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## Prospects for historic neighborhoods in atypical Islamic cities: the view from Amman, Jordan

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### Abstract

What is the function and future prospect for older and more historic neighborhoods in an atypical Islamic city? This study case from Amman, Jordan, identifies three main factors that have circumscribed the neighborhood's urban development: changes to landuse, rent-control bylaws, and processes of land succession. A survey of the ownership registry for 666 plots for the period 1946–2002 reveals that inheritance plays an important role in the processes of land succession. Such processes, based as they are on Islamic thinking about inheritance, are expected to be the most persistent factor affecting the future form and function of the neighborhood. The effect of such processes of land succession may be compared to the function observed elsewhere for *waqf* property in terms of contributing to the sustainability of traditional crafts and trades in old bazaars; in the case presented here, however, processes of land succession, are contributing to the creation of opportunities for development and redevelopment by freeing a sizeable percentage of available land, built or unbuilt, with the passing of every generation. Thus, in contrast to the often cited adverse effect such processes have in rural areas when leading to the fragmentation of agricultural farming areas, the same processes are here found to be conducive to urban regeneration and redevelopment.

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## Introduction

The intersection of issues related to land ownership and succession, zoning ordinances, rent-control bylaws, and a rising aesthetic and historical consciousness, within one of the historical neighborhoods of Amman, is considered a unique case for understanding the main factors that circumscribe urban development and redevelopment at the scale of a neighborhood. In spite of the uniqueness of this case, the results shed light on possible patterns of urban development not only in other historic neighborhoods of the city of Amman but possibly in other Islamic cities where similar land succession processes, dependent on Islamic thinking about inheritance, are applied.

For some time now, processes of land succession have been recognized as a determining force in the shaping of Arab-Islamic cities in general. The formation of the characteristic physical urban fabric of the pre-modern Arab-Islamic city, such as can be seen by looking at the aerial photo of the older parts of traditional Arab-Islamic cities from Fez to Aleppo, woven, as these are, out of a large number of miniscule residential units that have no apparent geometrical order or definition, shouldering each other in a continuous fabric without any setbacks, has been attributed, in great measure, to the specificity of land succession mechanisms that are dependent on Islamic thinking about inheritance. According to Islamic law, all heirs are entitled to a piece of every single inherited property, a house for example, if they so wished, even if the inheritance contains several similar such houses. This had historically led to the subdivisioning of property, even single houses among different heirs, and resulted in the familiar and characteristic closely-knit physical urban fabric, which in turn had led to complex rules about right of access, privacy, noise and pollution controls, that have formed the core of much Islamic thinking about urban legislation and practice (Al-Hathloul, 1981, 1994).

In rural areas, however, such processes of land succession have long been identified as having an adverse effect leading, as they often do, to the fragmentation of agricultural farming areas into farming areas too small to be sustainable and/or economically viable. In one documented case from Jordan, such processes of land succession had been shown to be operational in rural areas even long before Land Registration became institutionalized during the Ottoman reforms in the second half of the nineteenth century (Wahlin, 1994), and well before land settlement operations during the British Mandate Period (Fischbach, 1994).

No research, however, has yet been done in urban areas to determine what role these processes might be having on the present form and future prospects of the physical urban environment in the contemporary Arab city. Evidently, unlike their historical role where these processes had significantly influenced the morphology of the physical urban fabric of the city, their role in the contemporary city is circumscribed by the currently applicable planning ordinances which on the whole include a limitation on minimum plot area, a matter that currently acts to prevent the continuous and endless subdivisioning of plots and/or buildings according to past Islamic practice witnessed in many of the traditional Arab-Islamic cities and which had permitted the most miniscule subdivisioning of a property if so demanded by any one of the legitimate heirs.

Nevertheless, even though such processes of land succession are today circumscribed by currently applicable planning ordinances, and as such cannot affect the same miniscule urban fabric as historically witnessed in many Arab-Islamic cities from Fez to Aleppo, yet they seem to have a considerable, albeit not so visible or conspicuous, effect on the availability of land, built or unbuilt, for urban redevelopment.

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