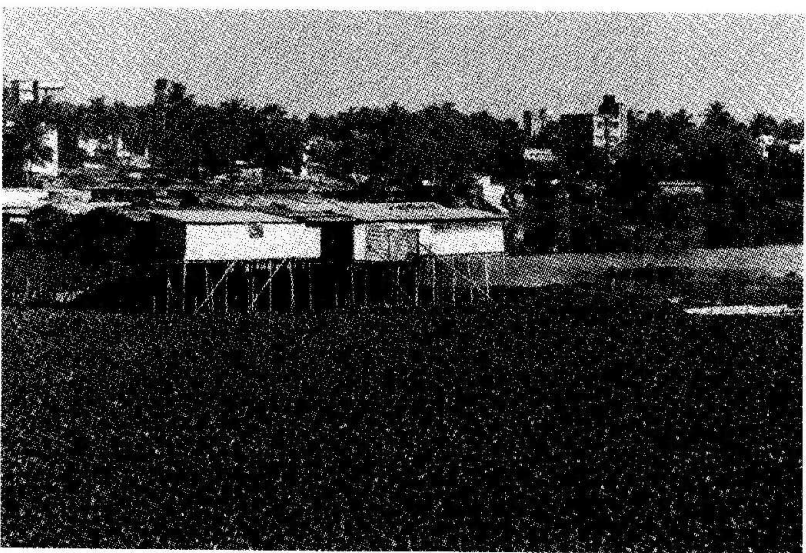


## BUILDING HOME NOT SHELTERS

Z Islam, BUET, Bangladesh



Housing should be the reflection of the existing settlements and there should be scope for future growth. In-order to provide successful housing to the rural community, an extensive study on the existing settlements is essential. Guideline for future growth is also needed. Designers and Planners should give more emphasis on the sociological factors. Because the relationship between man and built form is not always 'functional'.

There are very limited examples of successful housing in the world. But we can see that spontaneous settlements are growing very fast without the help of professionals. The reason behind the failure of housings lies in our attitude toward it. In conventional housing there is no scope for future growth. We have always thought of 'housing' in terms of concrete things. Even the definition of housing leads in that direction. Oxford dictionary describes a 'housing estate' as "an area where there are houses planned and built by one organization". But a settlement is explained as "an act of settling". We can see that settlement is about an "act" and not about planned houses or streets, not to mention designed by one organization. In my opinion in providing good quality housing to rural community of Bangladesh if we stick to the established definition of 'housing' then it would not succeed.

We should learn from the existing spontaneous settlements. In the past designers and planners have thought of housing as an end product. The task at their hand was to design and construct the house. But that is not all, a successful housing needs to grow with time. Settlements grow with the interaction between man and built form. One has to agree that settlement consists of buildings, streets, public places etc. But there are more things that constitute the whole. Let us assume a settlement that has no people in it. We would not call it a settlement because there are not phenomena. Phenomena happen with the interaction of man and environment. A settlement has got to have interactions between man and nature. Man orients and identifies himself with the outside world (nature) through his settlement.

But ensuring growth in housing will also ensure disputes. Rules and regulations would help to avoid these unavoidable disputes. The designers and planners have to provide basic guidelines, which would be suitable for the housing in rural areas of Bangladesh. There are already guidelines relating to different settlements in various cultures. We have to decide which would be

suitable for us. But to mention one example, I will discuss basic rules and regulations concerning Islamic settlements. The intention is not to implement rules and regulations of Islamic settlements invariably to rural Bangladesh. But it is worth looking into. Because more than 95% of the population of Bangladesh are Muslim. We know that not all of these rules will be suitable for rural Bangladesh but it will prove the influences of law and their actual physical implementation in a settlement.

### Islamic laws

Islamic law physically influences the structure of the settlements. We would discuss the regulations under the following headings:

1. Streets and alleys.
  2. Locational restrictions.
  3. Overlooking: Visual corridors generated by doors, windows and openings.
- The cases presented in this section are originally recorded in *al-Miyar of al-Wanshaisi* (d.914AH/1508AD) and the *kitab al-Bunyan of ibn al-Rami* (d.734AH/1334AD). The author of this paper has taken from two sources. They are: (1) Damages in Islamic Law: Maghribi Muftis and the Built Environment (9<sup>th</sup>-15<sup>th</sup> Centuries) by Akel. I. Kahera and Omar Benmira; (2) Arabic Islamic Cities: Building and Planning Principles by Besim Selim Hakim.

### Streets and alleys

Streets and alleys was subject of many types of disputes that occurred as a result of use or encroachment on public or private space. Streets are considered as the public space and encroachment is not encouraged in streets. These types of protrusions are usually ordered to demolish by the jurists in the Islamic settlements (Hakim, 1986). However the jurists differ in their verdict if the protrusion is not causing any harm. In most of the resettlement housings of Bangladesh this type of encroachment has occurred. Providing guidelines about protrusion in the public places such as streets would ensure healthy growth of the housing.

Opening a new door into a street was always a great source of disputes (see Figs. 1 and 2). The main concern of the jurists was about the infringement of the visual privacy. The deciding factors for this type of cases were the determination of causing harm or not. If all the owner of the adjacent building of the alley reach a consensus then it is allowed. Usually it is not allowed if it is directly opposite or adjacent to another door and causing harm to the existing use of the other door. The width of the street is of concern because there are cases were new door was allowed opposite to an existing door because the street was wide

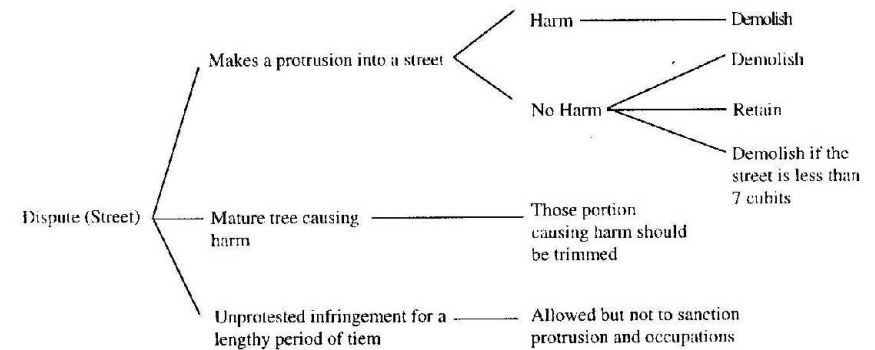


Figure : 1: Dispute of Streets

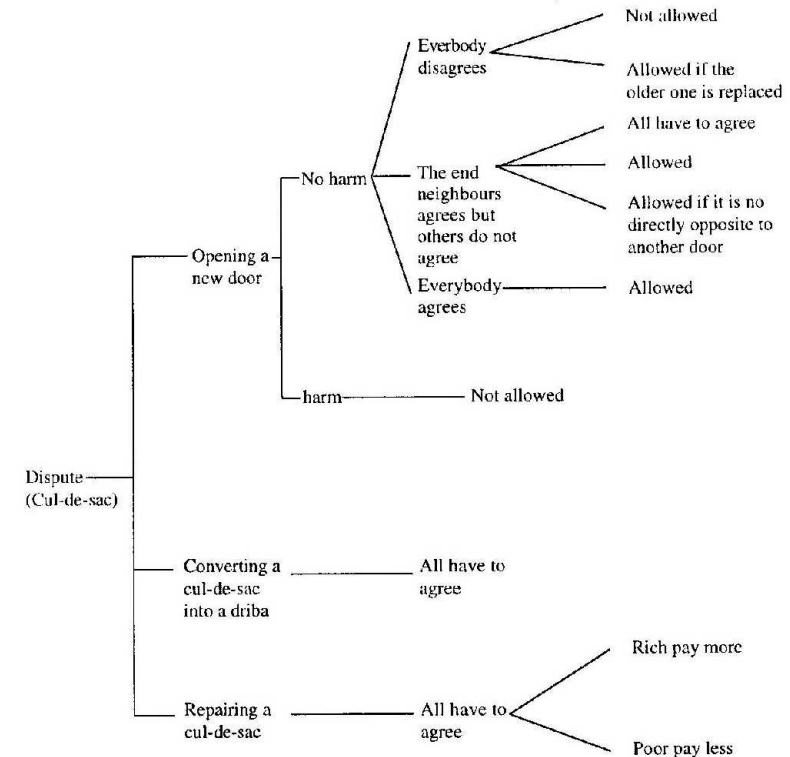


Figure : 2: Dispute of cul-de-sac

and busy enough to resume privacy. If we want our housings to act as a settlement then we have to allow the settlers to build extensions in their respective houses. These extensions may require new door for the house. To avoid disputes created from the new door we can follow the above mentioned rules.

### Locational Restrictions of Uses Causing Harm

The Islamic settlements followed principles affecting land or building use on a micro scale. The essential concept behind the principles followed is that of harm. Damages could be done by the new use by creating offensive noise, odor and smoke.

The following is a case resulted from created by the new use.

In this case a person owns a plot of land adjacent to a house and wants to build a bakery on it. The judgement to these disputes depends upon determining whether there is any direct harm. Establishing a bakery to the adjacent site would depreciate the value of the existing house because many people will frequently use it and there will be a danger of fire. The Qur'an prohibits the injury or the diminishing of people's property. But there are cases where such uses were allowed to be built when direct harm from smoking is not evident.<sup>3</sup>

Rules about locational restrictions are essential in housing for Bangladesh also. One settler might want to upgrade his economical situation by installing a shop or a rice mill in his house. But this might cause harm to the overall neighborhood. Providing guidelines before hand would help this type of situation.

### Overlooking

The Qur'an teaches the virtues and importance of privacy, the right to it, and respect of it. If a man pushes aside a curtain and looks inside without permission he has then reached a point which he is not allowed to reach (Youssef, 1969).

Muslim teachings involve all mediums affecting privacy. The visual medium is directly affected by building form and therefore selected for discussion. There are guiding principles for determining the height of the windows in Islamic settlements. The height can be determined from outside or inside. According to Malik the solution of the Caliph Omar ibn. al-khatab: A bed is to be placed underneath the windows, and if a man standing on it does not see through it, then the windows is allowed to remain, otherwise it should be shut.

The jurists differ in their opinion concerning opening windows and doors. Usually windows causing harm are closed but there is always judgement, which differ. In the following case, a new window was objected by the neighbors,

claiming that it is was disturbing their privacy. The *mufti* made his judgement in favor of the defendant. The neighbors claimed that they had been harmed by his action of opening a window in an upper floor of his house to enjoy the view of ramparts and the ocean. Because he had not raised his courtyard wall sufficiently, his neighbors complained that he intruded on the privacy of their roof terrace. But the defendant responded that he had kept his courtyard wall at a certain height so as to minimize the structural load on the wall. The *mufti* overruled his neighbour's objection since the defendant could not see directly into the rooms of the adjacent houses.

These types of disputes are likely to occur in housing where growth is encouraged. Therefore rule about opening new window is essential. Building codes are applied in recent projects also. For example the layout plan of Seaside at Florida. The Seaside Code applies to all privately owned lots. The codes control only those aspects of building form, which directly affect the public spaces.

Most of the time Designers and Planners think that there is no relationship other than 'functional' between man and build form. Our experience tells us those different actions needs different types of places. That is why our built environment consists of so many varieties of places. Similar function such as 'eating' requires different type of places in different cultures. Because different people relate themselves differently with the environment. That is why even basic similar function requires different type of places. Therefore in providing housing for the rural community of Bangladesh, we have to observe how the people of that respective area relate to the environment.

Housing that is designed only as shelters would fail. We have to help people to 'dwell' in housing. A person dwells when he feels that he belongs there. In-order to ensure that we have to observe how they interact with their environment and give them their freedom to change their houses according to their need by abiding some basic rules and regulations. There can be some governing bodies in the housing who will make sure that the basic guidelines are mentioned. Only then we can hope to design housing which can meet the need of the people of the rural community.

### References

- Hakim, Besim Selim (1986) Arabic Islamic Cities: Building and Planning Principles . London, KPI Limited.  
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