

Surah Al-Qalam and the Tragedy of the Commons

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ABSTRACT

This paper examines *Surah Al-Qalam* (Chapter of the Pen) from the Qur'an, highlighting its economic and ethical implications through the lens of the 'Tragedy of the Garden' narrative (verses 17–32). The paper challenges traditional *Tafsir* interpretations and draws parallels with Garrett Hardin's '*Tragedy of the Commons*'. Employing the Qur'anic exegesis method *Tafsir-ul-Qur'an bil-Qur'an*, the paper derives authentic Islamic principles such as stakeholder inclusion, sustainability, self-restraint, social responsibility, and cooperation over shared resources. The paper additionally explores contemporary applications of the *Surah*, including environmental conservation, public resource management, and sustainable corporate governance. By integrating modern concepts like game theory and stakeholder theory, the study demonstrates how Qur'anic principles can address current challenges, urging a re-evaluation of classical interpretations to unlock the Qur'an's potential for advancing Islamic economic thought.

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1. INTRODUCTION

This paper conducts a *Tafsir* (exegesis) of the Qur'anic *Surah Al-Qalam* (The Chapter of the Pen) with a particular focus on the story of 'the Tragedy of the Garden' found in verses 17–32.

Unlike classical *Tafasir* (plural of *Tafsir*), this paper seeks to show that the story is comparable with Garrett Hardin's *The Tragedy of the Commons* (1968). As such, the *Surah* calls for the consideration of sustainability, as well as stakeholder and communal rights in economic decision making. Such principles ought also to be embedded in Islamic economics, alongside other principles derived from the story, such as self-restraint, social responsibility, subsistence rights, and cooperation vis-à-vis shared properties.

This paper will begin by exploring the story related to *Surah Al-Qalam* before elaborating on the parallels between it and the *Tragedy of the Commons*. The paper will then elucidate the numerous economic principles that can be derived from the *Surah*, before then applying them to contemporary issues in Islamic economics.

To relate both stories briefly, a group called the 'Companions of the Garden'¹ conspires to harvest all a garden's fruits for their exclusive benefit. But during the night, God destroys the garden. When

1 To avoid confusion in terms, the 'Companions of the Garden' in *Surah Al-Qalam* must be distinguished from the two Gardeners in *Surah Al-Kahf* (18:32–43), and other mentions of 'Companions of the Garden' as referring to the 'Companions of Paradise' throughout the Qur'an more generally (e.g., Qur'an, 59:20). In this piece, when 'Companions' are mentioned, it is only to refer to the 'Companions of the Garden' and not Companions of the Prophet Muhammad, peace be upon him (pbuh).

the Companions arrive, they realize they have been deprived of the garden and its fruits, just as they would have deprived others. In *The Tragedy of the Commons* (Hardin, 1968, pp. 1244) over-herding of animals by individual shepherds causes the degradation of a common pasture. As such, the Tragedy of the Garden mirrors the *Tragedy of the Commons* as the Companions of the Garden set out to maximize their benefit at the cost of others, resulting in the destruction of the common property, much like the shepherds' common pasture.

2. LITERATURE REVIEW

*Surah Al-Qalam*² has seen little academic engagement except in the areas of semiotics (Alwi and Parninsih, 2021; Sarlaki and Nazari, 2022) and pedagogy (Muthmainnah, 2021). Despite this, the story contained within the *Surah*, pertaining to the 'Companions of the Garden', relates a parable akin to Garrett Hardin's seminal piece, *The Tragedy of the Commons* (1968), which is an important work regarding sustainability and common property. This Qur'anic 'Tragedy of the Garden', as narrated in *Surah Al-Qalam*, has significant implications for Islamic economics as it similarly calls for considering sustainability, stakeholders, and communal rights.

In *The Tragedy of the Commons*, Hardin (1968, pp. 1244) relates an example whereby the over-herding of a common pasture leads to the pasture's deterioration and, ultimately, its destruction. In this tragedy, the positive marginal utility gained by each herdsman from adding an additional animal to the common pasture encourages every herdsman to add to their herd. The loss to each individual herdsman of adding an additional animal to this pasture is minute. Yet, the accumulative effects of every herdsman doing so result in the degradation of the common land. As such, the unbridled freedom of the herdsmen to do whatever they desire, without consideration of sustainability or the rights of other stakeholders, results in tragedy for the community. That is, the loss of the pasture and, therefore, their communal livelihood and economy.

Stakeholder rights, a key principle derivable from both tragedies, are discussed in the Islamic economic literature. However, they are indirectly derived through other principles such as *Tawhid* (the oneness of God), *Shura* (consultation), *Maslahah* (Public Welfare), 'Adl (Social Justice), *Rububiyyah* (direction towards perfection), *Tazkiyah* (purification) (Hasan and Asutay, 2017),³ fairness (Nienhaus, 2003), equitability (Chapra and Ahmed, 2002), property rights, and commitment to contractual agreements (Iqbal and Mirakhor, 2004). This tangentiality leaves a doubt that stakeholder rights and sustainability are not fundamentally Islamic principles, but rather, Islamic economics attempts to mimic laudable principles from conventional economics through its own means. On the other hand, this web of principles can be seen as revealing a stakeholder-shaped lacuna in the foundations of Islamic economics, which requires examination. This paper will show that consideration of stakeholder rights is indeed authentically Islamic, as it is directly derivable from the Qur'an in *Surah Al-Qalam*, thereby providing a solid foundation for the principle in Islamic economics.

The two tragedies also function as a commentary on sustainability. In the Islamic economic literature, sustainability is predicated upon the principles of *Hifz-an-Nasb* (the protection of future generations), *Khilafah* (trusteeship or stewardship of the Earth), *Mizan* (balance), and *Wasatiyyah* (moderation) (Kamali, 2017). This paper will again, as above, provide direct Qur'anic support for this principle through its *Tafsir* of *Surah Al-Qalam*.

Surah Al-Qalam, as discussed in well-known classical *Tafasir*, such as *Tafsir Tabari*, *Tafsir Qurtubi*, *Tafsir Ibn Kathir*, and *Tafsir Ibn Abbas*, is absent in Islamic economic literature. The above *Tafasir*, which rely on statements made by Ibn Abbas and therefore come to the same conclusion, leaves a significant

² Qur'an, *Surah Al-Qalam*. Available online at: <https://quran.com/68>

³ 'Adl, *Rububiyyah* and *Tazkiyah* are mentioned with reference to Naqvi (1981, 1994, 2003).

gap for *Surah Al-Qalam* to be explored using different *Tafsir* methodologies that are more acceptable to Shari'ah law applications and, therefore, to *Siyasah ash-Shari'ah* (policy making).

3. METHODOLOGY

In *Tafsir*, particularly the most famous ones (Tabari, Qurtubi, Ibn Kathir, etc.), the Qur'an is often explained through stories. These could be other stories mentioned in the Qur'an, stories pertaining to the *Asbab-un-Nuzul*, i.e., the situation occurring at the time a verse was revealed, or stories pertaining to or narrated by the Prophet Muhammad, (pbuh), (those found in the Hadith literature). These stories are grounded in the primary Islamic sources and are therefore deemed authoritative for the purposes of Shari'ah law.

Other sources of stories, however, are not. Therefore, any story from sources collectively known as *Isra'iliyyat* (i.e., stories of foreign origin, usually from Christian or Jewish sources) or from any other source that does not trace their origin back to the Prophet, (pbuh), or the Qur'an are not considered authoritative for the purposes of Shari'ah law.

The issue with the *Tafsir* on *Surah Al-Qalam*, are that they elaborate the Qur'an using a non-authoritative story. As such, any principles derivable from such *Tafsir* are invalid for the purposes of Shari'ah and, therefore, Islamic economic policy.

An additional issue with the story method of *Tafsir*, is that it distracts from the Qur'an itself, which is dense with information. Rather than relying on external sources, this paper will conduct *Tadabbur* (reflection) of the Qur'an through the Qur'anic text itself, known as *Tafsir-ul-Qur'an bil-Qur'an* (Bhutta, 2018). Utilizing this method means that any principles derived from such a reading are authoritative for the purposes of Shari'ah and, therefore, *Siyasah ash-Shari'ah* (policy making). It also means that the principles derived are authentically Islamic, as they are derived from the Qur'an and not foreign sources. As such, the method employed provides a concrete foundation for Islamic Economic principles.

Once this method has been employed, the derived principles can be compared to other stories, such as Hardin's *Tragedy of the Commons*, to elucidate their meaning for contemporary economic applications.

4. ESTABLISHING STAKEHOLDER AND COMMUNAL PROPERTY RIGHTS IN SURAH AL-QALAM

In *Surah Al-Qalam*, the Tragedy of the Garden involves a group that conspires to take all the fruits from a garden during the early morning hours. Various English translations of the Qur'an describe this group as the 'Owners of the Garden'⁴ and frame the moral of the *Surah* in a light similar to *zakat* (charitable alms - tax), whereby the poor have rights within the wealth of the rich.

Such translations are flawed, as they fail to account for the behavior and statements of the Companions of the Garden. These aspects, as will be explored, clearly reflect that they are not the owners of the property (i.e., the Garden) outright.

In my reading, as I will elaborate further, the Garden can be seen as communal property. That is, as a common, where the local population has equal rights to the fruits of the Garden. Hence, the story has similarities to the *Tragedy of the Commons*, whereby over-extraction leads to the destruction of the commons and the unraveling of local economies. This reading entails a Qur'anic substantiation of communal property rights, sustainability, and stakeholder rights.

⁴ See translations by Dr. Mustafa Khattab, Abdul Haleem, Mufti Taqi Usmani, Abul Ala Maududi, Marmaduke Pickthall, Maulana Wahiduddin Khan, Dr. T.B. Irving, and others.

The translations, however, are rooted in longstanding *Tafsir* traditions and, therefore, deserve an explanation regarding their origin. Such traditional understandings of the *Surah* are founded on the narrations of Ibn Abbas, a Companion of the Prophet, (pbuh), who equates a story to the events of this *Surah*.

According to Ibn Abbas,⁵ a generous man of Ethiopian origin, living not too far from the city of Sana'a in Yemen, would donate a portion of his harvest every year to the poor. However, after his passing, his sons wished to retain the Garden's produce for themselves exclusively, to the detriment of the poor. Hence, the sons conspired to harvest the fruits of the Garden under the cover of darkness so that the poor could not ask for their subsistence at the time of harvest.

While an interesting story, the narrations rely primarily on the statements of Ibn Abbas despite initially appearing to be more diverse. False diversity is a common issue in *Tafasir*, whereby once a story appears in one *Tafsir* it then appears in subsequent *Tafasir* (e.g., Ibn Abbas to Tabari to Ibn Kathir), thereby making the story appear more authoritative than it is. Similarly, a story may be narrated by various authors but originate with the same person, even if that person is not named, thereby making the sources appear more diverse than they are. In this case, the story of Ibn Abbas reaches these *Tafasir* through Sa'id bin Jubayr, As-Suddi, and the more removed Hanad bin Al-Sari, all of whom are named in these *Tafasir* in relation to the story but rely on Ibn Abbas either due to a direct connection in being his student or indirectly as they are known for narrating his collection of Hadith (statements of the Prophet, (pbuh)).

The issue that arises from this is that Ibn Abbas was known not only as a prolific collector of Hadith but also as a collector of *Isra'iliyyat* (stories of foreign origin, usually from Christian or Jewish sources). Such sources are not recognized as authoritative for the purposes of Shari'ah law, despite being potentially useful in contextualizing otherwise uncontextualized Qur'anic verses in the *Tafsir* literature.

Here, it is important to note that none of the narrations of this story connect it to the Prophet Muhammad, (pbuh), but merely narrate it as a story, which is then connected to the *Surah* through Ibn Abbas. As such, this story, while a fitting example, is not necessarily *the* story narrated in *Surah Al-Qalam*, but a story that Ibn Abbas likely believed to be the best fit according to the stories available to him at the time.

This desire to find and record explanations for verses, despite an accurate and reliable one not always existing, is a common feature in early Islamic works, as exemplified by the infamous *Book of Idols* by Hisham ibn al-Kalbi. The problem thereafter is that these sources are treated as reliable and authoritative in traditional works but are more recently being found to be unreliable, thereby creating a clash with the existing and highly regarded literature.⁶

As a general note, it is important to raise the issue of attributing particular stories and details to Qur'anic stories, which are not themselves derived from the text itself nor the statements of the Prophet, (pbuh). In the case of *Surah Al-Qalam*, the story of Ibn Abbas distracts from the underlying Qur'anic message.

It is crucial, therefore, not to become attached to the story narrated by Ibn Abbas as *the* story or to get lost in its details. I will, however, briefly provide the reasons why I do not believe Ibn Abbas's story to be correctly attributable to *Surah Al-Qalam*, and in addition, some benefits stemming from Ibn Abbas's story, nonetheless.

5 Variations of this story are narrated, but rely primarily on statements by Ibn Abbas, and can be found in *Tafsir Tabari*, *Tafsir Qurtubi*, *Tafsir Ibn Kathir* and the eponymous *Tafsir Ibn Abbas*.

6 See Al-Jallad (2022; pp.2-4).

In *Surah Al-Qalam*, the ‘Companions of the Garden’ are literally called ‘Companions’. In the narration of Ibn Abbas, the ‘Owners of the Garden’ are all brothers. Yet, the Qur’anic narrative, which ought to be the most accurate (from a theological viewpoint), does not call them the ‘Brothers of the Garden’ or the ‘Family of the Garden’ or the ‘Inheritors of the Garden’, but instead ‘Companions’, which implies no familial or blood relations, but rather a friendship.

Furthermore, when the Companions arrive at the destroyed Garden, they believe they must be lost.⁷ The possibility of getting lost on the way to the Garden implies that the Garden is far from the homes of the Companions. Therefore, it is unlikely for them to be the owners, as owners traditionally live near the property that they own.

Hence, this paper utilizes ‘Companions’ of the Garden (which is the more literal translation) rather than ‘Owners’ of the Garden, which is the choice of translators relying on Ibn Abbas. Additional reasons why ‘Owners’ is not appropriate shall be presented later.

Nevertheless, for those who are staunchly attached to the narrations of Ibn Abbas, I shall elucidate the benefits of such an interpretation. Firstly, it encourages farmers to feed the poor at the time of harvest, which is also encouraged in *Surah Al-An’am*,⁸ thereby preserving the subsistence rights of the poor. Secondly, *zakat*, which is paid to the poor (by those free of need), is also due on agricultural assets. As such, Ibn Abbas’s story fits in well with the duty of giving to the poor (*zakat*), which is commonly attested to in the Qur’an and *Sunnah* (the practices of the Prophet Muhammad, (pbuh)).

Having said this, the rights of the poor reflected in *Surah Al-Qalam* are not exclusive to the interpretation of Ibn Abbas,⁹ and therefore, the notions above are not lost in my interpretation. Despite the concordance of Ibn Abbas’s story with other Qur’anic notions, these notions are substantially reflected elsewhere in the verses on *zakat*, *sadaqah* (general charitable giving), and feeding the poor. The nuance and lesson of *Surah Al-Qalam*, however, is unique, as it has implications for communal and stakeholder rights, not just the rights of the poor.

This can be elucidated by establishing the ownership rights of the Garden. In verses 17-18 of *Surah Al-Qalam*, the Companions make an oath to themselves that they will harvest all the fruits of the Garden in the early morning. Verses 23-24 then state that once they had gathered in the early morning and were traveling as a group, they whispered to each other so that no poor person would awaken and thereby take fruit from the garden (or otherwise obstruct the group or possibly alert the locality).

The details of these verses substantiate two things: that there was secrecy involved and that the poor had recognized the right of access to the Garden (even if this was merely customary).

Crucially, property owners have no need for secrecy, as they have full rights to pluck the fruits of their orchards in plain daylight. Secondly, if this was indeed private property, then the poor could not simply enter the Garden and take fruits for themselves. As such, these Companions cannot be owners of the Garden in its fullest sense.

Due to the recognized rights of the poor to access the Garden, the Garden could be considered common land, with equal access for members of the locality. Alternatively, the Garden might have belonged entirely to the poor or have been established as a *waqf* (a trust) for their subsistence.

While the poor’s access rights to the Garden might have been considered customary (or even a kind of pre-Islamic *zakat*) as per the Ethiopian who fed the poor in Ibn Abbas’s story, this notion does

7 Qur’an, 68:26.

8 Qur’an, 6:141.

9 Qur’an, 68:24.

not substantially support the idea of the Garden being private property. If such a norm did exist and the Garden was indeed private property, then the poor could have approached the owners of the Garden after seeing a harvest had taken place (as evidenced by the absence of fruits). Furthermore, it can be deduced that the Garden was not enclosed, which would obstruct the viewing of its fruitlessness, as the poor could enter it freely, hence the worries of the Companions.

As such, the secrecy of the Companions would be unnecessary or absurd if they were indeed the owners of the Garden, as their identities would already be known. The implication of their secrecy, therefore, is that the identities of the Companions were not known, as they had no prior association with the Garden through private property entitlements.

As such, the Garden could be considered common land, whereby the Companions have some right to the fruits of the Garden but would nevertheless be transgressors by taking the entirety of the harvest. This is because the rights of the poor are clearly substantiated, and therefore, the Companions cannot be the exclusive owners but must share this Garden with the poor. Alternatively, if the Garden had been established as a *waqf* for the subsistence of the poor, then the Companions would be outright thieves, as they have no right to the Garden at all.

Verse 32, however, implies that the Companions also had some right to the Garden, as the term 'to exchange' or 'to substitute' implies ownership or some right in the original item exchanged. In this sense, the Companions of the Garden can be likened to 'Shareholders,' 'Stakeholders,' or 'Rightsholders' in the Garden, but not as the 'Owners' in absolute terms.

The translation 'Owners' is problematic as it masks the existence of other stakeholders and the explicit rights of the poor as substantiated in the *Surah*. As such, I conclude that the Garden was a common garden due to the absence of absolute ownership, with equal rights for all members of the locality.

5. COMPARING SURAH AL-QALAM TO THE TRAGEDY OF THE COMMONS

It is important to highlight the incredible character arc contained within the story. The Companions begin as conspirators in transgression, undertaking to deprive the poor of the fruits they are entitled to by taking all the fruits for themselves. Perhaps the Companions intended to hoard the food and sell it at a higher price (something which is prohibited in the Shari'ah¹⁰), or perhaps they had no consideration for the food reaching the poor whatsoever.

Either way, when they see the Garden leveled and realize that they have been deprived of the fruits of the Garden, they can empathize with the poor, whom the Companions would have deprived themselves. The Companions remark that they are 'wrongdoers'¹¹ and 'transgressors',¹² thereby acknowledging the rights of others to the Garden that they would have usurped and the wrong that they would have caused these other stakeholders.

The Companions also acknowledge they should have glorified God,¹³ perhaps implying that by appreciating God's blessings through the Garden and the rights of the other creations of God (i.e., human rights), the Companions would have taken only what they needed, leaving the rights of others intact.

The Companions then repent, hoping for a better garden. They have resolved to do better, either in the case of another common garden which they will look after or in general, such that they will

10 Qur'an, 9:34. For further detail on Shari'ah and hoarding see Ghazanfar (2003, p.62).

11 Qur'an, 68:29.

12 Qur'an, 68:31.

13 Qur'an, 68:28.

behave in the hope of the Gardens of Paradise. Indeed, the end of the *Surah*, which functions as a commentary on the story, states that it is the God-fearing that will have the Gardens of Delight.¹⁴ Thus, the Qur'an establishes benefits in this world and rewards in the next life for protecting stakeholder rights.

The remainder of the *Surah*, in conjunction with its introduction, admonishes the pre-Islamic Makkans, particularly the ruling Quraysh elite, concerning how they and people in general cannot and should not do whatever they want without limit or consideration. As the story shows, such behavior leads to deprivation, whereas it is the respect for others' rights that earns true benefit and bliss.

Without the otherworldly promises of eternal bliss. This *Surah* similarly parallels Hardin's *The Tragedy of the Commons*, where the unbridled freedom of individuals conducting themselves without concern for the well-being and rights of others leads to the destruction of communal livelihoods. Thus, the liberal freedom to do whatever one wants must be tempered by the republican freedom from arbitrary infringements upon people's rights.

At the same time, Hardin (1968, p. 1224) sees the *Tragedy of the Commons* as a rebuttal against Adam Smith's 'invisible hand,' which implies that aiming toward one's individual benefit inevitably leads to the greater social good. As exemplified by *Surah Al-Qalam*, such selfishness results in neither benefit for the self nor the wider society.

As Hardin realizes, however, preventing the *Tragedy of the Commons* has imperfect solutions, of which he identifies at least seven. I shall discuss these in relation to Islamic principles:

- **Privatization, Allocation of Rights, and Taxation:** Despite taxation (i.e., charging for access) being one of Hardin's favored solutions (1968, p. 1247), it is problematic as it is 'coercive' (as recognized by Hardin), and because it restricts access for the poorest, as they are least able to pay such taxes. One of the morals of *Surah Al-Qalam* is to protect the rights of the poor. Thus, such a solution is Islamically problematic. Furthermore, privatization and allocating access rights similarly restrict access to various stakeholders. This, again, goes against the moral of the *Surah*, which entails open access and equitable use of the commons.
- **Appeals to Conscience, Statutory Law, and Administrative Law:** Hardin (1968, p. 1246) finds appeals to conscience to be a 'double bind', as voluntary participation in self-restraint still leaves open the possibility for others to destroy the commons through their selfishness instead. Thus, some form of regulation is required to ensure societal compliance. For Hardin (p. 1245), however, statutory law is not sufficiently nuanced to deal with issues of the commons, thereby entailing that such regulation must be dealt with by administrative law. Such a law is problematic for Hardin as it is liable to corruption (p. 1246). In Islamic contexts, administrative law would be akin to the system of *hisbah* (regulation), which, despite being predicated on moral uprightness (Ghazanfar, 2003, pp. 62-64), became rife with corruption during the 10th century onwards (Floor, 1985, pp. 60-62). This does not eliminate the possibility for *hisbah*; however, it implies that limits must be placed on it, and an anti-corruption bureau must be established to prevent its abuse.
- **Abandon the Commons:** Finally, Hardin (1968, p. 1248) suggests abandoning the concept of commons altogether. For Hardin, relinquishing rights to the commons is necessary, as the commons cannot handle the high populations that the world sustains today. Needless to say, *Surah Al-Qalam*, by insisting on the protection of commons, does not espouse this solution.

14 Qur'an, 68:34.

If such solutions are Islamically unacceptable, then an acceptable one must be present for *Surah Al-Qalam* not to be self-defeating. Fortunately, *Surah*'s solutions can be elucidated through the relationship of the tragedy of the garden to the Makkans.

The relation of the story in *Surah Al-Qalam* to the Makkans and verse 28 about the glorification of God provides an interesting dimension due to the Makkan control over the Sacred Masjid al-Haram (regarded as the House of God). This Haram has public access rights, so pilgrims may enter and pray. Thus, while managed by the Makkans (particularly the ruling Quraysh tribe), they did not own it. Instead, it is being owned by God.

In settings such as Ethiopia, traditions such as Church Forests still exist today (Emergence Magazine, 2020; Dodds, 2021), and this tradition may relate to when the *Surah* was revealed through the Muslim emigrants to Abyssinia who would have been familiar with such gardens. As such, the Garden in the story may have been a literal 'Garden of God.' Such gardens usually have subsistence rights for the poor or other forms of public access rights.

Therefore, verse 28 of *Surah Al-Qalam* may pertain to the notion that the Companions should have protected the Garden's sacred nature and refrained from violating it. Of course, from an Islamic perspective, the entire Earth can be considered sacred and the property of God, with common rights to all of mankind embedded within. Thus, the *Surah* has wider implications.

For the Makkans, the *Surah* acts as a warning and commentary regarding their custodianship of the sacred Haram and the Zamzam spring, which they ought not to monopolize for private benefit or to the exclusion of others (i.e., the Muslims, as was the case at the time), but should instead manage as communal property (or a *waqf*), with the rights of all protected. Failure to uphold these rights could lead to their deprivation, as can be concluded from *Surah Al-Qalam* and the story of Thumamah ibn Uthal.

Thumamah ibn Uthal was the Chieftain of the Banu Hanifah, formerly allied with the Makkans against the Muslims and one of the largest tribes in Arabia. Thumamah became Muslim after having been captured on his way to Makkah for *Umrah* (the lesser pilgrimage). After converting to Islam and being released from captivity, he and his tribe continued to Makkah for *Umrah*, but received death threats by the Makkans in the Sacred Haram for having become Muslim. This threat of violence was a clear violation of the sanctity of the Haram. In response, Thumamah's tribe cut off Makkah from all trade arriving via the Najd region, causing a serious famine in Makkah and resulting in the leader of the Makkans begging the Prophet Muhammad, (pbuh), for a reprieve, which was then granted (Qadhi, 2023, pp. 293-295). Thus, *Surah Al-Qalam* was particularly prophetic in relation to the Makkans at the time of the Prophet, (pbuh).

Nevertheless, what this reveals is the power of norms. Such norms are socially enforced and can be a powerful tool for enforcing equal access to the commons, as exemplified by the story of Thumamah ibn Uthal. In an Islamic setting, such norms are also imbued with a religious significance as they stem directly from the Qur'an (regarded as the literal word of God). Thus, such norms also carry the penalty of otherworldly punishment for their infringement and can thereby aid in conscientious self-regulation despite the possibility of others infringing upon the commons to one's own detriment. This otherworldly component, which Hardin's secular paradigm could not recognize, importantly reframes the value equation for violating the commons. Even if another group were to violate the commons, despite one's own self-restraint, the short-term benefit may be towards the violators, but the long-term benefit (which includes the afterlife) would be for the selfless.

Worldly violations, however, must also be resolved, as not all persons in even a nominally Islamic society may be God-conscious. Thus, the institution of *hisbah* is important. However, as previously

mentioned, such an institution must itself be regulated and corruption punished. Indeed, the Qur'anic prescription for corruption is incredibly severe.¹⁵

The Qur'anic solution to the *Tragedy of the Commons*, as presented in *Surah Al-Qalam*, is the best solution as it does not lead to the enclosure or the privatization of the commons. These two solutions were historically enacted in feudal and capitalist economies, significantly reducing public access and benefit (Standing, 2019, ch.1). The Qur'anic response instead preserves the notion and existence of common property itself. Indeed, the enclosure of commons would produce the same result for other stakeholders as if the Companions had been able to take all the fruits for themselves. It is not the optimal or ethical outcome and results in monopolization.

Instead, *Surah Al-Qalam* encourages personal restraint through reflection upon divine providence and the rights of God's creation. The divine origins of common property rights and stakeholder rights more generally create a divinely sanctioned norm that ought to be socially and legally enforced if not self-enforced. Where management is required, as alluded to by referencing the Makkans' control over the Haram, restraint is also encouraged so that the common property is not usurped and so that the rights of all stakeholders are protected and preserved equally. Where it is not (i.e., where corruption persists), strong rectification is required through the legal system (i.e., the Shari'ah courts).

6. ISLAMIC ECONOMIC PRINCIPLES FROM SURAH AL-QALAM

Surah Al-Qalam, through the Tragedy of the Garden, espouses several important principles for Islamic economic theory:

- (1) **Protection of Stakeholder and Subsistence Rights:** The *Surah* establishes the existence of communal property rights, the rights to the poor for subsistence, and, therefore, the concept of stakeholder rights more generally. Thus, Islamic economic policies ought to ensure that they consider all stakeholders in their implementation and ensure the rights of all groups are protected if not adequately compensated for.
- (2) **Encouragement of Social Responsibility and Self-Restraint:** The *Surah* calls for personal restraint despite the opportunity for personal gain, especially when it comes at the expense of others. Such responsibility and restraint help reduce harm to communal assets and wider society (reducing negative externalities). *Surah Al-Qalam*, therefore, provides the foundation for an authentically Islamic Corporate Social Responsibility (CSR) framework.
- (3) **Encouragement of Inclusivity, Cooperation, and Open Access:** The notion of the commons, as established in the *Surah*, entails that inclusivity and open access to public or communal goods, particularly for the poor, ought to be developed and maintained. In non-state sectors, the notion of the commons, which repudiates the notion of the 'invisible hand', also invites communities to engage cooperatively to provide services for all and encourages the formation of cooperatives more generally. Here, societal benefit is obtained not through individual self-interest but through social cooperation.
- (4) **Encouragement of Sustainability:** The degradation or destruction of communal assets due to their over-use or abuse entails the need for sustainable policymaking and practices. This can also be seen as an extension of Stakeholder Theory, as future generations can also be considered stakeholders despite not being present today. Ensuring that assets are managed sustainably means that these assets can be used to benefit society over a longer period and, therefore, contribute to a flourishing economy.

15 Qur'an, 5:33

7. CONTEMPORARY APPLICATIONS OF SURAH AL-QALAM

Having established the above Islamic economic principles through the lessons of *Surah Al-Qalam*, this section outlines several contemporary issues where these principles can be applied:

- (a) **Management of the Commons vs. Norms-Based Solutions:** Common land with open access can become seriously deteriorated if over-extraction of resources occurs. The English solution has been privatization or enclosure (Standing, 2019, ch.1). However, this is exactly the behavior that the story in *Surah Al-Qalam* deplores, as it deprives the poor and others of access to the common resource. Management of the commons by the government, local authority, or *waqf*, is a potential alternative. However, management structures for common land are necessarily inefficiencies themselves, as they require maintenance resources, which are taken from the commons or recouped by charging for access to the commons (which thereby restricts access). A successful example, however, is the National Trust in the UK, which manages over 500 properties through charging entry and membership fees.¹⁶ On the other hand, *Surah Al-Qalam* relays a morals and norms-based dimension to commons management. Indeed, historically, common land had rules and norms associated with them that helped maintain order. Protection of the commons by enforcing these rules, rights, and norms via the legal system, even as retrospective justice, ought to be sufficient, provided that the commons and their norms are sufficiently local (Ostrom, 2015, Ch.6). Furthermore, by educating on communal rights, social equality, and human rights, the mentality and upbringing of over-extractors can be reduced.
- (b) **Awqaf (plural of waqf):** The *Surah* has implications for *waqf* properties and common land due to the common features between these. *Awqaf*, which is set up for specified beneficiaries, ought not to be usurped in favor of the private benefit. Furthermore, *awqaf* should be managed sustainably such that the property is preserved to benefit its intended beneficiaries in perpetuity, as *sadaqah jariyah* (i.e., perpetual charity). Usurpers of *awqaf* ought to be prosecuted due to the significant corruption and deprivation this causes to the wider society and economy. However, significant effort also needs to be placed in educating and training *waqf* managers (Bachri et al., 2024), with additional emphasis on how to sustainably invest and protect their assets from local economic shocks (due to historical *awqaf* being invested primarily in local assets).
- (c) **Mosques and the Sacred Haram:** Mosques, despite being originally constructed through human effort and funding, function like *awqaf* and Common land, as they have been designated as God's property with open access rights for His worshippers. The rights of all Muslims to these properties must be preserved fairly and equally. Therefore, Muslims should not be prohibited from Mosques, nor should Mosques be made places of profiteering. The Masjid Al-Haram, being particularly central to Islam due to the *Hajj* (the greater pilgrimage), does require some limitation of attendees and significant management due to the millions of Muslims who desire to attend, and the resultant strain on the locality and the environment this causes (Abonomi et al., 2022). Despite this, such management and limitation must be conducted fairly, equitably, and apolitically (Bianchi, 2017).¹⁷
- (d) **Water and Fuel Rights:** Rivers, seas, and even underground deposits of oil and gas do not necessarily obey the rules of international borders. As such, these waterways and deposits are international commons or, at the very least, involve multiple owners. *Surah Al-Qalam* shows that Muslims should respect the rights of others in shared property.

¹⁶ See the National Trust website here: <https://www.nationaltrust.org.uk/>

¹⁷ While I disagree with the reforms proposed in this article, it nonetheless highlights issues in the management of the *Hajj*, particularly regarding vulnerable groups and quotas.

Indeed, in Islam, water and fuel are considered commons, alongside pasturing grounds.¹⁸ Thus, depriving others of access to such resources or unfairly over-extracting from the common resource is against the Shari'ah. Thus, countries such as Turkey, Syria, and Iraq, which share the common waterways of the Tigris and Euphrates, should not prevent water from reaching other nations by blocking the river with dams or by over-extracting the water for national agricultural use, such that the river has run dry by the time it hits Basra in Iraq (Khalid, 2020). Such pressures on water access inevitably lead to water conflicts and gross deprivation. Similarly, those with shared gas fields, such as Qatar and Iran, should share such resources equitably and amicably, as is fortunately the case (Kamrava, 2017). As such, the *Surah* has international implications for Muslim countries. Muslim states should cooperate with each other, particularly in relation to common resources, setting up agreements and institutions to manage them sustainably for the common interest and thereby preventing destitution and war.

- (e) **Environmental Rights:** Pasture for grazing is considered common land; however, the entirety of nature can be considered similarly. Many nations around the globe have national reserves and parks, some of which cross national borders, which is particularly beneficial as many animals are then free to roam uninterrupted, preserving the natural ecosystem. The planet, including the air we breathe, the waterways, and the soil, are to the common benefit of mankind. Pollution of such resources harms a significant number of people, and therefore, the environmental commons must be protected and over-extraction prohibited. Climate change is a clear consequence of violating the environmental commons and has devastating consequences such as widespread droughts and famine (Devi, 2022). Pollution of the waterways can cause outbreaks of disease and pandemics (Qadri and Faiq, 2019), and the pollution of the soil can similarly harm health. As such, Muslim countries and governments should cooperate and enforce regulations that preserve the environmental commons rather than promote policies that only further their national interest against the rights of others.
- (f) **Government Property and Public Land:** Government-owned properties and land, including natural resources, should be used for the common benefit of the public. This is because the public is a stakeholder in these properties, holding rights within them. The land could be rented out to provide income for public services, but this must be done prudently, and the privatization or enclosure of public and common land should be avoided. This is because it reduces or eliminates stakeholders' and future generations' access to these properties. Furthermore, privatization can lead to negative impacts on sustainability due to poor investment in long-term infrastructure in favor of short-term benefits to shareholders, as in the case of UK water and sewerage companies (Usher, 2023). Unfortunately, corruption is also a significant possibility in the public land management space (Nguyen and Nguyen, 2023). As such, corruption ought to be prevented by an independent bureau for state accountability and transparency with sufficient oversight over public asset management.
- (g) **Communal Rights, Consultation, and Compensation:** To ensure justice, decisions should always be made with consideration of local stakeholders and the rights, both individual and communal, of the people that it would affect. Unilateral action, despite often being superficially conducted in the name of the greater social and economic welfare, should not be permitted, as this will inevitably infringe on the rights of those affected. Indeed, decisions ought to be democratic and consultative (Kamali, 2013, pp. 157-158). Furthermore, compensation must be made to stakeholders for any detriment caused to them, even in the presence of greater societal benefit.

18 Hadith in *Sunan Ibn Majah*, graded *Sahih*, Available online at: <https://sunnah.com/ibnmajah:2473>

- (h) **Maqasid Al-Shari'ah (Objectives of Islamic Law):** The Objectives of Islamic Law are often framed in relation to individual needs or rights, particularly *Hifz-Al-Mal* (the Protection of Wealth). *Surah Al-Qalam*, however, highlights the need to view the *Maqasid* from a societal perspective also. Therefore, shared, common, public, and communal property rights must also be protected under *Hifz-Al-Mal*. Sustainability is also a key consideration for protecting the use of future generations' wealth (particularly the environmental commons). This sustainability is important to consider as Lineage (*Nasl*) is another objective of Islamic Law, alongside preserving Life (*Nafs*), Religion (*Din*), and the Intellect (*'Aql*). Promoting public health through spending on hospitals or educational campaigns can also be seen as societal implementations of the *Maqasid* regarding the Protection of Life (*Nafs*) and Lineage (*Nasl*). Similarly, the promotion of public education can be viewed as preserving the Religion (*Din*), and Intellect (*'Aql*). These broader perspectives regarding the objectives of Islamic Law are important for the renewal of Islamic economics and for adapting Islamic policy-making to contemporary concerns.
- (i) **Corporate Governance and Sustainability:** Societal rights and commons, including the environment and public health, must be protected. Corporate governance, therefore, needs to account for all stakeholders in its decisions and for any negative externalities and social impacts it may have, such that it does not infringe upon any collective rights or needs. Environmental, Social, and Governance (ESG) concerns are a key part of Corporate Social Responsibility (CSR). For Islamic businesses to fulfill the teachings of *Surah Al-Qalam*, they must engage in this ESG approach to CSR, which is already a key feature in conventional business practice. Fortunately, there are a variety of CSR models available in the Islamic Economic literature, with further models being developed for Islamic Banks (Hanic and Smolo, 2022).
- (j) **Prisoners' Dilemma, Game Theory, and Cooperation:** *The Tragedy of the Commons* and the Tragedy of the Garden are examples of Poundstone's Prisoners' Dilemma (1992). Two prisoners can choose to cooperate, providing mutual benefit for both; one can defect, thereby increasing benefit to themselves at the cost of the other, or both can choose to defect, causing both serious harms. Regarding the commons, competition between stakeholders inevitably leads to the destruction of the commons, or individual transgressions can deprive others of their rights. Thus, the sustainable situation is one in which all users of the commons cooperate with one another. This cooperation, or *ta'awun* in Arabic, is a key and positive feature of Islamic economics (Farooq, 2019). A cooperative game theory approach can be applied as part of the Islamic economic method and Islamic policy making. By examining Islamic economic law in this light, it can be more appropriately applied to contemporary issues.
- (k) **Cooperatives:** In banking, defection (i.e., non-cooperation in game theory) is often represented by risk-shifting through fixed-return products (usually those bearing interest) or defaults. A less defective model would be inspired by cooperation through products that utilize profit-and-loss sharing or through cooperative banks. This cooperation, or *ta'awun*, is a key feature of Islamic economics and the foundation of cooperative banking (Farooq, 2019). Thus, Islamic cooperative banking is an important avenue for the sector to explore. Cooperative models have also been used successfully in the housing sector to provide affordable rents and can be further supported by state policy (Ferreri and Vidal, 2021). Thus, cooperatives could become a key tool in providing affordable goods and embedding communal rights.
- (l) **State Spending:** The state treasury can be considered as a public asset or commons. Despite being managed by the government, the funds are derived from the people's wealth (via taxes) and, therefore, should be spent to their benefit. Spending in a way that only benefits some groups to the exclusion of others or usurping public funds for personal

benefit would be contrary to the message espoused in *Surah Al-Qalam*. Unfortunately, many Muslim-majority countries, as exemplified by Pakistan, spend state funds to asymmetrically benefit some groups over others, such as their militaries or elites (Kırşanlı, 2024). Ensuring anti-corruption bureaus are sufficiently empowered, as well as the presence of strong institutions that protect the rule of law, such as independent judiciaries, are essential to prevent corruption. Using public funds both responsibly and sustainably is important for a country's economic success, and state spending should seek to maximize its effectiveness by planning for the long-term and most universal effect rather than planning for short-term, political, or personal gains.

- (m) **Zakat and Subsistence Rights of the Poor:** Despite putting emphasis on communal rights, *Surah Al-Qalam* also espouses the rights of the poor to subsistence. A key institution that ensures food security is *zakat*, as evidenced by the success of *zakat* funds in Malaysia (Abdul Manap, 2019). *Zakat* is, unfortunately, underutilized and under-collected, with few Muslim states collecting *zakat* centrally. *Zakat* has significant potential and must be explored as part of Islamic economic policy.

8. CONCLUSION

Surah Al-Qalam is one of the more accessible *Surahs* for readers due to its linearity. This accessibility is similarly espoused by the *Surah*, alongside preserving stakeholder rights, social responsibility, and sustainability. The Qur'an's narrative of the Tragedy of the Garden has significant implications for Islamic economics and international relations, highlighting the optimality of restraint and the importance of sustainability and cooperation.

While the implications of *Surah Al-Qalam* in these policy areas have only been discussed in a summarized form, further elaboration should be undertaken on these issues from a Game Theory, Maqasid, and Stakeholder Theory perspective to further the application of Islamic economic teachings to ameliorate Islamic policy making. Fortunately, significant inroads have already been made in the arena of Corporate Social Responsibility. However, resolving the issue of corruption is a significant roadblock to fully implementing Stakeholder Theory in various Muslim-majority countries, with more needing to be done to strengthen judicial institutions.

Nevertheless, another lesson of this paper is that the reinterpretation of the Qur'an, considering developments and insights since its revelation, can elucidate hidden and important meanings that have been buried under the historical guesswork of its earliest interpreters. These early works should be commended for their efforts and insights but should not be viewed as the only possible interpretations or the most authoritative without proper investigation and consideration of alternatives. Failing to conduct such reinterpretation locks the full potential of the Qur'an and, therefore, the full potential of Islamic economics behind the assumption that improvement is impossible. It is upon the shoulders of giants that humanity has achieved its current successes, but this success is equally due to those who built upon and revised the efforts of those who came before.

Importantly, such re-examinations, as advocated above, allow for the re-embedding of Islamic values into contemporary Islamic economic theory, which often appears to mimic contemporary conventional practices. Future research should re-examine the Qur'an for those areas in Islamic economic theory that appear to be less substantiated (or tangentially so) from an Islamic viewpoint. This will provide an authentic foundation for Islamic economics and a framework of Qur'anically derived principles that can guide Islamic policy making. Further research should also be conducted on utilizing norms, game theory, and cooperatives as methods for Islamic policymakers so that Islamic economics might be better implemented.

Declarations

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