

## **Dominant Principle of Jurisprudence in Management of Urban Spaces and their Compliance with City of Mashhad**

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### **Extended abstract**

#### **1. Introduction**

In order to reach welfare and get rid of basic lifestyle's problems, human beings took actions for architectural and urban problems in different eras of modernism, new urbanization and post-modernism; even though the changes brought comforts in some aspects, they caused humanity to experience disasters, which led to cultural and religious losses. Living in apartments in high densities as well as high-rise towers are among such disasters and religious cities are not exceptions in this regard. The religious city of Mashhad follows this modern lifestyle and urban managers must arrange plans through which religious ideals are followed in the urban structure.

The aim of this study is to familiarize urban managers of Islamic cities, especially municipalities, with jurisprudential principles in managing urban affairs, architecture and urbanism, and other urban affairs. That is, those important issues that if consider jurisprudential teachings, the citizens will be capable of enjoying peace in addition to comfort.

#### **2. Methodology**

Since the subject has two aspects, which studies both jurisprudential principles and conformity of such principles in Mashhad religious metropolis, the first section of this study focuses on a descriptive and explanatory research method through using library resources, quotations, narratives and valid jurisprudential books and jurists'

opinions. In the second section, a field study approach is used through using statistics provided by the municipality, department of mosques affairs, department of sports and youths, Astan Quds Razavi's libraries and ministry of guidance. The statistical society consists of thirteen areas of Mashhad.

#### **3. Results**

The present study is a supplementary for the previous studies in the field of architectural jurisprudence and urban planning or specific parts of jurisprudence which take urban requirements, namely roads, neighboring rights, the distance between cities and homes into consideration even though some unspoken angles are left which require more studies in the field.

#### **4. Conclusion**

Shia Jurisprudence (Fiqh), for the Islamic countries to get out of modern problems of urban communities has proposed some solutions such as specific Islamic construction principles (privacy and high buildings), governance over construction issues, observing justice in distribution of urban facilities, and disseminating Islamic culture. Besides, the present research studies the degree to which the city of Mashhad has conformed to these principles and the findings are as follows.

In construction principles, in order to respect individuals' privacy, the distance between any two buildings, having determined the confines of the two passageways, is set to 5 cubits (equal to 2.31 meters); however, in the city of Mashhad, no specific rule except

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for “seamless disconnection”, which is a negligible distance, has been formulated. Regarding high-rise buildings in Shia jurisprudence, in line with accepted quotes, the basis is to construct structures horizontally, with stipulated heights of 7, 8, or 9 cubits (equal to 3.23 meters, 3.68 meters, 4.15 meters, respectively) which is the distance from the ceiling to the roof, and in the city of Mashhad, it is 7 cubits for every story. However, constructing other floors, unless necessary, is not lawful. According to the principle of Islamic rulers’ governance, an Islamic ruler can issue a verdict for construction violations or even demolish buildings with such violations. In the city of Mashhad, construction violations in 2015 were 31% lower than they were in 2014.

Regarding upholding justice in distribution of urban facilities, Islamic Jurisprudence (Fiqh) highly emphasizes on the fact that management might be even impaired if justice is not upheld. Investigations concerning public places with asphalt mat revealed that, in Mashhad, in poor neighborhoods, the ratio of asphalt-paved streets in the outskirts of the city to the entire city was 67% in the year 2014 and 53% in the year 2013, which is a considerable leap and seems that justice in this regard has been upheld, although the figures of the year 2015 are moderated. As for the urban fleet, the number of stations and the length of the city-bus routes have increased by 2.5% and 3.4% respectively, indicating a better distribution of resources.

In Islamic jurisprudence, dissemination of Islamic culture is an inseparable requirement of an Islamic city and in the city of Mashhad, considering the number of mosques per capita, 242 more mosques are required and city municipality's 110-mosque plan can, to

some extent, close the gap. Similarly, in the case of libraries, taking all the libraries of the city into account, city's per capita library space is 2 square meters, which is a far from the objectives set in the Fifth Development Plan. An important point to bear in mind concerns urban elements and statues which are indicative of Islamic culture’s dissemination. City managers, in Mashhad, have been able to take effective steps toward religious culture, sacrifice, martyrdom and resistive economy; however human statues, are not fully compatible with Islamic jurisprudence.

Considering the importance and necessity of jurisprudence principles in architecture and urban spaces, it is suggested that the city municipality hold some sessions regarding urban architecture and planning, invite experts from universities and Hawzas (Islamic school of theology) so that new districts of the city are built in agreement with Islamic considerations and based on knowledge, with all necessities such as mosques and schools. It is also suggested that a division called “the division for tracking architectural jurisprudence principles and planning” is created in the municipality, and that their opinion is adopted in construction projects and in issuing certificates of construction completion.

Considering the breadth of the issue and other potential unobserved aspects, it is suggested that the present research is expanded in future studies, dissertations, and group works.

**Key words:** Dissemination of Islamic culture, Urban management, Privacy, Justice, Urban space

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