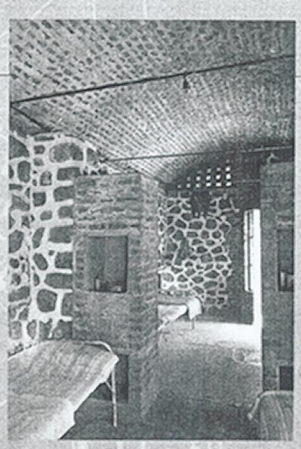
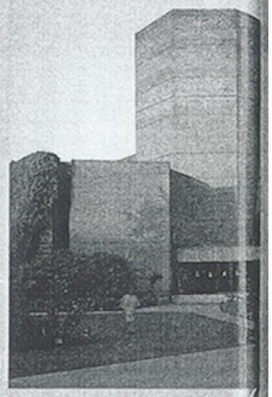
Legacies for the Future

Contemporary Architecture in Islamic Societies















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Continuity in a Changing Tradition

With respect to the issue of formulating a theory of tradition, Karl Popper raises two important questions: first, how does tradition arise and persist? and second, is the function of tradition in social life amenable to analysis?[1] Popper argues that tradition arises because of our need for a certain predictability in social life. In this sense, tradition provides order and regularity in our natural and social environment; it provides us with a 'means of communication' and a set of 'conventional usages and ideas' upon which we operate. Thus, the function of tradition is 'explanation and prediction'[2] and our need for structure and regularity in social life sustains it.

Popper draws an analogy between the role of tradition in society and the practical function of myths and theories in science. 'Scientific theories,' he states, 'are instruments by which we try to bring some order into the chaos in which we live so as to make it rationally predictable.' Similarly, the rise of 'traditions, like so much of our legislation, has just the same function of bringing some order and rational predictability into the social world in which we live.' The analogy goes further in suggesting that, since the significance of myths and theories in scientific thought lies in the idea that 'they [can] become the object of criticism, and ... [can] be changed,' so too do 'traditions have the important double function of not only creating a certain order or something like a social structure, but also giving us something upon which we can operate, something we can criticise and change.'[3]

Given that the term 'tradition' contains a strong allusion to imitation, how can it be that tradition changes? And insofar as it does, can we continue to see it as one and the same tradition? In other words, is there what we might term 'continuity' in a changing tradition? And if so, which is more important for a society: the preservation of its tradition or the establishment of a sense of continuity with that tradition?

In dealing with this question, J.G.A. Pocock argues that, consciously or not, societies are organized to ensure their own continuity and thereby serve the function of preserving something from the past. Society's 'awareness of the past is in fact society's awareness of its continuity.'[4] Pocock sees society's own structure as the single most important element of continuity between its past and its present; thus, societies often conceive of their past in a way that ensures the continuity of their structure. He shows that a society may have as many pasts and modes of dependence on those pasts as it has past-relationships[5] and that it may also have as many pasts and relationships with those pasts as it has elements of continuity. Believing that a sense of continuity with the past arises from the working of social institutions, Pocock advocates the use of law rather than narrative history as a means of studying the past; in this way, he argues, one can determine from the legal record a description of the way in which these social institutions have worked.[6]

Saleh Al-Hathloul

Tradition and Continuity

In order to define and deal with the problem of tradition, let us examine, in the context of the development of the *shari'ah* (the Islamic legal tradition) during the second and third centuries AH (eighth and ninth AD), both the idea of tradition as something upon which we can operate (that is, a tradition which is constantly modified) and the concept of 'continuity within a changing tradition'.[7]

The development of the early schools of law at Kufah and Medina (subsequently known as the Hanafi and Maliki schools respectively) began in the early decades of the second century AH (first half of the eighth century AD). The schools developed as a result of the need to re-evaluate the legal practices that had arisen during the Umayyad period. Umayyad judges faced overwhelming problems owing to the enormously rapid expansion of Muslim territories; thus, they tended to be somewhat pragmatic in implementing the spirit of the original laws of Islam as propounded by the Qur'an. The schools began with the review of various local practices, legal and popular, in light of Islam's original aims and objectives. Gradually, a body of Islamic doctrine developed in the form of two schools.[8] Institutions and activities were individually considered in light of the principles of conduct enshrined in the Qur'an. These were then approved or rejected according to whether they met or fell short of these criteria. The process originated in the personal reasoning, or *ra'y*, of individual scholars and developed into a consensus of opinion of a given school's jurists. This subsequently became the idea of the *sunnah*. *Sunnah* originally meant actual customary practice, but in second-century AH (eighth AD) jurisprudence, it came to have a different connotation. For the scholars of the time, *sunnah* was 'the ideal doctrine established in the school and expounded by its current representatives'.[9] To understand how the consolidation of tradition through the establishment of continuity worked in the development of the Islamic legal system, an awareness of the changing connotation of the word *sunnah* during the development of the *shari'ah* is essential.

In the early 'Abbasid period, legal and political aspirations were to revive the purity of Islam during its Medina period. This could be achieved only by cutting through the Umayyad period and representing legal doctrine as having its roots in the earliest days. Thus, jurists attempted to establish a sense of continuity with the time of the 'rightly guided' rulers *(alkhulafa' alrashidun)*. This was achieved in two ways: first, in the interest of the consistency and coherence of the doctrine, reasoning was made more systematic, so that the personal *ra'y* gradually gave way to *qiyas* or analogical deduction. Second, emphasis on the notion of *sunnah*, or the established doctrine of a school, began to grow to reflect each school's purported continuity with the original

tradition. As N.J. Coulson puts it, 'In order to consolidate the idea of tradition, the doctrine was represented as having roots stretching back into the past and the authority of previous generations was claimed for its current expression.'[10] This process was projected backwards to the early generations of Muslims, culminating with the Prophet himself as the authority for the doctrine.

By the middle of the second century AH (around 770 AD), the generally accepted legal methods of the early schools were challenged. The opposition adopted a doctrinaire attitude towards the substance of the law and its basis in jurisprudence, and claimed that the tendency of the early schools to project the *sunnah* backwards into the past did not go far enough. They saw the precedent of the Prophet himself as the supreme and overriding authority for law, and thus heightened the potential conflict of principle between the authority of the Prophet seen through *hadith* (or a precedent set by the Prophet) and the contemporary consensus of opinion among the local scholars as reflected by the *sunnah*. As a result of this potential conflict, the doctrine of the early schools was gradually modified to acknowledge some of the stricter rules advanced by the opposition and the growing tendency to claim the authority of the Prophet for the doctrine and to express it in the form of *hadith*.

In effect, legal development in this period was marked by the increasing diversity of doctrine. The opposition's challenge to the establishment in the early schools had now crystallized into a conflict of principles. The issue was polarized: should jurists maintain the right to reason for themselves as advocated by the establishment *(ahl al-ra'y)* or should they accept the exclusive authority of precedents from the Prophet as advocated by the doctrinaire opposition *(ahl al-hadith)*? To use Pocock's terms, 'a problem in past-relationships' had arisen, and some unifying process was necessary in order to establish 'notes of continuity' and to save the law from total disintegration.

This process was undertaken by al-Shafi'i (d. 204 AH, or 820 AD), whose main purpose was the unification of the law. To re-establish tradition and to imbue a sense of continuity in the law, al-Shafi'i recognized *sunnah* as a second source of law after the Qur'an. For al-Shafi'i, *sunnah* was the divinely inspired behaviour of the Prophet, while in the early schools it signified the local tradition of the individual school. By replacing the schools' concept with one originating from a single source, that is, the actions of the Prophet himself, al-Shafi'i hoped to eliminate a root cause of diversity between the different schools and to give uniformity to the doctrine. Two additional sources of the law were recognized by al-Shafi'i's theory: *ijma'*, or consensus, and *qiyas*, or reasoning by analogy. Both notions already existed, but al-Shafi'i gave them new connotations designed to achieve uniformity in the law. For *ijma'*, al-Shafi'i argued that the only valid consensus was that of the entire Muslim community, not simply the agreement of

scholars in a given locality.[11] For *qiyas*, al-Shafi'i repudiated the undisciplined forms of reasoning such as *ra'y* or *istihsan* and insisted on the exclusive validity of strictly regulated analogical reasoning. Thus, al-Shafi'i achieved his goals not by introducing new concepts but by 'giving existing ideas a new orientation, emphasis and balance'.[12] His contribution lies in bringing these ideas together for the first time to form a systematic scheme of what would become known as the 'roots of law' [*usul al-fiqh*].[13]

Al-Shafi'i's position on the *sunnah* as the divinely inspired behaviour of the Prophet proved irrefutable and was therefore gradually accepted. From then on, the *hadith*, or precedents of the Prophet, could no longer be rejected through the objective criticism of their contents. The authority of the *hadith* was now considered binding, and the only possibility for criticism was to deny the authenticity of the oral accounts. As a result of the Shafi'i thesis, a new science of the Prophet's tradition, *'ilm al-hadith*,[14] developed, and three more schools of law were formed: one followed al-Shafi'i's own teaching and was named for him; the others, the Hanbali and Zahiri schools, were extreme supporters of tradition. The earlier Hanifi and Maliki schools adopted a more reserved attitude towards al-Shafi'i's thesis. Since strict adherence to his thesis would have required a complete revision of their existing *corpus juris*, they accepted the authority of the *sunnah* of the Prophet in a qualified form.[15] The adjustment process was undertaken without much difficulty because most of the doctrine of the two early schools was already expressed in the form of Prophetic *hadith* and precedents.

The classical theory of Islamic law developed during the third century AH (ninth AD) after al-Shafi'i's death. Though it comprises the *usal*, or sources, laid down by al-Shafi'i – the Qur'an, *sunnah*, *qiyas* and *ijma'* – its composite structure is fundamentally different. It aims at reasserting and preserving the Islamic legal tradition as developed up to that point. At the time, *ijma'* was accepted as the agreement of the acknowledged jurists in a given generation and was considered binding for later generations. *Ijma'* therefore provided for and tolerated the variations adopted by the different schools of law that al-Shafi'i had tried to eliminate. In classical theory, *ijma'* becomes 'the self-asserted hypothesis of Muslim jurisprudence'[16]; it is a material source of law in itself. For al-Shafi'i, it held a minor and trivial role owing to the near impossibility of consensus of the whole Muslim community. In the new classical theory, *ijma'* guaranteed the authenticity of the Qur'an and the *sunnah* as records of divine revelation, and the validity of *qiyas*. Most of all it guaranteed the authority of the whole structure of the legal theory. As soon as this *ijma'* was accepted, *ijtihad*, that is, independent judgment, eventually disappeared and the process of theoretical legal development in Islam finally ended with *ijma'*.

Throughout the development of the *shari'ah*, the desire was always to reaffirm the past as a valid guide to the present. Thus the *shari'ah* was advanced, accepted and took

the shape of a tradition. This tradition was subjected to evaluation, criticism and change throughout the second and third centuries of Islam, until, for reasons too complex and controversial for consideration here, it came to a halt.[17] What is relevant here is that when its theoretical development stopped, the *shari'ah* as a tradition was not challenged. Whatever problems arose, they were considered manageable, and the tradition was accepted by both the jurists and the Muslim community without being questioned. Pocock's questions, why should the present follow the past? and how did the past become the present?, never arose. The tradition was accepted; it was assumed that the present was not different from the past.

Urban Tradition

The pattern of a dominant, unchallenged and long-standing tradition was repeated in the physical environment of Muslim cities. Within this environment, a certain building tradition was developed and accepted. This tradition was no doubt evaluated, criticized and probably changed, but a sense of continuity persisted. With the beginning of the twentieth century AD, however, this tradition was challenged. An orthogonal street grid, new building types, such as the detached house (the villa) and the apartment building, and new materials like reinforced concrete, cement block and glass began to replace the winding street patterns, the attached houses with courtyards and the mud, stone and wooden materials that were the basic components of traditional urban forms in Muslim cities. As a result, a physical environment that is markedly different from the traditional one was introduced. The present now differed sharply from the past; thus, Pocock's question of how the present came to be what it is requires an answer.[18] However, my concern here is to reinterpret the past in a way that is useful and suitable for the present: that is, in a way that will re-establish a sense of continuity and eliminate the rupture and sense of alienation being voiced as a result of the introduction of a contemporary environment.[19] Since this concern implies that the past has a certain value for the present, the question whether the present should follow the past needs to be addressed.

Two responses to this question have been advocated in the Islamic world.[20] First, traditionalists simply reaffirm the validity of the past as a guide to the present, removing themselves from the difficult situation of the present and accepting the authority of the past as the only source for the present. By its very nature, this position does not allow for innovation and change, and therefore can produce only traditionalism.[21] Liberals, on the other hand, accept neither the authority nor the authenticity of the past as a source for the present. Their position, as Abdullah Laroui analyzes it, is based on the assumption that 'tradition is a destiny' and 'progress is necessarily an intervention from outside'.[22]

This position denies a given society's freedom of choice and implies a lack of authenticity and non-participation on the part of a traditional culture and population. It also implies that certain cultures are inferior to others. The result is a desire on the part of liberals to wipe away everything and start from scratch or, as Popper puts it, 'to clean the canvas'[23] and to import as many ideas and materials as possible from presumably superior cultures.[24] Both positions remove themselves from the present, the traditionalists by withdrawing backwards in time, and the liberals by moving elsewhere in place; neither seems to be actually dealing with the problems of the present.

I want to advocate a position that takes an interest in the present. It does not blindly accept the authority of the past, although it recognizes its authenticity and therefore its value as a resource for the present. It sees the liberal position, which denies the importance and influence of tradition, as futile. As Popper writes, 'You may create a new theory, but the new theory is created in order to solve those problems which the old theory did not solve'.[25] Thus, one cannot discard the old theory as if it never existed. In the same sense, one cannot accept the traditionalist position that sanctifies anything from the past. Tradition *per se* should have no authority but it does have value, for it forms the most important source of our knowledge and serves as the base for our thoughts and actions; in other words, tradition is a *platform* upon which one can operate. This tradition must be open to evaluation and criticism. As Stanford Anderson writes, 'The tradition we prize is not a mere accumulation of knowledge, an undifferentiated catalogue of past events, but rather a vital body of ideas, values, mores and so forth that we have as yet found resistant to criticism.'[26] In this sense, tradition becomes a choice rather than a destiny.

Our problem today, as alluded to earlier, is that physical environments in modern Muslim cities are totally different from traditional ones. This has resulted in a sense of discontinuity and alienation for the inhabitants. How did this come about and how can we re-establish a sense of urban continuity with the past?

In order to study both past and present physical environments and to investigate Muslim society's awareness of its past, we should direct our attention to the present activities and institutions that give rise to an awareness of the past and to the modes of awareness they produce. In this regard, the law as a highly institutionalized form represents a valuable asset, especially in a Muslim society where the *shari'ah* regulates all aspects of life and provides behavioural rules of conduct. As forms of convention, legal decisions represent an important, if not the most important, part of the entire social fabric. Their role is more powerful and significant than that of any other social institution because they make a genuine connection between the physical and the social fabric.

They provide us with the body of information necessary to investigate the relationship between political, sociocultural and environmental factors.

In order to understand how the physical environment of the Muslim city came about, one can look at it as a 'whole' and attempt to provide an interpretation of urban forms through their historical and cultural contexts. We will not deal with elements of urban forms, but look at the forms themselves as part of a broader Islamic tradition. These forms are seen as the physical environment in which the sociocultural and religious Muslim institutions developed and grew. The emphasis will be on why these physical forms took their existing and distinctive shape, rather than looking at the shape itself, for an interpretation. The next step will be to look at their process of formation and how different elements were used to create the distinctive physical environment that is looked upon as unique to the Muslim tradition. We will examine one theme, the concern for privacy, to see how it affected urban forms within the city and the house in particular. We will show how legal decisions regarding the specific problems of use and urban forms led to a certain shape for the Muslim house.

The Architecture of the Muslim House

Given the intensely close family life and strict code of conduct for Muslims, it is not unusual for the issue of privacy to come under the purview of jurists. To be able to see into a house more than what a passer-by on the street would see is looked upon as an intrusion into the private life of the household. Such an act is considered to cause great harm and damage, and Muslim law has always insisted on the removal of damage. The concern for privacy is reflected in the physical forms of the traditional Muslim house in several ways, including the placement of doors, the architectural treatment of windows and the limit on building heights throughout the city.

The Maliki scholars did not allow a door to open in front of or near another door. The reason, given by Ibn Al-Qasim (d. 191 AH, or 807 AD), was that the neighbour who owns the existing door has the right to say, 'I benefit from the place in front of my door in which you want to open yours. I open my door with no one intervening on my privacy, and I bring my loads near my door without causing inconvenience to anyone. Thus, I wouldn't let you open a door in front of mine or near to it since you may use it as a reception and entertainment area or for comparable matters.' However, on a thoroughfare, Ibn Al-Qasim allowed the owner to open his door wherever he wished.[27] Malik (d. 178 AH, or 795 AD), on the other hand, did not allow this. When asked about a thoroughfare on which an individual wanted to open a door across from an existing one, Malik replied, 'If this causes harm such as that in entering or exiting [from the new door] he

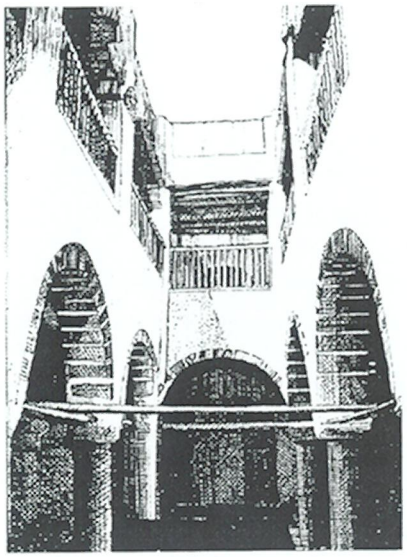
can see what is behind the [existing] door, then he should be prevented from opening it.'[28] Sahaun (d. 239 AH, or 854 AD) went further, to say that 'one must place his door at least one or two cubits from the facing door', even on a large, through street.[29]

Restrictions on building heights *per se* did not prevail in Muslim cities. When the famous general Khalid B. Al-Walid complained to the Prophet that his house on the eastern side of the Prophet's mosque was too small to accommodate his family, the Prophet replied, 'Build higher in the sky and ask God for spaciousness'.[30] However, damage caused by raising a building was not tolerated by the jurists. When asked whether an individual could raise his house higher than his neighbour's (and thus be able to look into the neighbour's house), Ibn Al-Qasim said, 'One has the right to raise his edifice, but I heard Malik say that he should be prevented from inflicting damage.'[31] Intrusion into the private life of the residents is considered to be a great damage, and if the placement of doors opposite each other was considered an intolerable intrusion, then obviously neighbours would not tolerate being under the constant view of others, either from open windows or from rooftops.

Ibn Al-Qasim was also asked about an individual who opened a door or a window in his own wall, from which he looked upon his neighbour and intruded upon his privacy. Relating his decision to Malik, he stated, 'One has no right to create something that will inflict harm or damage to his neighbour, even when what is done is within his own property.'[32] Other Maliki scholars would not tolerate the infliction of damage, even if the source predated the object on which the damage was now being inflicted.

At a later time, Ibn Al-Rami (d. 134 AH, or 1334 AD), when speaking of doors and windows that looked upon neighbouring houses, stated that in Tunis, 'The customary judgment as well as the usual practice is to prevent intruding and uncovering. This was the opinion of the judge Ibn 'Abd Al Rafi' (d. 133 AH, or 1333 AD), who in many cases which occurred during his time, ordered [the windows] to be sealed.'[33] At a later time, in a case from Medina (980 AH, or 1573 AD), an individual sued his neighbour in court for opening windows in his upper chamber, claiming that the open windows denied him privacy within his own house and thus caused him damage. After investigating the case and being assured that damage was being inflicted, the judge ordered the windows to be sealed, so the damage to the neighbour was removed.[34]

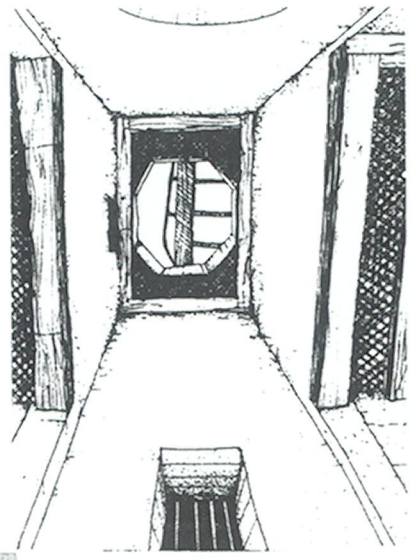
The other intrusion into neighbouring houses is the use of the rooftop. Since most Arab Muslim cities are in arid climates, roofs are usually used for living and sleeping on summer nights because large open yards rarely exist within urban dwellings. Related to this, we have the opinion of Sahnun in a case regarding the use of the rooftop of a mosque overlooking other houses. He emphasized that a protecting wall must be



ABOVE A typical Medina courtyard house.

BELOW The *qa'a* house has a small covered courtyard called a *qa'a* at its centre.





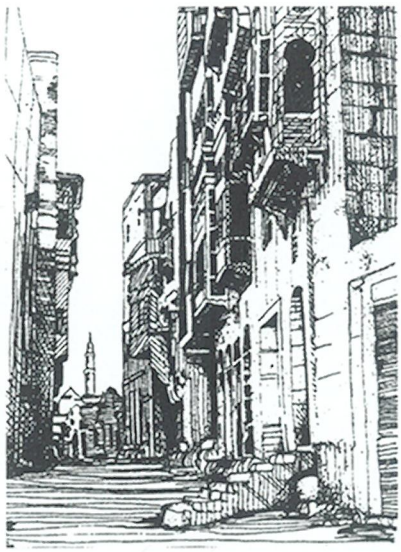
built and that no one could pray there before it was walled. At a later time, Ibn Al-Rami related a case that took place in Tunis where an individual had a staircase to his roof. Both the staircase and the roof were protected by a wall. The wall fell down and therefore anyone ascending to the roof was able to see into the neighbouring house. The neighbour asked the owner to rebuild the protecting wall, but he refused and was therefore sued in court. The judge did not compel the owner to rebuild the wall but made him liable to punishment should he or anyone else ascend to the roof.[35] The liability of punishment here is significant because it indicates the seriousness of the violation in the eyes both of the jurists and the citizens.

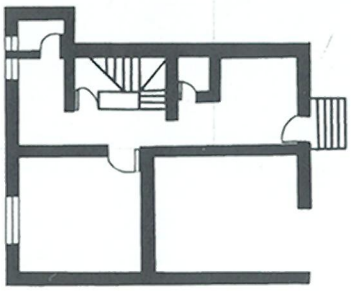
In the jurists' opinions for cases in Medina and Tunis, there is a highly institutionalized social context. Several levels are at work in these documents: first, actual building forms; second, social conflict; third, a regulatory mechanism, the court, which relies on precedent; and, fourth, the ideal system, in this case Islam, within which these conventions were moulded and can be transformed when the need arises.

Thus, one can say that the architecture of the Muslim house was to a great extent shaped by the *shari'ah* plus social conventions. In the placement of doors, the opening of windows, the height of a building and the treatment of the roof, there have always been rules for producing appropriate forms. These rules can be seen as 'the deep structure' or 'system of arrangement' that held the different elements together. This system can be seen in the houses in Medina. The house type in Medina was originally the courtyard house, typical of other Muslim cities. In later times, two other types emerged: the *qa'a* house and the *mashrabiyya* house.

The *qa'a* house contains a covered, small courtyard, called a *qa'a*, at its centre. The *qa'a*, used as the main reception room, is usually divided into three parts. The central part rises to the roof, where there is a removable cover; the two side parts have a lower roof with one or more floors above them. The *mashrabiyya* house, in its simplest form, is a typical row house with windows to the street covered with *mashrabiyyas* and, on the opposite side, high openings that allow for ventilation and daylight but do not give a view on to other houses. This type is usually four to five storeys, while the courtyard house rarely exceeds two floors. The *qa'a* type is generally two or three floors.

The sequence in which the three house types emerged in Medina is believed to be: first, the courtyard type; second, the *qa'a;* and last, the *mashrabiyya* type. The two latter types provided a substitute for the courtyard type. The changes occurred when the prevailing conditions either did not permit the preceding type or that type was no longer feasible owing to high land prices that required a more efficient building. The eighteenth-century development of the *mashrabiyya* house along the *sahah* (the main street leading from the *shami* gate to the Mosque of the Prophet), for example, occurred





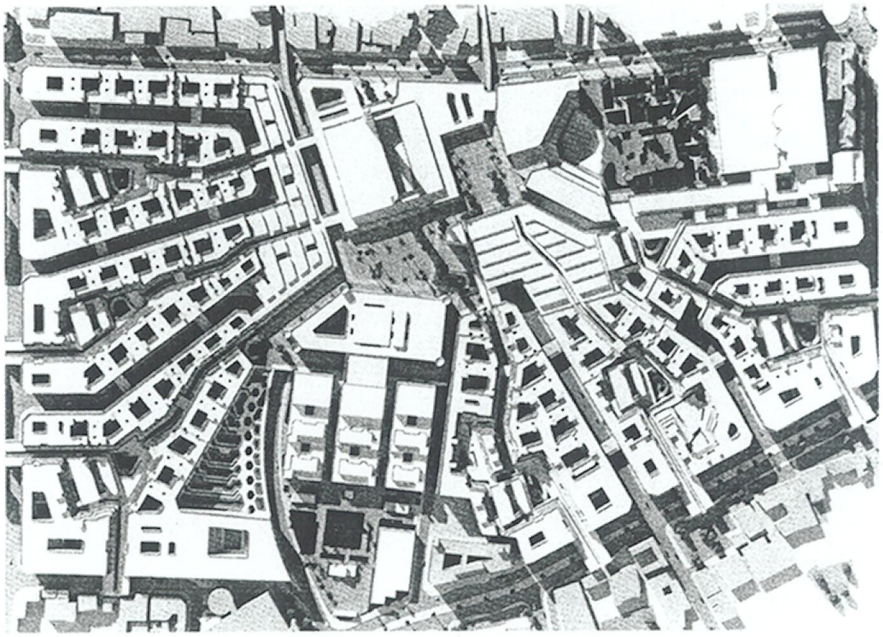
The *mashrabiyya* house is a typical terraced house with covered windows on the street side and no courtyard.

when the economic value of the area rose because of the proximity of the mosque. In spite of changes in form, however, each new type subscribed to the system of arrangement, or legal system, for forms in the city.

Continuity in the Contemporary Architecture of Saudi Arabia

The modernization process of the past thirty years has continued to challenge architectural tradition in Saudi Arabia with the introduction of new materials, techniques and systems. With the economic boom of the 1970s and early 1980s, many building programmes were launched, some of which neither took account of the natural and climatic conditions of the area nor responded to the sociocultural traditions of the people. Only in the 1980s did attempts by some Saudi architects to re-establish continuity with the past begin to emerge. These architects subscribed to the underlying structure of values, norms and conventions that govern social behaviour, and as long as this system is understood and provided for in design, the identity exists. In their quest for continuity, they followed two different approaches. Followers of one approach strongly believe in the need for a continuity of a style; adherents of the other subscribe to the idea that, as long as the main themes and principles are understood and provided for in the design, then the final architectural forms will satisfy.

For Qasr Al-Hokm District, an urban design study for the Riyadh city centre conceived in the early 1980s, the Beeah Group prepared a package consisting of building codes, development regulations, a land-use plan and an illustrative design scheme to show how the regulations could be applied and their possible outcome.[36] The project dealt with many issues including land tenure, land-use control and design guidelines, for which the designers looked at legal precedents in the Muslim world. Locating precedent for different land uses proved to be more complicated because the project included commercial, business, residential, cultural and religious activities. The cultural and religious activities were already fixed in the old city. For the commercial activities and the organization of markets, the designers evoked the main principles established by the jurists and stated in *hisbah* manuals for organizing markets within the traditional Muslim city. In developing the urban design guidelines, the designers sought to understand the essence of the *shari'ah* law and how it was reflected in the built environment. Traditional regulations emanated from behavioural rules of conduct; thus, they were prospective in nature, specifying actions or behaviours that were allowed but leaving the door open for creativity. Regulations today are prescriptive in nature, specifying what is allowed and how it is to be done, thus narrowing design options and limiting creativity.

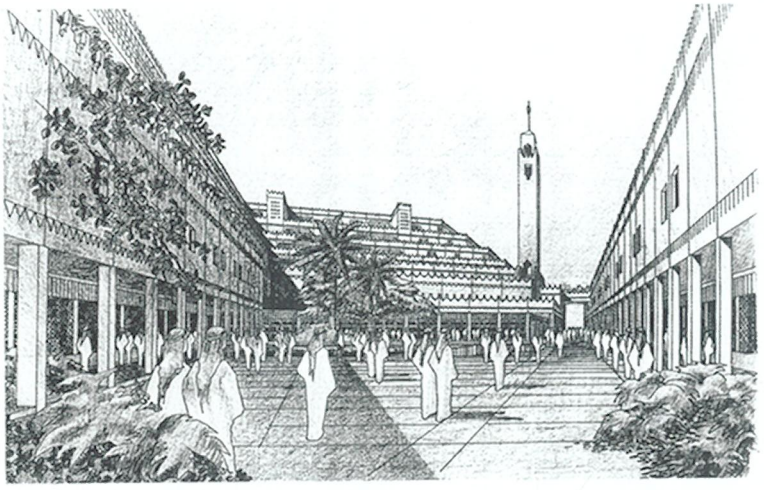


The proposal for the Qasr Al-Hokm district by the Beeah Group.

Existing building codes in Riyadh mandate certain building setbacks and allow second-floor openings that overlook neighbouring houses. People have reacted to the latter in two ways. Either they go to court and sue their neighbours, or they protect themselves by extending their fences with plastic corrugated sheets. To avoid this contradiction between existing regulations and clearly strong social values, the Beeah Group did not allow openings that overlook adjacent or lower dwelling units. Telling designers what is not allowed, rather than what is allowed, gives them the flexibility to develop different and perhaps innovative solutions. In one scheme, this issue was solved by opening windows on to terraces and courtyards with high parapets, and by using high windows that admit daylight but avoid views on to adjacent dwellings and skylights, in essence, a modified form of the *qa'a*.

The design guidelines also consider identity. People usually become more conscious of a tradition when they begin to lose it. The Beeah Group looked at the basic principles and values of the past to ascertain whether they were still viable and, if so, to revive and develop them, such as the principle of privacy. It was also felt that the project should maintain the indigenous architectural style of the region in order to preserve the identity of the old city of Riyadh. Criteria were developed to make this decision sufficiently flexible and to ensure that traditional themes would be used in a contemporary way.[37]

In 1985, in order to produce distinctive prototypical residential units, the Riyadh Municipality commissioned several architectural firms to design sixteen prototypical units on lots of 20 x 25 metres and located along streets 15 to 25 metres wide. Aware of the sociocultural traditions and environmental conditions of Riyadh, the designers approached the Municipal Houses Prototype, or El-Naim, starting with a review of existing codes and regulations, such as the allowance for window openings on all sides, which overlook outside spaces in neighbouring dwellings. This, the designers concluded, contradicted existing values, norms and social conventions, as well as the climatic and environmental conditions of the hot, arid region, and they went back to study traditional environments. The traditional house type in Riyadh was the courtyard house, but to design around a courtyard and meet the present-day setback requirements



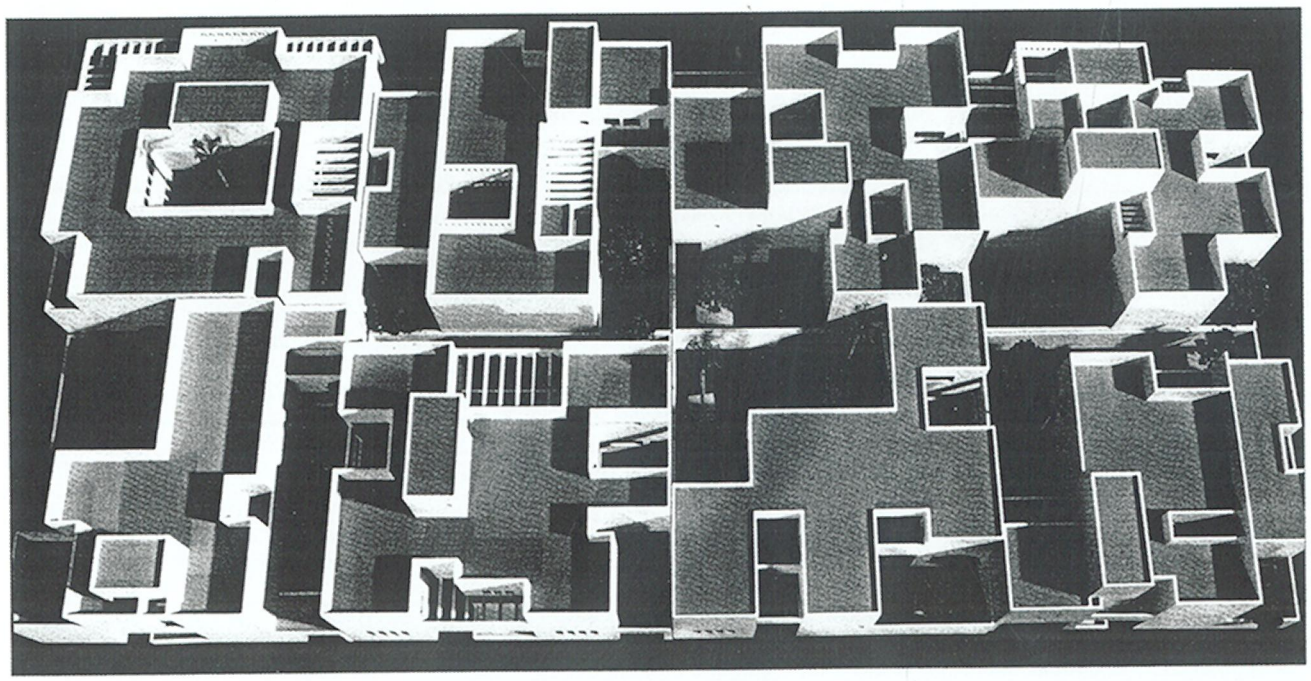
would waste space and not provide privacy. Thus the designers established three principles as a basis for rewriting the regulations: efficient and full use of all spaces; protection of inhabitants' privacy; and a more responsive microclimate within each dwelling unit. This led them to abolish the mandatory setback requirements, to prohibit windows that overlook interior or exterior spaces in neighbouring houses and to use the courtyard as a design feature.

In the final design, care was taken to reduce the surfaces directly exposed to the sun by abolishing setbacks and creating a system of courtyards that created an appropriate climate within each dwelling. The privacy of the inhabitants was achieved by directing all windows and openings towards courtyards, terraces and roofs with parapets. Windows were not allowed to be opened in the outside wall.[38]

The designers of the municipal houses did not opt for a specific architectural character or style. They believed that as long as sociocultural values and environmental conditions were understood and provided for in the design, then the resulting forms would preserve identity and produce a feeling of continuity.

ABOVE A view of the central section of the Qasr Al-Hokm proposal, showing the architectural language employed in the design.

BELOW A model of the Municpal Houses Prototype in Riyadh shows 20 x 25 metre lots, highlighting the relationship between built and open space.



The existing regulations for building in Riyadh – requiring setbacks and allowing window openings that overlook neighbouring dwellings – represent the liberals' position that progress is an intervention that should come from outside the society. Whether consciously or not, they desire to wipe away traditional norms and conventions. The Beeah Group and El-Naim designers recognize the need to re-establish continuity with the past. As a result of their research of the past, they believe in the value of tradition as a resource and a platform upon which one can operate. They believe in Popper's proposition that it is possible to create a new theory in order to solve the problems that the old theory did not solve, rather than discarding the old theory as if it never existed.

Notes

1 Karl Popper, 'Towards a Rational Theory of Tradition', in his *Conjectures and Refutations : The Growth of Scientific Knowledge* (New York: Harper and Row, 1968),131.

2 These are Stanford Anderson's rephrasings of Popper. Stanford Anderson, 'Architecture and Tradition that isn't "Trad, Dad"', in M. Whiffen (ed.), *The History, Theory and Criticism of Architecture* (Cambridge Mass.: M.I.T. Press, 1970), 81-82.

3 Popper, op.cit., 131.

4 J.G.A. Pocock, 'The Origins of Study of the Past: A Comparative Approach,' in *Comparative Studies in Society and History*, 4 (1961-62), 209-246.

5 'Past relationship expresses the specialized dependence of an organized group or activity within society on a past conceived in order to ensure its continuity.' Ibid., 213.

6 Ibid., 243.

7 This is a brief sketch of the development of Islamic legal tradition that emphasizes the *Sunni* schools of law and the development of the structure of the law with an emphasis on looking to the past to proclaim the continuity of a present or promoted tradition with that of the past. This account is based mainly on three sources: N.J. Coulson, *A History of Islamic Law* (Edinburgh: Edinburgh University Press, 1964); S. Mahmassani, *Falsafi al-Tashri' fi al-Islam (The Philosophy of Jurisprudence in Islam)*, trans. F.J. Ziadeh (Leiden, 1961);J. Schacht, *An Introduction to Islamic Law* (London: Oxford University Press, 1964).

8 The schools' common ground was the explicit provision of the Qur'an, the precedents of the Prophet and the early Caliphs. Their legal method was basically the same but the systems of law which the two schools created from it differed, though these differences were mostly in the details of the law. See Coulson, op. cit., 47-50.

9 Ibid., 39.

10 Ibid., 40.

11 Al-Shafi'i's concept of *ijma'* here aims to the authority of the *sunnah* of the school or local consensus, thereby eliminating the diversity of law and enforcing his concept of *sunnah*.

12 Coulson, op. cit., 61.

13 For the essence of al-Shafi'i's legal theory in its maturity, see his *al-Risalah* (Cairo, 1895). Translated into English by M. Khaduri in his *Islamic Jurisprudence* (Baltimore, 1961).

14 This had a major impact on scholarly activities during the third century AH, or ninth century AD, when the *sunnah* of the Prophet became the focal point. One of the main features of this period was the growth of a separate science, *'ilm al-hadith*, with a literature of its own. Specialist scholars devoted themselves to the process of collecting, documenting and classifying the *hadith* and actions of the Prophet according to certain criteria developed for this purpose. As a result, several compilations were produced, such as that of al-Bukhari (d. 256 AH, or 870 AD). Muslim jurisprudence accepted as authentic the corpus of *hadith* resulting from the activities of specialist scholars during this period. Coulson, op. cit., 62-70.

15 Both schools were reluctant to accept the binding nature of a single or isolated *hadith (khabar al-wahid)* when it contradicted their established doctrine. And both preserved subsidiary principles of jurisprudence in order to be able to override that

of isolated *hadith*. The *Hanafis* maintained the validity of *istihsan* (preference) and the *Malikis* that of *ijma' ahl al-Madinah* (the consensus of Medina).Coulson, op. cit., 72.

16 'For although the validity of the principle is formally expressed in a tradition from the Prophet which states: "my community will never agree upon an error", it is the *ijma'* itself which guarantees the validity of the Tradition.' Coulson, op. cit., 77.

17 Some writers have suggested the Mongol invasions as a reason for such phenomena. Coulson shows that this phenomenon occurred some three centuries before the invasion, and suggests that it was probably the result not of external pressures but of internal ones. His reasoning is that the material sources of the divine will had been fully exploited by that time and that an exaggerated respect for the personalities of former jurists induced the belief that the work of interpretation and expansion had been exhaustively accomplished by scholars of peerless ability, and he links this to the spread of *ijma'*. Coulson, op. cit., 80-81.

18 An attempt in this direction can be found in S. Al-Hathloul, *The Arab-Muslim City* (Riyadh: Dar Al-Sahan, 1996).

19 This sense of alienation has been voiced by many writers in the field of Muslim cities and Islamic architecture. See, for example, H. Fathy, 'Planning and Building in the Arab Tradition: The Village Experiment of Gourna', in M. Berger (ed.), *The New Metropolis in the Arab World* (Cairo, 1974), 210-229; 'Constancy, Transposition and Change in the Arab City', in L.C.Brown (ed.), *From Medina to Metropolis* (Princeton, 1973), 319-333. Most of the issues related to this process of alienation and change in the Muslim city and architecture have been raised in the Aga Khan Award for Architecture seminars.

20 Q. Zurayq, in 'Our Position towards the Past', counts four directions: the traditionalist, the nationalist, the Marxist and what he termed the 'scientific approach'. This last approach, according to him, exists only in the minds of a very few, and he therefore hopes to see it develop in the Arab world. The traditionalist is encompassed within our own first classification; the nationalist advocate can be found on both sides of our classification, depending on his way of looking at the past; and the Marxist advocates can be seen as similar to the liberals' point of view illustrated here. See Q. Zurayq, *Nahn wa al-Tarikh* (Beirut, 1959), 25-45.

21 A representative example of the traditionalist way of thinking can be found in M. Bahi, *Al-Fikr al-Islami al-Hadith wa-silatuhbi-al Isti'mar al-Gharbi*, 2nd edn (Cairo, 1959).

22 A. Laroui, *The Crisis of the Arab Intellectual, Traditionalism or Historicism?* (Berkeley: University of California Press, 1976), 42.

23 Popper, op. cit., 131.

24 A representative example of the liberals' way of thinking is to be found in H. Sa'b, *Tahdith al-Fikr al-'Arabi* (Beirut, 1970).

25 Popper, op. cit., 132.

26 S. Anderson, op. cit., 81-82.

27 Malik b. Anas, *al-Mudawwanah*, 16 vols, Cairo (1323 AH, or 1905 AD), v. XIV, 237.

28 Ibn al-Rami, *Kitab al-I'lan bi-Ahkam al-Bunyan*, manuscript of Rabat, Dar Al-Khizanah Al-'Ammah, No. A802834, 34.

29 Ibn Al-Imam, Trans. Barbier, *'Des droits et obligations entre propriétaires d'héritages voisins'*, in Revue Algérienne et Tunisienne de Législation et de Jurisprudence, 1900 (I) and 1901 (II): I, 98.

30 Al-Samhudi Wafa', *Al-Wafa'*, 2 vols, 2nd edn (Beyrouth, 1971), vol. 2, 370.

31 Malik, op. cit., v. XIV, 232.

32 Ibid, v. XI, 37.

33 Ibn al-Rami, op. cit., 25-26.

34 Medina Court Records from 963 AH, or 1555 AD, to the present time, R. 6, v. I, Case No. 418, 229.

35 Ibn al-Rami, op. cit., 29.

36 Information and illustrations on this project can be found in A. Shuaibi and S. Al-Hathloul, 'The Justice Palace District, Riyadh', in *Continuity and Change: Design Strategies for Large-scale Urban Development* (Boston: the Aga Khan Program for Islamic Architecture), 37-48.

37 This study provided a base from which several projects have been launched in the district, such as: *Al-Mu'ajaliyah* development west of the mosque in the mid-1980s, the Great Mosque of Riyadh and Old City Centre Redevelopment including the Justice Palace in late 1980s and the Arriyadh Development Co. project now under construction on the western side of the district.

38 Although these prototypes were spatially well designed and respond to sociocultural values and environmental factors, they were proposed for the public to choose from, simply because they do not take setback requirements into consideration.