references to Islam versus substantive rights-based foundation. This iterative coding process enabled a grounded interpretation of how planning professionals and educators in Amman conceptualize and negotiate Islamic planning rights within a modern, state-centered urban system.

For quantitative data from closed-ended survey responses, descriptive statistics, including percentages, were reviewed to identify broad patterns of awareness and perceptions. A crucial aspect of the methodology was triangulation, where findings from interviews, surveys, and policy documents were cross-referenced to provide comprehensive insights and expose gaps between institutional discourse and practitioner experience. This method ensured interpretations were grounded in diverse perspectives, minimizing overreliance on a single narrative.

Finally, the research adhered to strict ethical considerations, with clearance from the University of Waterloo's Office of Research Ethics. Informed consent was obtained from all participants, and confidentiality was maintained through assigning unique identifiers and generalizing descriptions for interviewees. Reflexivity was integral to the research process, with a reflexive journal maintained to document assumptions and interpretations, aiming to mitigate researcher bias and enhance analytical rigor. Data security and storage protocols were rigorously followed, with all audio recordings, transcripts, and consent forms stored securely on password-protected devices. The validity of the research was supported through methodological transparency, triangulation, reflexivity, and ensuring coherence between data, theory, and interpretation.

## **1.8 Structure and Contributions of the Dissertation**

The dissertation is structured to address the complex interplay between historical Islamic urban traditions and contemporary planning practices in Jordan, particularly in light of colonial

legacies. It is organized into three article-based chapters, framed by an introductory Chapter 1 and a concluding Chapter 5.

### ***1.8.1 Structure of the Dissertation***

Chapter 2 focuses on a theoretical exploration, investigating how contemporary planning theories, especially New Institutionalism (NI), can be used to study, critique, and revive Islamic planning principles. It delves into insights that emerge from applying these theories to contexts like Jordan, where colonial legacies continue to shape urban governance. The chapter critically engages with NI to analyze the displacement and potential revival of Islamic planning principles, proposing an extended institutional framework that incorporates Islamic normative foundations. This includes building on Patsy Healey's multi-level model of institutional change and introducing a fourth layer—Transcendent Divine Authority—to reflect the enduring presence of divinely sanctioned rights in urban governance. This theoretical foundation aims to bridge Western planning theories with Islamic legal-spatial traditions, enabling a more nuanced understanding of institutional transformation in Muslim-majority contexts.

Chapter 3 empirically assesses the extent to which Amman residents and civil society actors are aware of Islamic planning rights and principles, and how these are perceived, enacted, or misinterpreted in contemporary urban life. It builds on the theoretical groundwork laid in Chapter 2 to investigate how Islamic planning rights function as a living, though marginalized, framework in the everyday governance of urban space. Drawing on survey and interview data, the chapter identifies the institutional and discursive barriers to the integration of Islamic planning rights into urban governance in Jordan. It also highlights the persistence of ethical awareness among residents, even when the legal dimensions of these rights are obscured. The analysis demonstrates how these latent frameworks offer a form of epistemic resistance to dominant planning models and explores how the revival of these rights can contribute to decolonial and community-centered planning in Amman.

Chapter 4 investigates how Islamic planning rights might be meaningfully reactivated within Jordan's contemporary urban governance to reduce friction between planners and residents while better addressing local needs. It examines the institutional and societal conditions necessary for the reintegration of these rights into current planning systems. Drawing on interview findings and document analysis, the chapter identifies specific institutional 'soft spots'

or points of friction that offer openings for change. It argues that reactivating Islamic rights requires not only policy reform but also a broader reconfiguration of governance cultures, discursive practices, and the normative frameworks that guide planning decisions. The chapter closes by proposing a set of recommendations for how these principles can be incorporated into planning curricula, professional practice, and legal frameworks.

Chapter 5 synthesizes the dissertation's core argument and contributions. The chapter demonstrates that residents and practitioners often reason through principles resonant with *huquq*, yet these norms rarely translate into enforceable planning practice, producing a symbolic-functional divide. The chapter reframes *huquq* as a normative repertoire that can inform plural, situated governance when engaged through legal pluralism and bottom-up negotiation. It then outlines practical pathways for reform, including statutory and guidance changes that operationalize *huquq*, participatory platforms that insert locally intelligible norms, intermediary roles for civic actors, and curricular shifts in planning education. The chapter also acknowledges methodological limits in scope and sample size, identifies the need for comparative and longitudinal research across Arab-Muslim cities, and calls for designs that better connect ethical awareness to legal recognition. Overall, it argues for a decolonial reorientation that realigns institutions with historically grounded systems of spatial justice and translates enduring rights into actionable planning norms capable of restoring epistemic and civic legitimacy in Amman and similar contexts.

### ***1.8.2 Contributions of the Dissertation***

The following outlines how this dissertation moves the field forward on three interrelated fronts. Conceptually, it integrates Islamic jurisprudence into New Institutional thinking, providing a framework that respects divine normative commitments within planning analysis. Empirically, it traces the colonial displacement of Islamic spatial logics and reveals their continued presence in everyday practices across Amman. Practically, it offers concrete pathways for reform that align planning institutions with community values and ethical expectations in Muslim-majority settings. Together, these strands present Islamic planning rights as an active resource for more equitable and culturally grounded urban governance.

Conceptual and Theoretical Advancement:

- Extending New Institutionalism: A central contribution is the extension of Patsy Healey's multi-level institutional framework by introducing a fourth foundational normative layer rooted in Islamic jurisprudence. This addition addresses the assumption of inherent institutional instability in conventional NI, accounting for contexts where divinely sanctioned rights (such as *ihyaa' al-ard*, *la darar wa la dirar*, and *mulk tam*) provide stable ontological and ethical commitments that guide governance practices through jurisprudential continuity. This allows for a more accurate reading of Islamic planning systems and their potential for informing transformative planning in postcolonial urban settings.
- Decolonial Rethinking of Urban Governance: The study contributes to a decolonial rethinking of urban governance that foregrounds locally rooted, normatively grounded, and practically relevant planning traditions. It advocates for 'epistemic de-linking' from dominant Eurocentric paradigms and actively reconfigures governance structures by foregrounding epistemologies and normative frameworks derived from Islamic jurisprudence, promoting 'pluriversal' knowledge claims.
- Bridging Global Theory and Local Context: The research develops a hybrid approach that bridges institutionalist thought with the ethical and structural principles found in Islamic planning, demonstrating how global planning theories can be meaningfully engaged with Islamic rights-based frameworks.

#### Empirical and Contextual Insights (Jordan Case Study):

- Illuminating Colonial Legacies: The study empirically demonstrates how colonial interventions have displaced Islamic spatial logics in Jordan, producing institutional dissonance and undermining community agency.
- Revealing Latent Relevance of Islamic Rights: It shows that some Islamic planning rights continue to be invoked in informal, everyday planning practices and social interactions in Amman. These practices reflect the persistence of alternative rationalities grounded in locally embedded legal and ethical systems.
- Identifying "Soft Spots" for Change: The research identifies 'institutional nodes' or 'soft spots'—zones of ambiguity, inconsistent enforcement, or partial institutionalization within the Jordanian planning system—where shifts in practice may emerge through reinterpretation or strategic action.

- **Assessing Awareness and Gaps:** Through mixed-methods data, the study reveals a fragmented yet persistent public and expert awareness of Islamic planning rights, with stronger recognition of ethical principles than their legal dimensions. This highlights a cultural continuity and potential for epistemic revival despite decades of marginalization.

**Practical and Policy Implications:**

- **Pathway for Institutional Reform:** The dissertation offers concrete pathways for institutional reforms in Jordan and comparable Arab-Muslim urban contexts, arguing that integrating Islamic principles can reduce friction between planners and residents, enhance legitimacy, and bridge the gap between formal institutions and societal expectations.
- **Informing Planning Practice:** It suggests revising national planning documents and legal frameworks to move beyond symbolic references to Islamic values, instead embedding actionable provisions rooted in Islamic planning rights within land use policies and dispute resolution procedures.
- **Role of Key Actors:** The study emphasizes the crucial, yet often suppressed, role of urban actors (like imams) and NGOs as intermediaries in facilitating dialogue and reintroducing Islamic principles into planning discourse. It calls for curricular reform in planning education to integrate these principles as coherent legal-spatial systems.

Ultimately, this study demonstrates that the legacy of Islamic planning rights is not merely a historical artifact but a viable and potent framework for achieving more just, responsive, and culturally grounded urban governance in Jordan and beyond, by reconfiguring planning practice to be rooted in community values and ethical commitments.

## Chapter 2: Reactivating Islamic Urban Rights: A New Institutional Planning Approach in Jordan

### 2.1 Introduction

Planning in Islamic cities has historically been structured by Islamic jurisprudence (*fiqh*) and the broader system of rights (*huquq*), which together governed the relationship between individuals, communities, and urban space (Akbar, 1988, 2021, 2022; Al-Lahham, 2000, 2014; Hakim, 1986). These rights were grounded in divine sovereignty and emphasized ethical conduct, social responsibility, and the protection of collective well-being. Central among them is *ihyaa' al-ard* (land revivification), which entitles an individual to claim ownership of previously unused or barren land through its cultivation or productive development. This principle links property rights to land stewardship and utility, rather than to abstract ownership claims. *Mulk tam* (full ownership) refers to an individual's comprehensive right to possess, use, and benefit from property, including its surface, subsurface, and airspace, so long as doing so does not cause harm to others. *La dara wa la dirar* (no harm and no reciprocating harm), a foundational legal maxim drawn from prophetic tradition, establishes the obligation to avoid causing damage or obstruction to others through one's use of space. It is widely applied as a principle guiding interactions in the built environment, ensuring balance between private use and public interest.

The study of Islamic cities has long been shaped by orientalist and modernist narratives that interpret their spatial forms and governance structures through Eurocentric lenses (Abu-Lughod, 1987; Lapidus, 1967; Marcais, 1928; Said, 1977; Sauvaget, 1949). These perspectives often reduce Islamic urbanism to ahistorical typologies or treat it as a deficient precursor to modern planning models. Scholars such as Shami (2017) have rightly cautioned against the uncritical application of Occidental planning paradigms to Arab cities, warning that such frameworks frequently ignore the unique socio-cultural, legal, and ontological foundations of these contexts. However, acknowledging this critique does not necessitate the complete rejection of external theoretical contributions. Rather, this study advocates for a critical and selective engagement with planning theories developed outside the Islamic tradition, particularly when they can be thoughtfully aligned with Islamic epistemological and ontological commitments. Hence, this chapter draws on the system of rights (*huquq*) as historically

foundational to urban governance in Islamic contexts, while also employing analytical tools from institutionalist planning theory to make sense of contemporary transformations and possibilities.

This research draws extensively on Patsy Healey's approach to new institutionalism due to its unique capacity to unpack the layered interactions between social norms, institutional practices, and spatial governance (Healey, 1998, 2006, 2007, 2018; Sorensen, 2025). Healey's framework offers a structured yet flexible lens through which to analyze how planning processes are shaped by both formal structures and policies as well as culturally embedded meanings and power relations. Her emphasis on the discursive construction of institutions, the significance of local context, and the role of collective learning aligns closely with the study's aim to reinterpret Islamic rights within contemporary urban governance. By foregrounding agency, embeddedness, and institutional change across multiple levels, Healey's institutionalist theory enables a more nuanced understanding of how rights-based systems, such as those found in Islamic planning traditions, can contest and potentially transform dominant power-based planning regimes.

This chapter argues that new institutionalism offers a productive framework for reinterpreting the existing literature on Islamic planning by (1) using historical and sociological institutionalism to analyze pre-colonial Islamic cities and to uncover how colonial disruptions reshaped deeply embedded planning institutions (2) and then integrating them with Healey's three levels of institutional transformation to analyze how Islamic urban rights function across multiple institutional levels. The chapter will also then propose an extension to institutional theory to include a divine normative layer that aligns with Islamic ontological commitments. This proposition will provide further insight, along Healey's other three levels of institutional change, on how to transform governance in contemporary Islamic cities.

This research is guided by three central questions: How can new institutionalism, specifically historical and sociological institutionalism, be used to analyze pre-colonial Islamic planning systems and explain how colonial interventions disrupted these deeply embedded institutions? How can Islamic planning rights (*huquq*) be analyzed within and extend a multi-level institutional framework, including a proposed divine normative layer, to understand their function and potential for transforming contemporary urban governance? Through a case study like Jordan, what empirical insights can be offered into how colonial legacies have disrupted Islamic planning systems, and how can community practices reactivate these rights to build a rights-based, decolonial planning framework?

As for the structure of this chapter, I will first start with a brief background on some of the main Islamic planning rights that will be used in this chapter. Then, I review existing literature on New Institutionalism and the study of Islamic cities, identifying its ethical foundations and the impacts of colonial disruption. The literature review is heavily focused on Patsy Healey's work on new institutionalism, specifically sociological institutionalism and her levels of institutional transformation, as they will significantly form the theoretical basis of this chapter. The next section establishes the connection between New Institutionalism and the study of Islamic cities. It includes two subsections: one on Historical and Sociological Institutionalism, and another on institutional levels. These subsections provide the conceptual tools necessary to analyze how Islamic planning principles were gradually displaced across multiple levels of governance in pre-colonial Muslim cities. Following that, I present the four-level analytical model, apply it to theorize institutional disruption and recovery in Islamic cities. Finally, I examine its relevance through a national case analysis of Jordan, and I explore pathways for reactivating Islamic rights through multi-level community action.

This research contributes by extending new institutionalism with a fourth level, *Transcendent Divine Authority*, to reflect the foundational role of Islamic jurisprudence in urban governance. It develops a rights-based, decolonial planning framework that critically engages global theories while centering Islamic principles (*huquq*) such as *ihyaa'*, *mulk tam*, and *la darar*. Through the case study of Jordan, it offers empirical insights into how colonial legacies have disrupted Islamic planning systems and demonstrates how community practices can reactivate these rights. Ultimately, this study combines contemporary planning theory and Islamic ethical-legal frameworks to offer a conceptual advancement and a practical model for rethinking urban governance in Muslim-majority contexts.

## **2.2 Background**

### ***2.2.1 Definition and Conceptual Framework of Huquq in Islamic Planning***

According to Islamic thought, justice (*'adl*) is a foundational ethical principle rooted in divine command as revealed in the Qur'an and exemplified in the prophetic practices (*Sunnah*). The Qur'an repeatedly commands to uphold justice: "Indeed, Allah commands justice, good conduct, and giving to relatives, and forbids immorality, bad conduct, and oppression" (Qur'an

16:90). This principle extends beyond interpersonal conduct to encompass social organization, including the regulation of space and property.

*Huquq*, often translated as rights, is a foundational concept in Islamic jurisprudence that structures the relationship between individuals, the community, and space. These rights are relational, ethically grounded, and derived from divine sovereignty, defining entitlements alongside corresponding duties. *Huquq* functions as an interconnected system that shapes the built environment, economic activities, and social interactions (Akbar, 2022). More specifically, Al-Lahham (2000) explains that *huquq* governs various key aspects of life, including property. When regulating property, there are *huquq* such as full ownership (*mulk tam*), land revivification (*ihyaa' al-ard*), protection from harm (*la darar wa la dirar*), access to resources, rights of passage, and neighborhood integrity (Hakim, 1986).

In Jordan, the shared moral and legal foundations of *huquq* extend beyond the Muslim majority. Christian communities, though comprising less than three percent of the population, have historically chosen to apply Shari'a law in matters of inheritance (Ababsa, 2016). This adoption was not imposed by the state but reflected a convergence of social values surrounding family cohesion, land preservation, and lineage continuity. As Ababsa notes, the cultural logic governing inheritance and property control is largely shared between these groups, blurring distinctions between religious and customary norms. A judge of the *Sharia* Supreme Court, cited by Ababsa, remarked that “there is no difference between Christian and Muslim tribes and families in Jordan,” underscoring how Islamic legal frameworks function as part of a broader moral order rather than a strictly confessional system.

Similarly, Al-Qattan (1999) demonstrates that *qadi* courts in Damascus historically served as accessible arenas for Muslims, Jews, and Christians alike. Non-Muslims frequently favored these courts over their own denominational tribunals due to their affordability, procedural flexibility, and socially embedded reasoning. The *qadi*'s role extended beyond the technical application of law to the preservation of communal harmony, ensuring that disputes were resolved in ways that allowed neighbors to continue living together amicably. These examples show that *huquq* were not confined to Muslim subjects but operated as a shared social and spatial ethic that guided relations within plural communities.

As Akbar (2022) emphasizes, the mechanisms of *huquq* enhance the quality of the built environment regardless of residents' religion. He identifies over one hundred such mechanisms

that cultivate social cohesion through property and spatial rights. For instance, residents living along a dead-end street collectively own and manage the space, giving them the right to enclose it and share responsibility for its upkeep. This shared duty fosters cooperation and social interaction, whether the residents are Muslim or not. The ways these spaces are used may vary according to belief—Muslims might gather for Ramadan prayers, while non-Muslims might use the area for social gatherings—but the underlying structure of mutual rights and obligations remains constant. This suggests that *huquq*, while rooted in Islamic jurisprudence, articulate a moral language of coexistence that historically resonated across religious boundaries and continues to hold potential for inclusive urban governance in Jordan.

This research focuses on three rights most pertinent to urban planning: land revivification, no-harm principle, and full ownership. These specific rights were chosen for their clear applicability to current urban governance dilemmas in Jordan. Akbar (2022) identifies *ihyaa' al-ard* as a foundational Islamic planning right, from which the functional significance of other rights can be derived. The remaining rights play a critical role in structuring spatial governance, particularly in regulating property relations and balancing individual entitlements with collective responsibilities. Together, they address persistent points of friction between state-centered planning systems and local, community-based spatial practices, tensions that continue to shape contestation in Amman's urban development. Amman serves as the empirical focus of this study due to its layered legal history and the visible presence of planning contestations rooted in both Islamic jurisprudence and contemporary governance. Their selection is grounded in both historical continuity and empirical observation, as these principles repeatedly emerge in longstanding legal traditions and in present-day land and planning disputes in Amman (Razzaz, 1994).

### *No harm nor reciprocating harm*

The no harm principle, known in Islamic jurisprudence as *la darar wa la dirar*, is a foundational rule within the Islamic legal system (*huquq*). It is based on a hadith that “there should be neither harming nor reciprocating harm” (Sunan Ibn Majah, Hadith 2340), and universally recognized across all Islamic legal schools<sup>8</sup>. This maxim encapsulates two

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<sup>8</sup> The four major Sunni *madhahib* are the Hanafi, Maliki, Shafi'i, and Hanbali schools. Each school derives its rulings from the Qur'an, Sunnah, scholarly consensus (*ijma'*), and analogical reasoning (*qiyas*), yet they differ in interpretive methodologies and juristic principles. Despite these differences, they uniformly uphold foundational

interrelated prohibitions: *darar*, meaning to cause harm for personal gain, and *dirar*, meaning to cause harm without benefit to oneself (Akbar, 1988; Hakim, 1986). Together, they define the legal-ethical boundaries of action in Islamic jurisprudence.

This principle allows individuals to exercise their rights provided these actions do not infringe upon the rights of others. In Islamic planning, it has historically regulated neighborhood disputes related to construction, drainage, light, air, and privacy. Akbar (1988) and Al-Lahham (2000) describe how *la darar* governed urban form, determining appropriate building heights and alignments to ensure communal harmony. What qualifies as harm is determined through juristic interpretation and community dialogue, and includes both physical damage (e.g., obstruction of light or airflow) and sensory nuisances (e.g., noise, smell). These criteria are applied through a localized process of negotiation involving the community.

The principle of *la darar* facilitates the balancing of potentially conflicting rights by requiring that any exercise of ownership which causes harm to another be carefully evaluated. Jurists assess whether the benefit of the action justifies the harm; actions where harm outweighs benefit are prohibited, whereas beneficial actions may proceed. This evaluative process underscores the adaptive nature of Islamic law in managing complex urban interactions. Examples of this principle will be demonstrated throughout the chapter.

Historically, *la darar* supported a decentralized model of spatial dispute resolution, responsive to the social and physical contexts of each case. This mechanism enabled communities to address grievances locally, reducing the need for external intervention and preserving social harmony. In practice, outright conflicts were relatively rare, as most disputes were preemptively managed through adherence to well-established local conventions and mutual expectations. Additionally, the principle is further complemented by the doctrine of right of precedence (*Haqq al-asbaqiyyah*), which protects long-standing uses from interference unless greater harm is proven (Akbar, 1988; Al-Lahham, 2000). The principle thus functioned less as a vague moral guideline and more as a flexible, context-sensitive mechanism for mediating spatial and social relations. Further research could explore these judicial cases more deeply to assess

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legal maxims like *la darar wa la dirar* (no harm, no reciprocating harm), which governs spatial justice, neighborly relations, and environmental ethics. For instance, the Hanafi school, influential in the Ottoman Empire, codified this principle in the *Majalla al-Ahkam al-'Adliyya*, a civil code that addressed property rights, public welfare, and harm mitigation (Hallaq, 2009).

how flexibility, rather than ambiguity, enabled the principle to adapt across diverse urban settings.

It is a common misconception to assume that this principle operates only within small, village-scale or interpersonal contexts. In fact, the maxim’s legal and moral logic can be scaled up to govern complex social, industrial, and environmental systems, providing a foundation for rights-based regulation that transcends settlement size. The recent crisis in Gabès, Tunisia, where the state-owned Tunisian Chemical Group (CGT) has caused catastrophic environmental and health damage, illustrates the consequences of neglecting this principle at a systemic level. The plant’s emissions have rendered the area uninhabitable, leading to widespread cancer and respiratory disease (Reuters, 2025). Here, the absence of *la darar wa la dirar* is evident in how centralized decision-making and economic dependence on a polluting industry have overridden the rights of local residents to safety, health, and environmental integrity.

Within an Islamic rights framework, the principle of non-harm can be scaled up through structural mechanisms that decentralize control, ensure local accountability, and eliminate the monopolies and hierarchies that permit systemic damage. First, *la darar wa la dirar* establishes that any activity likely to harm others requires the explicit permission of the affected party. When extended to industrial or infrastructural projects, this rule functions as a “local veto mechanism,”<sup>9</sup> granting directly impacted communities the right to prevent or halt activities that cause harm (Akbar, 2022). Unlike modern environmental regulations, which are filtered through bureaucratic hierarchies, this approach embeds environmental control within the moral and social fabric of the community, ensuring that consent is both participatory and enforceable. Had such a system operated in Gabès, even a single resident could have lawfully objected to the factory’s emissions, compelling either mitigation or cessation before the plant’s operation began.

Second, *huquq* scales the responsibility for harm prevention by linking production directly to those who live and work within the affected area. Under this model, industrial ventures are organized as partnerships among workers and local investors rather than as distant, centralized entities (Akbar, 2014). Because owners and laborers share the same space and

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<sup>9</sup>Modern planning systems officially grant residents the right to object to harmful projects, yet in practice such objections often fail to influence outcomes, because authority remains centralized and unequal power dynamics prevail. By contrast, within a *huquq*-based framework the principle of *la darar* makes objections enforceable by design. All parties—individuals, communities, and the state—stand on equal legal footing, and any action that causes harm requires the consent of those affected. This form of decentralised accountability prevents corruption and ensures meaningful objections. The example of Gabès shows how thousands of residents protested a state-owned phosphate chemical plant over toxic pollution, yet their objections were repeatedly ignored.

environmental conditions, they directly bear the consequences of their activities, thereby internalizing the cost of harm. This configuration replaces the disjunction between beneficiaries and victims that characterizes centralized, profit-driven systems like that of the Gabès plant. It ensures that ecological responsibility is not externalized to marginalized populations but remains integrated into everyday decision-making.

Finally, *huquq* addresses systemic harm through mechanisms that balance spatial and economic relations. By discouraging the formation of centralized industrial hubs and redistributing wealth through instruments such as *zakat*, it reduces the concentration of harmful activities in any single locality. This decentralized arrangement prevents the emergence of “consuming cities” that exploit their hinterlands for resources and labor. In practical terms, this means that industrial activities would occur near resource-rich sites where their by-products and benefits are directly managed by those most affected.

Together, these mechanisms demonstrate that *la darar wa la dirar* is not limited to micro-social relations but can underpin comprehensive systems of urban and regional governance. Applied at scale, it transforms environmental regulation from a top-down bureaucratic process into a participatory, ethically grounded framework that prioritizes non-harm, local accountability, and collective welfare. The Gabès crisis underscores the urgency of such a model, highlighting how the absence of rights-based governance allows state and corporate interests to perpetuate structural harm.

### *Land Revivification*

Land revivification, known as *ihyaa' al-ard* in Islamic jurisprudence, is a foundational concept in Islamic land use and urban expansion. This term translates to “reviving dead land.” It refers to the right of individuals to claim ownership over unutilized, barren land by making it productive, typically through cultivation, construction, or irrigation. This principle is grounded in Islamic legal texts, as illustrated in a hadith narrated by Jabir ibn Abdullah: “Whoever revives dead land, it is his.” (Sunan al-Tirmidhi, Hadith 1378). This hadith has been widely cited by jurists to legitimize the right of *ihyaa'* as a method of land acquisition rooted in utility and public benefit. Akbar (1988) describes *ihyaa'* as a mechanism for encouraging bottom-up urban development within the framework of communal ethics and divine accountability. The right is not absolute; its conditions include the land being unused by others and its revival causing no

harm to others, following the *la darar* principle explained earlier. Al-Lahham (2000) reinforces this interpretation, emphasizing that land rights under Islamic law are acquired through utility and social benefit, not merely through legal possession. This means that ownership is contingent upon the responsible and beneficial use of land, making it a dynamic right embedded in moral and communal obligations.

Historically, *ihyaa*’ played a vital role in the physical and institutional growth of Islamic cities. In regions such as the outskirts of Cairo and Basra, new neighborhoods and agricultural areas were developed through community-led efforts to revive unused land. The institutional flexibility of *ihyaa*’ allowed Islamic cities to expand organically, with governance based on reciprocal rights and ethical use. This contrasts with the colonial imposition of cadastral systems and state-centered land ownership, which severed the link between land use, moral obligation, and community consent (Al-Lahham, 2014).

### *Full Ownership*

Full ownership, also referred to as *mulk tam*, is a foundational concept in Islamic jurisprudence that characterizes the predominant form of ownership in the inherited built environment. Akbar (1988) and Al-Lahham (2000) both identify it as a right involving unified control and use over the property by the owner, but one shaped by ethical conditions and reciprocal obligations.

According to Al-Lahham (2000), full ownership encompasses the ownership of both the substance and control over the property, granting the owner the right to use, lease, inherit, and sell. However, it is constrained by the Islamic legal requirement to avoid harm (*la darar*), protect neighborhood access, and preserve public welfare. Akbar (1988) further explains that this right was not exercised in isolation but as part of an institutional ecosystem governed by Islamic law and interpreted by actors such as the *muhtasib*<sup>10</sup>, who could intervene to mediate disputes or correct transgressions against communal ethics.

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<sup>10</sup> The *muhtasib* is a public official historically appointed to supervise market practices, ensure urban hygiene, regulate public morality, and mediate minor disputes. Operating primarily within the *hisba* institution, the *muhtasib* acted at the city or neighborhood level, focusing on public spaces such as markets, streets, and other communal areas. His authority was not judicial but administrative and moral, functioning at the intersection of legal norms, social customs, and spatial governance. Positioned between the community and higher judicial bodies like the *qadi*, the *muhtasib* enforced Sharia-based regulations by directly engaging with everyday urban life to uphold public interest and social harmony (Al-Lahham, 2000).

This understanding of ownership rests on several interlinked principles. First, full ownership entails a unity between control and ownership rights, as Islamic law associates the authority to manage property with legal ownership; this reinforces that ownership is best effectuated when control is exercised by the entitled party (Akbar, 1988; Al-Lahham, 2000; Sait & Lim, 2006). Second, ownership is determined by both the necessity of the resource and the owner's capacity to manage and benefit from it. In Islamic jurisprudence, an object or property becomes eligible for lawful ownership only when it fulfills a real human need and lies within the practical control of the individual (Akbar, 1988; Hallaq, 2009). For example, owning land is permitted when it is cultivable, habitable, or otherwise productive, and not already in use by someone else. Items that are inaccessible, unusable, or harmful fall outside this legitimate sphere. This emphasis on utility and manageability ensures that ownership is rooted in purposeful use rather than speculative possession, thereby aligning the legal recognition of ownership with ethical and practical realities. This distinction affirms that ownership is not solely a formal entitlement but one conditioned by practical and ethical considerations.

Full ownership also stands in contrast to what jurists term 'imperfect ownership' (*mulk naqis*), where rights are partial or qualified (Al-Lahham, 2000; Sait & Lim, 2006). In the inherited built environment of Islamic cities, such imperfect forms were rare, as most properties were managed autonomously by individuals acting within a *Sharia*-guided system of self-regulation. Owners negotiated obligations with neighbors and resolved disputes without regular recourse to centralized authorities (Hakim, 1986). The autonomy granted under *mulk tam* was balanced by responsibilities to protect public interests and avoid causing harm. This embedded model enabled a form of urban governance characterized by sacrosanct property boundaries, but also by mutual accountability.

## **2.3 Literature Review**

### ***2.3.1 New Institutionalism***

New Institutionalism (NI) is a term frequently used in political science and social science that does not represent a single, unified body of thought, but rather different analytical approaches. NI has become a central theoretical framework within planning theory, offering a dynamic and multi-dimensional understanding of how institutions shape, and are shaped by, urban governance processes. Unlike the 'old' institutionalism, which focused predominantly on

formal structures, legal rules, and bureaucratic functions, new institutionalism recognizes that institutions are also embedded in social practices, cultural meanings, and normative frameworks (Hall & Taylor, 1996; March & Olson, 1984).

Although definitions of institutions differ across disciplines and among scholars, they are generally understood as collections of formal and informal rules that influence behavior and have evolved within societies through distinct historical trajectories (Sorensen, 2017). For Scott (2014), institutions are composed of regulative, normative, and cultural-cognitive elements that provide stability and meaning to social life. For March and Olsen (1984), a central premise of NI is that institutions play a crucial role in shaping social and political processes, necessitating careful theorization to understand both their significance and the ways in which they evolve over time. DiMaggio and Powell (1991) emphasize that institutions are socially constructed patterns of shared meaning that guide behavior through norms and isomorphic pressures. Healey (1997) understands institutions as complex webs of relationships, practices, and discourses embedded in place and time. According to North (1990, p. 3), institutions are the “rules of the game in a society, or more formally,... the humanly devised constraints that shape human interaction”. Streeck and Thelen (2005) define institutions as collectively enforced expectations regarding the behavior of specific actors or the performance of certain activities. Hall and Taylor (1996, p. 938) define institutions as “the formal or informal procedures, routines, norms, and conventions embedded in the organizational structure of the polity or political economy”.

While acknowledging common interests in how institutions shape political strategies and influence political outcomes, different strands of NI paint quite different pictures of the political world and hold varied interpretations regarding the relationship between institutions and behavior, conceptions of structure/agency, power, and institutional change. Hall and Taylor (1996) identified three new institutionalisms namely, historical, sociological, and rational choice. These provide a foundational basis for understanding this intellectual shift. Additional strands, such as discursive and relational institutionalism, have further enriched this field, particularly in the context of planning theory.

### *Strands of NI*

Rational Choice Institutionalism (RI), a prominent strand of new institutionalist thought in political science, defines institutions as the “rules of the game” that shape human interaction

(North, 1990). RI is rooted in neoclassical economics and game theory, emphasizing the behavior of rational agents who act to maximize self-interest within institutional constraints (Riker, 1980; Shepsle & Weingast, 1987). It sees institutions as the formal and informal rules that shape human interaction and as deliberate creations of rational actors. Influenced by transaction cost economics (Coase, 1937; Williamson, 1985), RI argues that institutions lower the costs of coordination and uncertainty in collective action. This approach has informed planning theory by explaining how institutions facilitate efficient decision-making and reduce transaction costs in land-use governance (Alexander, 1992; Lai, 1997). A core idea of RI is that institutions are coordinating devices that generate mutual benefits by facilitating cooperation. Institutions influence behavior by reducing uncertainty about others' actions, offering a framework of enforceable rules, and imposing sanctions on non-compliance. By doing so, institutions shape expectations and structure social interactions, and modify the range of available choices, supply critical information, and facilitate cooperation by making rule violations costly.

Historical Institutionalism (HI) refers to the study of how planning institutions, policies, and governance structures are shaped by historical trajectories, path dependencies, and critical junctures (Sorensen, 2017). It emphasizes that the planning systems we observe today are not created in isolation, but are the result of long-term historical processes (Hall & Taylor, 1996). HI can be utilized to examine how the adoption of colonial laws, centralized bureaucratic models, or land tenure systems tend to persist over time, shaping how cities grow, who controls land, and how resources are allocated. HI tends to view institutional development as emphasizing path dependence and unintended consequences, where the adoption of one set of institutions makes the adoption of others more or less likely, potentially pushing a unit along paths that foreclose others (Sorensen, 2017; Hall & Taylor, 1996). Path dependence is understood through self-reinforcing mechanisms and can be linked to the persistence of institutions that are less functional or less supportive of elite interests (Mahoney, 2000). HI also focuses on critical junctures, often periods of contingency where usual constraints are lifted or eased, presenting opportunities for actors to alter developmental trajectories (Mahoney, 2000; Mahoney & Thelen, 2009; Sorensen, 2017). While early HI focused on change during such moments, more recent work, including that by Mahoney and Thelen (2009), has focused on processes of endogenous and incremental institutional change. They argue that gradual changes can be highly significant

and that change often emerges in the “gaps” or “soft spots” between a rule and its interpretation or enforcement (Mahoney & Thelen, 2009, p. 14).

Sociological institutionalism (SI), emerging from organizational sociology in the 1970s, took clearer form since Powell and DiMaggio’s work in 1991, which assembled foundational texts and original contributions to shape the field’s intellectual trajectory (Sorensen, 2017). A defining feature of this strand is its expansive view of institutions as “not just formal rules, procedures or norms, but the symbol systems, cognitive scripts, and moral templates that provide the ‘frames of meaning’ guiding human action” (Hall & Taylor, 1996, p. 947). Similarly, Banerjee (2007) conceptualizes planning as guided by a “conscience,” a moral compass that aligns with the collective values and ethical orientations of a society (p.14). Institutions offer the interpretive structures through which individuals come to understand situations and learn what constitutes appropriate conduct. DiMaggio and Powell (1991, p. 11) argue that “institutions do not just constrain options: they establish the very criteria by which people discover their preferences.” This strand strongly foregrounds the interplay between structure and agency, emphasizing how institutions both constrain and enable actors, while actors, through their interpretations and actions, reproduce or transform institutional frameworks (Healey, 1997).

Patsy Healey is widely recognized as the leading interpreter of SI in planning theory and has significantly advanced the field through her integration of institutionalism with communicative planning and Giddens’ structuration theory (Sorensen, 2017). One of her main contributions is the idea that individuals are not merely constrained by institutions but actively reproduce and transform them through practice and meaning-making (Healey, 1997). She emphasizes that structural forces are both shaping and shaped by agents, who can effect change by reconfiguring rules, redistributing resources, and altering dominant interpretive frames. Healey’s focus on the municipal scale highlights its role in fostering collaborative planning, where local culture-building and discursive interaction generate new norms and institutional capacities. This place-based approach enables the development of shared understandings and operational rules through social learning and collective action (Gualini, 2001; Healey, 1998, 1999). She further extends this perspective to institutional capacity building, democratic renewal, and governance innovation (Gonzalez & Healey, 2005; Healey, 2006, 2007, 2017). In her view, institutions shape how actors perceive their roles, exercise power, negotiate change, and express preferences, ultimately influencing how decisions are made; thus, Healey positions institutional

change as central to transformative spatial planning and the reimagination of place (Healey, 2007).

### *Healey's New Institutionalism: Origins and Influences*

Healey acknowledges various influences on her thinking. Her focus on power is central, aligning with the perspective articulated by scholars like Steven Lukes. She sees institutions as carrying power relations and structuring behavior. Sorensen (2025) highlights Healey's distinctive contribution, describing her work as a synthesis of urban political economy, social constructivism, Foucauldian power analysis, relational thinking, and new institutionalism. Sorensen (2025) notes that Healey developed a distinctive sociological institutionalist approach in her research from the 1980s, culminating in her book *Collaborative Planning: Shaping Places in Fragmented Societies* (1997), which provides a comprehensive expression of her synthesis.

Healey's approach, which she later described as sociological institutionalist, builds on SI's broad definition of institutions. She defines institutions as expressed in formal rules and structures, as well as in informal norms, practices, rhythms, and routines of daily collective life; these constitute a kind of “soft infrastructure of the governance of social life”, structuring the interactional processes through which preferences and interests are articulated and decisions made (Healey, 2007, p. 65). Healey explicitly rejects positivist approaches like Rational Choice Institutionalism, which assumes people are rational, selfish, autonomous actors (Sorensen, 2025).

Central to Healey's perspective is the recursive relationship between structure and agency, drawing on the work of Giddens (1984). She argues that individuals are not merely constrained by institutions but also continuously reproduce and can change them (Healey, 1997; Sorensen, 2017). This implies that micro-practices of everyday life are key sites for mobilizing transformative forces. Through conscious reflexivity on assumptions and cultural referents, transformative power can be exercised (Healey, 1997). Healey integrates this with a communicative approach to planning, focusing on fostering collaborative, consensus-building practices. Healey focuses on place-based governance, seeing urban regions as important for social, economic, and environmental policy, and political communities organizing to improve the quality of their places. The aim is to contribute to building an institutional capacity focused on enhancing stakeholders' ability to ‘make a difference’ to their place (Healey, 1997). Healey sees

planning as a sociopolitical project centered on collective endeavors to shape place qualities for better trajectories.

Healey's conception of institutional change in planning occurs at multiple levels. This includes change through specific governance episodes, institutionalized governance processes, and broader governance cultures (Healey, 2007). These levels are interrelated, requiring the mobilization of knowledge resources and networks to carry new ideas across the urban governance landscape, influencing resources, regulations, and the understanding of planning itself. The normative goal driving this approach is the potential of spatial planning to contribute to making better places and fostering the 're-enchantment of democracy' as a mode of governance (Healey, 2013; Sorensen, 2025). Healey's model of institutional analysis identifies multiple layers: specific governance episodes, embedded practices and routines, and broader cultural-normative frameworks. This multi-scalar conception enables analysis of both strategic interventions and deeper ideological shifts. Her engagement with Giddens' (1984) structuration theory and Steven Lukes' (1986) three-dimensional theory of power enriches her institutional lens. Lukes' framework, in particular, informs her understanding of how power operates not only through decisions and agendas but through the framing of what counts as legitimate knowledge and action in planning processes.

Furthermore, Sorensen (2025) emphasizes Healey's long-standing influence on the field, noting that her integration of institutionalism with spatial strategy, stakeholder negotiation, and discursive framing has reoriented planning theory toward questions of legitimacy, identity, and social learning. Through her work, planning is not simply a technocratic exercise but a culturally embedded, communicatively negotiated, and institutionally structured practice. Healey's work represents one of the most influential and original contributions to planning theory, particularly through her development of a sociological institutionalist perspective grounded in spatial governance and relational planning. Her reconceptualization of institutions as the 'soft infrastructure' of governance has provided planning scholars with a robust framework for analyzing how meaning, power, and practice are negotiated in place-specific contexts. Healey's interpretation of new institutionalism has significantly shaped the trajectory of planning theory by broadening institutional analysis to encompass collaborative processes, cultural discourses, and local governance dynamics (Healey, 2006; Sorensen, 2025). Her approach continues to serve

as a foundational resource for scholars seeking to understand institutional transformation in complex urban settings.

Overall, new institutionalism provides a powerful and flexible framework for analyzing how planning institutions are constructed, reproduced, and transformed. While its various strands offer different explanations of institutional behavior and change, it is in the sociological and relational articulations, particularly in Healey's work, that planning theory finds its most resonant insights. These approaches enable a deeper understanding of how values, meanings, and normative assumptions are woven into the institutional fabric of planning practice. These insights are particularly valuable when engaging with the study of Islamic cities, where planning practices have historically been embedded within a complex interplay of jurisprudence and communal norms and responsibilities. Applying new institutionalism to this context allows for a critical re-examination of how Islamic planning principles that were once central to urban life have been marginalized, transformed, or informally preserved amid shifting political and institutional landscapes.

### ***2.3.2 The Study of Islamic Cities***

The evolution of Islamic urban planning scholarship has moved significantly from static, Orientalist representations to more dynamic and contextually grounded interpretations. Early 20th-century Western scholars, influenced by Orientalism, sought to define a singular model of the "Islamic city" based on limited case studies from the Arab-Muslim world (Abu-Lughod, 1987; Lapidus, 1967; Said, 1979). William Marçais's work, for example, characterized Islamic urbanism through features such as narrow streets, inward-looking architecture, and mosque-centered layouts (Marçais, 1928). He portrayed Islam as inherently urban and linked religious principles directly to the built environment, often neglecting the influence of geography, politics, and economic systems. These interpretations, while influential, ignored the socio-economic and historical complexity of these cities, reducing them to cultural archetypes lacking planning rationality.

By the mid-twentieth century, scholars such as Jean Sauvaget and Ira Lapidus began to challenge this prevailing paradigm. Sauvaget emphasized the importance of regional context, highlighting how Islamic urbanism was shaped by earlier planning traditions and localized cultural dynamics (Sauvaget, 1949). Similarly, Lapidus redirected attention from physical form

to the institutional and administrative dimensions of urban life, focusing on governance, social organization, and public services (Lapidus, 1967). These works demonstrated that Islamic cities evolved in response to changing political and social conditions, and were not static relics of the past. This shift laid the foundation for more nuanced approaches, including Janet Abu-Lughod's critique of the monolithic Islamic city model. She emphasized that Islamic urbanism must be understood in terms of its underlying principles and historical contexts, rather than physical characteristics alone (Abu-Lughod, 1987). Her call to incorporate Islamic legal and ethical norms, economic structures, and community practices into urban analysis significantly advanced the discourse.

Critical reassessment of this orientalist perspective began to emerge in the late 20th century. Edward Said's *Orientalism* (1977) played a pivotal role in sparking this intellectual shift, inspiring a wave of critical thought that reevaluated the Occidental epistemological dominance over Islamic art and architecture. Post-1977, a number of scholars began to challenge the static, monolithic representation of Islamic cities that *Orientalism* promoted. Studies by scholars such as Akbar (1984, 1988), Rabbat (2012), Khan (2012), Hakim (1986), and Falahat (2014) offer a more nuanced understanding of the foundational role of Islamic jurisprudence (*Fiqh*), social contracts, and moral values in shaping urban space. Akbar (1984) developed a triadic framework of city-making: the imperceptible structure (spiritual and ethical foundations), the operative structure (legal and institutional mechanisms), and the manifested structure (the physical city). His work illustrated how individual decisions, guided by Islamic rights and responsibilities, led to a flexible yet principled urban morphology. This reframing positioned Islamic planning as inherently adaptive and decentralized. Rather than relying on codified zoning or centralized authority, traditional Islamic cities were shaped through communal negotiation, moral responsibility, and self-regulation. Grabar (1976) noted that urban life in Islamic societies was organized through social networks rather than top-down planning. Idrus (1985) affirmed that once Islamic principles were satisfied, planners enjoyed broad freedom, promoting organic growth and responsiveness to local needs.

These cities reflected a complex rights-based framework rooted in *Sharia*, where property ownership, access to resources, and land use were governed by stable divine principles (Al-Lahham, 2000). Rights such as land revivification (*ihyaa'*), the prohibition of harm, and protection of private property ensured a balance between individual initiative and communal

welfare. Unlike modern systems where state-imposed regulations often restrict individual control, the Islamic system emphasized mutual rights and responsibilities, which fostered social cohesion and urban equity.

However, this indigenous model was profoundly disrupted by colonialism. Scholars like Elsheshtawy (2004) highlighted how colonial authorities imposed alien planning systems that fragmented historic cores, created socio-spatial segregation, and marginalized traditional governance. These new systems were not only incompatible with local social structures but also instrumental in reinforcing colonial dominance. The legacy of this imposition remains evident in many Arab-Muslim cities, where planning institutions continue to reflect colonial logic more than local priorities. Furthermore, Massad (2001) demonstrates how local planning including the influence of Islamic jurisprudence in Jordan was systematically relegated to the private sphere under colonial and nationalist pressures, while public governance came to be dominated by European legal codes. This division marginalized Islamic rights from shaping spatial and social regulation, mirroring the broader displacement of Islamic planning principles.

Post-independence, neoliberal restructuring compounded these disruptions. Shami (2017) critiqued the reliance on Occidental planning theories in Arab-Muslim contexts, which often disregard local practices and reproduce global hierarchies. Khirfan (2019) documented the rise of informal actors and non-traditional agencies in Amman, Jordan, who fill governance voids left by formal institutions. Harker (2017, p. 34) argues that within urban studies of the Arab world, there is an absence of “the ways in which majorities of urban residents utilize urban space to advance claims, and in so doing enact forms of governance beyond the sphere of states”. Therefore, he calls for addressing three alternative theoretical objects (or majorities) through which urban governance could be constructed, including families, housing, and religion. These examples illustrate a resurgence of self-organizing urban practices rooted in historical Islamic models, even amid structural constraints.

While researchers have pointed out the dangers of imposing Western planning paradigms on Arab cities (Shami, 2017), it is important to remember that this critique does not call for the total abandonment of external theoretical frameworks. Thus, this study proposes a more considered approach: planning theories developed outside the Islamic tradition can provide useful analytical tools when thoughtfully aligned with Islamic ontological and epistemological foundations. As a result, interpreting these frameworks through Islamic principles of justice,

relational rights, and collective welfare allows for a critical reassessment of traditional planning practices and opens pathways for their thoughtful revitalization. Given the profound impact of colonial interventions on Islamic urbanism, engaging with global planning theories in a reflective and contextually grounded manner is both relevant and essential for addressing enduring institutional dislocations and contemporary urban challenges.

Historical, theoretical, and empirical studies of Islamic urban planning reveal a significant transformation in how the field is understood. Once dismissed as static or archaic, Islamic urbanism is now increasingly recognized as a dynamic system grounded in distinct legal and ethical principles. These principles offer contextually appropriate frameworks for addressing urban development challenges, particularly in regions where colonial histories and neoliberal influences have reshaped planning institutions and practices. I argue that there is a significant opportunity to critically explore Islamic planning and the spatial dynamics of Islamic cities while engaging with planning theories and paradigms developed worldwide. Such an approach can facilitate a nuanced dialogue between Islamic urban principles and diverse planning frameworks, enriching the discourse on urban development.

### ***2.3.3 Healey's Approach and Islamic Cities***

Healey's sociological institutionalist framework offers a particularly valuable lens for studying Islamic cities and rights due to its broad conception of institutions as including informal norms, practices, and moral templates. Her focus on spatial planning, place-based governance, and the relational constitution of institutions aligns closely with the nature of Islamic urban traditions, which are embedded in culturally grounded practices and legal norms. By emphasizing how institutions are socially constructed and enacted through interaction, Healey's framework provides a means to analyze how Islamic rights operate within and shape the governance of urban space. Her approach thus offers both the conceptual breadth and normative depth needed to engage with the multiple scales at which Islamic planning principles function.

Given the study's focus on understanding how planning institutions evolve and how practices adapt or persist over time, Healey's multi-level institutional framework offers a particularly appropriate and generative analytical lens. Its sensitivity to both structural forces and culturally embedded meanings enables a layered interpretation of transformation processes that is essential for engaging with complex planning

environments. Her conception of institutional change through the interrelated levels allows for a nuanced investigation into how colonial disruptions reshaped Islamic planning institutions, how Islamic urban rights continue to function across institutional levels, and how a divine normative layer might be incorporated into institutional theory to reflect Islamic ontological commitments. Healey's emphasis on relational agency, the circulation of values through social networks, and the embedding of institutional norms within place-based practices aligns closely with the study's aim to explore how Islamic rights-based frameworks can guide contemporary planning transformations. This approach enables a theoretical extension that foregrounds not just institutional dynamics but also the moral and theological foundations that sustain them.

Consequently, her theoretical architecture is flexible enough to be extended in novel directions, including the conceptual incorporation of normative layers grounded in ontological commitments. From this perspective, rights like *ihyaa* can be interpreted not only as legal constructs, but as institutional mechanisms that structure collective action and local governance. Within the broader framework of governance understood as the configuration of mechanisms for managing public affairs (Cars et al., 2002), such Islamic urban rights serve as embedded, normative tools through which communities historically regulated access to land, coordinated development, and upheld principles of equity and justice. These rights function across multiple levels of institutionalization, from routine social practices to codified legal principles and shared cultural imaginaries, and therefore align with Healey's conceptualization of institutions as multi-layered and situated in specific relational and normative contexts. They exemplify how planning and governance mechanisms can be deeply informed by Islamic foundations while maintaining procedural rationality, thereby offering a distinctive model of institutional coherence that is not adequately captured by secular theories of institutional instability or democratic contestation alone.

Although Healey's institutional framework was first developed in the British context, its relational and multi-level conception of institutions allows it to be meaningfully adapted to different socio-political settings. In this study, the framework is not used as a universal model but as a flexible analytical tool that can be reinterpreted through Jordan's specific historical and cultural conditions. The focus on how norms,

actors, and practices interact within institutional arenas resonates with the way Islamic planning rights historically shaped governance through negotiated and context-based processes. By grounding the analysis in Amman's planning system and integrating Islamic rights as a foundational layer of meaning, the framework is reoriented from within the local context. This approach preserves the analytical depth of institutional theory while situating it in dialogue with indigenous modes of governance that continue to inform urban life in Jordan.

Therefore, Healey's institutionalist approach offers a suitable lens through which to interpret the layered governance realities of Islamic cities, particularly when the objective is not only explanatory but also transformative. Her assertion that planning is "part of a continuous process of governance capacity formation in specific places or 'milieus'" (Healey, 2007, p. 82; Cars et al., 2002) directly supports a research agenda that seeks to understand cities as historically situated and socially produced. In her view, planning gains its transformative potential by recognizing emerging material and mental realities, tracing how they reinforce or destabilize dominant discourses and practices, and identifying points of intervention within complex institutional landscapes. This perspective is highly compatible with my aim to reinterpret the literature on Islamic cities as dynamic sites where Islamic rights may still operate as legitimate sources of institutional guidance. By situating these rights within governance processes rather than external to them, Healey's model allows us to 'act inside' governance arenas rather than in abstraction from them.

Furthermore, this institutional reading supports a decolonial method that does not simply call for the removal of colonial legacies, but actively reconfigures governance structures by foregrounding epistemologies and normative frameworks derived from Islamic jurisprudence. Her emphasis on creating "institutional spaces within which transformative energy gets released" offers an opportunity to investigate how Islamic rights can be re-activated through everyday episodes of urban life (Healey, 2007, p. 82). Thus, Healey's framework does not merely aid in diagnosing institutional persistence or disruption; it provides a conceptual and practical infrastructure for reimagining urban governance through the moral and political claims embedded in Islamic rights traditions.

### ***2.3.4 Contribution of the Study***

Building on the contributions made by scholars who have reexamined Islamic urban planning through historical, sociological, and critical perspectives, this research seeks to further enrich the discourse by offering a systematic exploration of how global planning theories can be meaningfully engaged with Islamic rights-based frameworks. While prior studies have illuminated the ethical foundations and community-oriented nature of Islamic urbanism, there remains an opportunity to articulate how new institutionalism can be thoughtfully aligned with Islamic perspective to address current urban challenges. This study contributes to this evolving conversation by focusing on the case of Jordan, where the interplay of colonial legacies and modern planning paradigms presents a unique context for reactivating Islamic planning norms. Rather than positioning Islamic rights as relics of the past, this research emphasizes their relevance as dynamic, operational frameworks capable of informing participatory and culturally grounded urban governance. In doing so, it aspires to bridge scholarly insights with practical approaches that resonate with the lived experiences and ethical commitments of Muslim communities.

## **2.4 Advancing the Study of Islamic Planning through Contemporary Global Theory: New Institutionalism as a Framework**

### ***2.4.1 New Institutionalism and Islamic Cities***

Building on the scholarly tradition explored in the Literature Review, I argue that contemporary global planning theories, particularly new institutionalism, offer critical tools for studying Islamic planning rights. I advance a hybrid approach that bridges institutionalist thought with Islamic ethical and structural principles, viewing new institutionalism as a flexible scaffold for (re)constructing Islamic planning practice. As discussed earlier, its three primary strands—Historical, Rational Choice, and Sociological Institutionalism—highlight how embedded norms and institutional relationships shape outcomes (Hall & Taylor, 1996). This section focuses on these strands, while the next addresses their different levels.

#### 2.4.2 HI and SI

Given the normative and culturally embedded nature of Islamic planning principles, this study will primarily engage with Historical and Sociological Institutionalism as the most relevant lenses. These perspectives helped me analyze how Islamic rights have been institutionalized, disrupted, and can potentially be reactivated in contemporary urban governance.

Historical Institutionalism examines how planning systems evolve through historical trajectories, emphasizing that present institutions result from long-term processes shaped by path dependency and critical junctures (Hall & Taylor, 1996). Sociological Institutionalism, meanwhile, focuses on how institutions reflect and reinforce cultural norms and shared expectations. Sociological Institutionalism is particularly useful in analyzing the operation of Islamic planning systems prior to colonialism, where legal and spatial practices were embedded in religious and community-based norms. Islamic planning institutions, including *waqf* and *hisba*<sup>11</sup>, were codified in law while simultaneously rooted in the cultural norms and everyday practices of urban communities. These institutions regulated access to resources, enforced communal ethics, and supported public infrastructure development through shared religious responsibilities. For example, the practice of land revivification was shaped by formal juristic rulings as well as by commonly held notions of land stewardship and communal moral responsibility (Akbar, 1988).

From a sociological institutionalism perspective, the effectiveness of the no harm principle stemmed from its alignment with shared cultural expectations, which were upheld by community members and market regulators like the *muhtasib* (Al-Lahham, 2000). Healey's (2007) concepts of "arenas" and "moments" offer a useful lens for understanding how the no harm principle was practiced, interpreted, and contested within local settings. Through these interactions, guided by communal norms, public accountability, and moral consensus, residents internalized shared understandings of what constituted harm and how it should be addressed (Grabar, 1976).

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<sup>11</sup> Hisba is an Islamic institution historically responsible for ensuring public morality, market regulation, and urban order in line with Islamic principles. Rooted in the Qur'anic injunction to "enjoin what is right and forbid what is wrong" (Qur'an 3:104), *hisba* was operationalized through the office of the *muhtasib*, a public official tasked with overseeing fair trade, market practices, urban hygiene, and resolving minor disputes. The *muhtasib* functioned at the intersection of legal, social, and spatial governance, mediating between communal norms and public interests to maintain social harmony and uphold Sharia-based regulations (Al-Lahham, 2000).

Historical Institutionalism can be utilized to examine how the adoption of colonial laws, centralized bureaucratic models, or land tenure systems tend to persist over time, shaping how cities grow, who controls land, and how resources are allocated. This is evident in many Islamic cities where colonialism constituted such a rupture, replacing deeply embedded Islamic legal and planning frameworks with eurocentric codified systems (Falahat, 2018). Before colonization, urban governance in Islamic contexts relied on a set of Islamic jurisprudential rights. These principles, along with others, were used to regulate land development in Islamic cities, before colonialism.

A concrete example of this system of rights in practice can be found in pre-colonial Cairo, where land parcels expanded organically through the principle of land revivification without requiring state approval, provided the revived land served public utility and caused no harm to neighbors (Al-Lahham, 2000). Hakim (1986) provides examples from Cairo how Islamic principles were used to shape alleyway width and drainage alignment. Another example is found in Fez, Morocco, where the no harm principle organized the relation between community members and influenced property disputes adjudicated by *qadis*<sup>12</sup>, ensuring buildings did not overshadow adjacent homes or compromise air and light, which are practices aligned with the Islamic ethical imperative of maintaining neighborhood equity (Hakim, 1986). During the French Protectorate, these norms were overridden by cadastral zoning and French municipal codes, which prioritized geometric order and visibility. The gradual erosion of *huquq* in cities such as Algiers and Tunis was not simply a matter of replacing community-negotiated urban practices with master plans, but rather a complex reconfiguration of governance in which colonial authorities redefined spatial priorities.

The decline of the no harm principle as a living institutional practice corresponds to the erosion of these social arenas and interpretive moments. As planning was centralized and formalized, harm assessment became a bureaucratic function, often removed from community dialogue. In its place emerged abstract thresholds of acceptability (e.g., decibel levels or setback distances), which lacked contextual sensitivity (Al-Hathloul, 1981). This process changed the

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<sup>12</sup> A qadi is an Islamic judge appointed to adjudicate disputes and administer justice according to Sharia (Islamic law). The qadi's role extends beyond criminal or civil cases to include matters of personal status, property rights, contracts, and community disputes. In the context of Islamic cities, qadis were central to the judicial governance of urban life, ensuring that legal decisions were grounded in jurisprudential interpretation and community welfare. Their rulings shaped land tenure, neighborhood relations, and public infrastructure development, reflecting the integration of legal, social, and moral considerations in Islamic urban governance (Hallaq, 2009).

way harm was measured; it fundamentally altered the relationship between planners and the planned, replacing dialogue with imposition. These new planning regimes systematically marginalized traditional norms of spatial justice, privileging economic rationalization and administrative control over the participatory and ethically grounded practices that had previously governed urban life (Hallaq, 2013).

Through historical institutionalism, the full ownership principle exemplifies an institutional logic that evolved over centuries through consistent legal interpretation and urban application. Prior to the colonial intervention in cities such as Amman, full ownership was understood in Islamic jurisprudence as the unrestricted right to use, benefit from, and manage property, subject to ethical obligations toward the community and environment (Akbar, 1988; Al-Lahham, 2000; Sait & Lim, 2006). This right was not limited to legal title but was socially embedded, negotiated within local governance structures, and enforced through religious legal mechanisms (Akbar, 1988; Sait & Lim, 2006). Zoning ordinances redictated these permissible activities within designated areas, overriding owners' ability to exercise the full range of Islamic rights associated with full ownership (Akbar, 1988). This transformation effectively reduced ownership to a state-regulated entitlement, privileging administrative control and economic efficiency over locally rooted legal and ethical frameworks (Sait & Lim, 2006).

This process is clearly illustrated in the case of Amman, where the introduction of zoning classifications such as Zones A, B, and C formalized land use restrictions that have no basis in Islamic planning. As Al-Lahham (2000) explains, these zones limit the owner's ability to adapt land use to evolving community needs or personal circumstances. Properties designated as Zone A, for example, were restricted to low-density residential development, even when owners sought to use their land for more diverse or communal functions. Such zoning frameworks severed the connection between ownership and flexible, community-responsive land management, illustrating how colonial planning institutionalized spatial control through technocratic classifications. In addition to constraining ownership, zoning laws also undermined the Islamic principle of land revivification, which encourages the productive use of neglected or 'dead' land. Thus, colonial zoning froze land uses based on static master plans that restricted grassroots claims and blocked community-driven development efforts (AlSayyad, 1991).

Furthermore, Islamic planning traditionally allowed community members and Islamic courts to mediate spatial disputes based on social norms and ethical considerations. Zoning laws

shifted this authority to technical planning institutions, effectively removing communal oversight and further distancing urban governance from Islamic legal traditions (Akbar, 1988; Sait & Lim, 2006). This shift exemplifies the institutional rupture that historical institutionalism seeks to explain, and highlights how colonial legal and spatial regimes have reshaped governance structures in Islamic cities with lasting implications.

New institutionalism allows us to understand these disruptions as both legal reforms and transformations in collective understanding and shared urban meaning. For example, the *muhtasib* functioned within community-based arenas that enabled direct negotiation of urban ethics and duties. Under colonial regimes, planners often implemented policies shaped by colonial administrative priorities. These priorities frequently sidelined local ethical frameworks and community-based modes of governance, which exacerbate the dissonance between urban interventions and the social and moral fabric of Islamic cities.

As Khirfan and Momani (2017) demonstrate in their study of Amman, top-down planning approaches that neglect community perspectives have fostered mistrust between planners and residents in post-colonial Islamic cities. Their research underscores the importance of mechanisms that engage with the cultural and ethical values of local communities. This hints that planning grounded in shared norms, such as those articulated in Islamic rights, may serve as a more legitimate and effective framework for urban governance. Notably, they suggest that planners could rebuild trust by collaborating with locally respected and trusted religious organizations, which often retain moral authority and social legitimacy in Muslim-majority societies. Thus, this insight supports the argument that reengaging Islamic rights in urban governance may offer both ethical coherence and institutional credibility. As Hakim (1986) illustrates through case studies of pre-colonial Islamic cities, institutions that functioned effectively were those aligned with the moral and social fabric of their communities.

### ***2.4.3 Levels of Institutional Change***

Institutional change is conceptualized through a multi-layered framework composed of three interconnected levels that were listed earlier (Healey, 2007). Specific Episodes (Level 1) are the tangible, real-time interactions that occur within planning arenas. Examples include meetings, negotiations, public hearings, or project implementations where actors express ideas, contest meanings, and make decisions. These episodes are the most visible manifestations of

planning practices. Next, Level 2 is Mobilization of Bias, which refers to the structures, networks, discourses, and agendas that shape how specific episodes unfold. It captures how institutions prioritize certain interests, frame issues, and reproduce power dynamics through policy instruments, routines, and institutional cultures (Healey, 2007). Finally, Level 3 is the Culturally Embedded Assumptions and Habits, which are the deeply ingrained social norms, shared understandings, and historical legacies that influence behavior over time. They provide the background conditions that give stability and meaning to institutions, often operating unconsciously as the taken-for-granted foundation of governance (Healey, 2007).

While Healey's institutionalist approach emphasizes the formative role of wider social forces and the continual (re)construction of institutions through dialogue, negotiation, and collective meaning-making, this vision presumes that stability in governance is relatively rare and that institutional arrangements are always in flux. This assumption, while analytically productive in many contexts, may have limited applicability to contexts where stability and normativity are themselves articulated as central political goals. Claus Offe's (1977) conception of governance as a "restless" search for resolving persistent tensions may offer a more suitable lens in such cases, as does Jessop's (2000) notion of governance as an ongoing effort to manage contingent and contradictory pressures within complex systems. Furthermore, while Healey aims to re-enchant democratic governance through participatory engagement, some scholars like Purcell (2013) argue that democracy should not be seen as a settled outcome but rather as a continuous and open-ended struggle i.e., a process whose value lies in the struggle itself rather than in reaching closure. Accordingly, democratization discourses in urban planning, when severed from an articulated vision of justice, risk becoming what Valbjørn (2012, p. 25) terms "transitions to somewhere", indicating open-ended processes lacking normative clarity through its mechanisms.

In contrast, urban governance informed by Islamic traditions does not necessarily share this orientation toward continual contestation or indeterminacy. Rather, it tends to emphasize stable normative frameworks grounded in jurisprudential sources that offer clear principles for community conduct and institutional responsibility. From this standpoint, Islamic rights such as *ihyaa'*, *la darar*, and *mulk tam* are not simply legal artifacts but enduring mechanisms of collective governance that codify relationships between people, land, and authority. They are, in effect, institutional devices aimed at securing ethical stability, distributive justice, and public

welfare. As such, this chapter proposes that these rights may serve both as instruments of procedural redress or land use regulation, and as tools for shifting deeper frames of reference within planning practice.

This chapter therefore proposes extending Healey's institutionalist model by introducing an additional level that captures Islamic urban rights as foundational normative mechanisms. Unlike models that treat normative commitments as socially emergent through deliberation or negotiation, this perspective considers certain rights as predefined principles that inform governance structures from the outset. These rights do not simply evolve from within social dialogue but instead offer a consistent normative framework that can reshape the deeper cognitive and cultural assumptions embedded in planning institutions in contemporary Arab-Muslim cities.

Together, these levels illustrate how institutional practices are simultaneously shaped by momentary decisions, structural constraints, and long-standing cultural logics. Healey's (2007) model emphasizes that effective institutional transformation must address all three levels, not just surface-level interactions. This section is focused on applying all three levels of new institutionalism to analyze planning in pre-colonial Muslim cities while proposing the addition of a fourth level to account for the transcendent divine authority foundational to Islamic planning principles. I will start with identifying the proposed fourth level and then examine all three levels (Level 3 to Level 1).

#### ***2.4.4 Proposed Fourth Level: Normative Foundations and Ontological Commitments***

Building on the conventional new institutional thought, which evolves primarily through sociocultural sedimentation, Islamic planning begins with a foundational divine framework that determines the legitimacy of all transformable lower-level practices. Healey's (2007) third level, Culturally Embedded Assumptions, can capture the social internalization of these rights, but not their source, which in Islamic planning is ontological, grounded in revelation and not merely custom or habit. Without this level, Islamic planning risks being flattened into purely sociological processes, which underrepresents the ethical authority and legal fixity that many Muslims ascribe to these rights.

The proposed fourth level captures the divinely sourced legal and moral principles that serve as the ontological basis of Islamic urban governance (Table 1). It encompasses the Qur'an

and Sunnah, as well as their jurisprudential interpretation (*fiqh*) that articulate rights such as *ihyaa' al-ard*, *mulk tam*, and *la darar wa la dirar*. These Islamic ethical imperatives, perceived by Muslims as trans-historical and fixed, extend beyond embedded social norms and are applied in context-sensitive ways. As such, the hadith “Whoever revives dead land, it belongs to him” (Sunan Abi Dawud 3073), frames *ihyaa' al-ard* as a mandate that provides an ethical foundation for specific land-use practices beyond mere historical custom. Similarly, *la darar wa la dirar* operates as a prophetic legal statement.

**Table 2.1: Institutional Logic in the Inherited Islamic City (Top-Down Flow from Divine Principles to Daily Practice)**

<b>Level</b>	<b>Description (Islamic context)</b>	<b>Function in Islamic Cities</b>	<b>Example</b>
<b>Level 4: Transcendent Divine Authority</b>	<i>Huquq</i> derived from the Qur'an and Sunnah as the fixed source of law, justice, and moral order.	Provides ontological stability and legitimacy to all institutional structures.	Jurisprudence, Qur'anic rulings and hadiths of rights and principles.
<b>Level 3: Culturally Embedded Assumptions</b>	This level reflects the widespread public consensus that Islamic law ( <i>Sharia</i> ) provides the rightful foundation for regulating life, including urban governance.	Islamic anchored social customs ( <i>'urf</i> ) evolve as locally specific interpretations of Islamic principles, allowing communities to address everyday planning challenges.	Community interprets dead-end streets as part of one's full ownership, each maintaining their own (Al-Lahham, 2000).

<b>Level 2: Mobilization of Bias</b>	Legal institutions, discourses, and governance tools shaped by Islamic jurisprudence.	Formal institutions (e.g., <i>qadis</i> , <i>hisbah</i> , waqf administrations) uphold and enforce Islamic rights through legal rulings and public oversight.	The <i>muhtasib</i> regulates markets and urban space to ensure harm has been prevented.
<b>Level 1: Specific Episodes</b>	Daily negotiations and planning actions rooted in rights and moral consensus.	Materializes ethical principles and rights in decisions over land, building, and resource use.	Resolution of disputes and management over wall height or drainage.

In the inherited Islamic city, the institutional structure was organized in a top-down configuration that began with divine authority and filtered into everyday urban practice. At Level 4, *Transcendent Divine Authority* provides the ontological foundation for planning and governance. Rooted in Islamic Jurisprudence on the *Qur'an* and *Sunnah*, this level asserts the ultimate sovereignty of God and grounds all subsequent institutional activity in immutable legal and moral principles. Rights such as *ihyaa' al-ard*, *mulk tam*, and *la darar* are not seen as political or civic grants, but as fixed and divinely bestowed responsibilities that carry religious and social weight.

Flowing from this is Level 3, *Culturally Embedded Assumptions*, which would highlight the internalization of divine principles into the fabric of everyday life in Islamic cities. These assumptions were not imposed through top-down legislation but emerged organically through centuries of practice, scholarly interpretation, and communal consensus. Norms governing neighborly relations, rights of passage, and collective stewardship became ingrained in social practice, reflecting a shared ethical framework through which concepts of justice, mutual responsibility, and community welfare were interpreted and enacted. Importantly, within this level, there exists a public consensus that Islamic principles form the legitimate and rightful basis

for governance. This consensus means that communities consistently refer to Islamic teachings when interpreting their rights and responsibilities in daily life. In instances where Qur'an and Hadith do not provide explicit rulings, scholars and jurists derive local customs (*'urf*) that align with Islamic values, which over time become culturally embedded as normative practices.

Furthermore, this collective understanding extends to ensuring that those in positions of authority are expected to govern in accordance with Islamic law. The community actively participates in safeguarding the application of Islamic rulings, whether through social pressure, communal enforcement, or institutional mechanisms like *hisbah*. Beyond formal governance, individuals take personal and collective responsibility to implement Islamic ethical standards in their daily interactions, ensuring that Islamic frameworks are not abstract ideals but living, operative norms that continuously shape urban life.

Level 2 encompasses the institutional mechanisms that channeled these culturally embedded norms into formal governance. This included institutions such as the *qadi* courts, the *hisbah* system, and *waqf* administration. These actors and institutions enacted and interpreted divine principles in a flexible yet consistent manner in which governance remained responsive to context, and at the same time, anchored in Islamic ethics. They shaped the processes by which resources were allocated, disputes resolved, and land developed, all within a relational framework grounded in *huquq*. Finally, Level 1 refers to the daily enactments of these principles in urban life. This includes decisions on boundary disputes, building height restrictions, or the access to communal resources. These episodes reflected a confluence of legal and ethical principles and communal reasoning to exercise rights through localized negotiation. In this way, the inherited Islamic city maintained coherence across legal, institutional, and social dimensions.

As stated earlier, Healey's framework underscores that meaningful institutional transformation engages with all dimensions of governance. This involves both the concrete actions taken in planning contexts and the deeper discourses and normative structures that influence how planning practices take shape over time. In relation to the institutional levels, this entails that change must occur in specific planning episodes as well as within the deeper structures of governance, including the discourses that shape institutional agendas and the assumptions that underpin social norms. In Islamic cities, where colonial and postcolonial interventions have altered in these institutional layers, transformation requires more than policy reform or participatory gestures. It demands a reactivation of embedded rights and ethical

frameworks that were historically grounded in Islamic rights but have since been marginalized. The following sections explore how these disruptions unfolded across Islamic urban contexts, particularly under colonial rule, and consider how local practices may offer a pathway for recovering and reinstating Islamic rights within contemporary planning systems.

## **2.5 Reviving Islamic Urbanism: Towards a Rights-Based Planning Framework**

This section applies an analytical framework that utilizes new institutionalism and transformative levels in governance to explore how *huquq* can be critically examined and reactivated within contemporary urban governance. It then explores new institutionalism, using Healey's multi-level model, to analyze how Islamic planning principles have been institutionally displaced across different layers of governance. Finally, the section demonstrates how local practices can engage these institutional levels to reclaim ethical and culturally embedded urban practices. This framework will later be applied to the Jordanian context as a focused case study, illustrating how colonial and neoliberal legacies have disrupted Islamic rights and how localized practices offer pathways for their reactivation. Through this structure, the section aims to develop a context-sensitive approach for decolonizing urban governance in Islamic cities, blending global theoretical insights with the normative foundations of Islamic planning.

### ***2.5.1 Institutional Disruption and Community-led Recovery in Colonized Islamic Cities***

In response to the colonial influence on Islamic cities, I propose that institutional transformation can begin from the ground up. This process starts with surface-level unsettling actions and moves toward the reactivation of alternative futures shaped by normative Islamic principles. At Level 1, *Specific Episodes* often manifest as fragmented or technocratic actions imposed by state authorities or external planning models. Urban decisions are made based on zoning codes, land monetization, and modernist aesthetics rather than Islamic rights and principles, or local conventions. These episodes are frequently experienced by residents as alienating, extractive, or unjust (Khirfan & Momani, 2017). Through acts of resistance and grassroots interventions guided by the aspiration to reclaim Islamic rights in planning, community-led actions open new spaces for ethical deliberation and challenges the legitimacy of dominant planning practices.

At Level 2, *Mobilization of Bias* in Islamic cities has been co-opted by colonial and postcolonial institutions that prioritize administrative control, economic efficiency, and political stability over communal values or justice. This includes planning ministries, municipal ordinances, and professional education systems that continue to reproduce Occidental paradigms. Community-led planning at this level includes counter-discourses, educational initiatives, community mobilization, and activist networks that attempt to reintroduce Islamic principles into the institutional vocabulary of urban governance. Furthermore, Culturally Embedded Assumptions (Level 3) present one of the most enduring challenges to institutional transformation. Decades of colonial governance and postcolonial state formation have gradually eroded the legitimacy of Islamic frameworks, framing them as incompatible with modern administrative rationality (Fischbach, 2000; Owen, 2013). This marginalization has weakened public familiarity with fiqh-based reasoning and reduced citizens' capacity to interpret planning decisions through shared ethical references. Rebuilding engagement with Islamic legal concepts is therefore essential not only for cultural continuity but for strengthening public trust, accountability, and legal-literacy in governance. When citizens understand planning decisions in terms of principles such as *la darar wa la dirar* or *haqq al-asbaqiyyah*, they can more effectively evaluate government actions and hold institutions accountable to ethical standards rooted in local epistemologies. Resistance to this process also persists among political and economic actors who benefit from maintaining the existing technocratic order, as any reactivation of huquq-based reasoning threatens their monopoly over decision-making and the interpretation of public interest.

Finally, at Level 4, the *Transcendent Divine Authority*, while formally intact in Islamic Jurisprudential texts, has become disconnected from planning practice. The ultimate aim in Islamic contexts is not simply material transformation, but the normative re-grounding of urban governance in divine law. This involves reestablishing the legitimacy of *huquq* as a living source of planning norms, rather than a cultural relic. Therefore, differing from secular models of institutional reform that stop at culturally embedded change, Islamic planning aspires to reconnect everyday urbanism with a transcendent ethical order. This process reshapes both the institutional structures and the ethical foundations that define urban space.

**Table 2.2: Institutional Disruption and Recovery in Colonized Islamic Cities (Bottom-Up Transformation through Community-led actions)**

<b>Level</b>	<b>Description</b>	<b>Postcolonial Condition</b>	<b>Role of Community-led actions</b>
<b>Level 1: Specific Episodes</b>	Fragmented or technocratic planning episodes, often disconnected from cultural norms.	Governed by colonial zoning laws or neoliberal bureaucracies.	Grassroots actions reclaiming space, resisting encroachment of postcolonial modern state over rights.
<b>Level 2: Mobilization of Bias</b>	Institutions and discourses prioritize state-centric, secular, or neoliberal norms.	Planning agencies and education reproduce colonial values.	Raising awareness, legal reinterpretation, policy advocacy.
<b>Level 3: Culturally Embedded Assumptions</b>	Social norms often reflect colonial or modernist skepticism of applying Islamic rights.	Ignorance/perceived obsolescence of Islamic rights-based planning; resistance from certain groups/elites.	Cultural re-legitimation of Islamic frameworks through dialogue to counter hegemonic beliefs and assumptions.

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<b>Level 4: Transcendent Divine Authority</b>	Ethical and legal core remains, but disconnected from practice.	Viewed as symbolic, irrelevant, not operational.	Ultimate goal: a future that reconnects planning practices to Islamic rights-based system ( <i>huquq</i> ).
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In sum, to apply Healey’s model meaningfully in the context of Islamic cities, local community actions must move beyond surface-level resistance to engage all four levels of institutionalization, including the foundational layer of *Transcendent Divine Authority* represented in Islamic rights (*huquq*). Therefore, reviving these rights requires reactivating not only the observable interactions in planning arenas (Level 1) and institutional mechanisms of governance (Level 2), but also the culturally embedded norms (Level 3) and, crucially, adding the divine ethical and legal foundations from which these norms originate (Level 4).

This implies that such actions must be coupled with educational initiatives, legal re-interpretation, and public discourse that promote awareness of these transcendent principles. Such efforts aim to restore legitimacy to *huquq* as mechanisms, not just theoretically, and to reframe planning decisions within an Islamic moral ontology. Only by engaging all four levels can we foster a genuine decolonization of urban governance that is institutionally coherent to ease the dissonance between the inherited (Islamic) and acquired (colonial) modes of planning (Al-Lahham, 2000). In this framework, community episodes become most effective when it couples strategic action with a deliberate reactivation of Islamic legal consciousness and ethical norms.

### ***2.5.2 Colonial Legacy and Institutional Displacement in Jordan: A National Case Analysis***

The institutional dislocations are keenly observable in the Jordanian context, where colonial legacies have had lasting effects on planning and the structure of property rights. Historically shaped by British colonial administration and deeply intertwined with the creation of a Hashemite state, Jordan offers a particularly telling example of how imported institutions displaced local frameworks of governance grounded in Islamic legal traditions such as *huquq*.

During the British Mandate period, the nascent Jordanian state was structured as a buffer territory primarily between British-controlled Palestine to the west and French-controlled Syria to the north, and later between Iraq and Saudi Arabia to the east and south. This buffer role was intended to stabilize the region and protect British imperial interests by insulating Palestine and Iraq from regional threats or uprisings. Jordan offers a compelling case for examining the intersection of rights and colonialism in the Arab-Muslim world, as it underwent what has been described as “one of the most thorough colonially inspired land programs in the Arab world” (Fischbach, 2000, p. 202; Tewfik, 1989).

This program constituted a significant governmental intervention that deeply affected the relationship between people and land. Two main factors contributed to this transformation. First, the land program was implemented through a British understanding of property and state responsibility in land administration. It introduced a colonial governance logic that reshaped how both citizens and civil servants understood authority and ownership, embedding forms of coloniality that persisted long after the British mandate formally ended in 1946 (Fischbach, 2000). Over time, these changes facilitated a broader societal shift from a governance model grounded in Islamic rights to one structured by centralized power and bureaucratic control (Owen, 2013).

The emergence of the state, and its professionals, led accordingly to changing state-society relations and the mechanisms of the built environment production. The problems that have emerged include restricted access to resources, resulting in the development of a parasitic city like Amman that depends heavily on surrounding natural resources such as water (Akbar, 2022; Costello, 1977). This extractive relationship has enabled Amman’s growth while depriving rural areas of the opportunity to develop their own infrastructure and economic base (Yitzhak, 2018). Furthermore, the process of nationalization of dead or unused land, as well as the control over *waqf*, resulted in a significant accumulation of land under the control of the state (Alon, 2005).

Urban planning in Jordan functions through a highly centralized yet multi-layered administrative structure that integrates national policymaking with local implementation. The Ministry of Municipal Affairs, in coordination with the Ministry of Housing and Public Works, sets the national policy and legal framework for land use and urban development, while municipal councils carry out planning on the ground (Abu-Hamdi, 2015). In Amman, the Greater

Amman Municipality (GAM) acts as the dominant planning authority, responsible for preparing and enforcing spatial plans, issuing permits, and regulating development. The system is anchored in the Cities, Villages, and Buildings Law of 1966, supported by sectoral bylaws on environmental impact, heritage, transport, and utilities. These statutes collectively formalize the planning process, emphasizing regulatory compliance and institutional oversight as the primary means of managing urban growth and coordinating development across jurisdictions.

The case of Yajouz in Jordan, as analyzed by Razzaz (1994), illustrates the ongoing negotiation between traditional claims and formal state power. Here, community groups and state actors engaged in a dynamic of contestation and mutual adjustment over land rights. This pluralistic negotiation thus echoed traditional Islamic jurisprudential processes, even as it unfolded within a modern bureaucratic context. The persistence of such semi-autonomous social fields suggests that institutional displacement was never fully complete. Instead, it generated hybrid governance forms where Islamic norms such as *ihyaa' al-ard* remained embedded, albeit unacknowledged by the post-colonial systems.

The colonial transformation of urban land governance in Jordan also significantly disrupted the practical application of Islamic principles like *la darar wa la dirar*. British planning strategies institutionalized legal forms and spatial logic that privileged administrative control and capital accumulation over the self-regulating, community-oriented mechanisms rooted in Islamic jurisprudence (Fischbach, 2000). As Tewfik (1989) observes, the liberalization of land markets in Amman and other growing cities facilitated speculative investment, catalyzing rapid urban expansion and socio-spatial inequality. This shift diluted long-standing communal norms that emphasized mutual responsibility and harm prevention in neighborhood dynamics.

This is demonstrated in the transformation of Wadi Amman in Jordan, where private developments have encroached on public pathways, shadowed neighboring buildings, or undermined shared amenities. According to Rabady and Abu-Khafajah (2021), urban redevelopment projects such as the Hashemite Plaza entailed the demolition of historically significant Ottoman buildings to create visual access to Roman ruins. This restructuring was not simply a matter of clearing space as it actively erased local heritage and community-valued green spaces, and replaced them with hardscaped formal plazas designed to fit a Eurocentric vision of order and heritage. Such interventions would have been legally contestable under *la darar* but were normalized under the new colonially-influenced legal system in Islamic cities.

In the absence of localized mechanisms to mediate harm based on shared moral evaluation, which are mechanisms historically grounded in Islamic jurisprudential ethics and community deliberation, urban planning in Jordan gradually assumed a more technocratic and exclusionary character (Khirfan & Momani, 2017). Rather than integrating the values and practices rooted in neighborhood-level accountability, moral reciprocity, and collective well-being, the planning apparatus began to privilege technical rationality and centralized control. This shift sidelined communal modes of harm mediation and replaced them with impersonal standards that often lacked contextual and ethical sensitivity. As a result, the principle of *la darar wa la dirar*, once enforced through community-based adjudication, became sidelined. This marginalization marked not only the institutional displacement of Islamic principles but also their erosion as viable instruments of spatial justice.

New institutionalism provides a powerful lens through which to interpret these dynamics. From a historical institutionalist perspective, Jordan's legal and planning institutions were path-dependently shaped by colonial and postcolonial priorities, leading to the gradual obsolescence of community-based adjudication arenas. Sociologically, the legitimacy of these newer institutions remained contested, as evidenced by the persistent influence of tribal structures and customary land governance (Wiktorowicz, 2001; Robbins & Rubin, 2013). These arenas serve as latent institutional memory for Islamic principles and offer potential nodes for reactivation. Notably, Wiktorowicz (2001) highlights how mosques, once critical communal arenas for deliberation and conflict resolution grounded in Islamic ethical reasoning, have been depoliticized and co-opted by state apparatuses. This transformation curtailed their traditional function as interactive, participatory spaces for interpreting justice and urban rights. The marginalization of the mosque as a socio-legal institution reflects a broader institutional shift away from community-anchored mechanisms of Islamic planning toward state-centric, top-down models. Reviving the deliberative function of such spaces within a hybrid governance framework may provide a path forward for ethically anchored urban planning in Jordan.

Although Jordan has witnessed the centralization of religious discourse by institutions such as the Royal Aal al-Bayt Institute and Dar al-Ifta (Robbins & Rubin, 2013), the interpretive space for re-engaging Islamic legal traditions in urban governance remains open. Recent urban protests, for instance, have articulated demands for social equity, land access, and transparency in governance using a vocabulary that often invokes Islamic ethical notions (Beck & Hüser,

2015). This convergence of contemporary grievances with enduring moral frameworks reveals not only a latent continuity but also a critical opening for reintroducing Islamic principles into planning discourse. As these principles resonate within the lived experience of urban communities, planners as well as scholars are presented with a unique opportunity to explore how new institutionalism can accommodate ethical reinterpretation, cultural legitimacy, and local agency within contemporary frameworks of urban governance.

These observations reveal both the enduring resonance and institutional marginalization of Islamic planning principles in Jordan. While recent social mobilizations and historical analyses point to the potential for reviving Islamic rights within urban governance, significant challenges remain, particularly in operationalizing these principles within contemporary institutional frameworks. It is within this complex and shifting terrain that the current study is situated. However, despite its contributions, this study is not without limitations.

The analysis deliberately focused on the historical and sociological strands of institutionalism, as a study delimitation, while the rational choice perspective was not explored in depth. Furthermore, the study relied on secondary case studies rather than original empirical fieldwork to investigate the operation of Islamic rights in urban contexts. While the reinterpretation of existing cases, such as Yajouz, provides critical insights into the dynamics of legal pluralism, institutional contestation, and rights-based governance, this approach inevitably imposes constraints on the depth and contextual specificity with which Islamic principles can be analyzed. The use of others' empirical work, although analytically rigorous, does not replace the grounded knowledge that could emerge from direct engagement with communities, planning institutions, and contested spaces.

### ***2.5.3 Reviving Islamic Rights in Jordan and Institutional Levels***

In the Jordanian context, pursuing institutional transformation involves confronting entrenched structures such as patronage networks, kinship affiliations, and centralized state authority (Al Oudat & Alshboul, 2010). These structures (represented at Level 3) have long shaped the political and social landscape, making the introduction of alternative norms and processes particularly complex. As DiMaggio (1988) observes, institutional change tends to provoke resistance, especially from actors who benefit from the status quo. Therefore, shifting toward more equitable systems demands more than isolated efforts; it calls for coordinated

collective action and sustained mobilization to challenge existing power dynamics and foster durable transformation.

In the case of Amman, fragmented acts of spatial resistance and community-led initiatives (Level 1), such as those documented by Razzaz (1993, 1994) and Rabady and Abu-Khafaja (2021), require integration through a coherent and intentional framework. Without a clear organizing principle, these disjointed efforts risk losing their transformative potential. As Friedmann (1987) notes, the absence of a reliable criterion undermines the ability of transformative practices to converge into a meaningful planning agenda (Level 2).

In this context, communities and key urban actors must move beyond passive engagement and become critically aware of Islamic rights and planning principles as foundational tools for action. These rights (Level 4) can serve as a normative compass to shape visions of an alternative urban future that resists capitalist commodification and centralized control. Awareness alone is not sufficient; mobilization around these ethical and legal frameworks is required to transform consciousness into organized action. As Friedmann (1993) asserts, effective transformation channels resistance away from reactive opposition and toward purposeful, constructive change. Planning based on Islamic legal and ethical principles provides a collective response to neoliberal and colonial legacies. This approach allows people to reshape their cities through frameworks of justice that resonate with their social and cultural context.

In Amman, several initiatives exemplify how localized efforts can disrupt colonial planning paradigms and reassert Islamic rights. As mentioned earlier, one prominent case is the community-led movement in Wadi Amman, where residents and heritage activists resisted top-down urban redevelopment by mobilizing to preserve culturally significant urban sites. As Al Rabady and Abu-Khafajah (2021) show, these efforts illustrate how residents are reclaiming their moral and spatial authority in ways that resist technocratic erasure and reiterate the logic of *mulk tam* and *la darar wa la dirar*. While these actions are grounded in ethical claims and community legitimacy, it is worth considering whether explicitly invoking Islamic planning rights such as *mulk tam* and *la darar wa la dirar* might provide additional legitimacy and resonance within a Muslim-majority society. Embedding these actions within the framework of Islamic jurisprudence could enhance their normative grounding, particularly in contexts where religious values retain cultural and political significance. This strategic articulation may help

align grassroots claims with broader societal ethics, strengthening both their legitimacy and potential impact.

In the previously discussed example of Yajouz area in Amman, instances of *ihyaa' al-ard* continue to emerge where residents cultivate and build on underused land, effectively asserting Islamic land rights in opposition to restrictive and speculative state planning. Razzaz (1994) documents how local groups negotiated control over such land through practices wherein community members staked claims to neglected lands by rendering them productive. Although lacking official recognition, these acts reflected the land revivification principle as articulated in the Hanafi school of Islamic law (one of the four major schools of thought in Islam), which continued to influence local legal reasoning into the 20th century (Razzaz, 1994). These acts are transformative both in their legality and in their epistemology, as they challenge the legitimacy of colonial legal codes with Islamic-based land use ethics.

In the case of Yajouz, the “soft spots” between formal rules and their enforcement, as theorized by Mahoney and Thelen (2009, p. 14), were exploited by the community through strategic, adaptive practices that leveraged ambiguities in the state’s regulatory system. These soft spots refer to the gaps between the law as written and the law as practiced i.e., zones where rules are either inconsistently applied, selectively enforced, or interpreted in ways that leave space for informal agency.

Specifically, one of the clearest examples of this in Yajouz is the community’s response to the state’s demolition policy. The state, lacking full capacity to enforce land regulations uniformly, had developed an informal enforcement rule: only unroofed or incomplete structures on state land would be subject to demolition. This criterion, while not officially codified in legislation, became an operative enforcement guideline. The community quickly learned this pattern and adapted accordingly by rushing to install roofs on new constructions as soon as possible, often overnight, to avoid demolition. This was not merely a tactical move but was a practice grounded in a deeper normative framework that drew implicitly on the Islamic principle of *Ihyaa' al-ard*, which historically grants land ownership to those who develop and make productive use of neglected land.

By building quickly and invoking legitimacy through productivity and necessity, the residents used the soft spot between the state’s formal land laws (which required official registration and permission) and their informal enforcement to assert a form of de facto tenure.

As Razzaz (1994) notes, these residents did not just act illegally, they negotiated legitimacy through practice, community consent, and reference to moral justifications, including religious discourse. For instance, community leaders referenced Islamic teachings to frame their actions as just responses to injustice, such as when one elder justified land appropriation using the metaphor of a hungry son taking from an unjust father.

Thus, these soft spots allowed community members in Yajouz to engage in incremental institutional transformation. Without confronting the state directly, they shaped the de facto rules of land tenure by bending enforcement practices and asserting alternative forms of legitimacy. Over time, these practices normalized new understandings of rightful land use, subtly challenging the centralized, power-based property regime. In this way, the community exploited interpretive and operational gaps within the state's system, reactivating Islamic norms through everyday urbanism and demonstrating a bottom-up model for decolonial and rights-based urban transformation.

All in all, the Jordanian case demonstrates how institutional transformation toward Islamic planning can unfold across all four levels of governance, as adapted from Healey's model. Community initiatives in Yajouz and Wadi Amman engage not only in surface-level interventions (Level 1) but also in reshaping institutional mechanisms and discourses (Level 2), while gradually challenging the culturally embedded assumptions (Level 3) that marginalize Islamic legal frameworks. These efforts reach toward a reactivation of the foundational ethical layer (Level 4), grounded in divine authority and *huquq*, which offers a normative compass absent in secular planning paradigms. By working through "soft spots" between formal rules and their enforcement, communities enact subtle yet significant forms of institutional change that build momentum for broader transformation. This layered engagement illustrates how localized actions, when informed by Islamic planning principles, can incrementally decolonize urban governance by reweaving ethics, law, and spatial practice into a coherent and context-sensitive system.

## **2.6 Conclusion**

This chapter examined how contemporary planning theories, particularly new institutionalism, can help us better understand and re-engage Islamic urban planning principles within contemporary governance frameworks. Drawing on concepts such as *ihyaa' al-ard, mulk*

*tam*, and *la darar wa la dirar*, the study presented these principles as part of a rights-based system that continues to shape spatial practices, moral reasoning, and informal negotiations in cities like Amman. These findings challenge prevailing narratives that treat Islamic planning as incompatible with modern frameworks. Instead, they point to enduring conceptual resources that hold relevance for communities navigating contemporary urban pressures.

To address this, the research adapted Healey's multi-level model to include an additional foundational dimension, representing the theological and ethical underpinnings of Islamic planning. This extension allowed for a closer alignment between institutionalist categories and the conceptual vocabulary used within Islamic traditions. Through this framework, the study illustrated how planning rights informed by Islamic jurisprudence continue to carry significance across various levels of governance, from daily urban interactions to collective moral expectations. The foundational level makes visible the normative orientations that guide behavior even in the absence of legal codification. It also offers a language for institutional critique and transformation that is meaningful to local actors and consistent with their worldviews.

The study demonstrated concrete examples of how residents engage with these principles when contesting urban redevelopment. Their appeals drew on shared ethical standards and community obligations, signaling the presence of an alternative planning logic distinct from technocratic procedures. This highlights how marginalized actors articulate claims through frameworks that formal institutions often overlook. It demonstrates that resistance can be both legal and ethical, anchored in long-standing traditions of spatial justice. Such examples illustrate the need to recognize diverse forms of planning consciousness that exist outside dominant regulatory systems.

In reframing the study of Islamic cities, this research contributes to planning literature through an institutionalist approach that takes seriously the ethical and legal imaginaries of Arab-Muslim societies. Rather than relying on inherited Orientalist or modernist models, it offers a framework attentive to the cultural, historical, and jurisprudential dimensions of planning. This intervention repositions Islamic planning rights as tools for both critique and construction, enabling a more expansive planning discourse. It also invites planners to reconsider what constitutes valid knowledge and legitimate authority within contested urban spaces. In doing so, the study opens space for dialogic planning practices grounded in locally meaningful norms.

Future work should expand this inquiry by conducting original empirical studies with communities and planning institutions, especially in contexts where Islamic principles remain part of everyday urban reasoning. Additional case studies from other cities in the region may also clarify how these dynamics vary across different institutional environments. Comparative research could further test the applicability of the extended institutionalist model and refine its analytical utility. Investigating how different stakeholders, such as religious authorities, municipal officials, and residents, interpret and deploy Islamic planning concepts would enrich our understanding of the pluralism embedded in contemporary governance. The findings from this study suggest that incorporating Islamic planning rights into planning theory can support more inclusive, culturally legitimate, and context-sensitive approaches to urban governance.

## **Chapter 3: Reclaiming Local Knowledge: Public Awareness of Islamic Planning Rights in Amman**

### **3.1 Introduction**

Urban planning in Arab-Muslim cities has historically operated within a complex tension between inherited local values and imported systems of regulation (Al-Lahham, 2000). The emergence of modern technocratic planning models, largely shaped by colonial and postcolonial governance structures, has disrupted local systems of urban organization grounded in collective ethics, religious legal frameworks, and social memory (Fischbach, 2000; Khoury & Kostiner, 1990). As a result, urban governance in many parts of the Arab-Muslim world has become increasingly detached from the lived realities, moral orders, and community structures that once anchored the physical and social fabric of the city. This detachment is not only a byproduct of modern lifestyles or mobility patterns but a structural consequence of replacing rights-based spatial principles with zoning and land commodification. These rights ensured that spatial development remained grounded in local consent and accountability, thereby preventing the fragmentation now normalized through long commutes, speculative real estate practices, and centralized planning. The weakening of these mechanisms has not only disrupted neighborhood cohesion but also eroded the moral order that once guided the relationship between people, property, and place.

This historical rupture is particularly evident in contemporary cities such as Amman, where colonial legacies have restructured state planning institutions and marginalized Islamic legal traditions (Massad, 2001). Within this context, planning frameworks rooted in centralized, expert-driven processes have replaced community-based, relational forms of urban governance (Rabady & Abu-Khafajah, 2021). These shifts have not only constrained the agency of communities but also contributed to a growing gap between formal planning processes and the ethical worldviews of many urban residents (Momani, 2015). In this situation, community participation is often reduced to invited forums of engagement that reflect state agendas rather than empowering people to shape their environments in accordance with their values (Miraftab 2009, 2017; Purcell, 2009). As scholars such as Banerjee (2007) have noted, genuine

participation requires more than procedural inclusion. It depends on the existence of a moral and ethical foundation shared by the community. This foundation acts as a conscience of planning that guides collective action.

In response to these conditions, this research seeks to examine whether and how awareness of Islamic planning rights among Amman residents and civil society actors can serve as a foundation for institutional transformation and community planning. Here, community planning refers to practices initiated, shaped, or negotiated by local residents or community actors. These practices often operate in parallel with or in response to formal state-led planning, and involve informal mechanisms of spatial governance rooted in shared norms, collective action, and context-specific knowledge, rather than centralized or technocratic control. The central premise of this study is that, before meaningful participation can occur, there must be a shared moral and legal foundation rooted in collective and historical consciousness. This foundation, I argue, must be informed by Islamic rights and principles that historically governed urban life.

Islamic planning rights (*huquq*) refer to a set of legal and ethical entitlements derived from Islamic text like the Qur'an and *Sunnah* (prophetic sayings and actions) that include principles such as *ihyaa' al-ard* (land revivification), *la darar wa la dirar* (no harm and no reciprocating harm), and the right to access resources. These rights were not abstract legal claims as they served as practical mechanisms to guide planning and urban life through principles of justice, reciprocal obligations, and communal responsibility (Abu-Lughod, 1987; Akbar, 1988; Al-Lahham, 2000; Hekim, 1986). They provide a normative framework through which planning decisions were negotiated, implemented, and ethically evaluated.

The right to access land resources is grounded in the Islamic view that land is a divinely entrusted asset, not a commodity, and that its rightful use depends on social benefit and productive engagement. As Al-Lahham (2000) explains, access to land or natural resources in Islam is understood as a right defined by practical function and communal responsibility, with ownership granted through responsible use and contribution to the collective good, rather than through abstract legal entitlement. *La darar wa la dirar*, derived from a foundational hadith, governed spatial interactions to prevent harm, while *ihyaa' al-ard* granted rights through the revival of barren land. Together, these principles articulate a normative planning logic centered

on equitable access, reciprocal duties, and community-grounded justice (Akbar, 1988; Al-Lahham, 2000).

A central challenge in reclaiming Islamic planning rights lies in the institutional and understanding/awareness barriers that obstruct their integration into contemporary governance systems. These barriers are rooted in the colonial transformation of urban planning in the Arab-Muslim world, which introduced centralized bureaucracies, cadastral mapping, and Eurocentric legal norms that replaced Islamic spatial logics (Owen, 2013). In Jordan, the British-Hashemite land regime institutionalized these changes, marginalizing communal practices and redefining ownership and land access through a technocratic lens (Alon, 2005; Fischbach, 2000). Beyond legal structures, dominant planning discourses continue to privilege modernist, state-centric paradigms that view Islamic rights as outdated or informal, rather than as legitimate frameworks for urban regulation.

The significance of this study lies in its contribution to ongoing conversations about decolonial and community-based urban planning. I argue that raising awareness of Islamic planning rights is not a peripheral concern, but a necessary first step in building collective capacity, restoring public trust in planning institutions, and re-establishing a moral foundation for urban governance in Arab-Muslim cities. This study also demonstrates the importance of linking knowledge to action. Rather than framing communities as uninformed or irrational, this research highlights the latent ethical knowledge embedded in urban life and explores how this knowledge can be mobilized to reconfigure the institutions of planning. In doing so, it contributes to a wider discourse on decolonization, insurgent planning, and the recovery of non-Western frameworks of urban justice.

This study is guided by four primary research questions. First, to what extent are Amman residents and civil society actors aware of Islamic rights and planning principles? Second, how are these rights and principles perceived, enacted, or misinterpreted in contemporary urban life? Third, what are the institutional and discursive barriers to the integration of Islamic planning rights into urban governance in Jordan? Fourth, how can the revival of Islamic rights contribute to building a foundation for decolonial and community-centered planning in Amman? This study engages these research questions with the goal of expanding and deepening existing scholarship in community planning, decolonial theory, and Islamic urbanism. Furthermore, this research fills a significant gap in the literature, as empirical investigations that consider Islamic rights as a

legitimate and effective planning framework remain limited in scope and depth. This project therefore contributes to the broader academic and practical conversation on how culturally grounded, historically informed, and community-driven planning can inform just urban futures in the Arab-Muslim world.

### **3.2 Literature Review**

Planning literature has long addressed the tension between state-led, technocratic rationality and participatory approaches that emphasize local agency, moral reasoning, and context-specific knowledge (Forester, 2013; Friedmann, 1987, 2011; Healey, 1992, 1997; Sandercock, 2003). This body of work critiques top-down models and advocates for planning frameworks rooted in everyday practices, social justice, and collaborative governance. In parallel, scholarship on institutions and state-society relations has explored how local actors contribute to institutional transformation by raising awareness, building capacity, and participating in co-learning and co-production processes (Cars et al., 2002; Cleaver, 2001; Healey, 1998, 2006, 2007). These studies demonstrate that institutional change often emerges from iterative interactions between formal structures and community-based initiatives. In this context, institutions are not just formal rules or bureaucracies; they also encompass the social norms, relationships, and knowledge systems that shape planning, governance, education, and collective decision-making (Healey, 2007; Scott, 2014). This understanding helps situate Islamic planning rights within broader conversations about institutional plurality and the reconfiguration of planning authority.

Building capacity is often intertwined with institutional transformation and requires fostering learning and skills, which are heavily influenced by educational institutions and practices (Healey, 2005; Innes & Booher, 2003). Furthermore, raising awareness is a process that can be facilitated or hindered by institutional structures, requiring deliberate efforts to challenge dominant narratives and incorporate diverse forms of knowledge and understanding (Barry & Agyeman, 2020; Porter & Barry, 2016; Sandercock, 1998, 2003). Matarrita-Cascante and Brennan (2012) underscore that successful community development relies on a blend of formal and informal education, both of which serve to cultivate the skills and consciousness necessary for community members to meaningfully participate and exercise agency within the planning process.

Relevant to this discussion, a critical body of literature also addresses decolonization and the coloniality of planning. It critiques how colonial planning practices, deeply intertwined with the history and ongoing processes of colonialism, disrupted local modes of governance and imposed Eurocentric forms of spatial and institutional control. This often involved the imposition of the colonizing power's legal system, including specific notions of property rights, land ownership, and spatial ordering, which served as fundamental instruments of control and dispossession. Scholars such as Winkler (2018) and Miraftab (2009, 2017) emphasize the persistent structures of power that shape knowledge and decision-making even after the formal end of colonization.

In this context, the concept of legal pluralism becomes highly relevant. Legal pluralism refers to situations where multiple legal orders coexist and operate within a single social field (Benda-Beckman, 2001; Benton, 1994; Griffiths, 1986; Tamanaha, 2000). In post-colonial settings, this condition is often pronounced because the formal, state-imposed legal system, typically derived from the colonial power, exists alongside local or customary legal traditions that predate or developed outside of state control (Massad, 2001; Ostrom, 1990; Winkler, 2023). While European powers imposed their legal regimes, often dismissing local understandings of land, property, and governance, these customary laws frequently persisted, creating complex and contested legal landscapes (Razzaz, 1994, 1998). This dynamic is evident in everyday struggles over land and planning, such as in informal settlements where practices governed by customary law or community norms may operate in tension with, or invisibility to, state law derived from colonial legacies.

From a decolonial perspective, legal pluralism highlights how dominant planning paradigms, rooted in the state's legal framework, often rely on Occidental onto-epistemologies and axiologies that dismiss or marginalize these alternative legal understandings and worldviews (Winkler, 2018). Therefore, decoloniality is not only a critique of colonialism and its imposed legal orders but also a project of epistemic reconstruction, where new forms of knowing and acting must be sourced from within the community and its diverse legal traditions. Recognizing and engaging with this plurality requires a process of unlearning deeply embedded colonial assumptions within state-centric planning systems (Porter, 2016). It necessitates an awareness of the different philosophical spaces and legal traditions from which various groups operate, moving towards appreciating pluriversal, rather than universal, knowledge claims.

Therefore, Wa Thiong'o's (1986) concept of “decolonizing the mind” becomes highly relevant in contexts where coloniality continues to influence planning institutions and marginalize local traditions of governance, including their distinct legal systems. Decolonial efforts must extend beyond critique to actively reclaim indigenous texts and practices, including their legal and jurisprudential traditions. In this sense, traditions like Islamic jurisprudence, where they represent a living legal tradition distinct from state law, function as “resistant texts” that challenge dominant planning paradigms and offer alternative normative foundations rooted in non-Western legal and moral orders (Winkler, 2018, p. 589). The enduring nature of local legal traditions, even when deemed “illegal” by state law, is a manifestation of this resistance and the ongoing condition of legal pluralism. I argue that the recovery and engagement with these texts and the legal traditions they represent foster a planning consciousness rooted in historical moral resources that exist outside the colonial frame, reinforcing Hallaq's (2013) call for institutional renewal through Islamic moral and legal traditions.

#### *Decoloniality and the Reclamation of Being and Knowing*

Porter (2016) underscores how persistent colonial legacies continue to shape knowledge systems and institutional practices. Central to this critique are the decolonial concepts of “being” (ontology) and “knowing” (epistemology), which frame the philosophical and epistemic dimensions of how societies interpret the world and generate legitimate knowledge (Winkler, 2023, 2018).

Firstly, the concept of “coloniality of knowledge” highlights how Occidental knowledge traditions assert their universality while obscuring their particular epistemic location (Mignolo, 2000, 2011; Quijano, 2007). This has led to the marginalization of alternative epistemologies, especially those grounded in the lived experiences of non-Occidental societies (Gunder et al., 2017). In addition, the notion of “epistemic de-linking,” advanced in decolonial literature, calls for a conscious disengagement from these dominant paradigms and an affirmation of “pluriversal” knowledge frameworks that acknowledge and respect the coexistence of multiple ways of knowing (Winkler, 2023, 2018). Winkler (2023) and Porter (2016) emphasize that this decolonization of knowledge must also involve an ethics of relationality, in which knowledge is understood as situated, embodied, and contextually rooted. Winkler (2018) further advocates for the necessity of learning to see, respect, and affirm resistant texts as legitimate alternatives to

dominant ways of knowing and doing. She argues that this requires a project of decolonizing the mind; it is a process that begins with awareness of the philosophical spaces from which I think and interpret the world (Wa Thiong'o, 1986), ultimately informing our actions and ethical commitments in planning.

Secondly, the “coloniality of being,” refers to the devaluation or erasure of indigenous ontologies and lived realities (Rabady & Abu-Khafajah, 2021). This dimension of coloniality not only governs how knowledge is assessed but also how people experience their place in the world. In the context of urban planning education, particularly in Arab-Muslim societies such as Jordan, this dual coloniality manifests in the dominance of Occidental curricula that sideline local perspectives and histories. Such educational models restrict students’ exposure to local frameworks and undermine their ability to conceptualize alternative planning approaches grounded in their own social realities. The need for “decolonising the academy,” as argued by Winkler (2018), thus involves re-evaluating educational content, pedagogy, and institutional structures.

Moreover, this intellectual decolonization is inseparable from building awareness and fostering collective consciousness. Cultivating this consciousness requires recognizing one’s epistemic location and engaging in “border thinking”, a critical approach emerging from the lived realities of those marginalized by colonial power structures (Mignolo, 2007b; Rabady & Abu-Khafajah, 2021). At its core, border thinking affirms the locality of knowledge, asserting that all thought is shaped by context (Faria, 2013). It activates marginalized epistemologies to challenge the dominance of universal perspectives (Manresa Axisa, 2018) and reorients research toward plural, situated ways of knowing (Wanderley & Barros, 2019). In this way, it lays the groundwork for an ethical and moral order grounded in localized ontologies. As Mignolo and Tlostanova (2006) note, border thinking is the epistemology of the future essential for imagining a more just world.

Banerjee (2007) refers to this as the emergence of a planning “conscience,” which reflects the collective capacity to define the moral dimensions of civic action. Thus, the project of decoloniality in urban planning entails a fundamental reorientation away from inherited colonial logics and toward frameworks of knowing and being that are deeply embedded in local, historical, and ethical traditions. Therefore, embracing decolonial thinking provides an opportunity to foster a “new consciousness that liberates planning imaginations” (Miraftab,

2009, p. 45), enabling transformative and emancipatory approaches to address persistent challenges in urban development, particularly in postcolonial cities where colonial legacies continue to shape spatial inequalities and governance structures.

It is important to note that this study uses *postcolonial* to refer to the enduring influence of colonial laws and planning systems on contemporary governance, not merely the period following formal decolonization. While the colonial era has formally ended in the Arab-Muslim world, it is misleading to assume that the region has fully transitioned into a genuinely postcolonial condition. As Hallaq (2013) argues, nationalist elites in many Arab countries maintained colonial structures of power and continued to enforce similar policies under the guise of independence. This ongoing legacy underscores the need to critically interrogate how planning institutions remain shaped by colonial logics, even in so-called postcolonial states.

### *Study of Islamic Cities*

Al-Lahham (2000) critiques early Islamic urban studies, dominated by Orientalists until the 1970s, for employing Occidental methodologies influenced by thinkers like Weber and Marx, resulting in misguided conclusions that portrayed the Islamic city as a static, uniform entity solely defined by Islam. She structures her analysis into three layers: first, the manifested structure, where descriptive studies by historians and archaeologists, such as Creswell, Le Strange, Herzfeld, and G. Marçais, documented physical features like mosques and markets in cities like Baghdad and Tunis, yet provided only superficial insights. Second, the operative structure, where more analytical studies examined institutions like guilds and the *muhtasib* system, which regulated behavior to uphold spatial and moral order, but struggled to transcend Occidental frameworks, with some, like Abu-Lughod (1987), even claiming that Islamic legal traditions offer no guidelines for land use. On the contrary, in the imperceptible structure, the Islamic legal tradition and rights-based mechanisms (*huquq*) are considered the actual shapers of Muslim cities. This is a perspective advanced by later scholars like Akbar (1988) and Hakim (1986), who linked Islamic rights and legal system to urban patterns, contrasting with Orientalist power-based interpretations.

In contrast to the operative and manifested structures, the imperceptible structure, comprising rights, remains constant across all temporal and spatial contexts. This comprehensive set of principles derived from Islamic text like the Quran and *Sunnah* serves as the foundational

reference for all interactions among diverse actors, translating into established conventions for planning the built environment (Hakim, 1983; Hakim & Rowe, 1986). The Islamic rights system delineates distinct yet harmonious tracks for these actors, reducing conflict by ensuring rights are relational and consistent, evaluated in relation to the rights of others, thereby creating an interconnected network of rights (Al-Lahham, 2000).

This scholarly turn toward the imperceptible structure of Islamic cities underscores a growing recognition that legal principles and ethical obligations, rather than solely physical form or institutional mechanics, are central to understanding how urban life was historically organized in Muslim societies. Mortada (2003) reinforces this perspective, arguing that a full appreciation of Islamic urbanism requires an interdisciplinary approach that integrates *Sharia* principles with urban planning theory and practice. Without this integration, the analysis risks overlooking the jurisprudential depth and moral imperatives that shaped spatial organization. It is within this context that the foundational rights and mechanisms embedded in Islamic tradition, such as land revivification, access to resources, the prevention of harm, and full ownership, must be examined not simply as historical abstractions but as underlying principles that structured social relations, urban development, and spatial justice. The following segment elaborates on some of the key Islamic rights and principles, offering a conceptual foundation for understanding how they functioned as normative anchors in the governance of the built environment.

#### *Key Islamic rights and principles in planning*

To begin, the principle of *ihyaa' al-ard*, meaning “life-giving” or “revivification,” is a fundamental right within the Islamic legal framework, enabling individuals to gain ownership of unowned, unutilized land termed *mawat* or “dead land”, i.e. land lacking building or cultivation traces and unused by neighboring localities for purposes like burial or resource collection (Akbar, 1988). Ownership is established by making the land usable through building or cultivation, a historically decentralized process that most Muslim jurists agreed did not require prior permission from the ruler. This legal reasoning, developed by scholars rather than state institutions, reflects the broader structure of the Islamic judicial system, where judges (*qadis*) applied interpretations of *Sharia* derived from juristic consensus rather than codified state law. This model influenced land distribution by encouraging individual access to land through productive use, often reducing the speculative value of urban plots and fostering more equitable

patterns of land ownership. Supported by prophetic traditions, such as the *hadith* narrated by Jabir ibn Abdullah: “Whoever revives dead land, it is his” (Sunan al-Tirmidhi, Hadith 1378), *ihyaa*’ is recognized as a foundational right tied to cultivation and utility (Akbar, 2021).

Access to land resources, rooted in the Islamic rights system, asserts that no one, including the state, can restrict resource access, contrasting with modern state-controlled systems. Individuals reaching resources like minerals can possess, own, and trade them, supported by the Prophet Muhammad’s statement, “Muslims are partners in three [things]: water, grass, and fire,” (Sunan Ibn Majah, 2473), which jurists used to establish resource access principles. Surface minerals on lands were not to be revived or owned, ensuring public access akin to water and pasture, preventing unproductive wealth accumulation, while those mining hidden minerals in dead lands could remain but not obstruct others nearby. Islam granted this access right to all in un-owned lands, promoting opportunity and non-exclusive ownership within the Islamic framework, as experts affirm vital resources like water, energy, pasture, and earth’s yield are collective rights (Akbar, 2022).

Turning to the third principle, “neither harm nor reciprocal harm” (*la darar wa la dirar*) acts as a fundamental ethical and legal guideline in Islam, restricting individual rights to prevent harm to others, as explicitly stated in the Prophet’s tradition: “there should be neither harming nor reciprocating harm,” with rights designed to promote good and avoid evil. This principle imposes critical limitations on actions, including property ownership and land use, exemplified by the historical absence of absolute building height restrictions unless neighbors were affected, showing constraints emerged with harm (Hakim, 1983; Mortada, 2003). Historically, the *muhtasib* system regulated behavior to maintain spatial and moral order, and though Islamic jurisprudence does not detail all harm types, the principle serves as a self-regulating check on private properties, ensuring their use respects others’ rights.

The principle of full ownership, or *mulk tam*, addresses ownership as a well-defined right pertaining to a physical thing. *Mulk tam* grants the owner the right to utilize and dispose of their property as long as it is legitimate according to Islamic tradition. This concept of ownership is described as comprehensive, including not only the surface of the land but also everything beneath and above it. An owner of a piece of land could dig a well, extract resources (oil, gold, antiquities), or build upward without dispute, provided they did not infringe on the rights of others (Akbar, 1988; Al-Lahham, 2000). The principle emphasizes that things necessary and

useful for survival are subject to ownership, which confers the legitimate ability to manipulate the object. In contrast to modern planning systems that often limit owners' rights through regulations like building heights or specified functions, Islamic urbanism grants private properties a sanctity and autonomy, protecting them from expropriation without the owner's consent (Akbar, 2022). This rights-based conception of ownership contrasts with planning models based on centralized control and power. Modern planning, as Scott (1998) observes, often seeks to impose 'legibility' by simplifying urban life into standardized, measurable forms (e.g., street grids, land categories, building codes), while erasing local knowledge and disempowering residents.

Historical examples, such as Caliph Umar's (634–644 CE) attempt to expand the Prophet's mosque in Al-Madina, highlight the principles of *mulk tam* and *no harm*. Despite the evident public benefit of the mosque's expansion, Umar recognized that he could not expropriate private property without the owners' consent (Al-Samhudi, 1908). This illustrates how Islamic law prioritizes the protection of private property rights even when public projects are proposed. Such historical references resonate with Muslim populations in the Arab world today, where forced evacuations and demolitions are justified by a planning vision claimed to offer economic and social benefits (DAWN, 2022). Thus, the concept of eminent domain in modern legal systems, which grants the state the right to expropriate private property for public use, contradicts the Islamic principle of ownership that prioritizes individual control and restricts state intervention. This limitation on state authority reflects a broader critique of modern notions of public interest, which often justify state overreach at the expense of individual rights and environmental well-being.

Since this research draws on concepts from settler-colonial literature to analyze planning systems, it is important to clarify the contextual differences between Islamic land rights and colonial logics of land acquisition. The Islamic right of *ihyaa' al-ard* offers a distinct vision of land tenure embedded in a moral and communal framework that facilitated access to land based on effort and social benefit (Akbar, 1988). *Ihyaa'* operates within the principle of *la darar wa la dirar*, which ensures that revived land use does not infringe upon the rights or wellbeing of others or the environment. This approach differs fundamentally from settler colonial interpretations of improvement rooted in Lockean thought, where non-European land use was often deemed illegitimate, leading to dispossession and the reclassification of Indigenous lands

as *terra nullius*. In contrast, *ihyaa*’ promoted decentralized, ethical land distribution and was often practiced alongside communal tenure systems like *musha*’, a form of communal landholding that emphasized shared responsibility, equitable access, and cooperative management of natural resources. These distinctions underscore the normative potential of Islamic planning principles to inform more just and contextually resonant frameworks of land governance.

### *Tensions Between Post-Colonial State Governance and Islamic Traditions in Jordanian Urban Planning*

Jordan serves as a compelling case study for examining the interplay of rights and colonialism in the Arab-Muslim world, given its experience with “one of the most thorough colonially inspired land programs in the Arab world” (Fischbach, 2000, p. 202; Tewfik, 1989). This program represented a profound governmental intervention into local lives, driven by two key factors: its foundation in a British perspective on property and land management, which embedded a European colonial governance logic in the consciousness of citizens and officials, persisting as coloniality post the 1946 British mandate (Fischbach, 2000). This imposition gradually shifted Jordanian society from a rights-based, decentralized governance model to a power-based, centralized system (Owen, 2013; Tewfik, 1989).

In the Jordanian context, there is a particular tension between imported colonial governance models and Islamic traditions or local conventions. Jordan's current land governance system, shaped profoundly by British colonial land programs, serves as a clear case of how colonial logics of ownership and centralization were embedded into the state apparatus (Fischbach, 2000). Razzaz (1993, 1994) have documented informal urban practices in Jordan that resist the state's centralized planning logic. In Amman, there have been attempts at decolonization through public art and placemaking initiatives; however, these efforts have often been perceived as mere tokenism, lacking in transformative change (Rabady & Abu-Khafajah, 2021). It is important to highlight that the situation in Amman is not solely a result of the state's attempts to co-opt or suppress alternative plans. Part of the dynamic can be attributed to the decolonial impact on artists and practitioners, influencing their ways of knowing and being. This, in turn, is reflected in their efforts to create a localized approach to placemaking. Consequently, there is a prerequisite to decolonize the minds of the community in Arab-Muslim cities,

including practitioners and intellectuals, to eliminate ignorance and break free from the severe colonial thinking. This African-sourced process of “decolonizing the minds” (Wa Thiong'o, 1986), or breaking free from coloniality of knowing and being, is a precondition for any insurgent planning to be a meaningful attempt towards any structural transformation.

Despite the potential for a resistant narrative drawing on the community's Islamic framework and actors such as *ulama* or scholars, employing such a narrative poses significant challenges, as Islamic movements and perspectives have been systematically suppressed due to their perceived threat to regime stability. In Jordan, the rise of “official Islam” through state-controlled Islamic institutions reflects a deliberate strategy by the regime to enhance its survival by curbing oppositional mobilization and maintaining state-society relations (Antoun, 2006; Robbins & Rubin, 2013). However, Wiktorowicz (2001) notes that certain actors within these institutions adeptly use subtle storytelling to convey alternative futures. This discursive strategy offers a pathway for transformative planning practices and the development of insurgent governance models that do not directly challenge the authoritarian regime, as further explored by Fawaz (2008) and Harris (2018).

Historically, mosques have served as crucial hubs for open and informal dialogues on political discourse, community organization, and development (Sirat & Abdulla, 2007). In recent years, however, these spaces have faced significant pressure and are increasingly co-opted by the state (Antoun, 2014; Robbins & Rubin, 2013). State control over mosque access, a vital arena for Islamic deliberation and practice, obstructs social and institutional transformation. In today's Arab-Muslim cities like Amman, this oversight is implemented to suppress the emergence, articulation, and spread of alternative viewpoints that might challenge governmental interests (Wiktorowicz, 1999, p. 677), promoting instead a “depoliticized and unthreatening interpretation of Islam” to reinforce state authority. Moreover, this control is compounded by neoliberal agendas and elites globally, further stifling alternative visions for urban planning and city conceptualization (Fawaz 2009; Miraftab, 2017). Consequently, for mosques to play a meaningful role in raising awareness of Islamic rights within the modern state framework, they must reduce their inclination toward oppositional politics (Sirat & Abdulla, 2007).

This suppression of civic and religious spaces underscores a broader institutional reluctance to accommodate grassroots engagement and normative alternatives to state-led planning. Such constraints not only weaken the role of mosques in fostering civic discourse but

also hinder the development of frameworks grounded in community participation and Islamic ethical traditions. Against this backdrop, the reviewed literature underscores the importance of integrating community planning, decolonial critique, and Islamic rights and traditions into a cohesive framework for urban governance in Arab-Muslim contexts. The role of Islamic legal traditions in contemporary urban governance remains under-theorized and under-studied. Furthermore, the connection between institutional transformation and awareness-building rooted in Islamic principles has not been sufficiently addressed. This research fills that gap by empirically assessing community and expert awareness of Islamic planning rights, and by analyzing how these rights can function as tools for community planning and decolonial resistance. I argue that a rights-based Islamic framework, when reclaimed and integrated through education, institutional reform, and civic engagement, can drive institutional transformation and collective empowerment in cities like Amman. This approach is particularly timely, as Amman's planning institutions remain shaped by colonial legacies, and community-led change depends on revitalizing collective awareness and civic consciousness.

### **3.3 Methods**

This study employs a mixed-methods research design, combining qualitative data gathered through semi-structured interviews with quantitative data obtained from a survey to primarily explore both public and expert awareness and sentiment of Islamic principles in urban planning in Amman, Jordan. This approach allows for a comprehensive understanding of the subject matter, leveraging the depth and nuance of qualitative inquiry alongside the broader insights offered by quantitative data.

This study provides meaningful insights into the awareness of Islamic planning rights in Amman, but it is subject to several important limitations. Time constraints during the research period limited the depth of engagement, particularly the ability to conduct follow-up interviews or extended field observations that could have provided richer contextual understanding. Access to professionals was also restricted during the study, resulting in the underrepresentation of formal institutional perspectives and limiting the ability to assess how Islamic planning principles are currently interpreted or operationalized by urban governance bodies. The sample was geographically and socially concentrated, which may have narrowed the diversity of views represented across different sectors of Jordanian society. In addition, the framing of survey and

interview questions may have led participants to focus on more familiar ethical behaviors or spatial customs, rather than exploring the legal and jurisprudential dimensions of Islamic planning.

While this study offers valuable insights into how Islamic planning rights are understood and mobilized in Amman, it must also acknowledge its aims and limitations with respect to data saturation across participant types. Unlike designs aiming for thematic repetition within a single demographic, this research sought to engage a range of actors, *imams*, legal professionals, academics, and practitioners, each bringing a different epistemic lens to the concept of Islamic planning. As such, while thematic patterns did emerge across interviews, saturation was not fully achieved within each subgroup. For example, perspectives among architects or judges did not fully converge to the point of thematic redundancy. This reflects both the exploratory nature of the study and the practical challenges of conducting research in Amman, such as political sensitivities and general hesitancy toward qualitative inquiry.

The purpose here is exploratory, focusing on assessing how participants interpret and engage with Islamic planning rights. The research therefore does not claim generalizability, but rather seeks to highlight patterns, themes, or gaps in awareness. Furthermore, as the researchers in this study have observed, fieldwork in Jordan often entails navigating a climate of limited trust, where participants may be reluctant to engage openly or consistently. These dynamics necessarily constrained the depth and scope of data collection. Nevertheless, the diversity of viewpoints gathered, although not exhaustive, serves to illuminate the fragmented and often ambivalent ways in which Islamic rights are remembered, interpreted, and selectively enacted in the planning landscape. Rather than aiming for statistical generalization, this study provides a critical entry point into a field where empirical research remains scarce and institutionally fraught.

### ***3.3.1 Qualitative Data Collection: Semi-Structured Interviews***

Semi-structured interviews were employed as a primary qualitative data collection method to gain comprehensive insights into historical and contemporary influences on urban planning in Amman through the lens of traditional Islamic principles. The rationale for selecting semi-structured interviews was their flexibility, allowing in-depth exploration of specific areas while still providing structure to ensure consistency and comparability of information across

participants. A purposive sampling strategy was adopted to identify and select interview participants, based specifically on their professional expertise and scholarly experience related to Islamic planning rights, urban development, and Amman's historical urbanization processes. Participants included Islamic scholars (*imams*), architects and engineers (both professional and academic), and a legal specialist familiar with Islamic and Jordanian civil law.

In selecting interview participants, a deliberate choice was made to include architects and engineers with experience in urban development, rather than professional urban planners. This decision was shaped by the institutional context of Amman, where no dedicated planning programs or professional bodies currently exist. As a result, architects and engineers often occupy roles that in other contexts would be held by formally trained planners. In total, six participants were interviewed. This selective approach ensured that diverse and complementary perspectives were captured, reflecting a broad spectrum of insights relevant to the research questions. Although six interviews were conducted, this chapter draws on four that offered the most relevant reflections on Islamic planning rights; the remaining two, while valuable, focused on tangential topics and are not included in the analysis. In accordance with ethical research standards, all interviewees were assured confidentiality. Their names and identifying details have been withheld, and responses are reported in a way that preserves confidentiality while allowing thematic analysis.

Each interview lasted approximately 60 to 90 minutes and was guided by a semi-structured interview protocol designed to encourage open discussion and deep exploration of key issues. Questions focused on participants' understanding and interpretations of Islamic planning rights and principles, the historical applications of these principles in urban planning practices in Jordan, and participants' perspectives regarding the impact of colonial and contemporary modernization processes on traditional urban governance mechanisms. Moreover, interviews also explored practical considerations for integrating these principles into current planning frameworks, identifying challenges, barriers, and potential facilitators. Five interviews were conducted face-to-face, with one interview conducted online given geographical limitation. Each session was audio-recorded with participant consent to ensure accuracy and facilitate detailed subsequent transcription. Field notes were simultaneously taken to document immediate reflections and important contextual observations that could further enrich the analysis.

The qualitative data from semi-structured interviews were analyzed using manual thematic analysis, following Braun and Clarke's (2006) six-phase model. This approach was selected to align with the study's decolonial framework, privileging embodied, place-based knowledge. Given the small size of the sample, the data set was sufficiently manageable to allow for a careful, manual coding process without the need for software-assisted analysis. Following verbatim transcription, I engaged in multiple rounds of close reading and memo-writing to identify inductive codes. Manual annotation and color-coding revealed four major themes related to awareness: (1) Partial familiarity with key Islamic planning concepts, where terms like *ihyaa' al-ard* or *la darar wa la dirar* were recognized but inconsistently defined; (2) Fragmentation of knowledge transmission, highlighting the disconnect between Islamic teachings and urban planning education or policy discourse; (3) State dominance over rights-based frameworks, in which participants noted that public understanding is shaped more by legal centralization than by Islamic jurisprudential traditions; and (4) Symbolic religious and local culture vs. substantive rights, revealing a tension between aesthetic references to Islamic culture in planning and the neglect of embedded rights and ethical principles. These themes were synthesized through iterative comparison across interviewees, enabling a deeper understanding of how awareness of Islamic rights is shaped, limited, and contested in the context of Amman's contemporary planning landscape.

### ***3.3.2 Quantitative Data Collection: Survey***

Supplementing the qualitative data, the survey targeted residents' awareness and understanding of traditional Islamic urban planning rights and principles. The survey was administered online using a form, collecting responses between July 2024 and March 2025. Inputs from the expert interviewees also facilitated the refinement of the questionnaire design to reflect context-specific understandings of Islamic planning in Amman. Participants were selected through convenience sampling to ensure a range of perspectives, targeting individuals with diverse backgrounds in urban areas. Given that the population of Amman is approximately 4 million, the ideal sample size was calculated to be around 385 respondents, based on a confidence level of 95%, and a margin of error of 5%. Although efforts were made to achieve this recommended sample size, the final valid responses obtained numbered 240 out of 255 collected. This discrepancy was primarily due to incomplete responses and non-completion of

mandatory sections. Despite these constraints, the final sample of 240 respondents still provides a sufficiently robust dataset to explore and analyze the participants' awareness and perspectives regarding traditional Islamic planning rights and principles and their integration within contemporary urban practices in Amman.

The survey included demographic questions, scaled opinion questions on a 7-point Likert scale (1 = strongly disagree, 7 = strongly agree), and yes/no questions. The survey included multiple-choice questions with optional open fields to allow participants to elaborate or customize their answers. While the data collected captured respondents' education level, employment status, and area of residence within Amman, the questions were designed primarily to identify general awareness and perceptions of Islamic planning principles rather than to produce detailed cross-tabulated correlations. This approach provided a broad overview of public familiarity with concepts such as *ihyaa' al-ard* and *la darar wa la dirar*, while leaving space for participants to express context-specific understandings. Future research will expand this design through a more detailed statistical analysis linking awareness patterns to respondents' demographic and professional profiles. Furthermore, scaled opinion questions assessed agreement with statements like "Local and Islamic values should be given greater consideration in urban planning decisions." Yes/no questions gauged awareness of Islamic rights such as "land revivification", "access to natural resources", and "*la dara wa la dirar*". Quantitative survey data were descriptively analyzed by organizing and interpreting response percentages related to awareness of Islamic planning rights and principles.

Ultimately, integrating findings from both quantitative and qualitative thematic analysis will provide comprehensive insights. This mixed-method approach is expected to yield a rich and detailed understanding of public perceptions, knowledge gaps, ethical considerations, and practical challenges surrounding the integration of traditional Islamic planning rights and principles into contemporary urban development practices in Amman.

### **3.3.3 Results**

This study integrated semi-structured interviews—with an imam, a professor of architecture, a judge, and an architect—and a public survey to examine perceptions of Islamic planning principles in Jordan. The findings are structured around four key themes: (1) partial familiarity with core concepts; (2) fragmented knowledge transmission; (3) state dominance over

rights-based frameworks; and (4) the gap between symbolic culture and substantive rights. Triangulating interview and survey data (summarized in Table 1) reveals convergences, divergences, and gaps in understanding, using survey results to contextualize and deepen the insights from the interviews.

### *Partial Familiarity with Key Islamic Planning Concepts*

Both interview and survey data demonstrate a fragmented and context-dependent understanding of Islamic planning principles such as *ihyaa' al-ard*, *haqq al-asbaqiyyah* (right of precedence), and *la darar wa la dirar*. Interpretations varied by professional role and were shaped by institutional constraints. The imam, for instance, initially discussed Islamic planning in aesthetic terms, mirroring its romanticized portrayal in public narratives. However, when prompted, he articulated a more jurisprudential view, framing *ihyaa' al-ard* through the Hadith that designates key resources as communal, linking it to *la darar wa la dirar* as a normative foundation for equitable access. Despite this, he acknowledged that these principles are largely excluded from modern planning discourse, attributing this absence to the state's regulation of religious communication. This suggests that while foundational concepts persist in memory, their translation into actionable rights is obstructed by systemic and institutional filters.

Survey data reinforce the interviews by illustrating a broad yet shallow awareness of *ihyaa' al-ard*. While 75% of respondents recognized the term, most associated it with tangible acts like planting (35%) or building (25%), rather than its jurisprudential function as a legal mechanism for land entitlement. Only 38% affirmed a religious right to cultivate unclaimed land, whereas 28% believed such land was inherently state-owned. This perception reflects the judge's interpretation that "what is not yours belongs to the state," effectively recasting *ihyaa' al-ard* as a state-sanctioned usage right (*haqq al-intifa'*) rather than an autonomous legal claim. His reference to municipal planning tools, like setbacks and privacy guidelines, as examples of harm prevention further blurs the line between administrative regulation and Islamic legal doctrine, particularly *la darar wa la dirar*. Together, these findings reveal a conceptual erosion, where bureaucratic norms become embedded within the ethical discourse of Islam, displacing the legal specificity of traditional planning principles.

Both professional and religious interviewees displayed selective awareness of Islamic planning principles, though this knowledge often lacked coherence and depth. The professor of

architecture situated *ihyaa' al-ard* within Ottoman-era land tenure systems, explaining that Circassian settlers gained rights by cultivating unclaimed land in Jordan. While historically accurate, this framing positioned the concept as a past legal mechanism rather than a principle with contemporary applicability. He also referenced *shuf'a* (the right of pre-emption), explaining it as a legal right that allows a neighbor to buy an adjoining property before it is sold to an outsider, provided they can match the offered price, but noted it has become “rarely used,” reflecting its diminished role in current planning frameworks. The architect, while not using legal terminology, referred to *haqq al-asbaqiyyah* through statements like “The one who was there first must preserve his privileges,” when discussing neighborhood disputes. His focus on design elements, such as shared access to light and air in courtyard homes, highlighted spatial norms rooted in older urban forms. However, these references emphasized practical or social functions rather than legal or rights-based interpretations. Overall, this variation in understanding suggests that Islamic planning concepts are unevenly retained, often shaped by professional orientation or personal experience. While ethical dimensions are recalled in informal ways, the absence of consistent legal framing points to the disconnection between Islamic jurisprudential knowledge and its use in contemporary planning discourse.

Further triangulation with the survey data reinforces the fragmented nature of public understanding. Awareness of the principle *la darar wa la dirar* was uneven: 58.3% recognized the term, yet few believed it was consistently respected in urban planning. Only 8.3% felt it was upheld “most of the time,” while 41.7% answered “sometimes,” and 33.3% “rarely.” Still, 91.7% acknowledged its importance in planning, though views differed on its practical application. When asked about resource access, 20% felt entitled to them based on moral or religious grounds. Another 28% deemed such claims immoral.

Finally, awareness of *mulk tam* was generally low, with only 8.3% reporting high familiarity and 50% indicating minimal knowledge. In a related scenario, views diverged on whether homeowners could change property use (e.g., convert a house into a shop) without harming others. Taken together, these findings reveal a significant disjunction between the theoretical legal knowledge held by experts and the public’s partial, often symbolic or practice-based interpretations. This divergence illustrates an ongoing epistemic rupture in which Islamic planning’s normative legal frameworks are either misinterpreted or overlooked in

contemporary urban governance, weakening their capacity to inform policy or everyday decision-making.

### *Fragmentation of Knowledge Transmission*

The integration of interview and survey data reveals a fragmented and insufficient system for transmitting Islamic planning knowledge, shaped by a lack of institutional support and the prevalence of externally derived planning models. Participants consistently noted that Islamic planning principles are not systematically taught within either religious or academic institutions. The *imam* highlighted that current knowledge transmission depends largely on “individual interest,” as neither *imams* nor planners receive formal education in these areas. He also emphasized the limitations imposed by state-issued Friday sermons, which are “unified and binding,” effectively preventing religious leaders from addressing context-specific topics such as property rights or urban justice. As a result, there is a growing disconnect between the everyday experiences of urban communities and the mosque’s potential role as a space for civic and legal education.

Echoing this institutional gap, the professor of architecture emphasized the peripheral treatment of Islamic planning in Jordanian universities. He noted that although Islamic architectural history might be mentioned, it is rarely accompanied by “deep engagement with the underlying planning principles.” Instead, curricula largely prioritize externally derived planning theories, leaving little room for the development of jurisprudential or culturally embedded frameworks.

This fragmentation is also reflected in patterns of public understanding. Survey responses showed that while only 16.7% of participants identified Islamic planning as a rights-based system, 41.7% associated it with traditional forms like alleyways and courtyard homes, and 25% reported having no familiarity at all. These figures suggest that public interpretations tend to center on visible or historical elements rather than on legal or ethical frameworks, resonating with the interviewees' observations of limited engagement with jurisprudential dimensions.

The architect underscored this by highlighting how communal values such as “neighborliness, tolerance, mercy, and cooperation” have gradually declined in modern urban settings. He attributed this not only to changing planning practices but also to a shift in educational emphasis. Where schools and universities once played a role in shaping cultural

awareness through lectures or extracurricular programming, such spaces have become less central. Instead, he noted that “new media platforms” now play a more important role in much of the public’s understanding of planning and identity.

Yet, the survey also revealed promising potential: 58.3% of respondents strongly and 25% moderately supported integrating Islamic values into planning. This suggests an openness to deeper engagement with Islamic frameworks. Together, these findings point to an opportunity rather than a failure to enhance and diversify knowledge dissemination by building on public interest and reconnecting with locally grounded principles through educational and professional channels.

### *State Dominance over Rights-Based Frameworks*

Interview and survey data collectively underscore the prominent role of state authority in shaping public perceptions of planning rights, often overriding or reinterpreting Islamic jurisprudential frameworks. In addition to the *imam*’s statement regarding the state-imposed sermons, survey findings similarly reflect this institutional framing. While classical Islamic law affirms individual rights to unclaimed land and discovered resources, 28% of respondents considered unclaimed land to be state-owned, and 40% believed the same of natural resources like gold or oil. These views mirror the judge’s interpretation, who stated, “What is not yours belongs to the state,” emphasizing a legal dichotomy between private ownership (*mulk tam*) and *miri* land, which is public land that may be used but not owned outright. As mentioned earlier, his framing also positioned planning tools like building setbacks as administrative protocols by the state, rather than extensions of Islamic legal ethics.

The professor of architecture extended this critique to planning policies, particularly zoning systems in Amman. He observed that designations like “Zone A means upper middle-class housing; Zone D is low-income” institutionalize inequality and contradict Islamic planning’s inclusive ethos, which he described as “involving everyone.” The survey responses reflected this tension between Islamic ownership rights and state bureaucracy. As previously shown, the judge’s interpretation of regulations as purely administrative mechanisms rather than as extensions of Islamic legal ethics further illustrates this state-oriented understanding. His account reflects how contemporary planning practices are shaped by centralized legal norms,

which sideline classical Islamic concepts and contribute to the erosion of a coherent rights-based planning tradition.

Together, these findings illustrate how state governance has redefined the parameters of ownership and public rights, often substituting jurisprudential reasoning with bureaucratic rationales. These differing views reflect a broader tension between modern bureaucratic planning, which prioritizes permits and regulation, and traditional Islamic planning, which is built on a fixed system of rights and established legal conventions. This contrast continues to influence how individuals perceive and exercise their rights in contemporary urban contexts. Furthermore, these data sources reveal a systemic displacement of Islamic rights frameworks by modern state governance, underscoring how administrative and legal centralization has reshaped public consciousness and undermined traditional planning principles.

### *Symbolic Religious and Local Culture vs. Substantive Rights*

A recurring theme across both the interview and survey data is the tension between symbolic references to Islamic culture and the marginalization of its substantive legal and ethical rights. This was evident in the imam's reflections, where he emphasized the symbolic role of sermons in fostering pride through "historical achievements of Islamic civilization in areas like architecture and technology". Again, this aesthetic emphasis is mirrored in survey results in which most respondents associated Islamic planning primarily with traditional houses, alleyways, geometric patterns and art, whereas only 16.7% recognized its legal, rights-based dimensions. These findings suggest that public interpretations are largely shaped by visible, aesthetic, or historical features rather than by substantive legal and ethical frameworks. This reinforces the interviewees' observations that Islamic planning is more often engaged as cultural memory than as an operative system of jurisprudence.

Similarly, the architect's observations reflected a shift from substantive ethical relationships embedded in traditional urban forms to a more superficial engagement with spatial design. He remarked that "the car...needs wider roads," and noted how this, along with setback regulations, has disrupted the "cohesive fabric" of older neighborhoods. Yet rather than framing the issue purely in spatial terms, he evoked a deeper ethic of coexistence rooted in traditional Islamic urbanism: "You sit and negotiate because you live with him; you do not cancel him, and he does not cancel you." His comments suggest that while the physical layout of historic

neighborhoods is often admired or preserved as a symbol of Islamic heritage, the underlying normative system of mutual rights and obligations that once animated these spaces is increasingly overlooked or forgotten.

In sum, by triangulating expert interview insights with public survey perceptions, it becomes clear that while Islamic planning is broadly recognized as a holistic system integrating legal, ethical, and social dimensions, its operationalization is hindered by fragmented knowledge transmission, centralized control, and an overemphasis on symbolic rather than substantive content. The interviews articulate expert concerns about legal and institutional exclusion, while the survey illustrates how these gaps manifest in superficial public understanding.

**Table 3.1: Survey Summary: Demographics and Awareness of Islamic Planning Rights**

<b>Demographics</b>	<b>Percentage (%)</b>
<b>Education</b>	
Bachelor's Degree	33.4
Master's Degree	25.0
Community/Technical Diploma	25.0
Doctorate Degree	8.3
Secondary School Diploma	8.3
<b>Employment</b>	
Full-Time	50.0
Student	33.4
Unemployed	8.3
Retired	8.3
<b>Residency in Amman</b>	
More than 20 Years	75.0
1 to 5 Years	16.7
11 to 20 Years	8.3

<b>Urban Residency</b>	
Large Cities	100.0
<b>General Understanding and Perception of Islamic Planning</b>	
Associated with Traditional Houses and Alleyways	41.7
Understood as Rights-Based System	16.7
Reported No Understanding	25.0
Referenced Geometric/Ornamental Design	8.3
Supported Incorporation of Islamic Values in Planning (High Agreement)	58.3
Supported Incorporation of Islamic Values in Planning (Moderate Agreement)	25.0
<b>Awareness of Islamic Planning Principles</b>	
Familiar with <i>Ihyaa' al-ard</i>	75.0
Associate <i>Ihyaa' al-ard</i> with Planting	35.0
Associate <i>Ihyaa' al-ard</i> with Construction	25.0
Believe <i>Ihyaa' al-ard</i> Grants Right to Build/Cultivate	38.0
View Unclaimed Land as State-Owned	28.0
Consider Cultivation Immoral	20.0
Recognize <i>la darar wa la dirar</i>	58.3
Believe <i>la darar</i> is Respected 'Most of the Time'	8.3
Believe <i>la darar</i> is Respected 'Sometimes'	41.7

Believe <i>la darar</i> is Respected ‘Rarely’	33.3
Unclaimed Resources Belong to State	40.0
Entitled to Resources on Religious Grounds	20.0
Claiming Resources is Immoral	28.0
High Familiarity with <i>Mulk Tam</i>	8.3
Minimal Knowledge of <i>Mulk Tam</i>	50.0

### 3.4 Discussion

The results of this study reveal that awareness of Islamic planning principles among both survey respondents and expert participants is multi-layered and often fragmented. Most participants expressed a generally positive sentiment toward Islamic planning rights, particularly in terms of their ethical and historical significance. However, this support did not reflect a consistent or comprehensive understanding of those rights in their legal or institutional dimensions. Some principles, such as *la darar wa la dirar* and the right of precedence, were understood more clearly. These concepts were often explained through concrete, everyday examples that showed how they continue to be recognized and applied in practice. In contrast, other concepts, including the legal dimensions of the right to access to land resources, and land revivification, were frequently either received mixed moral sentiments or reduced to physical actions like planting, which demonstrates a more superficial engagement.

The empirical findings of this study offer critical insights into how decolonial concepts of being and knowing manifest in Arab-Muslim cities like Amman. The fragmented, state-filtered, and often aestheticized understanding of Islamic planning rights observed among religious and professional stakeholders illustrates a contemporary enactment of the “coloniality of knowledge” (Mignolo, 2000, 2011; Quijano, 2007). While participants referenced terms such as *ihyaa’ al-ard* or *shuf’a*, these were typically interpreted through symbolic or historically distant lenses, reaffirming how dominant planning paradigms of modernist traditions continue to obscure the epistemic legitimacy of Islamic jurisprudential knowledge systems.

The interviews also reveal how the coloniality of being, i.e., the systematic erasure of local ways of inhabiting, knowing, and claiming space (Mignolo 2000; Rabady and

Abu-Khafajah 2021) manifests not only through formal institutions, but also through how individuals conceptualize their ethical and legal relationship to the built environment. A particularly salient dimension of this erasure is the displacement of Islamic rights from the realm of enforceable jurisprudence into a softer, moralized discourse of values and personal virtue.

This dynamic is especially evident in the reflections of the architect. Rather than engaging directly with the legal instruments embedded in Islamic planning, he emphasized interpersonal qualities such as tolerance, negotiation, and mutual respect. The architect lamented the decline of collective urban life, attributing it to the rise of individualistic ideals and the preference for detached housing. While he emphasized values like negotiation and mutual respect, his framing remained largely moral and nostalgic. This turn toward moral idealism, while meaningful, risks obscuring the concrete, structured rights that historically governed urban relations in Islamic cities. Thus, I argue that decolonizing planning is not simply about reviving communal values but about restoring the epistemic legitimacy of alternative legal systems that once ordered urban life. In the absence of enforceable rights, ethics becomes discretionary, leaving justice to the goodwill of individuals rather than guaranteeing it through institutional norms.

This relates to Winkler's (2018) and Porter's (2016) calls for epistemic de-linking by demonstrating how planners, educators, and religious leaders in Amman hold fragments of a pluriversal knowledge system, one rooted in Islamic legal ethics and community values. However, without institutional scaffolding to support these traditions, such knowledge remains fragmented, disconnected, and vulnerable to cooptation. This deepens Banerjee's (2007) notion of a "planning conscience," calling not just for curricular reform but for a restructuring of ethical and institutional imaginaries that recognize localized, historically rooted frameworks of civic life.

Nevertheless, the tension between symbolic Islamic aesthetics and substantive legal-ethical principles serves as a site of what Mignolo (2007b) calls "border thinking" i.e. a mode of knowledge that emerges from the margins to question dominant, universalist epistemologies. As Faria (2013) reminds us, all thought is situated, and border thinking emphasizes the local and embodied nature of knowledge, showing instead that marginalized actors actively contribute to alternative ways of knowing and imagining the future. Participants' fragmented yet persistent efforts to articulate Islamic planning principles often without

institutional backing exemplify the forms of resistant texts that Winkler (2018) argues are essential in postcolonial planning contexts. These expressions offer the foundational material for what Miraftab (2009) calls a liberated planning imagination, one that reclaims suppressed epistemologies and envisions transformative possibilities beyond the dominant planning paradigms.

The generally positive sentiment expressed by survey respondents toward Islamic planning rights, despite their partial or fragmented understanding, suggests that the colonial and postcolonial marginalization of indigenous planning knowledge has not fully erased its legitimacy or resonance within public consciousness in Amman. This underlying ethical attachment points to a reservoir of epistemic and cultural continuity that could serve as a foundation for more transformative engagement with Islamic planning frameworks. Rather than being viewed as mere remnants of a pre-modern past, these principles still carry moral and practical weight, indicating a readiness within the community to explore alternative, locally grounded planning paradigms. Considering this, I argue that the task is not only to raise awareness or improve technical understanding, but also to identify and cultivate what Healey (2007, p. 82) describes as “institutional spaces within which transformational energy gets released.” These spaces, whether educational, religious, or civic, can act as facilitators of dialogue that gradually reshape current practices in ways that are more closely aligned with the Islamic conception of planning.

However, reactivating these principles in contemporary contexts is not a straightforward process of retrieval. As Bhattacharyya (2004) reminds us, community development must be theorized not only in terms of capacity-building or engagement, but also through the epistemic foundations on which institutions are built. In the case of Amman, I argue that the marginalization of Islamic planning is not simply a pedagogical omission, but a deeper epistemic rupture in which long-practiced systems of rights and responsibilities drawn from Islamic legal and ethical traditions have been systematically displaced by colonial and postcolonial modernities. I stress that rebuilding a planning conscience under such conditions cannot rely solely on technocratic consultation mechanisms. It requires a broader decolonial project of re-centering community epistemologies and legitimizing them as viable alternatives to dominant state logics.

One of the clearest indicators of this epistemic rupture lies in the widespread reduction of Islamic planning to micro-scale spatial customs. Participants frequently equated Islamic urbanism with elements like courtyard layouts, privacy between neighbors, or window orientation—features that, while drawing from Islamic jurisprudence, represent only the surface or “manifested” level of its urbanistic tradition (Al-Lahham, 2000). This reduction aligns with a broader Orientalist tendency to essentialize Islamic cities as timeless, exotic spaces shaped by architectural motifs rather than dynamic legal and institutional logics. As Al-Lahham critiques, such framings obscure the foundational legal and distributive principles underpinning Islamic urbanism. When Islamic planning is treated as a style rather than a legal framework, it becomes incapable of informing contemporary challenges such as land justice, urban equity, and participatory governance.

These symbolic framings are not confined to public perception, as they are reinforced through architectural and planning education. During my research, informal conversations with faculty highlighted a pedagogical tendency to equate the teaching of Islamic planning with instruction in architectural typologies, such as courtyards or decorative forms. This reflects what Rabady and Abu-Khafajah (2021) characterize as the institutionalization of partial knowledge, where dominant paradigms reframe indigenous epistemologies in depoliticized terms. The absence of structured, critical engagement with Islamic legal principles in curricula suggests that planning education in Jordan remains heavily tethered to Eurocentric frameworks. Until Islamic rights are presented not as nostalgic artifacts, but as active legal and governance tools, planning education will continue to perpetuate a fragmented understanding.

Moreover, this study found that even when participants invoked Islamic principles like *la darar wa la dirar*, they often did so from a strictly moral rather than institutional standpoint. The principle was understood as an ethical imperative, which is to avoid causing harm to others, but its legal-spatial implications remained obscure. More complex concepts like *ihya' al-ard* were often dismissed as irrelevant or misunderstood as state property laws. These responses highlight a moral-individualist framing that aligns with critiques by Miraftab (2009) and others who argue that postcolonial planning regimes often absorb indigenous terms but strip them of institutional power. In this regard, the invocation of Islamic principles becomes rhetorical rather than operational, and serves to signal cultural continuity while leaving structural exclusions intact. I further argue that the marginalization of Islamic rights is not only an educational issue but a

political one. Interviews revealed a consistent hesitancy among officials and educators to engage with Islamic frameworks, often citing fears of politicization, sectarianism, or administrative burden. This institutional reluctance, as Al-Lahham (2000) points out, reflects a deeper contestation between rights-based and power-based planning logics. In Jordan, as in many postcolonial contexts, state actors often view locally rooted legal traditions—such as Islamic planning principles—as challenges to centralized control. This creates a paradox in which Islamic planning is symbolically celebrated in cultural discourse but remains largely excluded from political and institutional frameworks.

In synthesizing the findings, I argue that advancing a more just and decolonial planning practice in Amman requires addressing three interrelated challenges. First, there is a pressing need to bridge the moral-institutional gap by reconnecting the widespread ethical awareness of Islamic principles with their legal and governance functions. This involves shifting the perception of these principles from personal moral codes to structured frameworks capable of informing urban policy and regulation. Second, meaningful curricular reform in planning education is essential. Islamic planning rights must be taught not merely as historical references or aesthetic traditions, but as coherent legal-spatial systems that can address contemporary challenges such as land justice, resource distribution, and participatory governance. Finally, institutional openness and political will are vital. The reintroduction of Islamic planning principles into mainstream practice demands the courage to challenge dominant, often Eurocentric, paradigms and to recognize indigenous epistemologies as legitimate sources of authority and knowledge. Only by confronting these intersecting issues can urban planning in Amman evolve in ways that are epistemically grounded, socially responsive, and structurally transformative.

Importantly, my findings suggest that *imams*, can play a critical but currently underrecognized role in advancing awareness of Islamic planning rights. During fieldwork, the *imam* demonstrated a more contextually informed and jurisprudentially grounded understanding of these rights compared to other public stakeholders, highlighting the potential of such figures to serve as intermediaries who bridge community values with urban governance. I argue that *imams* should not only collaborate with planners and community members to raise awareness but also be supported in recognizing that these rights are not disconnected from the realities of contemporary urban life. Rather than treating them as mere traditions or abstract theological

ideals, *imams* must understand and communicate their relevance to present-day urban challenges, including equitable development, spatial justice, and neighborhood governance. Therefore, in addition to providing moral guidance, Islamic knowledge can contribute actively to shaping a planning conscience that is grounded in the community's own legal traditions and ethical foundations.

Overall, I argue that revitalizing Islamic planning rights in Amman is not merely a pedagogical or symbolic act, but a critical strategy for achieving epistemic justice and structural transformation. Such revitalization holds the potential to reconfigure planning practice in ways that are culturally grounded, legally coherent, and morally resonant with community life. This effort aims to reduce the politically passive role of Islamic communities, which are often confined to “sterilized urban spaces,” where a disconnect arises between community aspirations and the priorities of the state, governance, and planning systems (Purcell 2013, p. 318; Momani 2015). Thus, reviving Islamic planning rights opens the possibility of realigning planning with community values and transforming it into a space of collective agency and meaningful participation.

### **3.5 Conclusion**

This chapter set out to explore the extent to which Islamic planning rights can serve as a basis for decolonizing urban governance in Amman. Through a mixed-methods approach that combined surveys with in-depth interviews, the study addressed four central research questions: the level of awareness among Amman's residents and planners regarding Islamic rights; how these rights are perceived and enacted; the institutional barriers to their implementation; and the ways in which their revival could support a more just, community-centered planning paradigm. The results confirmed that while principles like *la darar wa la dirar* enjoy wide intuitive recognition, more complex rights, such as land revivification or access to collective resources, remain underappreciated or misunderstood, primarily due to structural constraints in education and governance. These findings affirm the literature's emphasis on the enduring influence of colonial epistemologies and the urgent need to decolonize both knowledge and institutional frameworks. The research has highlighted the significant disjunction between latent ethical awareness and legal-institutional application, a gap that must be addressed to render Islamic planning rights actionable.

Based on the findings of this study, I recommend a multidimensional approach to revitalizing Islamic planning rights in Amman that centers on epistemic recovery, educational reform, and community engagement. First, there is a need to bridge the gap between ethical awareness and legal understanding by fostering public dialogues that reframe commonly understood principles, such as *la darar wa la dirar*, as enforceable spatial rights rather than private moral codes. Curricula in planning and architecture must be revised to present Islamic planning not as a historical or stylistic reference, but as a coherent legal-spatial framework relevant to contemporary urban issues. *Imams*, who demonstrated a more grounded awareness of these rights, should be supported as key intermediaries capable of articulating their practical significance to communities and planners alike. Their engagement should move beyond moral instruction toward civic education, emphasizing that Islamic rights are not relics of the past but tools for addressing present-day concerns like land equity and neighborhood justice. Public storytelling, community workshops, and interdisciplinary teaching tools can help shift the perception of Islamic planning from symbolic tradition to operational knowledge, resisting reductive representations and promoting a planning conscience rooted in the community's own intellectual and ethical heritage.

Future research should expand the demographic and institutional scope, include direct engagement with planning authorities, and consider longitudinal or comparative approaches to better understand the evolving role of Islamic rights in contemporary urban contexts. Additionally, further exploration of the role of digital platforms as emerging institutions within the new institutionalist framework could yield insights into how informal systems reshape planning norms. Future research should incorporate more detailed quantitative and qualitative analyses to expand on the patterns observed in this study. In particular, future work could apply cross-tabulation and other statistical methods to examine how education, professional background, and social experience influence public engagement with *huquq* and their application in urban contexts. Complementary qualitative inquiry through interviews, ethnography, or participatory observation would provide deeper insight into how these rights are understood, negotiated, and potentially reactivated within contemporary planning practices. Such a combined approach would not only strengthen the empirical foundations of this research but also inform strategies for integrating *huquq*-based frameworks into planning education and governance reform.

Ultimately, this study contributes to a growing call for epistemic justice in urban planning by reclaiming indigenous legal frameworks and integrating them into contemporary governance. It demonstrates that Islamic planning rights, far from being outdated, offer living alternatives grounded in ethical responsibility, local memory, and community agency. As such, the research affirms the potential of Islamic jurisprudence to serve not only as a source of cultural identity, but as a foundation for inclusive and decolonial urban futures.

## Chapter 4: Planning with a Compass: Islamic Rights and Mitigating Institutional Dissonance in Amman

### 4.1 Introduction

Urban planning in Jordan is marked by enduring institutional ambiguity and persistent tensions between formal systems and the lived practices of communities. This condition can be traced back to the country's historical transition from Islamic spatial governance traditions to British-imposed planning frameworks introduced during the colonial mandate in the early 20th century (Alon, 2005; Fischbach, 2000; Owen, 2013). The colonial restructuring of land tenure and urban regulation displaced rights-based systems of spatial organization based on Islamic jurisprudence, which prioritized reciprocal obligations, the minimization of harm, and norms of spatial interaction within community relations. Although Jordanian planning institutions have since evolved, they continue to operate within technocratic and centralized models that remain largely disconnected from the normative values historically embedded in local governance (Clark, 2018; Khirfan & Momani, 2017; Shami, 2003).

Contemporary research has begun to highlight this epistemic disjuncture, revealing how residents continue to invoke Islamic principles such as *la darar wa la dirar* (no harm and no reciprocating harm), *mulk tam* (full ownership), and *ihyaa' al-ard* (revivification of land) in their everyday interactions with space and land (Akbar, 1988, 2022; Al-Lahham, 2000; Hakim, 1986; Hakim & Rowe, 1983). These concepts are drawn from Islamic jurisprudence (*fiqh*), which historically governed spatial relations in Arab-Muslim cities. The saying *la darar wa la dirar*, attributed to a hadith of the Prophet Muhammad and widely cited across legal schools, underpins harm prevention as a foundational principle of Islamic law, requiring that urban development avoid causing injury or obstruction to others (Hakim, 1986). *Mulk tam* refers to the legal category of absolute ownership, granting individuals not only the right to use and benefit from their property, but also the ability to exclude others, provided that such use does not violate communal rights or the public good. *Ihyaa' al-ard*, also derived from prophetic traditions and codified by jurists, grants ownership to individuals who cultivate previously unused (dead) land, thereby linking property rights to productive use and stewardship rather than mere title.

These rights, long marginalized in formal planning discourse dominated by colonial and post-colonial statutory frameworks, are increasingly evident in grassroots practices, such as

informal land development, negotiated access to shared resources, and appeals to communal ethics, that implicitly contest state authority (Khirfan, 2019; Razzaz, 1994). Such practices reflect the persistence of alternative rationalities within urban governance, ones grounded not in imported technocratic norms but in locally embedded legal and ethical systems. However, they remain fragmented, unrecognized by contemporary institutions, and often dismissed as informal or customary rather than legitimate frameworks of rights. As a result, while these principles continue to shape spatial behavior and collective memory, they have yet to be reclaimed as active foundations for institutional transformation and legal pluralism in urban planning.

This chapter explores the potential for Islamic planning rights to inform and contribute to the rethinking of foundational principles within Jordan's contemporary planning system. In analyzing planning episodes in Amman through a four-level institutional framework comprising specific episodes, mobilization of bias, culturally embedded habits, and normative systems, it examines whether and how these rights can serve as a source of planning conscience (Banerjee, 2007) and soft infrastructure (Healey, 2007) for guiding institutional change. Although these episodes currently lack a unified transformative agenda, they signal the potential for transformative planning to take place, especially when supported by shared moral visions and traditions that hold local significance. Jordan presents a unique case for this inquiry. The absence of a clearly defined planning reference system has produced both legal fluidity and friction between planners and communities. Nonetheless, this lack of rigid structure may also present a critical opportunity to reintroduce Islamic planning principles in a manner that reduces contestation, enhances legitimacy, and bridges the gap between formal institutions and societal expectations.

This study is driven by two core research questions. First, how might Islamic planning rights be meaningfully reactivated within the framework of contemporary urban governance in Jordan to reduce friction between planners and residents while better addressing local needs? Second, what institutional and societal conditions would be necessary for the reintegration of these rights into current planning systems? Addressing these questions would help us uncover pathways through which historically rights-based planning model can inform institutional reforms and contribute to addressing ongoing governance challenges in Jordan and comparable Arab-Muslim urban contexts.

The central thesis is that these rights offer a historical reference point and a potential framework for rethinking planning systems in contexts like Jordan, where formal governance remains fragmented and contested. This contestation emerges most visibly through the everyday practices of local communities and civil society actors, who often perceive the state's planning apparatus as overly centralized, legally ambiguous, and disconnected from their lived realities (Clark, 2018; Khirfan, 2019; Khirfan & Momani, 2017). Informal land development, community negotiations, and appeals to Islamic norms represent ongoing challenges to the legitimacy of state-led planning (Razzaz, 1994). These acts of resistance reflect both a mistrust of technocratic decision-making and a desire to ground planning in rights-based, culturally resonant frameworks.

The arguments developed in this study collectively support this thesis by showing that: (1) colonial interventions have displaced Islamic spatial logics, producing institutional dissonance and undermining community agency; (2) Islamic planning rights constitute a normative framework for spatial governance informed by ethical jurisprudence; (3) these rights continue to be invoked in informal, everyday planning practices, suggesting their adaptive potential; (4) Healey's institutional model offers a multi-scalar framework to trace how such rights operate across governance levels, from episodes to cultural discourses; (5) the study extends this model by introducing a fourth foundational layer to accommodate contexts where governance is anchored in enduring theological commitments; and (6) New Institutionalism (NI) serves as a flexible but rigorous lens for understanding institutional persistence, transformation, and the reactivation of suppressed planning rationalities. Through this synthesis, the study contributes to a decolonial rethinking of urban governance that foregrounds locally rooted, normatively grounded, and practically relevant planning traditions.

## **4.2 Literature review**

Urban planning in postcolonial contexts often carries the legacy of colonial governance, embedding legal frameworks, procedural mechanisms, and epistemological assumptions that reshape urban landscapes (Roy, 2005; Watson, 2003). These colonial systems frequently displaced indigenous spatial practices, particularly in Islamic cities, where urban organization was historically guided by jurisprudential principles, communal norms, and shared responsibilities (Akbar, 2021). Unlike colonial paradigms that prioritized centralized control, Islamic frameworks balanced individual rights with collective obligations, fostering urban spaces

through local agency and mutual agreements, and this shift introduced a profound rupture, undermining rights-based traditions that had long shaped equitable spatial dynamics (Akbar, 2021).

In the traditional Islamic governance model, the production of space was largely decentralized, with decision-making occurring at the local level, among immediate neighbors, property owners, or community elders, rather than being imposed by state bureaucracies (Mortada, 2003). While overarching legal principles derived from Islamic legal system (Sharia) provided the normative foundation, their application was primarily negotiated through local customs (*'urf*), judicial mediation (e.g., *qadi* courts), and community-based enforcement mechanisms such as the *muhtasib*, who regulated public conduct but did not design or control urban form (Hallaq, 2013; Abu-Lughod, 1987; Mortada, 2003). There were no distinct hierarchical levels akin to modern provincial or national planning authorities; instead, power was distributed laterally through demarcated rights, and the state's role was limited to ensuring the enforcement of these rights rather than dictating development (Al-Lahham, 2014). This created a system where authority was layered but not hierarchical in the modern bureaucratic sense, with spatial governance emerging through horizontal negotiations among community members, while ultimately guided by a shared recognition of divine principles as the overarching normative framework.

Islamic planning is articulated through a permanent set of rights, some of which include *mulk tam*, *la darar wa la dirar*, *haqq al-asbaqiyyah* (the right of precedence), and *ihyaa' al-ard* (Akbar, 2022). *Mulk tam* denotes the unified ownership of both the substance of a property and the rights to fully control and use it. *Ihyaa' al-ard*, or land revivification, grants ownership rights to individuals who restore and cultivate unused or abandoned land. This right is established through productive use rather than legal registration. It reflects a dynamic and use-based understanding of property where rightful claims emerge from the act of making land socially and economically valuable (Al-Lahham, 2000). Additionally, *haqq al-asbaqiyyah* grants spatial priority to earlier-established uses, protecting them from later developments that may cause harm or disruption (Akbar, 2021). These principles collectively created a dynamic and relational system of spatial governance, in which individual rights were interwoven with the rights of others and anchored in shared norms (Al-Lahham, 2000). These examples of rights are part of a wider collection of interconnected spatial rights and duties that shaped the coherence and

adaptability of Islamic urban governance. Colonial interventions in the Arab-Muslim world disrupted these systems, replacing them with abstract cadastral classifications and centralized legal codes.

In Jordan, this transformation is starkly evident, as the country experienced one of the most systematic British colonial land programs in the Arab world (Fischbach, 2000). Through cadastral mapping, individual land titling, and centralized bureaucratic management, the British-Hashemite land regime supplanted Islamic systems that emphasized collective responsibility and local entitlements. This imposition of European property concepts restructured social relations and land tenure, often weakening kinship networks and marginalizing indigenous spatial logics (Alon, 2005; Owen, 2013).

Local planning traditions in Jordan have been gradually eclipsed by technocratic planning frameworks driven by centralized governance and neoliberal logic (Harker, 2017). Yet, their conceptual and normative influence persists. Razzaz (1994) illustrated how tribal groups have invoked the principle of *ihyaa' al-ard* to legitimize informal land claims, thereby challenging the dominance of state-centric property laws. This principle had been a key concept formalized during 19th-century legal reforms influenced by Hanafi jurisprudence, one of the four main schools of Islamic law. Additionally, Fischbach (2000) noted that British officials, despite their preference for cadastral order, reluctantly acknowledged that systems like *musha'* (communal land) played a stabilizing role in rural economies by deterring speculation and reinforcing equity.

Furthermore, Clark (2018) and Harmsen (2008) describe how rural communities have continued to invoke Islamic norms in contesting state control over resources. These practices often exist in parallel to formal mechanisms, reflecting enduring tensions between top-down governance and locally rooted norms. Likewise, Watson (2003) provided empirical evidence on the profound challenges and tensions that arise when colonial, state-based planning systems engage with Indigenous peoples, whose understandings of land, place, and governance are based on fundamentally different ontological and epistemological frameworks. Abu-Hamdi (2015) similarly noted that efforts to assert nationalism in Jordan often conflicted with community beliefs in Islamic unity and justice, further complicating the integration of state planning initiatives. These initiatives included top-down attempts by the central government to modernize urban space, assert territorial control, and promote a unified Jordanian identity through master planning, zoning laws, and large-scale development projects. Rather than building on localized,

rights-based traditions, these interventions frequently displaced existing communal norms and Islamic planning practices.

The broader planning theory literature increasingly aligns with critiques of modernist, state-driven paradigms. Friedmann (1987) reconceptualized planning as a tool for social mobilization, particularly in response to capitalist modes of urbanization. Sandercock (2003) and Huq (2020) called for more historically aware and responsive planning practices. Such practices draw on localized knowledge and moral frameworks, making them particularly resonant in contexts like Jordan. Islamic planning rights, viewed through this lens, offer more than historical precedent. They represent an alternate planning rationality embedded in lived practices, communal negotiation, and a moral sense of spatial justice. As Khirfan and Momani (2017) and Razzaz (1994) have shown, informal negotiations, land revivification, and other everyday acts in Amman constitute spaces that challenge the hegemony of state-led planning.

Despite evidence of continued relevance, few studies have attempted to theorize how Islamic rights could be re-integrated into formal planning systems. The lack of institutional frameworks able to accommodate these norms continues to present a critical barrier. However, as discussed in this study, intermittent gestures toward recognition such as the cursory inclusion of Islamic principles in national planning documents suggest institutional fractures where transformation might begin to take shape. Banerjee's (2007) concept of the planner's "conscience" helps to conceptualize Islamic rights as a source of internalized direction and accountability in fragmented governance contexts. In tandem, Healey's (2007) notion of "soft infrastructure," understood as the web of shared meanings and practices, presents a viable channel through which Islamic planning principles could inform institutional change without necessitating a complete structural reset. These conceptual tools suggest that meaningful reform might arise from reweaving institutional cultures to be more responsive to locally rooted, historically grounded norms.

Jordanian urban governance currently exists in a state of legal and institutional ambiguity, characterized by fragmented laws, ad hoc decisions, and weak enforcement mechanisms (Khirfan, 2019; Al Oudat & Alshboul, 2010; Harmsen, 2008). This environment has enabled selective flexibility but also created confusion and mistrust. At the practical level, planning in Jordan is administered through a multilayered bureaucracy in which authority is formally distributed but substantively centralized. The Ministry of Municipal Affairs maintains ultimate

oversight of planning policies and land-use regulation, while the Greater Amman Municipality (GAM) exercises extensive discretionary power within the capital (Abu-Hamdi, 2015). Local councils nominally participate in decision-making, yet their influence is limited by budgetary dependence and administrative hierarchy. The Cities, Villages, and Buildings Law and related bylaws provide the procedural scaffolding for development control, but their interpretation often varies across cases, reflecting a system driven more by administrative judgment than by coherent regulatory logic. In practice, urban development proceeds through negotiated approvals, exceptional permits, and incremental zoning adjustments rather than through consistent adherence to statutory frameworks. This fluid environment sustains a hybrid mode of governance in which formal legality coexists with pragmatic accommodation, leaving ample room for discretion, contestation, and informal influence.

The revival of community practices that could be supported and guided through Islamic rights indicates the presence of viable alternatives. However, these remain disconnected and often suppressed by bureaucratic systems, which prioritize centralized control, standardized regulations, and state-led development over localized, rights-based forms of governance (Clark, 2018; Harmsen, 2008). Such systems tend to marginalize practices based on communal negotiation and Islamic jurisprudence because they challenge the authority and efficiency claims of modern technocratic planning (Razzaz, 1994; Sait & Lim, 2006; Wiktorowicz, 1999). This research contributes to the literature by exploring how these fragmented practices can become part of a broader, transformative planning vision. Such a vision requires clearly defined normative commitments and institutional pathways. If Islamic rights are to guide planning reform in Jordan, they must be strategically reactivated, not as a nostalgic return but as a framework embedded in current practices. This reactivation offers a pathway to address the institutional dissonance between Arab communities and their governments (Momani, 2015), including planning institutions, by fostering greater responsiveness and clarity in decision-making.

In conclusion, while existing literature on planning in Jordan addresses key themes such as colonial displacement, legal contestation, and grassroots adaptation, it stops short of offering a cohesive theoretical model for institutional transformation. The present study seeks to fill this gap by exploring the possibility of reactivating Islamic planning rights as operational frameworks capable of guiding systemic reform. I argue that linking these rights to planning

practices and embedding them within a multi-level framework that connects everyday spatial actions with institutional processes could suggest ways to alleviate planner-community dissonance and contribute to a cohesive and rights-based urban governance in Jordan.

### *New Institutionalism*

New Institutionalism (NI) is the central theoretical lens of this research. It provides a multidimensional framework for understanding how planning institutions in Jordan are shaped by historical legacies and reworked through contemporary struggles. Unlike classical institutionalism, NI views institutions as evolving configurations of rules, norms, and shared meanings rooted in everyday practices. This perspective is particularly useful in postcolonial settings like Jordan, where colonial laws, bureaucratic routines, and neoliberal transformations continue to influence governance.

While NI resists a single definition, several foundational scholars offer influential formulations. North (1990, p. 3) defines institutions as “the rules of the game in a society... the humanly devised constraints that shape human interaction.” March and Olsen (1984) emphasize their normative and cognitive embeddedness. DiMaggio and Powell (1991) focus on shared meanings and expectations. Scott (2014) identifies regulative, normative, and cultural-cognitive elements that stabilize social life. Hall and Taylor (1996, p. 938) describe institutions as “procedures, routines, norms, and conventions embedded in the organizational structure of the polity or political economy.” Healey (1997) extends these insights by portraying institutions as dynamic webs of relationships situated in place and time. Together, these definitions highlight how institutions shape and are shaped by social action, allowing for continuity, contestation, and change.

Healey’s work, as discussed by Sorensen (2025), has significantly influenced planning theory by linking institutionalism with spatial strategy, stakeholder negotiation, and discursive practice. Her sociological institutionalist approach shifts planning away from technocratic models toward a culturally embedded, communicative understanding of governance (Healey, 1997, 2006, 2018). By framing institutions as the “soft infrastructure” of governance, she provides a lens for examining how meaning, power, and practice are negotiated in specific urban settings. This perspective is foundational for analyzing institutional transformation. Her emphasis on relational agency, discursive negotiation, and place-based governance resonates

with Islamic traditions that frame rights not only as legal entitlements but as moral and communal obligations. Drawing on Healey's (2007) scalar model of institutional change, this research traces how Islamic planning principles can challenge institutional dislocation and inform locally grounded reforms. Although Healey's institutional framework was developed in a British context, its relational understanding of how norms, actors, and practices interact allows it to be adapted to Jordan's planning environment. It is therefore localized in this study to examine how Islamic rights operate as foundational norms within existing governance structures, enabling a contextually grounded analysis of institutional change.

The first level involves governance episodes, which are short-term interactions where policies are negotiated, conflicts managed, and institutional arrangements activated or contested. These include events such as community consultations, land use decisions, and regulatory approvals. The second level concerns embedded practices and routines, including bureaucratic procedures and professional norms that structure everyday governance. Mahoney and Thelen's (2009, p. 14) concept of "soft spots"—areas marked by ambiguity or weak enforcement—helps identify points where change may arise through reinterpretation or strategic use. The third level addresses discursive frameworks, including cultural values and shared imaginaries that legitimize institutions and shape how governance is understood (Healey, 2007). These three levels influence one another in a recursive process that enables institutional change over time.

This study introduces a fourth level, a foundational normative layer rooted in Islamic jurisprudence. While Healey, Offe (1977), and Jessop (2000) emphasize governance as fluid and contested, Islamic planning rights such as *ihyaa' al-ard*, *la darar*, and *mulk tam* are anchored in stable ethical and ontological commitments. These rights serve as structuring norms derived from divine authority, guiding governance through jurisprudential continuity rather than procedural improvisation. This additional layer extends Healey's model to account for the enduring role of Islamic principles in shaping planning institutions. This level captures a deeper normative infrastructure that precedes and informs the other three. Therefore, the rationale behind introducing this fourth level is to extend Healey's framework to account for contexts where institutional stability and normative clarity are central, enabling a more accurate reading of Islamic planning systems and their potential for informing transformative planning in postcolonial urban settings.

The fourth level serves as a guiding framework that shapes and informs the interpretation and operation of the other three levels. It provides the epistemic and normative foundation from which culturally embedded assumptions (Level 3) derive their coherence and internal consistency. These assumptions, in turn, guide the development of practices and routines (Level 2), which filter into governance episodes (Level 1). In contexts like Amman, where Islamic norms continue to circulate in informal practice despite formal displacement, this foundational layer still exerts influence as it manifests in grassroots appeals to justice, customary land use conventions, and informal dispute resolution. Thus, the fourth level is both distinct and deeply interwoven, offering ontological stability to institutional arrangements and foregrounding a normative depth recovered from beneath layers of historically imposed planning logics.

### **4.3 Methodology**

This study employs a qualitative, inductive methodology to examine the potential for reactivating Islamic planning rights within Jordan's contemporary urban governance system. Grounded in exploratory inquiry, the research uses inductive reasoning to allow themes and interpretations to emerge from the data rather than being pre-imposed. Rather than beginning with predefined categories or directly questioning informants about Islamic rights, the research allowed themes to emerge from participants' descriptions of planning practices, institutional challenges, and everyday governance dilemmas. The connection to Islamic rights was developed through subsequent interpretation, where interview episodes were analytically linked to specific jurisprudential principles. This retrospective framing underscores the study's inductive logic, as the relevance of Islamic planning concepts was not assumed in advance but surfaced through reflective engagement with the data. The choice of Jordan as a case study is informed by its unique historical trajectory as it experienced one of the most comprehensive colonial land programs in the Arab world and now operates within a fragmented planning framework that occasionally and superficially references Islamic principles without institutionalizing them.

The research design integrates semi-structured interviews and document analysis. Interviews were conducted with key informants including a government planner, an NGO urban planner, and architects. These participants were selected for their direct involvement in planning processes and institutional reform. While the study is based on a small number of expert interviews (n=4), these participants were selected for their in-depth institutional knowledge and

direct engagement with planning policy in Jordan. Due to constraints related to time, geographic accessibility, and the political aspects of the topic in Jordan, many potential participants were reluctant to engage, despite extensive outreach efforts. As a result, the study faced a low response rate. The sensitive nature of the research, particularly its intersection with religion, politics, and governance, also limited broader participation. The four participants were selected for their potential to share unique, information-rich narratives related to Islamic planning practices in Amman. These were aimed at illustrating real-life experiences and practices, rather than thematic saturation. This aligns with Patton's (2002) model of purposeful sampling and Riessman's (2008) narrative methodology, which emphasize the value of depth and specificity over breadth when examining culturally situated planning practices.

Although thematic saturation in the traditional sense was not the aim, recurring patterns and points of convergence emerged across interviews, allowing for the development of preliminary themes that were then substantiated through policy document analysis. The interviews were coded and analyzed using thematic analysis, following Braun and Clarke's (2006) framework. Coding was conducted in iterative stages, beginning from open coding, followed by the development of broader themes, which were then aligned with the study's four-level analytical framework. These themes were directly informed by the research focus on Islamic planning rights, colonial legacies, institutional dissonance and transformation.

In parallel, planning legislation, policy documents, and municipal bylaws were analyzed to trace the presence, omission, or reinterpretation of Islamic planning principles. This dual data source approach of triangulating interviews with policy texts facilitated a comprehensive examination of both institutional constraints and possible entry points for institutional transformation. All participants provided informed consent, and their confidentiality has been preserved. This methodology enables a nuanced understanding of how contemporary planning practices, involving both community actions and professional roles, intersect with institutional dynamics in ways that may support more grounded and locally resonant forms of urban governance through the lens of Islamic rights and community-based planning principles.

These specific rights, *mulk tam*, *la darar wa la dirar*, *haqq al-asbaqiyyah*, and *ihyaa' al-ard*, were selected for their direct relevance to contemporary urban governance challenges in Jordan. Akbar (2022) emphasizes that *ihyaa' al-ard* serves as a foundational right from which other Islamic planning rights derive their functional relevance, while the remaining selected

rights collectively structure spatial governance, particularly in managing property relations and mediating between individual claims and community obligations. Therefore, each addresses key friction points between centralized, state-led planning regimes and community-driven spatial practices, which continue to generate contestation in Amman's evolving urban landscape. Their inclusion is empirically grounded, as they recur in both historical legal frameworks and present-day planning claims within Amman (Razzaz, 1994).

It is important to acknowledge that Islamic legal traditions encompass a wide constellation of rights and principles that operate across multiple spatial and institutional scales. These include waqf (endowment), haqq ibn al-sabil (the traveler's right), and the right to access natural resources. Such principles can be understood at both neighborhood and national levels, shaping not only local land use but also broader patterns of mobility, infrastructure, and economic inclusion. For instance, *ihyaa' al-ard* and access to natural resources hold significant implications for economic justice, especially in contexts where control over land and resources has been centralized by the state or captured by private capital. Similarly, mobility-related rights like ibn al-sabil structure circulation across regions and carry clear consequences for social and spatial equity.

Although these principles are integral to the institutional architecture of Islamic governance, their full complexity lies beyond the scope of this study. Addressing them without sufficient depth would risk misrepresenting their jurisprudential significance and blurring the analytical focus. This research therefore concentrates on a more focused set of rights which are especially relevant for understanding localized planning practices, property relations, and spatial negotiation in Jordan's urban context. These rights are examined at the community level, where historically they were most actively negotiated, but they are not treated as isolated legal constructs. Rather, they are situated within a broader and interconnected legal and ethical system.

#### ***4.3.1 Semi-Structured Interviews***

Four semi-structured interviews lasting between 30 to 60 minutes were conducted with key informants: a senior government planner, an urban planner affiliated with an international NGO, and two practicing architects. The selection of these four participants was guided by purposive sampling, aimed at capturing a more layered understanding of planning as a situated and negotiated process, revealing both challenges and opportunities for institutional

transformation in relation to Islamic rights. This approach, while not statistically representative, enhances analytical generalization by generating findings that are transferable to similar colonially influenced planning contexts, thereby informing broader theoretical debates. The semi-structured questions allowed for consistency across interviews while giving respondents the flexibility to elaborate on context-specific experiences.

While all four informants contributed valuable insights, the depth and relevance of their contributions varied according to their professional roles and experience. The senior government planner, who has extensive experience working within governmental planning institutions and in direct engagement with the public, in addition to their willingness to share detailed reflections across multiple topics offered the most substantive input. Their reflections were especially rich in relation to institutional challenges, community interactions, and the practical constraints of urban governance. Other participants, including the NGO-affiliated planner and two architects, provided perspectives regarding their insights on transformative planning actions and how regulations are interpreted in the field. This diversity of input allowed for a more nuanced understanding of the planning landscape in Jordan, though the analysis draws more heavily from the government planner's interview due to the depth and relevance of their experience. Additionally, this disparity was addressed by relating the government planner's responses to insights from the document analysis and aligning them with patterns evident across all interviews.

#### ***4.3.2 Legislative Texts and Policy Documents***

In addition to interviews, this study conducted an analysis of primary legal and policy documents relevant to urban planning in Jordan. The selection was guided by their institutional significance and influence on urban governance and planning regulation in Jordan. Furthermore, documents were gathered through targeted searches of official sources, specifically the Ministry of Public Works and GAM. These organizations were identified based on recommendations from practitioners, including the senior government planner who directed attention to the Buildings and Organization System as a foundational text. This document served as the entry point for identifying further materials. Document selection followed a purposeful sampling strategy (Bowen, 2009), with inclusion criteria based on relevance to planning laws, land rights,

governance structures, and references, whether explicit or implicit, to Islamic rights and principles.

The Comprehensive National Plan for Human Rights (2016–2025) was included due to its status as the country’s main policy framework articulating a national commitment to human rights, explicitly referencing Islamic, Arab, and humanitarian values. It offers a perspective on how these values are framed within national discourse. Also, I found that it is the only state-issued document that outlines a broad, value-driven vision for governance. While not a planning document per se, it offers the closest approximation to a normative and comprehensive framework publicly articulated by the government. Given that this research is concerned with reactivating Islamic planning rights as a normative foundation for urban governance, the Human Rights Plan serves as a valuable proxy. It presents preliminary principles such as freedom and justice that align with foundational values in Islamic planning and can form a conceptual bridge between rights-based traditions and contemporary planning reform in Jordan. Moreover, The Real Estate Law No. 13 of 2019 was selected for its comprehensive regulation of land ownership, classification, and use, which are issues linked to Islamic legal traditions, particularly regarding principles and terms such as *ihyaa’ al-ard* and *al-ard al-mawat* (dead land). Lastly, the Buildings and Organization System in Amman was examined due to its direct role in shaping urban form and practice through detailed technical codes, zoning regulations, and land use permissions. As the primary regulatory document guiding spatial planning within the capital, it serves as a critical reference point for understanding how contemporary planning frameworks operationalize, overlook, or diverge from Islamic ethical-legal constructs.

It is important to note that the documents were engaged with as supplementary sources to support and contextualize the findings from the four narrative interviews, rather than as primary data sources. Although these documents did not provide in-depth insights into Islamic planning rights, they were valuable for identifying omissions, institutional framings, and discursive absences, which is an approach that aligns with methodological guidance emphasizing the interpretive potential of inclusions/exclusions in document analysis (Bowen, 2009; Prior, 2003). This selection strategy reflects the qualitative research principle of theoretical sufficiency, where data collection is driven by relevance to the research problem rather than exhaustive coverage (Charmaz, 2006; Corbin & Strauss, 2015; Dey, 1999) While other documents were reviewed during this process, many were excluded due to their highly technical content or lack of

relevance to the study's focus on planning rights and cultural integration. Sampling concluded once the selected documents were determined sufficient to support the research objectives and provide contextual grounding for the interview findings.

The analysis focused on two main objectives. First, it aimed to uncover explicit or implicit references to Islamic legal principles within planning and land management provisions. Second, the analysis aimed to uncover omissions or inconsistencies within legal texts that could function as strategic openings for reintegrating Islamic planning principles into contemporary governance. This component of the methodology supports the overall goal of identifying strategic "nodes" (Healey, 2007) or "soft spots" (Mahoney & Thelen, 2009) within the legislative framework where Islamic planning norms could be reactivated in ways that form a basis for a cohesive planning framework that reduces friction between planning authorities and local communities. It also supplements the interview-based findings by contextualizing the institutional landscape in which those actors operate. In addition, the analysis employed a directed content analysis strategy (Hsieh & Shannon, 2005), which uses existing conceptual frameworks to guide the initial coding process while remaining open to new insights that emerge from the data. This method combined manifest content analysis, which focuses on explicit and surface-level expressions such as direct mentions of Islamic planning concepts, with latent content analysis, which interprets underlying meanings, implicit framings, and omissions that may signal deeper attitudes or assumptions about Islamic planning principles.

## **4.4 Results**

### ***4.4.1 Semi-structured Interviews***

#### *Amman's planning nature*

The senior government planner has provided insights into the planning's nature in Amman and demonstrated their frustration at operational friction between state authority and public resistance, which is exacerbated by the lack of comprehensive, trusted planning laws that drive the planning process in Jordan or Amman in particular. They highlighted that,

... the laws and regulations are inadequate. That's why, for example, at the municipality, when we make a decision about a certain area, we have to consider a thousand different things. We can't touch this, or that, or interfere with [someone's] property...then we fight

with the people, and they ask why we took part of their street. There are a lot of challenges because there are no functioning laws or regulations leading the planning process in the country.

This testimony underscores how urban governance in Jordan operates reactively, often relying on case-by-case adjustments without a coherent and clear framework. They support this by showing how the existing planning depend on outdated laws about buildings and their arrangement without any reference to planning,

The Cities, Villages, and Buildings Law. I think it's No. 79 of 1966 and it's a temporary one. That's the law. From it, the Buildings and Organization regulations emerged, and that's what governs things now. So, when you refer to planning, it's always about the building and organization regulations; no one talks about actual planning. Imagine: we have buildings, organization, but no planning.

They give an example of how this plays out in practice and how in many instances people build on land according to their needs and then planning or zoning follows,

For example, in many cases if you own a plot of land, you can develop it however you like; commercial use, restaurants, cafés, gas stations, whatever. Then, the building department processes it and sends it back to the zoning department, asking them to retroactively change the land use classification to commercial. This is how things currently operate.

The government planner also cautioned against reactive, demand-driven planning, observing that residents often focus solely on their individual interests without considering collective impacts. "If you deal with every daily request that comes in, you'll find that pleasing everyone is an impossible goal. People usually think only of their own needs," they remarked.

However, they highlighted that this reactive and flexible approach should be within limits. While they acknowledged its usefulness in adapting to specific situations, they cautioned that such flexibility should be applied within reasonable and clearly defined boundaries. The government planner reflected on balancing community needs with maintaining regulatory coherence. They emphasized the importance of accommodating people's immediate needs without continuously compromising planning principles to avoid undermining the broader urban

system: “I’m not in favor of constantly waiving or overlooking regulations...But sure you work for people’s convenience in certain cases.”

They explained how the COVID-19 pandemic highlighted changing community needs, such as increased demand for home-based businesses in residential areas, which were previously not allowed by existing regulations. In response, authorities conducted studies and revised the system, expanding the number of permitted professions in residential zones from 12 to 17, including women’s salons and small local restaurants. “We studied the situation and allowed 17 professions in residential areas within certain criteria. This is a reasonable adaptation to people’s needs, but I’m not in favor of dismantling the entire system just to satisfy demands,” they emphasized.

### *Episodes of Current Planning Practices in Amman*

The qualitative data suggests the presence of episodes where Islamic rights resonate directly or implicitly with planning challenges and community behaviors. Foundational Islamic rights continue to resonate with societal practices, even though they are not formally embedded in contemporary planning procedures. In this section, I focus on describing and referencing these Islamic rights where they appear relevant to the empirical examples provided by participants. Interpretive analysis and theoretical engagement with these instances are reserved for the discussion section.

The senior government planner described a long-standing dispute in Shafa Badran area in Amman. The conflict, rising from a resident’s privacy concerns, closely reflects the principles of *la darar* and *haqq al-asbaqiyyah*:

We spent ten years trying to solve a problem in Shafa Badran...there’s an industrial zone facing a higher-elevation residential area. In the industrial area, people opened car repair and tire shops. You know how it is with garages and tire repair shops...the men working there are outside all the time. A man who built his house there said, ‘I spent so much money building my home, and now right in front of it, they’ve opened these garages. My daughters are going in and out, and those men are right there, working on their cars, watching them.’ He kept filing complaints to the courts and coming to us, saying, ‘This is a residential area; you should shut them down.’ But we told him, ‘This is an industrial zone, we can’t close them.’ And he would respond, ‘So what’s my fault? I’ll file a case

against you too.’ You can imagine how these things escalate... In the end, after trying many different solutions, we told the person operating the garages to at least build a wall to block the view. He refused, and it turned into a long saga. Eventually, we were forced to make him put up a wall. These kinds of situations drag you into problems you’d never expect.

In another example reflecting *mulk tam* and *la darar*, an architect discussed the growing use of rooftop solar panels by residents. Adoption was driven by individual necessity and social observation, evolving into a shared neighborhood practice:

Someone might install solar panels on their rooftop. When neighbors see it works, they follow suit... People don’t feel the need to go through official channels. The problem arises when something clashes with regulations—like encroaching on a neighbor’s rooftop rights. If the neighbor doesn’t complain, it’s fine; but if they do, you’re forced to remove it.

This example highlights a form of ‘urf or customary conventions, where bottom-up behaviors create new conventions over time. However, the architect observed that the electricity company, with the municipality’s acceptance, hindered these energy-saving innovations by introducing restrictive regulations after experiencing revenue losses. The architect noted, “The electricity company noticed their revenues were dropping... so they imposed limits on how many buildings could install solar panels and capped energy production.” They added that when residents attempted to bypass these restrictions, inspectors would occasionally discover the violations, and those involved were fined and required to pay penalties.

Another behavior that the government perceives as harmful involves the recurring issue, as shared by the government planner, of individuals building illegally into public streets to narrow roadways for their own personal benefit:

For example, you design a 10-meter-wide street, and someone builds his house right into the street to make it narrower for his own reasons. This paralyzes us. Then, when we tell him the house has to be demolished, it turns into a thousand connections and interventions just to keep his house standing. These are the kinds of problems we face.

They emphasized that such actions disregard the collective good: “Why cause harm like this? He builds without thinking about the consequences.” Reflecting on how attitudes have shifted, they noted:

It’s not like before. Every square meter, every centimeter of land, people refuse to give up, even when it’s for the public interest. He’ll go and build his house right in the street, and we’re left figuring out how to reach other houses with proper roads.

The government planner mentioned two key factors behind this mindset: first, reliance on personal connections and *wasta* (Arabic word for intermediary, which refers to acts of intercessions from close people or acquaintances) to bypass regulations, and second, an entrenched belief that every inch of land is a private entitlement, regardless of its communal function.

In a similar reflection, an architect referred to the reference that municipal authorities have in resolving neighborhood disputes and to the difference between the past and present behaviours. He recounted an incident he witnessed in Amman, where neighbors disputed the placement of a barbecue grill near a shared passageway. One neighbor objected, citing concerns over ventilation and air quality inside her home, leading to a discussion that ultimately resolved the issue, although the threat of municipal involvement was eventually raised. Reflecting on this, they remarked that people still attempt to resolve disputes among themselves; however, the reliance on Islamic principles such as the no harm principle as an explicit reference point has weakened. He stated, “In the past, Islam was the reference people respected when decisions were made.”

The government planner also discussed cases that reflect principles akin to land revivification. They described Hayy al-Qaysiyya, an area in Amman where residents gradually built homes without prior government approval but were eventually evicted to open a road connecting two parts of the city. “People simply came, built their houses, roofed them, and settled there, all next to each other...” they explained.

When asked about the motivations behind this expansion, the interviewee pointed to the high cost of land as a key driver. They added,

The price of land is very high. Once people found an available space, they took the chance. After one person builds, they wait and see, then others follow. Even though they

don't own the land, the cost of building two small rooms might be seven or eight thousand. If the municipality ever comes to evict them, at current land prices, they won't compensate them that little. It might be 20, 30, even 40 thousand. Either way, it's more than what they invested.

Another similar example given by the planner is Abu Siyah area, located near the northern landfill site in Amman:

People built their homes on what was perceived as abandoned state land, assuming no one would care about it. Over time, it turned into a thriving community. They don't have full municipal services, but they manage by sharing resources and extending connections from each other's utilities.

Recently, however, even the municipality has started considering to officially recognize this area. They added:

There are discussions about distributing land plots to the residents, giving each household ownership based on their current dwellings...evicting all these people would be costly, and the area itself holds little strategic value for the city. So, authorities are now reassessing how to regularize these buildings pragmatically.

### *Institutional Transformation*

In discussing the topic of transformation in urban planning, whether in relation to Islamic rights or the capacity of institutions to accommodate change, participants offered a range of perspectives on the mechanisms, limitations, and enabling factors behind institutional shifts in Amman. The interviews reflected both resistance to change and emerging opportunities within Jordan's planning environment.

The government planner highlighted the absence of a comprehensive planning system and how this institutional gap limits the capacity for proactive reform. They described the fragmented nature of current procedures and the lack of legislative support as major barriers to implementing systemic planning change:

[A comprehensive planning system] was something I wanted to work on...and we had actually started the process. This would be a new step because we don't have a

comprehensive planning system. Without systems and laws to regulate municipal, institutional, or government work, nothing functions properly... You can't just invent new planning methods or impose your vision of what you think is the right way...

The government planner further elaborated on how institutional transformation depends on leadership adoption and broader political will, noting that the lack of internal alignment and resources hinders execution:

You can't enforce this on people or even on elected council members who often resist anything new. You also can't obligate the municipal staff or secure funding just because you believe an idea is right. Institutional change only happens if leadership adopts and decides to implement it.

However, participants also noted promising efforts to change institutional planning practices. The NGO planner recounted a recent initiative that introduced a step-by-step learning approach in partnership with GAM and Irbid municipality. The planner described the process as a learning-by-doing training, where municipal staff and planners were encouraged to try the approach themselves before it became institutionalized:

It wasn't just replicating but to actually do a learning-by-doing training. So, I asked Greater Amman Municipality and Irbid to train them step-by-step on the Action Plan for Al-Hashmi Al-Janoubi Neighborhood and asked them to do it. I started working with them step-by-step training, first letting them try it themselves. This gave them experience on how to do proper proactive planning.

According to the NGO planner, this approach gradually became embedded within the municipality's planning processes, "They institutionalized the process. So, it recently became part of the planning process at the municipality. By the end of 2024, the process itself is integrated into GAM's system, in that they now work on neighborhood planning."

The planner considered this an important outcome as it led to a shift in how the municipal staff and planners approached their work:

They ask questions, we answer, and this way they learn. And they start thinking that this makes sense, so they institutionalize it... I had in my mind that it would be 50% success,

so I don't get frustrated. But honestly, they surprised me a lot and the experience was really good. I would say it was a 90% successful story. And they delivered. It took longer than planned; however, it did a change. It is enough that it changed their way of thinking.

In contrast to these positive examples, another architect expressed caution regarding proposals that advocate for the full reapplication of Islamic planning rights without involving the state. He noted that some scholars' support of the idea of communities managing planning independently risks creating an environment devoid of planning safeguards. He explained, "Some say the state should leave everything to the people; the people manage on their own." He warned that a sudden shift could have destabilizing consequences, "It needs a transition; if it happens overnight, surely it would lead to people fighting each other."

#### ***4.4.2 Legislative Texts and Policy Documents***

Although shaped by colonial legacies that largely disengaged Islamic rights from formal planning systems, policy documents relevant to urban planning and governance in Jordan exhibit varying degrees of rhetorical or procedural alignment with Islamic principles. These traces, however partial or symbolic, provide a useful context for interpreting the institutional environment within which planning decisions are made. This subsection highlights three major documents: The Comprehensive National Plan for Human Rights (2016–2025), the Buildings and Organization System, and The Real Estate Law No. 13 of 2019, focusing on their relation to Islamic planning principles and themes raised by interview participants.

The Comprehensive National Plan for Human Rights, which I derived from GAM's website under the Plans & Strategies section, articulates the protection of human rights as both a national and religious obligation, emphasizing that these rights are based on Islamic, Arab, and humanistic values. It frames fundamental rights, such as human dignity, equality, and freedom, as divine duties, immune to suspension or violation by any authority. The preamble explicitly states that "safeguarding fundamental rights and freedoms is a divine obligation embedded in Islamic teachings," underscoring the Islamic foundation of the document's moral stance (The Comprehensive National Plan for Human Rights, 2016, p. 7).

Further, the plan outlines five referential pillars, one of which is the incorporation of Islamic principles as the primary legislative foundation for protecting human rights. The document says under the first pillar:

Islamic Sharia came to safeguard and protect rights, as Islam is the religion of the state and Sharia is the primary source of legislation. Therefore, believing in God, respect for values, adherence to noble ideals regarding equality, justice, and peace, and the recognition of every human being's right to a free and dignified life are fundamental principles in Islam. These are considered essential foundations for the advancement of society toward a better future... (p. 8)

The analysis of the Comprehensive National Plan for Human Rights (2016–2025) indicates repeated references to Islam as a foundational legislative source. It does not provide further detail on how Islamic rights and legal principles are applied or operationalized in practice. The plan's detailed sections focus on civil, political, social, and economic rights, structured around international legal instruments and conventions. These include measures related to justice, freedom of expression, anti-torture protections, and socioeconomic rights such as education, health, and employment. Implementation activities primarily involve legal reforms, administrative updates, and institutional capacity-building, with no explicit engagement with locally related Islamic rights frameworks. Additionally, the plan does not reference any supporting laws, institutional mechanisms, or documents that might translate these values into concrete policy tools relevant to the planning context.

While the plan foregrounds Islamic values as foundational to human rights, this invocation seems more aligned with state-building narratives than with actionable frameworks for planning. The emphasis on broad moral ideals, such as dignity, equality, and justice, does not translate into mechanisms that engage with concrete urban dilemmas such as land access, zoning disputes, or public infrastructure development. This is particularly evident when compared to interviewees' references to day-to-day planning practices, which highlighted how Islamic concepts like *ihyaa' al-ard* and *mulk tam* remain active reference points for community members navigating informal planning realities. The contrast suggests that while moral ideals are affirmed in official discourse, their resonance with local planning practices remains unacknowledged within institutional procedures.

This pattern is also reflected in other national legal documents. The Buildings and Organization System, which is derived from the Law on the Organization of Cities, Villages, and Buildings No. 79 of 1966 and its amendments, offer a primarily technical regulatory framework that governs zoning, land use, and urban planning procedures in Jordan. It reflects a codified

regulatory framework primarily concerned with zoning classifications, plot usage, and building permits, with its origins in the British colonial period (Fischbach, 2000; Owen, 2013). These regulations focus on procedural and administrative aspects of planning; there is no reference to any Islamic legal principles or rights frameworks. This technocratic legal framework reinforces the concern raised by the government planner who described planning in Amman as guided by outdated and insufficient regulations. Their statement, ‘we have buildings, organization, but no planning’, underscores how the regulatory architecture privileges procedural enforcement over visionary or ethical guidance. The disjunction between this codified structure and the lived reality of reactive, fragmented decision-making was repeatedly emphasized by interviewees.

Similarly, an examination of the Real Estate Law further underscores the limited incorporation of Islamic concepts into Jordan’s formal planning system. The document makes no reference to Islamic jurisprudential concepts or ethical foundations. The only notable mention of an Islamic legal conception is *al-ard al-mawat* (dead land). However, its treatment contrasts with classical interpretations found in the Ottoman-era *Majallah* based on Islamic guidelines, which historically shaped Jordanian land governance. Article 7 of the current law states: “It is not permitted to acquire ownership of dead lands, exploit them, or lay claim to them contrary to the provisions of the law” (Real Estate Law, 2019, p. 2). Additionally, the criteria for categorizing land as *mawat* (dead) diverge from classical Islamic jurisprudence. While classical Islamic jurisprudence defined *mawat* as any unutilized, unclaimed, or uncultivated land, regardless of its proximity to settlements, the current legal definition in Jordan introduces a spatial condition, identifying *mawat* specifically as land located far from areas of urban development. This reinterpretation imposes a geographic restriction that was not present in traditional Islamic legal sources and reflects a shift toward modern cadastral and planning logics. This redefinition of *mawat* land within spatially constrained bureaucratic terms contrasts sharply with the experiences shared by informants, particularly in cases like Abu Siyah and Hayy al-Qaysiyya. In both examples, residents acted upon classical descriptions of land revivification in constructing homes on dead land based on communal need and acceptance. These informal practices reflect older interpretations of *ihyaa’ al-ard* that persist despite the law’s reformulation of the concept in ways that disconnect it from its Islamic legal roots

Evidently, at one end of the spectrum, the Comprehensive National Plan for Human Rights incorporates Islamic values through rhetorical emphasis, positioning Islam as a

foundational legislative reference. This symbolic framing contributes to the document's cultural and religious legitimacy but does not extend into detailed operationalization of Islamic rights within planning or land governance. At the other end, the Real Estate Law, and the Buildings and Organization System function as a procedural and regulatory framework for planning practices in Jordan. It outlines zoning, licensing, and building regulations using a technical structure shaped largely by bureaucratic procedures and external legal conventions. Neither document contains explicit references to Islamic legal concepts or frameworks relevant to urban planning, such as *ihyaa' al-ard*, *la darar wa la dirar*, or *mulk tam*. Together, these texts illustrate a dual orientation in current Jordanian policy and legal systems: one normative, based on symbolic invocations of Islamic principles, and one procedural, influenced by technocratic and administrative routines.

The themes emerging from the interviews, mainly around reactive zoning practices and community-led initiatives, highlight the disjunction between legal documents and actual planning dynamics. Whereas national plans like the Human Rights Plan gesture toward Islamic ethical commitments, they do not provide implementation tools or institutional channels for operationalizing *huquq*. The Real Estate Law and the Buildings and Organization System similarly fail to incorporate Islamic planning principles, reducing planning to technical compliance. This divergence becomes especially apparent when juxtaposed with interview accounts of informal practices that implicitly reflect Islamic rights, such as land revivification and full ownership. These inconsistencies do not necessarily indicate a failure of moral rhetoric, but rather reflect a deeper institutional tension: while Islamic frameworks are referenced to affirm cultural and religious legitimacy at the rhetorical level, they remain largely untranslatable within the current technocratic planning apparatus. This reveals a symbolic-functional divide in which ethical commitments are acknowledged discursively but lack corresponding institutional pathways for integration into everyday planning practices.

## **4.5 Discussion**

### ***4.5.1 Legal Flexibility without a Stable Foundation***

Planning in Jordan continues to face persistent challenges in effectively engaging with residents, largely due to the absence of a consistently applied planning framework and a clearly defined institutional foundation for managing community interactions. As the government planner noted, what is lacking is a coherent force “driving” the planning process in Amman, a

guiding system or a reference point that shapes planning decisions. This legal and procedural ambiguity frequently undermines shared understanding and erodes trust between planners and residents. Nevertheless, this very fluidity has introduced a degree of flexibility that allows planners to respond to situational needs and negotiate solutions on a case-by-case basis. The interviews reveal that both planning institutions and practitioners have shown openness to new ways of thinking and alternative planning approaches as an attempt to overcome challenges stemming from outdated laws and colonial legacies. The colonial impact on Amman's planning system disrupted long-standing planning traditions and reshaped the historical relationship between communities and land, as noted by Alon (2005), Fischbach (2000), Owen (2013), and Tewfik (1989). This disruption has contributed to growing dissonance between citizens and the postcolonial Jordanian state.

The interviews conducted in this study illustrate several instances in which this institutional dissonance plays out in practice. At the same time, they demonstrate that planners are not strictly bound by existing rules and remain receptive to alternative planning perspectives. This openness, I suggest, creates opportunities for grassroots episodes to be guided by a "conscience", forming the basis for such practices that can influence more sustained institutional change (Banerjee, 2007). Such moments offer a promising entry point for exploring alternative normative foundations. Examining these dynamics through a decolonial lens informed by Islamic planning rights could offer a useful analytical framework for understanding persistent tensions between communities and planning authorities in Jordan and for identifying alternative approaches to address them.

#### ***4.5.2 Episodes Through the Lens of Islamic Rights***

Building on the four-level analytical framework introduced earlier, this section uses insights from the interviews to examine how planning in Jordan operates across different layers, from everyday planning encounters to deeper institutional routines and cultural expectations. The framework helps make sense of both the barriers and the opportunities for change by tracing how these layers interact. At its core, this analysis asks whether Islamic rights could offer a meaningful foundation at Level 4. It considers how these principles can be embraced, overlooked, or cautiously negotiated, as part of a broader search for a more unified and decolonized planning system.

## *Solar Panels*

The example communicated by the architect on the adoption of solar panels suggests a contemporary manifestation of ‘urf in Islamic urban governance, where community-led initiatives organically develop and become socially accepted without needing prior governmental approval. In Islamic urbanism, ‘urf plays a crucial role in evolving planning norms by allowing local practices to adapt Islamic principles to specific contexts through lived experience and communal consensus (Akbar, 2021; Al-Lahham, 2000). The adoption of solar panels by residents in Amman, driven by economic necessity and peer learning, mirrors how Islamic cities historically negotiated urban solutions within a framework of mutual rights and responsibilities, without immediate reliance on top-down regulation.

However, the eventual intervention by the electricity company, condoned by the state and motivated by revenue concerns, highlights the divergence between local bottom-up governance and modern bureaucratic control mechanisms. This reflects a broader pattern where state institutions, influenced by colonial legacies and neoliberal imperatives, prioritize financial interests over community-driven solutions. Therefore, reframing such community practices through the lens of Islamic rights offers the required “soft infrastructure” to guide and sustain grassroots innovations in a locally resonant manner (Healey, 2007). This perspective offers a conceptual basis for considering how Islamic planning rights might be re-engaged within contemporary governance frameworks.

This case reflects the multi-level dynamics of institutional transformation. Initially, the residents' adoption of solar panels represents a Level 1 (Specific Episodes) intervention, a grassroots, situational response to economic pressures. However, in the absence of a rights-based planning foundation, this initiative collided with the financial interests of centralized utilities, prompting restrictive regulations that prioritized corporate profit over communal rights. At Level 2 (Mobilization of Bias), this stage reflects how formal laws, regulatory procedures, and policy routines shape which actions gain institutional support. In Amman, these dynamics operate through agencies such as the Energy and Mineral Resources Regulatory Commission (EMRC) and GAM, whose licensing and grid-connection procedures under the Renewable Energy and Energy Efficiency Law favor centralized control and large-scale providers. This creates a procedural bias that constrains small, community-led energy initiatives despite their social and environmental benefits. From an Islamic rights perspective, principles like *la darar wa la dirar*

and *mulk tam* could offer a more balanced foundation for mediating between private and collective interests. *Mulk tam* upholds full yet non-harmful ownership, while *la darar* prevents harm to others, together encouraging decentralized innovation that serves communal welfare. Integrating such principles into planning practice could gradually redirect institutional routines toward more inclusive and locally resonant forms of urban governance.

This potential aligns with Friedmann's (1987) argument that social mobilization is the only planning tradition capable of challenging dominant capitalist structures. He emphasizes that planners can support already mobilized communities in translating their needs into practical strategies. In the Jordanian context, integrating Islamic rights like *mulk tam* into planning frameworks could provide a culturally resonant mechanism for such mobilization. However, it is crucial to distinguish mobilization from formal participation. Previous studies have shown that participation is often deployed as a procedural formality that masks top-down control, whereas effective mobilization entails collective agency and substantive influence over planning outcomes. For instance, in Jordan, while some efforts have been made to involve communities through formal participatory processes (Khirfan & Momani, 2017), these initiatives are often perceived as strategies to maintain state control rather than genuine platforms for democratic engagement (Beck & Hüser, 2018; Clark, 2018; Wiktorowicz, 2002). In the era of neoliberalism, where inclusion is used as a facade for exclusion and neocolonial dominance, it becomes crucial to redefine the foundations of planning (Angotti, 2020; Miraftab, 2009; Roy, 2005).

Over time, this institutionalization of Islamic rights and the support for localized practices could contribute to a broader shift at Level 3 (Culturally Embedded Assumptions). Practices like solar panel adoption would be acknowledged as expressions of rightful control and ownership of property, and community-oriented innovation. This normalization challenges neoliberal paradigms that treat utilities as commodified assets and resists bureaucratic ambiguity by adopting a relational governance model. Positioning Islamic rights as a normative reference at Level 4 offers one possible framework for interpreting grassroots practices and institutional adaptations, helping to make sense of fragmented planning dynamics and inform potential pathways for systemic change.

## *Garages*

The government planner demonstrated a long-standing dispute of opening auto repair garages in front of a residential area in Shafa Badran, Amman. The case exemplifies the kinds of everyday conflicts that arise in the absence of a clear planning framework exacerbated by colonial planning policies. It also highlights the ethical dimensions underlying many community grievances, which resonate with Islamic rights such as *la darar wa la dirar* and *haqq al-asbaqiyyah*, which protects established uses and prevents harmful intrusions. I argue that formally recognizing such Islamic rights within planning processes may help clarify expectations and provide alternative avenues for conflict resolution, especially in contexts where existing frameworks are ambiguous or contested.

There is an opportunity to analyze this incident through the four-level framework adopted in this study. At Level 1, the dispute itself represents a localized episode, an immediate conflict between residential and commercial land use. At Level 2, the mobilization of bias appears in the way formal planning procedures and bureaucratic routines determine whose interests are institutionally validated. In Amman, legal mechanisms under the Cities, Villages, and Buildings Law emphasize procedural compliance, zoning conformity, and technical regulation, privileging actors who can navigate these frameworks. The decade-long negotiation and eventual decision to install a barrier reveal a system that responds reactively within narrow administrative terms rather than through ethical or relational reasoning. Still, the final decision leaning toward the residents' concerns partially reflects the spirit of Islamic principles such as *haqq al-asbaqiyyah*, which values prior and established use. Had such principles been embedded within the planning law, the conflict and prolonged friction might have been mitigated through clearer moral reference points. At Level 3, the persistence of these conflicts reflects deeper cultural assumptions inherited from colonial zoning systems that prioritize functional segregation over negotiated coexistence. A missing Level 4 would entail the recognition of a moral foundation informed by *la darar wa la dirar* and right of precedence, which could help reconcile procedural planning frameworks with community-based forms of justice and conflict resolution.

## *Disputing lands*

The cases of Abu Siyah and Hayy-Al Qaysiyya in Amman reflect dynamics closely aligned with the right of *ihyaa' al-ard* within Islamic planning traditions. In Islamic

jurisprudence, land acquires value through beneficial use rather than monetary speculation. Akbar (2021) emphasizes that *ihyaa' al-ard* grants ownership based on one's efforts to revive and utilize barren land, framing ownership as a moral and functional responsibility rather than a financial commodity. Al-Lahham (2000) further explains that land, as a divine trust (*Amanah*), should serve community benefit, and not be subjected to speculative market dynamics. However, Amman's centralization of land ownership through colonial cadastral reforms expanded state rights and control at the expense of community agency. This shift contradicts the decentralized, use-based model of land entitlement in Islamic rights system, where ownership is legitimized by productive use and community needs.

It is important to clarify that this analysis does not romanticize the low-quality nature of such urban areas in Amman. The poor conditions of these areas are not intrinsic to the right of *ihyaa'* itself but result from systemic barriers such as inflated land prices and limited access to resources (Al Sayyad, 2004; Al-Lahham, 2000). Residents who cannot afford market-driven land prices are forced to occupy marginal lands and build with whatever means are available. The critical issue is not the informality per se, but the erosion of the right to own land based on beneficial use. In this light, practices like those seen in Hayy al-Qaysiyya and Abu Siyah should not be seen as a challenge to order, but a continuation of a historically validated Islamic approach to land stewardship that prioritizes ethical use over speculative value and community cohesion over centralized control.

It can also be argued that the municipality's decision to compensate residents of Hayy al-Qaysiyyah before evicting them despite their lack of 'legal' land ownership can be linked to what Razzaz (1994) observed in a nearby area of Amman. There, residents acted quickly to construct homes on 'dead' land, drawing on a lingering understanding of the Islamic right of *ihyaa' al-ard*, aiming to establish claims before state inspectors could intervene and reclaim the land. Therefore, the municipality was compelled to compensate the residents in recognition of a socially embedded practice that still resonates with the principles of *ihyaa' al-ard*. This reflects how customary-Islamic understandings of land use continue to shape state responses, even within a formal system that no longer officially acknowledges them. Viewed through Healey's (2007) lens, such instances offer "arenas" for potential transformation, moments where institutional actors are forced to engage with grassroots practices and, following Mahoney & Thelen (2009, p. 14), it also represents a "soft spot", i.e., a zone of interpretive ambiguity

between rule and enforcement where the potential for incremental institutional change resides. It is in these soft spots that dominant institutional logics may be subtly contested or reconfigured, enabling rights-based and culturally grounded planning practices to re-enter formal governance frameworks.

The cases of Abu Siyah and Hayy al-Qaysiyya demonstrate long-standing tensions around land access and legitimacy that can be understood through the four-level framework. At Level 1, the act of residents building on unregistered or marginal land reflects an immediate response to exclusion from formal land markets and aligns with the Islamic right of *ihyaa' al-ard*, which legitimizes ownership through productive use. At Level 2, the mobilization of bias manifests through the cadastral and administrative systems that define legitimate ownership in Jordan. Procedures managed by the Department of Lands and Survey and enforced through Law No. 40 of 1952 privilege documentary evidence and technical compliance, reinforcing state authority and marginalizing claims grounded in long-term use or communal stewardship. This bias is embedded not only in policy but in the instruments of governance themselves—maps, registries, and bureaucratic hierarchies—that determine whose rights are rendered visible. The municipality's later decision to compensate residents, although exceptional, briefly challenged this logic by recognizing use and occupation as legitimate bases for land claims.

At Level 3, the persistence of these tensions reflects enduring assumptions inherited from colonial and modernist planning, where land was reframed as a commodified and centralized resource. These assumptions replaced earlier Islamic and customary understandings that tied ownership to beneficial use, cultivation, and social function. A missing Level 4 would involve grounding planning practice in principles such as *ihyaa' al-ard* and *la darar*, reorienting entitlement around productive and community-oriented engagement with land. Such integration could help align institutional mechanisms with local moral economies and foster a more coherent relationship between state law and lived spatial practices.

The incident reported by the government planner on some people building on shared street reveals a deeper conflict between individual assertions of ownership and the collective responsibilities that underpin moral urban governance. From an Islamic perspective, the resident's decision to build into a public street contradicts foundational planning rights such as *mulk tam*, which grants full ownership but only within boundaries that prevent harm to others. By narrowing a public road for personal benefit, the action violates the no harm principle by

obstructing access and compromising the shared utility of space. At the same time, the resident's behavior also reflects the erosion of those collective norms and the rise of a fragmented planning culture shaped by colonial legacies (Fischerbach, 2000; Al-Lahham, 2014). Modern planning in Jordan, derived from British zoning and cadastral systems, often reduces land to a commodified, legally bounded asset (Elsheshtawy, 2008; Tewfik, 1989). Within this framework, ownership becomes individualized, disconnected from ethical obligations to neighbors or the broader community. The government planner's reflection that "every centimeter of land, people refuse to give up, even when it's for the public interest" illustrates how this mindset has taken root, leading to an urban landscape marked by contestation and mistrust.

Both the street encroachment case and the neighborhood barbecue dispute reflect a broader erosion of shared ethical foundations in urban governance. In the past, as the architect observed, Islamic principles like *la darar* were widely respected and collectively enforced through social norms. Today, although communities still negotiate disputes, these interactions often lack a clear moral reference point. The resident who builds into a public street, for example, may view their actions as a personal right rather than a breach of collective responsibility in relation to others' rights. This shift from relational rights to fragmented, individualistic reasoning has made planning disputes more adversarial and harder to resolve. While explicit appeals to Islamic principles may no longer dominate public discourse, these moments of friction nonetheless open space to revive rights as a recognized planning framework.

**Table 4.1. Summary of case studies in Amman using the Four-Level analysis**

<b>Case</b>	<b>Level 1: Specific Episodes</b>	<b>Level 2: Mobilization of Bias</b>	<b>Level 3: Culturally Embedded Assumptions</b>	<b>Level 4: Foundational Norms (Islamic Rights)</b>
<b>Solar Panels</b>	Residents install rooftop panels to reduce energy costs.	EMRC and GAM procedures under the Renewable Energy Law favor licensed providers and grid control, limiting small-scale users.	Planning culture prioritizes fiscal efficiency and state control over community innovation.	Principles like <i>mulk tam</i> and <i>la darar wa la dirar</i> illustrate how moral notions of ownership and non-harm could inform equitable governance.
<b>Auto Garages</b>	Residents contest opening of garages near homes in Shafa Badran.	Under the Cities, Villages & Buildings Law, GAM's complaint-based enforcement privileges permit-holders and formal actors.	Colonial zoning logics maintain separation between land uses rather than negotiated coexistence.	Concepts resembling <i>haqq al-asbaqiyyah</i> and <i>la darar</i> highlight alternative ethical references that could complement formal regulation in mediating land-use conflicts.

<b>Disputed Lands</b>	Residents build on unregistered land excluded from formal markets.	Department of Lands & Survey procedures under Law No. 40 of 1952 privilege titled ownership; limited recognition of use-based claims.	Colonial and modernist planning reframed land as a commodified, state-controlled asset.	Frameworks such as <i>ihyaa' al-ard</i> and <i>la darar</i> provide historical examples of use-based legitimacy that could inform discussions of tenure and stewardship in contemporary planning.
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#### 4.5.3 Transformation

The goal here is not to impose a religious doctrine, but to decolonize planning mindsets by reintroducing a rights-based framework that reconnects historical Islamic planning concepts with contemporary governance needs. Crucially, this language is not foreign to the Jordanian planning context as it already appears, albeit superficially, in official policy documents such as the Comprehensive National Plan for Human Rights. This reveals a deeper opportunity embedded in what appears to be a structural contradiction in Jordanian planning governance: the bifurcation between symbolic references to Islamic values in strategic discourse and the technocratic rigidity of inherited colonial planning laws such as Law No. 79 of 1966. On one hand, the cultural-symbolic pole affirms Islamic principles rhetorically, largely for purposes of national legitimacy. On the other, the technocratic-regulatory pole governs land, infrastructure, and spatial development through procedural systems that remain largely detached from local ethical or Islamic frameworks.

Yet rather than a contradiction to be resolved, this duality may constitute an institutional node, a legal and bureaucratic hinge point where normative shifts can begin to take shape. As Miraftab (2009) suggests, such tensions create spaces in which alternative rationalities can be introduced, negotiated, or scaled. If Islamic rights are reimagined not as oppositional or nostalgic constructs, but as frameworks embedded in everyday social practice (Hillier, 2017; Brownlow, 2011), then their reactivation can potentially support bottom-up innovations, reduce friction

between residents and planners, and bring coherence to fragmented governance. This normative ambiguity, rather than closing off possibility, creates a transitional space in which interpretive flexibility becomes a strength. Within these margins, planners, NGOs, and residents can find opportunities for transformation, whether through pilot initiatives, revised policy tools, or dispute resolution mechanisms grounded in principles like *la darar wa la dirar* or *mulk tam*. Such interventions would not reject the state system but strategically reorient it toward decolonial planning and indigenous rights traditions.

Importantly, for these spaces to evolve into meaningful institutional change, they must be underpinned by what Hillier (2017) calls “prefigurative politics”, social experiments that both critique existing conditions and offer plausible alternatives. These micro-transformations provide the scaffolding for larger normative shifts, giving ethical depth and political traction to what might otherwise remain isolated acts of resistance. Friedmann (1987) argues that without a “reliable criterion” that holds these fragmented practices and experiences into a coherent whole, the less it holds meaning for transformative planning. In this context, the community, including the influential urban actors mentioned earlier, must not passively observe these efforts (Barry et al., 2018; Friedmann, 1987). Instead, they should be actively and fully aware of Islamic rights and principles, using them as a guiding criterion to drive the process of transformation and formulate a vision for an alternative future. This strengthens the efforts towards collective consciousness and actions that break dependency from capitalism and the modern state and “channel them away from blind resistance into more constructive paths” (Friedmann, 1993, p. 484).

Some participants in this research expressed concerns that reintroducing Islamic planning rights would lead to chaos, suggesting that without centralized state regulation, planning would become ungovernable. This perception echoes a broader misconception, which the government planner appeared to share, that without state enforcement, there can be no order. Nevertheless, this overlooks the fact that Islamic planning rights themselves constitute a rule-based system grounded in shared understanding of rights and reciprocal obligations. This tension can also be understood through critiques of how non-state planning practices are often mischaracterized, with van Ballegooijen and Rocco (2013) cautioning against interpreting such forms of urbanization through the lens of anarchism. Similarly, when one architect dismissed the absence of regulations as “chaos,” it revealed a misunderstanding; fixed rights like *la darar* and *mulk tam*

provide a more responsive, relational form of governance that is rule-bound but not strictly top-down.

This bureaucratic mindset also extends to how planners conceptualize institutional change. One participant explained that introducing any new planning system requires multiple layers of approval, reflecting a deeply ingrained logic of state-centered control. As Fischbach (2000) argues, this institutional mentality can be traced back to British colonial rule, where land administration systems were designed to reflect a European understanding of property and state responsibility. These colonial planning practices instilled a logic of hierarchical governance in both officials and citizens, creating a lasting form of “coloniality” that persisted well beyond the formal end of the British mandate in 1946.

Institutional transformation, therefore, involves changing procedures as well as confronting the deeper allegiances that uphold existing systems (Al Oudat & Alshboul, 2010). As DiMaggio (1988) notes, such transformations are often contested by those who benefit from the status quo. The government planner’s remarks reinforce this, highlighting both the lack of a comprehensive planning system in Jordan and the structural limitations such as resistance from political leadership and lack of internal coordination that inhibit reform. They argued that change is only possible when adopted from the top, reflecting a system still attached to hierarchical control rather than decentralized, rights-based reform that draws on locally meaningful frameworks.

Despite structural constraints, the growing presence of alternative actors points to promising avenues for institutional transformation in Jordanian planning. Some NGOs have emerged as important facilitators of both normative and procedural change. As demonstrated in the training initiative with GAM, NGOs can serve as effective intermediaries between communities and the state, helping planners adopt alternative approaches. According to interview accounts, these NGO-led interventions have influenced the thinking of the municipality, pointing to the possibility of decolonizing mindsets through the reactivation of Islamic rights in planning. This process aligns with Wa Thiong'o's (1986) call for reclaiming indigenous traditions as a means of intellectual and cultural decolonization.

However, not all NGOs operate in the same way or with the same transformative potential. While international organizations often emphasize procedural reforms aligned with global standards, they are frequently perceived by local actors as extensions of state agendas,

particularly in their role of mitigating the effects of neoliberal restructuring or perpetuating colonial values (Brownlow, 2011; Feldman, 1997; Miraftab, 1997). In contrast, Amman-based NGOs that engage critically with the colonial legacies embedded in Jordan's planning systems, such as the Arab Group for the Protection of Nature, are often better positioned to support grassroots efforts and promote rights-based planning grounded in community norms.

The challenge, however, lies in activating and directing this latent capacity toward meaningful institutional change. One strategy involves drawing on existing policy texts, which, although they invoke Islamic principles only superficially, nonetheless provide entry points for embedding rights-based frameworks into planning law. But as Smith (2002) notes, even these locally grounded organizations are often less encouraged or structurally positioned to engage in overt political advocacy. To navigate this constraint, Smith proposes long-term, organic, and non-confrontational strategies that utilize faith-based frameworks as more effective pathways toward institutional change. This perspective is reiterated by Friedmann (1987), who argues that incremental reform is often more enduring than abrupt confrontation. These views also support the architect's assertion that reviving Islamic planning rights will require a transitional approach rather than a complete rupture with existing systems. This approach is made feasible by the presence of identifiable nodes and moments within the current planning landscape in Amman where Islamic rights can begin to re-emerge and gradually become institutionalized.

#### **4.6 Conclusion**

This study explored the enduring relevance and potential reactivation of Islamic planning rights in Jordan, focusing on principles such as *mulk tam*, *la darar wa la dirar*, and *ihyaa' al-ard*. It applied a four-level analytical framework to explore how Islamic planning rights intersect with contested urban practices and processes of institutional change. Although frequently marginalized by planning systems shaped through colonial legal legacies, these rights continue to surface within everyday social norms and community-based spatial claims. Grounded in the theoretical lens of New Institutionalism and drawing on Healey's relational and multi-scalar model, the study examined the enduring relevance and latent influence of rights such as *ihyaa' al-ard*, *mulk tam*, *la darar wa la dirar*, and *haqq al-asbaqiyyah*.

Through a combination of semi-structured interviews, contextual analysis, and theoretical synthesis, the research addressed its first core question: how Islamic planning rights might be

reactivated to ease planner-resident friction and better respond to local needs. It found that these principles could offer meaningful guidance to grassroots practices and contestations with the state. From land revivification to neighborhood dispute resolution, an implicit logic of Islamic rights continues to shape spatial practices despite the dominance of state planning rationalities. In episodes like the Hayy al-Qaysiyyah case, principles such as *ihyaa' al-ard* are not consciously invoked but are nonetheless manifested through resident actions and claims. These rights, though not formally codified in law, persist in shaping collective spatial reasoning and, at times, compel recognition from planning institutions.

The study also addressed its second research question: what institutional and societal conditions are necessary for reintegrating Islamic planning rights into current planning systems. Using Healey's model of institutional change, which includes governance episodes, embedded practices, and cultural-normative shifts, the analysis identified key conditions that enable such reintegration. Among these are policy documents that symbolically reference Islamic values, as well as areas within the planning system marked by legal ambiguities, fragmented authority, and reliance on community-based knowledge. These conditions create what Mahoney and Thelen (2009) call "soft spots": institutional zones open to reinterpretation and negotiation. Within these spaces, Islamic norms can potentially be reactivated as legitimate components of planning discourse and practice. Nevertheless, the study also emphasized that reactivation alone is insufficient; transformative impact depends on whether these rights are animated by a clear normative vision for the future, i.e. one that coherently challenges existing structures and articulates locally resonant alternatives. Thus, institutional change requires more than structural reforms; it must also involve shifts in professional discourse, planning culture, and public legitimacy. This broader transformation is precisely where Islamic planning rights gain significance, as they offer a form of "soft infrastructure" (Healey, 2007) and a moral compass or "conscience" (Banerjee, 2007) capable of guiding reform from within existing institutions.

Building on these insights, a key policy recommendation is to revise national planning documents and legal frameworks to move beyond symbolic references to Islamic values and instead embed actionable provisions rooted in Islamic planning rights. This includes explicitly recognizing rights within land use policies and dispute resolution procedures to operationalize them in a way that is both contextually grounded and institutionally feasible, thereby offering concrete pathways for bridging formal systems with embedded normative traditions.

Policymakers should also develop interpretive planning guidelines that integrate these principles into urban development strategies, especially in areas of informal settlement or contested tenure. Furthermore, institutionalizing participatory platforms that incorporate local knowledge and customary norms into formal planning processes would help align top-down governance with community-based practices. These efforts can enhance policy coherence, strengthen legal legitimacy, and create a more cohesive planning system attuned to Jordan's social realities.

Future research should expand the geographic scope beyond Amman and investigate how Islamic rights are interpreted in diverse socio-spatial contexts. It should also explore the capacity of Islamic NGOs and urban actors to serve as conduits for mobilizing these principles within formal governance systems. Comparative case studies could illuminate how local governance systems engage with or resist the reintegration of these rights. Future scholarship could also extend this work by exploring how higher-order Islamic rights interact with local ones and how multi-scalar rights frameworks might inform more comprehensive, rights-based models of planning that bridge municipal and national governance. Additionally, research should examine how planners within governmental and professional institutions perceive Islamic rights, revealing institutional biases or openings for reform. There is also a need for longitudinal studies that trace how informal practices grounded in Islamic norms evolve over time, particularly in contested urban spaces. Ultimately, this research shows that the legacy of Islamic planning rights is not only a memory of the past but a viable path for the future. Their systematic reintegration into planning discourse and practice holds promise for more just, responsive, and culturally grounded urban governance in Jordan and beyond.

## 5 Conclusion

This dissertation has addressed the core research questions by demonstrating how contemporary planning theories, particularly the New Institutionalism approach, offer a useful analytical lens for investigating the layered institutional disjunctures shaping urban governance in Jordan. By employing Healey's multi-level framework, the research traced how Islamic planning principles, though largely absent from formal planning structures, continue to surface within everyday values, moral frameworks, and informal practices. This approach did not seek to propose Islamic planning as a direct alternative but rather to explore its residual presence and the potential openings it creates for more pluralistic and situated understandings of governance.

The findings suggest that while public awareness of Islamic rights is generally limited in explicit terms, many residents and community actors express concerns and expectations that resonate with foundational Islamic concepts such as *la darar wa la dirar*, *haqq al-asbaqiyyah*, and *ihyaa' al-ard*. These principles are not typically invoked as formal legal claims but are reflected in how individuals articulate grievances, justify spatial claims, or contest perceived injustices. The study also identified major barriers to recognizing these rights, including the dominance of centralized technocratic planning and the limited presence of Islamic and customary knowledge in official discourse.

In addressing the final set of questions, the dissertation does not argue for a complete return to traditional systems but rather explores the conditions under which elements of Islamic planning principles might be meaningfully reengaged in ways that contribute to more contextually grounded and socially responsive governance. This includes recognizing the moral and relational dimensions of spatial claims, rethinking the role of legal pluralism in planning, and supporting institutional arrangements that are more attentive to shared norms and bottom-up forms of negotiation. In this sense, Islamic planning rights are not presented as prescriptive tools but as part of a wider repertoire of normative resources that, if approached critically and reflexively, could inform ongoing conversations around decolonizing planning in Jordan and beyond.

Drawing on interviews and document analysis, the research shows that formal institutions continue to marginalize rights in Islam by reducing them to symbolic or decorative functions. Islamic heritage is frequently referenced in discourse or design, yet the substantive legal and

moral dimensions of *huquq* are rarely integrated into planning frameworks. This creates a symbolic-functional divide in which Islamic principles are acknowledged rhetorically but remain institutionally inert. Nonetheless, the findings reveal a resilient awareness of Islamic planning principles among both residents and planning professionals. This awareness emerges through customary conventions, local negotiation practices, and opposition to perceived injustices in land allocation and urban development. These everyday practices represent alternative rationalities and serve as forms of resistant expression that subtly but persistently challenge dominant planning logics while asserting the continued relevance of Islamic norms.

Taken together, these findings point to a critical normative insight. The current planning system in Amman remains epistemically and institutionally disconnected from the norms and foundations valued by many of its residents. Addressing this misalignment requires more than rhetorical recognition of Islamic planning rights. It calls for their meaningful reintegration as a coherent and legitimate framework for contemporary urban governance. Such reintegration would necessitate institutional reforms that translate principles like *ihyaa' al-ard*, *la darar wa la dirar*, and *mulk tam* into actionable planning norms. The study therefore advocates for a renewed commitment to a decolonial planning paradigm that restores epistemic legitimacy to historically grounded systems of spatial justice and reinforces the moral coherence of planning institutions. In the following sections, I will focus on the study's contributions, explore its practical implications, reflect on its limitations, and identify pathways for future research.

## **5.1 Empirical and Theoretical Contributions**

This dissertation contributes to three overlapping areas of planning scholarship by reframing Islamic planning rights as a viable foundation for institutional transformation. It challenges assumptions that treat these rights as peripheral to modern governance, arguing instead that they constitute a coherent normative system with enduring relevance. Conceptually, the study expands New Institutionalism to accommodate jurisprudential continuity in the literature of Islamic cities rooted in divine authority. Theoretically, it advances a decolonial framework that privileges locally grounded planning traditions over imported technocratic models. Practically, it outlines reform pathways that realign planning institutions with collective values and historically embedded norms, offering a culturally coherent vision of urban governance attuned to questions of justice and legitimacy.

### ***5.1.1 Reinterpreting Islamic Cities through New Institutionalism***

The dissertation's central conceptual contribution lies in reconfiguring New Institutionalism to better understand the normative foundations of Islamic planning systems. While Healey's (2007) schema offers a robust analytical lens for tracing institutional evolution—comprising Level 1 (governance episodes), Level 2 (embedded practices and routines), and Level 3 (broader discursive frameworks)—it ultimately presumes that governance is characterized by inherent instability and ongoing contestation. The recursive structure allows for institutional transformation through the interplay of everyday actions and discursive shifts, but it often overlooks contexts where normative stability and legal continuity are not merely residual but foundational.

To reinterpret the literature of Islamic cities through New Institutionalism, the study introduces Transcendent Divine Authority as a fourth, analytically distinct layer that captures the ontological and normative fixity provided by *huquq*. In this expanded framework, *huquq* are not the outcome of discursive negotiation or bureaucratic adaptation. Rather, they are viewed as enduring legal entitlements rooted in divine injunctions. These rights carry epistemic authority and moral legitimacy, structuring civic behavior and institutional expectations in ways that remain legible even when excluded from formal planning discourse. As such, they provide a source of ontological stability that anchors governance in long-standing jurisprudential traditions, distinct from the fluid, contingent character of state law or policy innovation.

This conceptual intervention is particularly significant in the context of Jordan, where urban planning has long been marked by institutional ambiguity and a misalignment between formal regulatory systems and the lived normative world of citizens. Jordan's historical transition from Islamic modes of spatial governance to British-imposed planning regimes during the colonial mandate period disrupted rights-based systems that emphasized reciprocal obligation, harm prevention, and neighborhood interdependence (Akbar, 1988; Alon, 2005; Antoun, 2014; Hakim, 1986; Al-Lahham, 2000). In place of these, colonial reforms installed centralized, technocratic frameworks predicated on land commodification and spatial separation (Fishbach, 2000). Despite these transformations, the research shows that Islamic planning rights remain latent but resilient in grassroots practices, including informal development, negotiated access to space, and appeals to communal norms, implicitly resisting formal legal regimes and asserting alternative rationalities rooted in historically grounded legal and ethical systems.

By rearticulating New Institutionalism through this additional fourth tier, the dissertation offers a more culturally attuned and theoretically robust model for analyzing institutional change in Muslim-majority contexts. It makes visible the normative force of *huquq* not simply as ethical ideals or social conventions, but as binding legal norms that continue to guide planning practices through jurisprudential continuity. This perspective moves beyond institutional theories that focus solely on procedural instability, arguing instead for a framework in which the moral and legal architecture of urban governance is undergirded by enduring and collectively affirmed sources of legitimacy. In doing so, it opens up new possibilities for transformative planning practice that is epistemically decolonized, normatively grounded, and institutionally coherent.

Such a framework allows planning theory to better accommodate alternative legal orders and value systems, functioning as both a ‘planning conscience’ and a ‘soft infrastructure’ for institutional change (Banerjee, 2017; Healey, 2007). It affirms that in many contexts, particularly where Islamic jurisprudence retains epistemic authority, planning cannot be fully understood through proceduralist or technocratic logics alone. Rather, effective and just urban governance must engage with the deeply embedded normative frameworks that continue to shape collective life, even if they lie outside the formal bounds of state institutions. In this way, the dissertation contributes to a decolonial rethinking of urban governance—one that seeks to realign planning systems with the ethical imperatives, legal norms, and community values that animate everyday urbanism in contexts like Jordan.

### **5.1.2 Decolonial Urban Governance**

Building upon critiques of Eurocentric planning paradigms outlined in Chapter 1, this section elaborates a decolonial framework that advances these debates by reinterpreting Islamic rights or *huquq* as foundational to alternative legal and planning imaginaries. At the center of this framework is the reassertion of *huquq*, situated within a broader critique of the coloniality of knowledge and being, a condition explored in the context of Amman by Rabady and Abu-Khafajah (2021). This condition refers to the way Occidental epistemologies have claimed universality while sidelining or erasing indigenous ontologies and legal traditions (Porter, 2016; Roy, 2017; Sandercock, 1998, 2003; Watson, 2016; Winkler, 2018, 2023). The research shows how colonial planning logics, introduced during the British mandate period, systematically disrupted Islamic spatial orders that were historically shaped by legal reasoning, communal

obligations, and moral imperatives. Jordanian planning systems have inherited an institutional landscape marked by normative dissonance, where contemporary planning remains largely technocratic, centralized, and disconnected from the ethical and jurisprudential traditions that once governed urban life.

This dissonance has produced what the study identifies as a symbolic-functional divide. Islamic principles are frequently cited in national discourse or reflected in visual and architectural references to heritage, yet they are rarely integrated into the operative frameworks of planning. For instance, although the Comprehensive National Plan for Human Rights references Islamic values, it does so in general terms without operationalizing them in planning procedures. By contrast, binding documents such as the Buildings and Organization System and the Real Estate Law omit Islamic legal principles altogether. These gaps reflect a structural exclusion, where ethical traditions are acknowledged rhetorically but denied formal institutional presence.

The study interprets *huquq* as resistant texts that retain normative vitality despite being excluded from official planning regimes. These rights continue to offer mechanisms to foster urban behavior in informal and customary contexts. Examples include the installation of rooftop solar panels based on *mulk tam* and communal precedent, or the appropriation of unused land in accordance with *ihyaa' al-ard*. Such practices are not simply acts of necessity or resistance; rather, they draw from enduring legal traditions that continue to inform how people relate to land, property, and communal space.

In advancing this framework, the dissertation contributes to the project of epistemic delinking, which involves breaking away from dominant paradigms and affirming a multiplicity of legitimate knowledge systems. This approach calls for a pluralization of planning theory, where legal frameworks such as Islamic jurisprudence are treated not as peripheral or symbolic, but as integral to contemporary governance. The goal is not to impose religious doctrine but to reintroduce a rights-based approach to planning that draws on historical concepts and offers a culturally familiar language for legal and institutional reform. This reorientation supports a more grounded model of urban governance, one that affirms community norms, recognizes the legitimacy of non-state legal orders, and reconnects planning practice with a deeper ethical foundation centered on justice, reciprocity, and collective responsibility.

### 5.1.3 Pathways for institutional reforms

Building on the theoretical critiques and jurisprudential frameworks outlined in Chapter 1, this section proposes grounded pathways for institutional reform that seek to realign urban planning in Jordan with locally resonant legal and ethical commitments. At the core of this intervention is a critique of the existing planning apparatus, which remains fragmented, technocratic, and often alienated from the lived expectations and ethical sensibilities of communities. The study contends that this apparatus can be incrementally transformed through the strategic reintegration of Islamic planning rights—not as rhetorical embellishments or historical remnants, but as legally coherent and socially resonant frameworks with the potential to inform institutional practice.

One key recommendation is the revision of land use policies and zoning regulations to include actionable provisions derived from Islamic planning principles. Current national planning documents, such as the Comprehensive National Plan for Human Rights (2016–2025), invoke Islamic values rhetorically, presenting Islam as a legislative foundation. However, they often fail to operationalize these references within concrete planning mechanisms. Meanwhile, technical documents such as the Real Estate Law No. 13 of 2019 and the Buildings and Organization System are primarily regulatory, making only limited or decontextualized references to Islamic legal concepts such as *al-ard al-mawat* (dead land), often diverging from their classical jurisprudential meanings. The dissertation argues that overcoming this symbolic-functional divide requires formalizing Islamic principles as part of the statutory architecture that governs urban development and dispute resolution.

A second pathway involves drafting interpretive guidelines that reflect customary rights and communal practices in contested or informal urban areas. The study highlights how bottom-up initiatives, such as the community-led adoption of rooftop solar panels, embody contemporary expressions of *'urf*, the customary norms that historically guided Islamic urbanism. These organic adaptations, negotiated through collective understanding and shared need, mirror the dynamic problem-solving ethos of historical Islamic governance, where formal regulation was often complemented by flexible, locally driven norms. By reframing these practices through the lens of Islamic rights, they can serve as a form of soft infrastructure that supports institutional responsiveness while maintaining cultural intelligibility. This perspective encourages planners and policymakers to legitimize grassroots initiatives not simply as

pragmatic adaptations, but as expressions of alternative rationalities embedded in long-standing legal and moral traditions.

To further bridge the gap between formal institutions and community expectations, the dissertation advocates for the creation of participatory platforms that encourage genuine dialogue and embed culturally intelligible norms into the development process. By centering these platforms on locally understood legal traditions and customary norms, institutional actors can foster more meaningful engagement and co-produce policies that resonate with the lived experiences and ethical worldviews of residents.

Particularly crucial are the institutional ‘soft spots’ that offer entry points for strategic transformation. Drawing from Mahoney and Thelen’s (2009) concept of soft spots as zones of interpretive ambiguity or partial institutionalization, the research identifies several such instances within the Jordanian planning system. Case studies from neighborhoods such as *Hayy al-Qaysiyya* and *Abu Siyah* show how informal claims to land—often grounded in *ihyaa’ al-ard*—have shaped municipal responses. In these areas, residents constructed homes on what they perceived as abandoned land, invoking the right to revivify neglected property. While lacking formal title, these residents were nonetheless compensated prior to eviction, suggesting that state institutions remain tacitly influenced by Islamic jurisprudential reasoning, particularly in spaces where formal law and practice diverge.

Another underutilized vector for reform lies in the intermediary role of *imams* and civil society actors. Historically, mosques served as vital centers of civic deliberation, and *imams* often provided juridical guidance on communal matters (Antoun, 2014; Robbins & Rubin, 2013). Today, however, the capacity of these actors to contribute meaningfully to urban governance has been curtailed by state regulation and bureaucratic oversight (Wiktorowicz, 1999, 2001). The dissertation argues that reinvigorating the role of *imams* and community-based NGOs can help reinsert Islamic planning rights into civic discourse, transforming them from abstract theological concepts into actionable guidance for urban development. This shift would not only restore lost institutional legitimacy but also ground planning in ethical discourses already familiar and respected by many residents.

Equally important is the need for reform in planning education. At present, Islamic planning is often relegated to the periphery of academic curricula, treated primarily as a subject of architectural history or visual culture rather than as a coherent legal-spatial system. This

marginalization perpetuates a fragmented understanding of Islamic urbanism and contributes to a widespread disregard for its contemporary relevance. The dissertation calls for a recalibration of planning education that presents *huquq* not as static historical artifacts, but as a dynamic and doctrinally coherent legal framework. Teaching future planners to engage with Islamic jurisprudence in this way can help cultivate a planning imagination that is both historically informed and ethically grounded, capable of responding to contemporary urban challenges in a culturally resonant manner.

The implementation of *huquq*-based governance is inevitably challenged by the structural realities of contemporary societies characterized by corruption, bureaucracy, and *wasta*. These dynamics are not incidental but it can be argued that they represent the systemic outcomes of the centralized, power-based modern-capitalist mode, which replaced localized, rights-based forms of regulation. Principles such as no harm depend on the enforceability of local veto mechanisms and equal power among all parties—conditions that collapse when authority is concentrated in state institutions or corporate actors. Under *huquq*, rights are static and infeasible, to the extent that even the Caliph could not expropriate private land without consent, whereas modern systems render rights defeasible in the name of “public interest.” The rise of bureaucratic layers and patronage networks replaces local accountability with dependence on influence and access, producing unproductive hierarchies that undermine justice. Moreover, the state’s monopolization of essential services and its selective use of *Sharia* to legitimize authority further weaken the public’s trust in applying Islamic principles. Consequently, the “messy realities” of power and corruption do not merely complicate *huquq*’s application but reflect the very conditions it was originally designed to prevent.

Collectively, these contributions articulate a normative and institutional alternative to the status quo, i.e., one that bridges the gap between moral reasoning and bureaucratic rationality, between community traditions and formal planning, and between historically grounded justice frameworks and the demands of contemporary urban life.

## **5.2 Limitations and Future Research**

While this study contributes valuable insights into the reactivation of Islamic planning rights within contemporary urban governance in Jordan, several limitations must be acknowledged. Methodologically, the research adopted a qualitative, inductive approach that

emphasized depth and interpretive nuance over breadth. However, the number of expert interviews—eight used substantively in Chapter 4 and Chapter 3, out of a total of thirteen—constrained thematic saturation across different institutional and community actors. The limited sample size, shaped by time constraints, geographic inaccessibility, and the politically sensitive nature of the topic, reduced the study’s ability to generalize beyond the specific case of Amman. Many potential participants expressed hesitance to engage due to concerns about the intersection of religion, law, and governance, highlighting the need for cautious methodological and ethical engagement in future research.

Additionally, Chapter 2 relied on secondary case studies to examine the operation of Islamic planning rights in historical and comparative contexts. While these cases offered conceptual richness, the absence of original fieldwork limited the contextual specificity and empirical grounding of the analysis. Furthermore, the design of survey and interview questions may have unintentionally encouraged participants to focus on ethical behaviors or informal customs, such as community solidarity or shared spatial practices, rather than on the jurisprudential dimensions of Islamic planning. This suggests a potential gap in public understanding, but also indicates the need for more targeted methods to elicit reflections on the legalistic and institutional facets of *huquq*. Lastly, while the dissertation draws extensively on historical and sociological institutionalism, it did not engage in depth with the rational choice strand of New Institutionalism, which may offer complementary insights into strategic behavior within planning institutions.

It is also important to note that this dissertation concentrated on a selected group of planning-related rights. However, the Islamic legal tradition contains a wider spectrum of interconnected rights and obligations that shape spatial practices, land tenure, environmental stewardship, and communal access. These were beyond the scope of this study but are integral to the functioning of Islamic urban governance. Future research could map out these interdependencies and explore how they collectively inform the spatial logic and normative structure of Islamic urbanism.

Beyond these methodological concerns, the dissertation also highlights several substantive areas that merit further investigation. First, there is a clear need to broaden the geographic and cultural scope of inquiry beyond Amman. Comparative studies across Arab-Muslim cities could illuminate how different planning regimes, social contracts, and

institutional configurations affect the articulation, recognition, or suppression of Islamic spatial rights. The role of Islamic NGOs, professional associations, and informal actors as intermediaries in translating ethical norms into planning claims remains understudied, and future research could examine how these actors mobilize or reinterpret Islamic planning concepts within formal governance frameworks. Particular attention should be given to the perceptions of planners, engineers, and policymakers, especially within state and municipal institutions, whose attitudes toward Islamic rights may reveal institutional biases, entry points for reform, or contradictions between policy discourse and on-the-ground implementation.

Longitudinal research is especially needed to trace the evolution of informal practices inspired by Islamic norms, particularly in spaces where contestation over land, housing, and access to infrastructure is acute. Studies that observe these dynamics over time could help determine whether such practices are co-opted, normalized, or remain oppositional to dominant planning structures. Moreover, emerging digital platforms, whether used for grassroots mobilization, knowledge-sharing, or participatory mapping, deserve attention as potential institutional sites within the New Institutional framework. These platforms may function as informal governance nodes that shape planning norms, property claims, or communal action outside formal bureaucratic structures.

Future work would also benefit from original empirical engagement with residents, civil society, and state officials using narrative interviews, ethnographic observation, or participatory planning methods. Such approaches would deepen understanding of how Islamic planning rights are interpreted, enacted, and contested across diverse settings and actor groups. In particular, studies should focus on how to bridge the gap between ethical awareness and legal recognition, reframing widely understood principles such as *la darar wa la dirar* from private moral codes into enforceable spatial claims. This would help move Islamic rights discourse beyond symbolic appropriation, enabling planning institutions to accommodate these principles as operational norms rather than heritage references.

Finally, the dissertation invites future research to build on its conceptual proposals by formulating more detailed institutional models or theoretical extensions that integrate Islamic legal concepts into contemporary planning theory. Such work could offer more robust frameworks for decolonial and rights-based governance, affirming that Islamic planning rights

are viable tools for constructing more just, responsive, and culturally coherent urban futures, both in Jordan and in similarly situated postcolonial contexts.

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## Appendix

### Appendix A: Documentation of GenAI

This log documents my use of Generative AI (ChatGPT) to support the structural and linguistic refinement of my dissertation. From May to June 2025, I engaged with the platform primarily to improve the clarity, coherence, and academic tone of key sections, including the conceptual and theoretical frameworks, empirical findings, and conclusion. I used ChatGPT to rephrase dense passages, enhance transitions between paragraphs, and ensure consistency in style across chapters. The platform also helped me articulate complex theoretical arguments, particularly those related to Islamic planning rights, decolonial urban governance, and institutional analysis, with greater precision. All interactions were guided by my own content and critical judgment, and the AI functioned as a writing assistant rather than an originator of ideas. This record allows me to maintain transparency in my research process and acknowledge the ways digital tools contributed to shaping the final manuscript.

Date	GenAI Platform	Conversation Label	Prompt	Response / Response Summary	Action Taken
2025-06-24	ChatGPT	Thesis Statement and Conclusion Evaluation	Is there a thesis statement... / Does the conclusion address the task...	Identified that a thesis was missing; provided revised thesis. Evaluated conclusion's effectiveness and suggested refinements to align with thesis.	Thesis and conclusion clarified and enhanced.
2025-06-23	ChatGPT	Colonial Legacies and Pluralism in Jordan	rephrase: Together, these findings reveal a conceptual erosion...	Reworded sentence to clarify meaning and avoid jargon while maintaining scholarly tone.	Improved clarity and academic tone in sentence.

2025-06-22	ChatGPT	Dissertation Conclusion Assistance	Use the same structure of this example	Provided a rephrased conclusion subsection that mirrors structure and tone of an exemplary study	Integrated revised conclusion into final chapter of dissertation
2025-06-22	ChatGPT	Practical Implications Section	Improve flow of practical implications section	Transformed into formal academic prose, improved transitions, added analytical clarity	Revised and inserted into dissertation's final practical recommendations section
2025-06-22	ChatGPT	Theoretical Contribution Section	Improve flow and integrate concepts like coloniality, <i>huquq</i> , and epistemic delinking	Rephrased to foreground decolonial theory, Islamic planning rights, and institutional critique	Used revised section as the theoretical contribution in the conclusion chapter
2025-06-22	ChatGPT	Conceptual Contribution Section	Improve the flow of section introducing 4th layer to Healey's NI framework	Clarified logic and transitions	Incorporated into conclusion chapter as core conceptual contribution
2025-06-22	ChatGPT	Title for NI Interpretation Section	Suggest a title for a section that reinterprets Islamic cities	Suggested 'Reinterpreting Islamic Cities Through Institutional	Selected preferred title for use in dissertation's theoretical

			using NI framework	Lenses' and variants	framework chapter
2025-06 -22	ChatGPT	Future Research and Limitations	Improve flow of limitations and future research section	Edited for clarity, nuance, and coherence; suggested directions for empirical, longitudinal research	Finalized dissertation's conclusion chapter
2025-06 -15	ChatGPT	Conclusion Structure Example	Use the same logic and structure of this short conclusion subsection...	Modeled dissertation conclusion section after a comparative example, preserving logical flow and thematic synthesis.	Structured and refined dissertation conclusion.
2025-06 -15	ChatGPT	Editing Language of Institutional Analysis	Improve the flow and conceptual clarity of a paragraph on Islamic rights and soft spots	Refined the structure, connected ideas on governance, rights, and spatial politics	Replaced original paragraph in dissertation's institutional analysis chapter
2025-06 -13	ChatGPT	Transition Between Empirical Sections	Suggest transition sentences between colonial legal dislocation and	Generated nuanced transitions contextualized in Jordan's legal pluralism and land governance	Used to bridge two key subsections in the empirical findings chapter

			informal settlements		
2025-06-10	ChatGPT	Rephrasing of Survey Methodology	Reword explanation of survey design	Reframed description in formal methodological language	Revised methods chapter with improved academic tone and flow
2025-06-09	ChatGPT	Islamic Planning Insights	Make it more meaning clear: Participants' fragmented yet persistent efforts...	Clarified sentence to better communicate the relationship between participant efforts and resistant planning texts.	Clarified meaning in theoretical framing.
2025-06-09	ChatGPT	Dissertation Revision – Language Refinement	Make it more clear. you can remove unrelated stuff: Crucially, this tension between symbolic Islamic aesthetics and substantive legal ethics...	Rephrased paragraph to enhance clarity, removed unnecessary jargon, preserved theoretical meaning.	Copied response for dissertation draft
2025-06-08	ChatGPT	Conclusion Flow Enhancement	Enhance flow and clarity in synthesis of empirical and	Strengthened paragraph coherence and reduced	Final synthesis paragraph integrated into

			theoretical findings	redundancy; emphasized key findings	conclusion chapter
2025-06-08	ChatGPT	Dissertation – New Institutionalism Framing	Emphasize that im drawing on healey's framework here...	Clarified theoretical positioning, connected Healey's multi-level model to Islamic planning context.	Integrated into theory chapter
2025-06-07	ChatGPT	Conclusion – Academic Tone and Emphasis	Rephrase the conclusion.	Refined the tone and structure of conclusion, emphasized the reinterpretation of Islamic planning through new institutionalism.	Inserted into chapter conclusion
2025-06-05	ChatGPT	Literature Review – Transitional Phrasing	I want to have a transition between these two paragraphs in which i would say the study of islamic cities has been mostly orientalist...	Added transition highlighting critical engagement with Western planning theories without full dismissal.	Used in literature review draft
2025-05-31	ChatGPT	Dissertation Paragraph Revisions	reword for clarity and better flow:	Rephrased sentences to enhance academic	Improved paragraph

			This suggests that...	tone, logical flow, and readability.	cohesion and formal tone.
2025-05-31	ChatGPT	Language Clarity in Dissertation Introduction	Improve clarity and transition in dissertation introduction	Refined transitions and sentence structure for better flow and readability	Rewrote introductory paragraph of Chapter 1
2025-05-28	ChatGPT	Literature Review Refinement	Improve structure and language of literature review on decolonial theory and legal pluralism	Organized content thematically and improved academic tone	Incorporated in literature review section
2025-05-26	ChatGPT	Survey Methods Clarification	Reword explanation of participant recruitment and survey structure	Clarified sampling strategy and removed informal references	Finalized survey methodology subsection
2025-05-25	ChatGPT	Editing Islamic Rights Section	Improve sentence structure and transitions when discussing Islamic planning rights	Streamlined prose and improved conceptual clarity	Used edited version in Chapter 4

2025-05-03	ChatGPT	Dissertation Introduction Structure	How to structure a dissertation introduction that moves from general to specific before stating the research problem	Outlined a structure that begins with broad context, narrows to specific topical background, then presents the research problem and rationale.	Clarified and organized introduction structure.
2025-04-29	ChatGPT	Dissertation Discussion Section Revisions	Improve clarity and coherence of a paragraph discussing Islamic planning rights in contemporary Amman	Reworded sentences to enhance logical flow and link empirical findings with theoretical insights.	Strengthened clarity and analytical linkage in discussion.
2025-04-23	ChatGPT	Revising Abstract for Clarity and Formal Tone	Reword the abstract to improve clarity, remove redundancies, and enhance formal tone	Streamlined abstract structure and rephrased key claims for academic tone and precision.	Improved clarity and formal academic presentation.
2025-03-16	ChatGPT	Results Section Integration	Suggest ways to Integrate interview findings and	Suggested structural reorganization and added transitions to	Enhanced methodological coherence through

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document analysis to ensure triangulation	weave together qualitative data sources.	integrated structure.
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## Glossary

### **‘Urf (عرف)**

Custom or common practice. Denotes locally accepted social norms or usages that may influence legal rulings and planning practices, provided they do not contradict foundational Islamic principles.

### **Haqq al-asbaqiyyah (حق الأسبقية)**

Right of precedence. Protects prior or long-established spatial uses from being harmed or displaced by later developments, reinforcing stability and equitable coexistence.

### **Ihya’ al-ard (إحياء الأرض)**

Land revivification. Grants conditional ownership to individuals who restore or cultivate previously unused or abandoned land, based on the principle that rightful use creates legitimate claims.

### **La ḍarar wa la dirar (لا ضرر ولا ضرار)**

“No harm and no reciprocating harm.” A foundational legal maxim prohibiting actions that cause harm to others or retaliate with further harm. Widely invoked in land use and environmental contexts.

### **Muhtasib (محتسب)**

A civic officer traditionally responsible for overseeing public morality, market fairness, and spatial order. Not a designer or planner per se, but a monitor of built environment ethics.

### **Shari’ah (الشريعة)**

The divine and comprehensive law of Islam, encompassing ethical, spiritual, and legal dimensions. It provides foundational guidance for social and spatial regulation.

### **Fiqh (الفقه)**

Islamic jurisprudence, or the human interpretation of Sharī’ah through disciplined methods such as ijtihād (reasoning) and qiyās (analogy). It generates practical rules for daily life and urban governance.

**Mulk tam (ملك تام)**

Full or absolute ownership. Entails complete legal control over property and its uses, within the ethical limits of not causing harm or violating collective rights.

**Khilafah (خلافة)**

Vicegerency. The Qur'anic concept of humanity's stewardship over the Earth, grounding Islamic environmental ethics and sustainable spatial responsibilities.

**Ummah (أمة)**

The global Muslim community united by shared faith and moral responsibility. In planning contexts, *ummah* underpins ideals of social cohesion and collective obligation, extending beyond local or national boundaries to emphasize translocal solidarity and equitable spatial relations.

**Hisbah (الحسبة)**

A socio-legal doctrine requiring the promotion of good and prevention of harm in public life. In urban terms, it translates into oversight roles that support ethical spatial conduct.

**Musha' (مشاع)**

Undivided or communal land. Refers to collectively held property shared by multiple owners without precise individual boundaries. Its use and regulation often rely on customary agreements and community consensus.

**Qadi (قاضي)**

A judge in an Islamic court who interprets and applies *Sharia*, including in matters of land disputes and urban governance. The qadi serves as a key actor in upholding legal and ethical standards.

**Amanah (أمانة)**

Trust or custodianship. In urban governance, it can refer to municipal entities (e.g., Amman's Greater Municipality) or to the moral responsibility borne by individuals or institutions in managing urban resources ethically and equitably.

**Zakat (زكاة)**

An obligatory form of almsgiving in Islam, constituting one of the Five Pillars. It requires

Muslims to donate a fixed portion (typically 2.5%) of their accumulated wealth annually to specified categories of recipients, aiming to redistribute wealth and reduce economic inequality.

**Mawat (موات)**

Dead or unclaimed land. Land that has not been revived, cultivated, or used and lies outside inhabited areas. Islamic legal tradition allows individuals to claim such land through *ihyaa'* (revival), under certain conditions and communal oversight.

**Shufaa' (الشفعة)**

A legal right in Islamic jurisprudence allowing a neighboring property owner or co-owner to claim a recently sold property before it is transferred to an outside party, in order to prevent potential harm or disputes. The principle is grounded in the aim of preserving social harmony and preventing unwanted intrusion into cohesive spatial or ownership arrangements.

**Sharia (شريعة)**

Meaning “the path” in Arabic, *Sharia* is the Islamic legal and moral framework derived from the Qur'an, Hadith, and classical jurisprudence. It governs both personal conduct and public life, including issues like property, contracts, and urban planning.

**Waqf (وقف)**

An Islamic charitable endowment, typically land or buildings, dedicated to public benefit. Once established, a *waqf* becomes inalienable and must be used for purposes such as education, healthcare, or urban infrastructure.