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Intergenerational Rights Without Democracy: A Tailored Rights Framework

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Highlights

- Democracy entrenches class divisions that drive consumerism and unsustainability.
- Intergenerational rights must be placed beyond the reach of democratic revision.
- The Tailored Rights Framework (TRF) achieves sustainability by widening ownership.
- Sustainability emerges as a structural property, not a normative aspiration.
- Owner-operators bear pollution costs, aligning incentive with consequence.

Intergenerational Rights Without Democracy:

A Tailored Rights Framework

Abstract

Democratic governance systems represent only living, enfranchised voters. This structural feature, not a failure of democratic practice but a consequence of its design, produces a systematic bias toward present consumption and against the welfare of future generations. The existing literature diagnoses this problem but proposes solutions that remain structurally dependent on the same democratic will they identify as deficient. This paper introduces the Tailored Rights Framework (TRF), derived analytically from the Islamic juristic tradition as an institutional alternative that embeds intergenerational rights into the structural architecture of governance. The TRF rests on three interlocking mechanisms whose institutional logic is independently documented in non-Islamic legal traditions: universal land-revival rights, permanent common-access resource governance, and structurally embedded redistributive obligation. These mechanisms function as institutional *ḥarakiyyāt*, mechanics that operate regardless of the cultural or religious identity of the society that adopts them. The paper argues that the future-generations problem is not solvable from within democratic theory alone; it requires a framework in which certain rights are

constitutionally prior to political will. The paper concludes by proposing a minimal institutional blueprint applicable to any constitutional order.

Keywords: *intergenerational justice; future generations; institutional design; democratic deficit; commons governance; sustainability*

1. Introduction

This paper opens new institutional horizons for confronting three structural injustices that the present generation inflicts on itself and on those who will inherit what it leaves behind: the pollution of the planetary commons, the entrenchment of class divisions that drive unsustainable consumption, and the systematic transfer of accumulated cost to absent future persons. These are not separate problems but symptoms of a single structural condition: the absence of a rights architecture capable of binding the present generation against actions whose costs fall on the future. Democratic theory has identified the problem with precision but has been institutionally constrained from proposing solutions outside its own framework. Following the methodological work of Akbar (2025), drawing on Lakatos's analysis of how scientific knowledge advances, this paper proposes a competing research programme: an institutional architecture in which intergenerational rights are constitutionally prior to political will. The aim is not to refute democratic theory but to widen the space of seriously considered alternatives at a moment when the conventional framework has reached the limits of its analytical reach.

1 A note on civilisational orientation is warranted at the outset. The crises now confronting
2 humanity, the pollution of the planetary commons and the deepening intergenerational injustice,
3 are of a magnitude that warrants institutional inquiry beyond the bounds of any single civilisational
4 tradition. The privileging of one tradition over another is a luxury that the urgency of these
5 problems no longer affords. This paper draws institutional resources from the Islamic juristic
6 tradition not as an endorsement of any particular civilisational claim but because the tradition has
7 developed structural mechanisms whose institutional logic, documented in the cross-cultural
8 convergences traced throughout this paper, addresses problems that contemporary frameworks
9 have struggled to resolve. The argument is offered in this spirit: as a contribution to a wider
10 conversation among the many traditions that may have something to offer humanity at this
11 moment, and as an invitation to draw on whichever institutional resources, from whichever source,
12 may help humanity transcend the present trajectory.

13
14 Every democracy faces a constituency problem it cannot solve from within. The logic of
15 democratic representation is temporally bounded: those who vote are those who exist, and those
16 who exist are those who have already been born. Future generations, the primary beneficiaries or
17 victims of today's resource decisions, debt obligations, and environmental policies, possess no
18 electoral mechanism through which to register their interests. This is structural, not an incidental
19 limitation that better institutional design within democratic theory might correct. Democracy, as a
20 system that aggregates the preferences of present voters, cannot by its own logic represent the
21 preferences of people who do not yet exist.

1 The consequences are observable and cumulative. Sovereign debt is voted into existence by
2 legislatures whose members will not live to see its compounding effects. Environmental
3 regulations are weakened by constituencies whose discount rates treat future costs as negligible.
4 Resource endowments accumulated over geological time are extracted at rates calibrated to
5 quarterly earnings cycles. Each outcome is the product of rational democratic behaviour, not
6 democratic failure but democratic function. Thompson (2010, p. 17) summarises this precisely:
7 democracy is prone to a presentist bias in which laws systematically favour present over future
8 generations. Empirical confirmation is provided by Jacobs (2011), who documents across multiple
9 OECD democracies how electoral cycles systematically discourage long-horizon investment and
10 conservation decisions. Boston (2020) extends this analysis by identifying six possible
11 intervention logics for combatting democratic short-termism and concludes that no single one is
12 sufficient without structural institutional support, a finding that directly motivates the present
13 paper.

14
15 Existing responses to this problem fall into two categories. The first proposes democratic
16 trusteeship: present generations acting as trustees of the democratic process for the future
17 (Thompson, 2010). The second, comprehensively surveyed by González-Ricoy and Gosseries
18 (2016) and institutionalised in Wales, Finland, and Hungary, creates specialised commissioners to
19 represent future generations within existing democratic structures (Smith, 2020; Davies, 2016).
20 Jones et al. (2018) assess these institutions across six countries and identify their fragility under
21 political pressure as the primary structural vulnerability. Both response categories retain the
22 democratic framework as the primary institutional envelope and thus share that vulnerability: their
23 mandate and authority remain subject to revision by the same present majorities whose short-

termism they are designed to constrain. Smith (2020) documents this empirically: the Hungarian Commissioner was abolished when political conditions changed.

This paper contributes to the governance of the long-term future. It asks not what present institutions can do for future generations, but what institutional architecture would structurally protect absent generations from the decisions of the present. It asks whether there exists, in the historical record of institutional design, a rights framework that places intergenerational protections structurally prior to political will, not as aspirations to be legislated but as architectural features that present majorities cannot simply vote away. The answer may be found in what Akbar (2014) terms *Maqṣūṣat al-Ḥuqūq*, the Islamic juristic tradition's framework of fixed and unalterable rights, which is analysed here under the working designation Tailored Rights Framework (TRF), with emphasis on its institutional rather than theological dimensions.

A clarification is essential: the TRF is not proposed as a uniquely Islamic solution. The paper demonstrates in Section 4 that each of its three core mechanisms has been independently reproduced in non-Islamic legal systems: Brazilian constitutional law, Anglo-American public trust doctrine, British common law, Alaskan constitutional governance, Roman law, and Lockean property theory. British common law is particularly significant: its proscriptive tradition of adjudicating harm between parties, establishing what actors may not do rather than prescribing what they must do, mirrors the structural logic of the TRF's master principle of eliminating damage (*lā ḍarar wa-lā ḍirār*), and its doctrine of public nuisance recognises that certain harms to the commons, including intergenerational ones, are actionable regardless of statutory authorisation.

1 These convergences suggest that the institutional logic of the TRF reflects structural requirements
2 for any governance system that takes intergenerational obligation seriously.
3

4 **1.1 Methodological Approach**

5 Following Akbar (2025), this paper adopts a Lakatosian view of theoretical alternatives in
6 institutional analysis. Lakatos's methodology of scientific research programmes treats theoretical
7 progress as competition among rival research programmes, each with a protective belt of auxiliary
8 hypotheses surrounding a hard core of foundational commitments. Programmes that generate
9 novel testable predictions and expand the range of phenomena explained are progressive; those
10 that survive only through ad hoc adjustments to anomalies are degenerating. The Tailored Rights
11 Framework introduced in this paper is offered not as a refutation of democratic political theory but
12 as a competing research programme whose hard core, structural rights placed beyond political
13 revision, generates different predictions about what institutional configurations can sustain
14 intergenerational welfare. Evaluation proceeds by comparing the explanatory range and policy
15 implications of the two programmes against shared design requirements (R1 to R4 below), not by
16 polemic against either tradition.
17

18 This paper employs a two-stage institutional design methodology drawn from Goodin (1996, pp.
19 1–53). Stage one derives design requirements. From the structural analysis of democracy's
20 intergenerational deficit (Section 2), we derive four requirements: temporal durability (R1),
21 protections must outlast electoral cycles; political independence (R2), protections must not be
22 reversible by present majorities; intergenerational standing (R3), future generations must have
23 some mechanism for registering their interests; and revisability (R4), protections must be

adjustable by future political communities through a procedure more demanding than ordinary majority amendment but not permanently irrevocable. Stage two searches historical institutional repertoires for mechanisms satisfying these requirements, drawing on the Islamic juristic tradition of *Maqṣūṣat al-Ḥuqūq* analysed for its structural logic rather than theological foundations, and assessing cross-cultural transferability by identifying analogous provisions in non-Islamic legal systems.

A note on sources is warranted. The detailed mapping of the classical juristic positions analysed in Section 4 draws on Akbar (2014). Where the argument turns on specific juristic claims, primary classical sources are cited directly to document the transmission. This approach reflects the standard practice in comparative institutional analysis of drawing on a single comprehensive synthesis while anchoring contested points in primary material.

2. The Structural Defect of Democracy

The demos is defined by a temporal boundary as rigid as its territorial one. Only living adults are enfranchised, a practical necessity, not a normative choice. Consequently, those who decide policy are systematically not those who bear its long-term consequences. Jacobs (2011) finds that democratic governments across OECD countries consistently underprovide long-horizon public goods relative to their social optimum precisely because the beneficiaries are not yet voters. Legislators facing re-election in two to four years discount policy outcomes materialising beyond that window at rates far exceeding any normatively justifiable social discount rate. Pierson (2004)

documents this systematically across welfare, pension, and environmental policy: political time horizons and social time horizons are structurally misaligned.

Ostrom's (1990) analysis identifies the conditions for self-organised commons governance: clearly defined boundaries, congruence between rules and local conditions, collective choice arrangements, monitoring, graduated sanctions, and conflict-resolution mechanisms. All successful cases involve present actors who can communicate, monitor, and enforce sanctions on each other. Intergenerational commons dilemmas structurally lack these conditions: future generations cannot negotiate, monitor, or sanction. The only mechanism available is present self-constraint, which democratic institutions have no structural capacity to enforce.

From this analysis, any adequate institutional solution must satisfy four requirements. R1 (temporal durability): protections must outlast electoral cycles and remain binding across multiple generations. R2 (political independence): protections must not be reversible through ordinary legislative processes. R3 (intergenerational standing): future generations must have some mechanism, however indirect, for registering their interests. R4 (revisability): protections must be adjustable by future political communities through a procedure more demanding than ordinary majority amendment but not permanently irrevocable. A framework that cannot be corrected by future generations would reproduce the temporal injustice in reverse.

3. The Literature's Diagnosis Without a Cure

The literature diagnoses the intergenerational problem with sophistication while proposing solutions that relapse into the democratic will identified as deficient. This section assesses major frameworks against R1 through R4.

3.1 Rawls, Sen, and Weiss

Rawls (1971) addresses intergenerational justice through the just savings principle, but locates enforcement in the legislative stage where democratic majorities make actual policy choices. Gosseries (2008) notes that some Rawlsian interpreters propose constitutional entrenchment, which would partially satisfy R1 and R2; however Rawls himself provides no mechanism, and his framework offers no standing for future generations (R3) and no revision procedure (R4). Sen's (1999, 2009) capabilities approach invokes the impartial spectator as a constraint on parochial preferences, but this remains a deliberative tool within democracy, not a structural constraint external to it (R1 and R2 unmet). Weiss (1989, 2008) argues for future generations' rights as planetary trustees under international customary law, but customary law depends on state practice and *opinio juris*, ultimately expressions of present state will; no international tribunal has enforced an intergenerational right against a sovereign state (R1, R2, R3 unmet).

3.2 Ostrom, North, and De Soto

Ostrom's (1990, 2005) design principles for commons governance are empirically precise, but all documented successful cases involve present actors who can monitor and sanction each other; she explicitly acknowledges that intergenerational commons require different solutions but does not develop them (R2 and R3 structurally unmet). North (1990, 2005) diagnoses why intergenerational

protections are under-supplied (the incumbent generation faces no competition from future generations) but offers only adaptive efficiency over very long time horizons (R2, R3, R4 unaddressed). De Soto (2000) demonstrates that formal property rights transform dead capital into living capital, but his framework is entirely present-oriented; the TRF inverts his logic, asking how certain rights can be permanently structured to prevent present monopolisation that forecloses future options.

3.3 Thompson and González-Ricoy and Gosseries

Thompson's (2010) democratic trusteeship is the most direct response to the problem this paper identifies, arguing that present generations can represent future generations by acting as trustees of the democratic process itself. However, a legislature acting as trustee remains subject to present electoral pressures, and the trustee mandate is revocable by the same present majority that issues it (R2 unmet). The TRF is best understood as a structural complement: where Thompson asks present majorities to act as trustees voluntarily, the TRF asks what institutional architecture would embed trusteeship obligations beyond the reach of present majoritarian revision. González-Ricoy and Gosseries (2016) provide the most comprehensive survey of proposed institutions for future generations and identify the same structural vulnerability: all proposed institutions operate within the democratic framework and remain subject to present majoritarian revision (R2 unsolved). Jones et al. (2018) confirm this empirically across multiple jurisdictions: political fragility, not design inadequacy, is the primary cause of institutional failure.

3.4 The Relapse Pattern

Each framework diagnoses the problem with increasing sophistication, but each, when assessed against R1 through R4, either fails political independence (R2) or lacks a durable standing mechanism for future generations (R3), or both. Recent work including Caney (2018), Gardiner (2011), Shue (2014), and MacAskill (2022) reaches converging conclusions about the structural inadequacy of present arrangements yet remains within the democratic framework. The shared failure is the inability to place intergenerational protections beyond the reach of present democratic will without dependence on present democratic will for their maintenance. This is the gap the TRF is designed to fill.

4. The Tailored Rights Framework: Rights Beyond the Vote

The TRF is derived analytically from the Islamic juristic tradition of what Akbar (2014) named *Maqṣūṣat al-Ḥuqūq*: rights that are fixed, non-alienable, and placed beyond the reach of ordinary legislative amendment. The term *maqṣūṣah* derives from the Arabic root *Qaṣṣ*, meaning to cut. The imagery is that of a tailor who cuts rights, like pieces from a piece of cloth, to exact measurements, then stitches them together to form a permanent garment. Just as a jacket emerges from many precisely cut panels, *maqṣūṣah* rights, such as the right to extract minerals without prior permission unless harm is demonstrable, the right to revive unused land, common-access rights, and the redistributive obligation, are not isolated provisions but interlocking mechanisms. Individually they serve specific functions; collectively they produce the fabric of a sustainable civilisation. This framework was introduced to understand empowerment in the formation of Islamic urbanism. In this paper, given the urgency of the planetary environmental crisis, we extend it beyond the urban context to the economic-developmental domain, asking whether its

institutional logic can inform responses to pollution, climate change, and systemic unsustainability. Our aim is to open a research agenda, not to offer a final solution. The state of the Earth demands that we consider every conceptual resource that might contribute to saving the planet and its inhabitants, present and future.

4.1 The Distinction Between Mechanics and Values

Akbar (2014, 1988) introduces an analytical distinction between *ḥarakiyyāt* (institutional mechanics) and *qiyam* (culturally specific values). A hydraulic pump functions as a mechanical device regardless of whether its user believes in the theology of its inventor. Similarly, a governance mechanism that prohibits the permanent private monopolisation of a resource class functions as a constraint on present extraction regardless of the religious framework within which that prohibition originated. A secular constitutional order can adopt the structural principle that no generation may permanently monopolise a resource class without any theological commitment. This distinction is not unique to Islamic thought. Hayek's (1960) distinction between statutory law and common law captures a structurally similar division between prescriptive and proscriptive governance. The TRF's mechanisms belong to the proscriptive tradition: they prohibit specific actions rather than prescribing a comprehensive regulatory regime.

A methodological clarification is essential at this point. The institutional logic this paper analyses is the structural architecture of the classical juristic tradition itself, not the historical record of what states ruling in the name of Islam actually did. The distinction matters. Many such states, including the Umayyad, Abbasid, Mamluk, and Ottoman dynasties at various periods, departed from the juristic architecture in precisely the structural mechanisms this paper identifies, while preserving

the cultural values (*qiyam*) of Islamic legal culture. A common confusion in comparative scholarship treats the historical performance of these states as if it were the juristic tradition itself. This paper takes the structural mechanics of the classical juristic tradition as institutional resources, but does not treat the historical performance of Muslim states as evidence either for or against the framework's claims. Where the historical record diverges from the structural architecture, the divergence is itself analytically informative, as Section 5.1 illustrates.

4.2 The Three Core Mechanisms

The TRF consists of three interlocking institutional mechanisms that together constitute the structural preconditions for eliminating monopoly without creating bureaucracy, the two pathologies that all contemporary governance systems share (Akbar, 2014).

4.2.1 Universal Land-Revival Rights (*Iḥyā' al-Mawāt*)

Any person who brings barren or unused land into productive use acquires full ownership of it. Because revival itself is the route to ownership, no generation can permanently foreclose access to land by accumulating titles ahead of those who will actually work the land. The market consequence is counter-intuitive to readers accustomed to capitalised land markets: under *iḥyā'* rules, why would anyone purchase land from a current holder when comparable land can simply be revived? Land carries no scarcity premium except where location is genuinely strategic, and even strategic locations lose monopoly value as additional sites are revived and as the open access to minerals discussed in Section 4.2.2 disperses economic activity across the territory.

1 The Islamic juristic foundation is *iḥyā' al-mawāt*, documented across schools of Islamic law. The
 2 Prophet's tradition establishes the principle: "The people are God's people, the land is God's land;
 3 whoever revives a piece of dead land, it is his." Al-Māwardī (Shāfi'ī, d. 1058) states that revival
 4 of dead land is "recognised by the custom of all regions even if jurists differ in its regulation" (*Al-*
 5 *Aḥkām al-Sulṭāniyya*, p. 196). Ibn Qudāma (Ḥanbalī, d. 1223) confirms that "reviving dead lands
 6 is the custom in all regions" (*Al-Mughnī*, vol. 5, p. 447). Jurists differed on whether ownership
 7 lapses through neglect after revival. The majority position across the schools holds that ownership
 8 obtained through revival is durable. The Mālikī school, prevailing in North Africa, took a different
 9 view, treating revived land left neglected for a long period as reverting to dead status and available
 10 for fresh revival. Even the majority position prevents intergenerational monopoly through a
 11 different route: because revival itself is the route to ownership, and because new revival remains
 12 permanently available to subsequent generations, land cannot be priced as a speculative asset
 13 hoarded against future scarcity. A second juristic question concerns demarcation without revival
 14 (*iḥtijār*): all schools set a three-year limit, after which the prior claim lapses and the land returns
 15 to the commons, a structural anti-speculation rule.

16
 17 The combined effect is intergenerationally decisive, not because land cannot change hands but
 18 because the structural logic of the system prevents land itself from becoming a scarce, hoarded
 19 commodity. Land does circulate in the market: agricultural plots are converted to housing,
 20 residential plots to industrial use, and the reverse. What changes under the land revivification
 21 regime is the basis of land value. The market premium attaches to the productive investment placed
 22 upon the land, not to land itself. Land retains its character as a foundation for human empowerment
 23 rather than becoming a commodity whose accumulation by present generations forecloses the

empowerment of those who follow. Cross-cultural analogues confirm that this logic is not confined to the Islamic tradition. Brazil's constitutional concept of the *função social da propriedade* (Articles 5, 182–191 of the 1988 Constitution) makes land ownership conditional on productive use. Tanzania's Village Land Act (1999) vests unoccupied land in village communities with use rights allocated through productive occupation. John Locke's labour theory of property (1689) holds that as much land as a man cultivates and can use the product of, so much is his property, a formulation parallel to land revivification's requirement that use grounds ownership. The parallel is institutional rather than exact: Locke conditions the labour-based acquisition of property on the proviso that there remain enough and as good for others, a constraint that operates as a limit on accumulation under conditions of scarcity. *Iḥyā'* does not require this proviso because its institutional architecture treats unrevived land as belonging to no one and as permanently available for revival by any subsequent comer, so the structural condition that the Lockean proviso aims to preserve is built into the access regime itself. The institutional logic the two traditions share, that ownership rests on actual productive use rather than on nominal claim, is the operative point for the present argument. Roman law's usucaption doctrine similarly held that long uninterrupted productive possession generates ownership claims superior to dormant title.

4.2.2 Permanent Common-Access Resource Governance

Certain resource classes, surface minerals, major water bodies, uncultivated rangelands, are permanently designated common-access (*mubāḥ*), with use rights allocated through time-limited, non-transferable, revisable access rather than permanent private appropriation. No individual, corporation, or state may monopolise these resources.

1 The Islamic juristic foundation rests on a near-unanimous consensus across the Ḥanafī, Shāfi'ī,
 2 and Ḥanbalī schools regarding surface minerals (*ma'ādīn ṣāhira*). Al-Māwardī states explicitly:
 3 "Neither the Sultan may grant them for himself nor for specific individuals of the people, because
 4 this is all like water and grass, those who reach them benefit from them" (*Al-Aḥkām al-Sulṭāniyya*,
 5 p. 201). Ibn Qudāma rules that such resources "are not owned by revival, and it is not permissible
 6 to grant them to anyone" (*Al-Mughnī*, vol. 5, p. 452). Al-Kāsānī (Ḥanafī, d. 1189) states that lands
 7 of salt, pitch, naphtha and similar things "are a right for all Muslims" (*Badā'i' al-Ṣanā'i'*, vol. 6,
 8 p. 194). The Prophetic precedent is decisive: when the Prophet initially granted a salt deposit to
 9 Aḃyāḃ ibn Ḥammāl, he revoked the grant when informed it was like standing water, natural
 10 provision requiring no special labour and therefore not exclusively grantable (Ibn Mājah, *Sunan*,
 11 ḥadīth 2475). For hidden minerals (*ma'ādīn bāṭina*), the Ḥanbalī and most Shāfi'ī jurists hold that
 12 a miner cannot prevent others from reaching the same vein from a different direction (*Al-Mughnī*,
 13 vol. 5, p. 458).

14
 15 Cross-cultural analogues are extensive. The public trust doctrine in Anglo-American law holds
 16 that certain resources are held in trust by the state for the public and cannot be permanently
 17 privatised. *Illinois Central Railroad v. Illinois*, 146 U.S. 387 (1892), is the foundational precedent:
 18 the Supreme Court held that a state cannot alienate its trust obligation to future generations with
 19 respect to resources of a public character. The Roman law concept of *res communes omnium*
 20 provided legal protection for common resources against permanent private appropriation. The
 21 Norwegian concept of *allemannsretten*, codified in the Outdoor Recreation Act (1957), grants
 22 everyone permanent access to uncultivated land regardless of ownership (Viken, 2025). Grotius's
 23 *Mare Liberum* (1609) argued that the sea and its resources cannot be permanently appropriated by

any sovereign, structurally identical to the Islamic prohibition on granting minerals like standing water.

4.2.3 Structurally Embedded Redistributive Obligation

The Islamic juristic foundation is the *zakāh* system, the obligatory redistributive levy of Islamic law, functionally the fiscal equivalent of taxation but with a structurally different distribution architecture. Rates are differentiated by productive category: 2.5 percent on merchants' annual surplus, 5–10 percent on agricultural output depending on irrigation method. Rates on mineral extraction are subject to jurisprudential disagreement among the classical schools, ranging from 2.5 to 20 percent depending on the school and type of mineral; Akbar (2014) treats the detailed mapping. What is structurally invariant across all juristic positions, and therefore what bears the institutional weight for the present argument, is the distribution architecture. The recipients of *zakāh* are not state projects but specified categories of individuals enumerated in Q. 9:60: the poor (*al-fuqarā*), the destitute (*al-masākīn*), the wayfarer (*ibn al-sabīl*), the indebted (*al-ghārim*, those carrying unmet debt obligations), those whose hearts are to be reconciled (*al-mu'allafa qulūbuhum*, specifically non-Muslims), and the administrators of the levy itself (*al-'āmilūn 'alayhā*). Classical jurists insisted that these designations are not advisory: "it is not even the right of the State to relocate the funds of *zakāh* to any other project" (Akbar, 2014, citing Al-Kāsānī). Redistribution under this mechanism is therefore constitutionally prior to political will.

Three further structural features produce intergenerational consequences that no statutory sovereign wealth fund replicates. The first is the in-kind requirement: *zakāh* on agricultural produce and livestock must be paid in the actual goods produced rather than in cash. Because

1 transporting commodity surpluses across long distances is economically prohibitive, in-kind
 2 redistribution is structurally local. Recipients are pulled toward the productive sites where these
 3 surpluses are generated. The second feature is the proximity-priority rule, derived from the
 4 Prophetic instruction that *zakāh* be distributed to the local poor first, then to the next-nearest (*al-*
 5 *aqrabu fa al-aqrab*). Together with the in-kind rule, this converts what might appear as a religious
 6 almsgiving obligation into a precise economic gravitation mechanism: surpluses generated at
 7 resource-rich sites attract labour and recipients to those same sites. The third feature is the
 8 institutional category of *ibn al-sabīl*, one of the eight Quranic recipients, which provides travel
 9 funds for job-seekers, mineral explorers, and knowledge-seekers, drawing on the cash component
 10 of merchants' *zakāh*. The mechanism is reinforced by a complementary entitlement to three days
 11 of hospitality at the destination, drawn from the Prophetic tradition, which gives the traveller a
 12 buffer period to assess local conditions without immediate dependence on the local economy. If
 13 the destination proves unsuitable, because the local labour market does not match the traveller's
 14 skills, the available occupations do not match aptitude or temperament, or the productive base of
 15 the location does not match the traveller's competence, the *ibn al-sabīl* provision sustains
 16 continued travel to a further destination, and then to another, until the traveller settles in a location
 17 that matches both ability and disposition. The institutional consequence is a labour-allocation
 18 mechanism in which workers move into productive activities they actually choose, with the
 19 corresponding gains in productivity that follow from work undertaken on the basis of aptitude and
 20 preference rather than circumstantial necessity. The two components operate in dual synergy: in-
 21 kind local redistribution generates the pull toward resource-rich sites; cash-funded mobility
 22 provides the push that translates pull into actual relocation.
 23

1 The aggregate intergenerational effect is structural reshaping of human settlement geography.
 2 Under contemporary state-mediated resource governance, populations cluster near administrative
 3 centres that control access to permits and concessions, producing cities whose location reflects
 4 political power rather than productive endowment, sustained by transporting water, food, and
 5 energy across vast distances. Under the *zakāh* mechanism, the institutional logic reverses.
 6 Settlements emerge where the productive geography of the landscape supports them. The
 7 administrative megacity in a resource-poor location is structurally precluded. Resource-proximate
 8 settlements minimise long-distance transport of necessities, eliminating a substantial portion of the
 9 carbon emissions that contemporary urbanisation imposes on future generations. Simultaneously,
 10 the multiplication of owner-operators narrows the dispersion of incomes. As incomes converge,
 11 market demand shifts away from positional luxury goods, whose resource intensity per unit of
 12 welfare is documented to be orders of magnitude higher than that of necessities (Ivanova et al.,
 13 2016), toward durable necessities accessible to the majority.

14
 15 Cross-cultural analogues exist, though none matches the institutional depth of the *zakāh*
 16 mechanism. The Alaska Permanent Fund (1976) and Norway's Government Pension Fund Global
 17 both attempt to institutionalise intergenerational obligation through custodial accumulation of
 18 extraction revenues. Both exhibit a structural vulnerability that classical Islamic juristic design
 19 avoids by construction, diagnosed through Milton Friedman's typology of expenditure (Friedman
 20 and Friedman, 1980): money is spent under four configurations, of which the weakest incentive
 21 structure is others' money spent on others. Sovereign wealth funds preserving present revenues for
 22 not-yet-existing beneficiaries fall squarely in this fourth category, requiring continuous external
 23 monitoring and audit bureaucracies because the natural feedback loop between expenditure and

consequence is severed. Section 6.4 documents the resulting empirical pattern across the major cases.

The *zakāh*-and-*ḥuqūq* architecture inverts the logic. Rather than concentrating present surpluses in centralised funds requiring custodial bureaucracies, the mechanism continuously redistributes surpluses directly to present individuals in the Quranically specified categories, satisfying Friedman's first configuration where the incentive structure for prudent allocation is strongest. The intergenerational protection is achieved not by hoarding present wealth but by structurally preventing the monopolisation of productive resources in every generation. Akbar (1988) terms the resulting condition the 'unified form of submission': an institutional configuration in which the rights of ownership, control, and use are vested in the same individual, partnership, or community, eliminating the separation between proprietor and operator that produces both environmental externalisation and the demand for supervisory bureaucracy. Aristotle's distinction in the *Politics* between wealth acquired through natural exchange and wealth acquired through money-making without natural limit anticipates the diagnostic logic, though without the institutional architecture to operationalise it (Aristotle, 1996).

4.3 The Scarcity Objection and the Structural Response

A standard objection to any framework that opens access to non-renewable resources is that doing so will accelerate their depletion and thereby damage future generations rather than protect them.

The objection rests on a Malthusian premise that the peer-reviewed literature on mineral economics has progressively undermined. Tilton et al. (2018) distinguish a physical view of mineral depletion, on which scarcity is a function of absolute geological stocks, from an economic

view, on which scarcity is a function of the production cost required to extract material of usable quality. On the economic view, depletion is offset, often more than offset, by technological improvements that reduce the cost of accessing lower-grade deposits. The empirical record across the twentieth century supports the economic view: real prices of most industrial metals trended downward even as cumulative extraction grew by orders of magnitude. Rötzer and Schmidt (2018) provide direct evidence: declining ore grades, often cited as the canonical indicator of mineral depletion, are not in fact a signal of approaching exhaustion but a consequence of technological improvements that made the mining of lower-grade deposits profitable.

Kirsch (2020) extends this analysis with a structural observation about metals specifically. Unlike fossil fuels, which are physically consumed in the process of generating energy, metals excavated in the past remain available even after they have been put to use. The cumulative stock of copper, silver, and gold available for human consumption today exceeds the total available at any previous point in history. Scoones et al. (2019) generalise the critique by distinguishing three framings of scarcity derived from Malthus, Ricardo, and Marx: absolute scarcity, relative scarcity, and political scarcity. Policy literature systematically privileges the first two while ignoring the third, the configuration in which apparent shortage is in fact a product of how resources are distributed between competing uses and social classes. The TRF analysis aligns with the political framing: the principal source of resource shortage under contemporary arrangements is not the physical limit of the planetary endowment but the institutional structure of access. The Malthusian framing serves a regulatory function that, as Akbar (2014) argues, has historically been used to justify the very state-managed access regimes that produced bureaucratic monopoly.

The demand side of the depletion question is also moderated under the TRF. The convergence of incomes shifts market demand away from positional luxury goods toward durable necessities (Ivanova et al., 2016). High-intensity extraction that supplies present elite consumption is structurally reduced not by quotas or regulations but by the institutional precondition that produces a different pattern of market demand. The reshaping of settlement geography toward productive sites further reduces transport-intensive supply chains. For the residual case in which technological development continues to require non-renewable resources at scale, for digital infrastructure, semiconductor manufacturing, and mobile communications, the TRF does not claim that demand for such resources will fall. Where access is institutionally open under the second mechanism, the cost of extraction is the genuine cost of the operation rather than a monopoly rent. The *lā ḍarar* (no harm) principle supplies the proscriptive constraint on extraction operations that damage neighbours, communities, or future generations. Where extraction would generate demonstrable harm to those who follow, through groundwater contamination, irreversible ecosystem disruption, or accelerated depletion of genuinely irreplaceable deposits, the proscriptive principle is the institutional check rather than a custodial council reviewing each licence application.

4.4 The Proscriptive Architecture: Neither Harm Nor Reciprocating Harm

Underlying all three TRF mechanisms is the master juristic principle *lā ḍarar wa-lā ḍirār*, neither harm nor reciprocating harm. This is the Prophet's formulation that serves as the primary dispute-resolution mechanism across Islamic rights (*ḥuqūq*). Its structural importance for the TRF is that it is proscriptive, not prescriptive: it does not tell parties what they must do but establishes what they may not do, namely cause 'demonstrable' damage to others. The intergenerational significance is direct: environmental damage to future generations, whether through resource

depletion, debt accumulation, or pollution, constitutes *ḍarar* (harm). The principle therefore structurally prohibits present actions that demonstrably damage future persons, without requiring a separate legislative act for each category of damage. The proscriptive architecture complements the 'unified form of submission' introduced in Section 4.2.3: where the latter internalises consequences within the decision-making unit, *lā ḍarar* adjudicates those consequences that nonetheless spill across the boundaries of decision units. Hayek's (1960) distinction between statutory law and common law parallels this institutional logic. British common law in particular evolved a doctrine of public nuisance that recognises harm to common resources as actionable independent of statutory authorisation. The TRF extends this analysis to the intergenerational domain: the no-harm principle applies across time as well as space.

4.5 How the TRF Satisfies the Design Requirements

R1 (temporal durability) is addressed through the constitutional entrenchment of the three mechanisms as institutional priors that no present majority can dismantle. R2 (political independence) is addressed through the structural design of the mechanisms themselves rather than through a custodial body shielded from political pressure. Because the mechanisms distribute productive resources directly to operating individuals rather than concentrating them in funds requiring intermediated management, there is no central authority whose insulation from political pressure becomes the system's single point of vulnerability. R3 (intergenerational standing) is addressed by ensuring that every future generation inherits the same access conditions as the present. Standing for future generations is therefore not a representation problem to be solved by institutional design but a structural property of a system whose access conditions do not vary across generations. R4 (revisability) is addressed through the distinction between the mechanisms, which

constitute the constitutional priors, and the parameters of implementation, which remain subject to deliberative revision by each generation. The framework is therefore neither rigidly fixed nor freely revisable: its structural priors are durable while its implementation is adaptive.

5. Comparative Analysis: Democracy vs. TRF

This section compares democratic governance and the TRF across three domains against four evaluation criteria: resource sustainability (WCED, 1987), temporal non-discrimination (Gosseries and Meyer, 2009; Caney, 2018), option value preservation (Arrow et al., 1996; Gollier, 2012), and emergency flexibility.

5.1 Sovereign Debt

Democratic governance: Legislatures authorised by present voters issue debt whose repayment falls on future taxpayers. Bond markets discount political risk but not intergenerational inequity. Debt can accumulate until it triggers a fiscal crisis whose costs fall predominantly on future generations who had no voice in its issuance.

TRF governance: Debt issuance whose repayment schedule extends beyond a single generation falls under the no-harm principle as a transfer of cost to persons who cannot consent. The deeper structural point is that, under the TRF, the very category of public debt as conventionally understood does not arise at meaningful scale, because the expansive state functions that contemporary debt finances (education, healthcare, water, energy, social welfare) are redistributed

1 across the four institutional channels analysed in Section 6.5: *waqf* endowments, competing private
2 providers, productive partnerships, and the cultural disposition of *qanā'ah*. The widespread
3 distribution of productive capacity means the people themselves possess the means to purchase the
4 services they need and the surplus from which to endow *waqf* institutions for collective goods.

5
6 historical clarification is necessary here. The structural absence of public debt is a prediction of
7 the framework, not a description of what classical Muslim states actually did. States such as the
8 Umayyad, Abbasid, Mamluk, and Ottoman polities did at various points incur debt obligations,
9 and these are sometimes cited as counter-evidence to claims like the one advanced here. As Akbar
10 (2014) traces, however, the entry of debt into the institutional architecture of these states is itself
11 a consequence of departure from the structural mechanisms this paper analyses. The first
12 significant financial departure occurred under the Umayyad state, and subsequently among the
13 dynasties that followed it. As the system of governance shifted toward a greater degree of
14 centralisation, state expenditures expanded, generating demand for fiscal resources sufficient to
15 extend control over society and to consolidate the foundations of rule. The accumulation of central
16 reserves, in turn, generated the institutional conditions under which later states sometimes had to
17 borrow against those reserves. The progression from open-access mechanisms to centralised
18 accumulation to public debt is therefore traceable not to the structural architecture of the juristic
19 tradition but to specific departures from the three mechanisms this paper analyses: universal land
20 revivification, open access to surface mineral resources, and the proscriptive constraint of the no-
21 harm principle. The historical record of Muslim states is thus best read as a partial confirmation of
22 the framework's claims, demonstrating what happens institutionally when the three mechanisms
23 (among others) are weakened or abandoned, rather than as a counter-example to them.

Assessment: On resource sustainability and temporal non-discrimination, democratic governance is structurally weak. The TRF does not close the debt transfer channel by procedural restriction but by structural absence: the institutional configuration that generates public debt at meaningful scale does not arise. On emergency flexibility, democracy is conventionally credited with the narrow advantage of permitting rapid debt-financed responses through the state apparatus. Under the TRF, emergency response is differently organised: the empowered population, competing private providers, and the dense network of *waqf* endowments collectively absorb shocks. The trade-off is therefore not between flexibility and rigidity but between two distinct institutional architectures for crisis response.

5.2 Natural Resource Governance

Democratic governance: Extraction rates are determined by market prices, regulatory frameworks legislated by present majorities, and political pressures from extraction industries. The implicit discount rate is the electoral cycle: future depletion is treated as effectively zero cost. As Section 4.3 establishes, the Malthusian scarcity assumption underlying state regulation of resource access is itself the mechanism concentrating extraction rights in the hands of those with political access.

TRF governance: Non-renewable resources are placed in permanent common-access status under the second mechanism. Access for extraction is open under the same conditions in every generation. The redistributive architecture of the third mechanism channels the surplus generated by extraction into continuous direct distribution to the categories specified in Q. 9:60, satisfying

1 Friedman's first configuration where the incentive structure for prudent allocation is strongest. No
2 political authority can grant permanent exclusive extraction rights to any party.

3
4 Production and consumption effects: The distributive architecture of the TRF compresses the
5 income spread across the population and widens the proportion of owner-operators relative to
6 wage-dependent labour. The institutional consequence is structural: with the proportion of owners
7 high and the pool of dispossessed labour correspondingly small, the supply of workers available
8 for long-hours, low-wage industrial employment under absentee ownership contracts substantially.
9 The factory configuration that concentrates pollution at production sites and generates downward
10 pressure on the price of basic consumer goods to meet the needs of a precariously employed
11 workforce depends on the prior existence of that workforce; widen ownership and the
12 configuration loses its labour foundation. Income compression also reshapes consumption
13 preferences. Where the dispersion between high and low incomes is narrow, households
14 deliberating whether to take on additional taxing labour to acquire luxury goods face weaker
15 positional pressure to do so, producing the inverse of the consumption dynamic Veblen (1899)
16 identified in highly stratified societies. The predicted pattern is reduced demand for luxury
17 production alongside rising standards of quality in the production of necessities, with
18 corresponding reductions in aggregate resource throughput. A further consequence operates
19 through the geography of provisioning. When small owner-operators face one another in
20 competitive markets without access to the subsidised long supply chains available to concentrated
21 capital, the natural materials of the region come to dominate the available factor mix, producing
22 the vernacular building patterns long documented in the built-environment literature (Akbar,
23 2021): stone in stone regions, timber in forested regions, earth in arid zones. The compounded

effect of reduced luxury demand, weakened factory concentration, and shorter material transport distances is a system in which the aggregate flow of resources through the economy is structurally smaller and more locally circulated, with environmental pollution attenuated or eliminated at the level of regional provisioning.

Assessment: The TRF is structurally superior on resource sustainability, temporal non-discrimination, and option value preservation. The institutional logic that monopoly is structurally precluded in every generation ensures that the conditions producing accelerated extraction under contemporary democracy do not arise. On emergency flexibility specifically with respect to natural-resource shocks, such as the sudden discovery of depletion in a critical resource class or an abrupt disruption of an extractive supply chain, the conventional reading favours democracy on the assumption that rapid centralised reallocation of extraction rights is faster than distributed response. The TRF analysis suggests the opposite. Under permanent common-access governance, the operational base for extraction is not a small concessionary class waiting for state direction but a distributed population of small owner-operators with direct access to the resource frontier, capable of redirecting effort within their networks without requiring central reallocation. The structural redundancy of distributed access is, in this domain as in others, faster and more locally appropriate than the centralised alternative.

5.3 Structural Distribution of Productive Capacity

Democratic governance: Redistributive policy is subject to majoritarian politics and may be reduced or eliminated when political conditions change. Akbar (2014) documents the structural consequence: societies lacking open resource access are structurally compelled toward monopoly,

dividing populations into owners and workers and creating the conditions for exploitation across both intragenerational and intergenerational dimensions.

TRF governance: As Section 4.2 establishes, the three interlocking mechanisms distribute productive capacity continuously to operating individuals rather than concentrating it in custodial funds for future beneficiaries. The structural distribution aligns the incentives for resource conservation with the capacity to enforce it, producing what no custodial fund can produce: a population whose interest in long-term productive capacity is direct rather than mediated.

6. Addressing Anticipated Objections

6.1 The Founding Problem

If the TRF requires constitutional adoption by a present majority that benefits from existing monopoly arrangements, why would it constrain itself? Response: The founding problem is genuine but shared by all theories of constitutional constraint. Hohnerlein (2024) argues that constitutional entrenchment is legitimate when it ensures laws can be justified to all, including those who cannot vote at all. Constitutional moments, founding crises, new state formation, post-conflict reconstruction, create conditions in which supermajority coalitions adopt self-binding rules (Ballingrud, 2024). Constitutional precedent confirms that present majorities can and do adopt durable self-binding constraints. The United States Constitution renders certain provisions effectively unamendable through the supermajority requirements of Article V. Germany's Basic Law, in Article 79(3), places human dignity beyond the reach of any future amendment. France grants its Constitutional Council the authority to constrain ordinary legislative majorities on

constitutional grounds. The Welsh Future Generations Act emerged from a specific policy window opened by the devolution settlement, precisely Ackerman's (1991) constitutional moment. These precedents demonstrate that present majorities can adopt self-binding rules when they perceive such constraints as serving their long-term interest. The TRF does not require altruism; it requires a constitutional moment and a coalition perceiving structural anti-monopoly architecture as in its long-term interest. The Welsh example operates at the statutory level; the step to constitutional adoption of the full mechanisms architecture remains a theoretical proposal whose empirical preconditions require further research.

6.2 The Legitimacy Objection

Entrenching structural prohibitions that present majorities cannot amend binds future democratic majorities to a past founding generation's preferences, rule by the dead over the living (Waldron, 1999). Response: If the objection to entrenchment is that it privileges past over present will, the intergenerational case presents that objection's mirror image. A democracy placing all rights within present majorities' reach privileges the present over the future, precisely the structural defect this paper identifies. The objection further assumes that the present majority is the sole moral reference point. The political philosophical tradition rejects this assumption: from Kant through Rawls (1971) to contemporary contractualism, the legitimacy of law has been argued to rest not on the consent of the present majority alone but on the principle that law must be capable of justification to everyone it affects, including those who did not vote for it. Constitutional entrenchment in the service of intergenerational protection is therefore better understood not as the rule of the dead over the living but as a commitment by the living to protect those who cannot yet protect themselves. Hohnerlein (2024) provides the contemporary articulation: constitutional norms are

legitimate when they ensure laws can be justified to everyone who cannot currently vote. Future generations are the most extreme case. The TRF's revisability provision (R4) preserves deliberative authority over implementation parameters while fixing only the structural priors.

6.3 The Cultural Imperialism Objection

The TRF is derived from Islamic jurisprudence. Proposing it as a general framework imposes Islamic concepts on non-Islamic societies. Response: The cross-cultural documentation of each TRF mechanism, in Lockean property theory, Roman usucaption, Brazilian constitutional law, Tanzanian land tenure, Anglo-American public trust doctrine, British common law, Norwegian *allemannsretten*, and Grotian maritime law, demonstrates that the institutional logic is not culturally unique to Islam. The mechanisms/values distinction makes this possible: the mechanics can be adopted without the values.

6.4 The Sovereign Wealth Fund Evidence

Norway's Government Pension Fund Global (GPF), managing assets of approximately USD 1.75 trillion at the end of 2024 (NBIM, 2025) and equivalent to roughly USD 320,000 per citizen, faces persistent political pressure to relax its drawdown rules (Norwegian Ministry of Finance, 2024); Gulf funds serve regime stability (Montambault Trudelle, 2024); Venezuela's funds were depleted (Di Bonaventura Altuve, 2023). Do these cases refute the TRF? Response: These cases confirm the TRF's argument that the custodial logic itself is structurally vulnerable. Norway operates at statutory level: the larger the fund grows, the stronger the incentive of each successive parliament to draw on it. James et al. (2022) confirm that sovereign wealth funds can preserve value for future

generations under sufficiently strong governance, but the empirical pattern shows that the strength required is exceptional. The TRF's alternative is to dispense with the custodial form altogether: continuous distribution of productive capacity to operating individuals does not generate the structural pressures that test the integrity of custodial funds, because there are no accumulated surpluses to capture, redirect, or deplete.

6.5 The Distributive Capacity Problem

If the TRF dispenses with custodial funds, how are large-scale collective goods such as climate adaptation infrastructure and basic research financed? Response: Under the TRF, the financing of collective goods is distributed across four interlocking institutional channels. First, the *waqf* institution: a perpetual endowment dedicated by individual or collective donors to specified public purposes including schools, hospitals, water systems, public libraries, and scientific research (Akbar, 2014). Historically *waqf* endowments financed major infrastructure across the classical Islamic period; their decentralisation across many independent endowments (each governed by founders' conditions) avoids the centralised political vulnerability of a single fund. Second, the private sector operating under the no-harm principle: services that contemporary states finance through general taxation (water, sanitation, energy, transport) are provided by competing private operators. The proscriptive constraint of *lā ḍarar* (Section 4.4) replaces the permit and licence regimes through which contemporary states allocate service rights, opening entry to any operator capable of providing the service without harm. Third, the organisational form of production itself: classical Islamic partnership forms (*al-wujūh*, *al-abdān*, *al-ʿinān*) combine capital, labour, expertise, and reputation across multiple owner-operators while preserving the 'unified form of submission' (Akbar, 2014). Fourth, the cultural disposition toward generosity that the TRF's

structural conditions produce: with incomes converged and demand shifted from positional luxury to durable necessities, the residual surplus available to most households exceeds subsistence requirements, producing what Akbar (2014) terms the condition of contentment, a structural disposition to direct surplus toward giving rather than additional consumption.

6.6 The Free-Rider Objection

If a single country adopts the TRF but others do not, global depletion continues. Response: The TRF is proposed as a national institutional architecture benefiting a country's own future generations even without global coordination. González-Ricoy and Rey (2019) observe that national institutional experiments generate demonstration effects that propagate internationally. Grotius's application of the *mubāh* logic to the seas in *Mare Liberum* demonstrates that such principles can be internationalised once they have been adopted nationally.

7. Conclusion: A Minimal Institutional Blueprint

This paper has argued that the future-generations problem is not solvable from within democratic theory. Democracy's structural properties, the temporal boundedness of the demos, electoral-cycle time horizons, and the absence of intergenerational reciprocity, produce a systematic bias against future generations that no procedural reform can fully correct. Assessed against four design requirements, no existing framework satisfies all four. The Tailored Rights Framework, derived analytically from *Maqṣūṣat al-Ḥuqūq* and presented as a set of mechanisms whose institutional

logic is documented cross-culturally, outperforms democratic governance across all three domains examined.

Sustainability under the TRF is not a normative aspiration superimposed on a system whose default behaviour is consumption (WCED, 1987); it is a structural property of a system whose default behaviour is conservation. Rather than constraining unsustainable activities while preserving the institutional architecture that generates them, the framework alters the architecture so that unsustainable activities cease to be generated at meaningful scale. Resource depletion is structurally moderated because the demand-side drivers of accelerated extraction are themselves structurally precluded. Ecological damage is structurally constrained because the no-harm principle makes demonstrable harm to others the institutional basis of legal action. Debt accumulation is structurally absent because the expansive state functions that contemporary debt finances are themselves redistributed.

The framework would be expected to strengthen as it operates over time: the longer the mechanisms operate together, the more deeply the conditions that produce sustainability embed themselves: the percentage of owner-operators rises, the dispersion of incomes narrows, the demand for positional luxury declines, the *waqf* network deepens, the cultural disposition of *qanā'ah* becomes more entrenched, and the consumption of non-renewable resources per unit of welfare falls. Where contemporary custodial arrangements face progressively greater political pressure as the supervised fund grows, the TRF faces progressively diminishing institutional stress. The earth, conceived not as an asset to be hoarded by present generations or supervised by present

1 custodians but as a trust to be operated under access conditions that do not vary across generations,
 2 is preserved through the operation of the framework itself.

4 **7.1 The Four Constitutional Provisions**

5 The blueprint is designed to satisfy all four design requirements (R1 to R4) through the
 6 constitutional adoption of the three mechanisms rather than through the creation of new custodial
 7 institutions. First, a constitutional provision establishing universal land-revival rights along the
 8 lines of the *iḥyā' al-mawāt* tradition: productive use, not speculative title, is the foundation of land
 9 ownership; demarcation without revival expires within a defined period; the market remains free
 10 for transfer of revived land, but the speculative channel through which land becomes a scarcity-
 11 based asset hoarded against future generations is structurally closed.

12
 13 Second, a constitutional provision establishing that certain resource classes are permanently held
 14 in common-access status and cannot be permanently privatised by any individual, corporation, or
 15 state. No permit or licensing regime is established, since discretionary access control would re-
 16 introduce the very dynamics, monopoly capture, class stratification, and artificially induced
 17 scarcity, that the framework is designed to preclude. Access operates under uniform conditions
 18 in every generation, with the no-harm principle as the sole proscriptive constraint on the manner
 19 of extraction. The provision is structurally similar to the Anglo-American public trust doctrine
 20 but operates with greater institutional depth: the state itself is not the owner but the guarantor of
 21 uniform access conditions on behalf of every generation.

Third, a constitutional provision establishing the redistributive obligation derived from the *zakāh*-and-*ḥuqūq* architecture. The categorical recipients (Q. 9:60), the in-kind requirement, the proximity-priority rule (*al-aqrabu fa al-aqrab*), and the funded mobility of *ibn al-sabīl* are constitutionally fixed. The redistributive flow goes directly to operating individuals, not to a custodial fund.

Fourth, a constitutional provision adopting the no-harm principle (Section 4.4) as the proscriptive standard for dispute resolution across the three substantive provisions, with explicit extension to harm against future persons. By activating only on demonstrable harm, this principle simultaneously removes the permit and licence regimes through which contemporary systems concentrate productive opportunity.

The blueprint does not require the creation of an Intergenerational Council, a Permanent Trust, or a Revision Convention as new custodial institutions whose insulation from political pressure becomes the system's single point of vulnerability. The structural protection of future generations follows from the constitutional adoption of the four provisions above.

7.2 Limitations and Future Research

A final clarification is warranted. The constitutional proposals advanced here would substantially alter the fiscal architecture of the modern state, and an objection may be raised that the framework is derived from a juristic tradition oriented to a historical setting in which state functions were materially narrower than in the contemporary period. The objection is reasonable on its face;

1 however, the argument advanced here is that the minimum institutional condition for the exit from
2 unsustainability is the widening of ownership across the population, and this condition is itself
3 sufficient to set in motion the broader dynamics of structural change examined in the preceding
4 analysis. The full reconstruction of state finance along TRF lines is a further question, but the
5 movement toward sustainability does not wait upon its resolution; it begins as soon as ownership
6 begins to widen.

7
8 The TRF has limitations this paper does not resolve. The founding problem is structurally
9 asymmetric: the present generation does not face the question of adoption as a single
10 undifferentiated body. A substantial majority, comprising the propertyless and economically
11 dependent across both poor and wealthy societies, can be expected to support the constitutional
12 mechanisms because their distributive architecture directly improves this majority's condition. A
13 controlling minority, comprising the rulers of poor states and the entrenched political
14 establishments of wealthy states, may resist adoption because the same mechanisms erode the
15 discretionary authority on which their position depends. The question of how to translate the
16 majority's structural interest into constitutional adoption against the resistance of an empowered
17 minority is therefore the founding problem the framework leaves open. The detailed institutional
18 design of the four financing channels examined in Section 6.5 at the scale required for
19 contemporary collective goods is a second direction for future research. The interaction of the TRF
20 with existing international law, particularly trade and investment regimes, is a third. A further
21 limitation concerns the geographical scale of effective implementation. The institutional logic of
22 the TRF operates most effectively in territorial units large enough to contain a diverse resource
23 base across which extraction, settlement, and redistribution can be balanced. Large territorial states

with diverse resource endowments, such as Canada, Brazil, Australia, Russia, China, India, and the United States, together with the Central Asian states (notably Kazakhstan) and the large states of Africa (including Algeria, the Democratic Republic of the Congo, Sudan, and Libya), are structurally well suited to the operation of the framework. Together with other states of comparable territorial extent, these large territorial units account for approximately two-thirds of the world's land area and a substantial share of its population and resource endowments, so a framework that addresses their conditions reaches a significant portion of the intergenerational governance problem at the global scale. Small or resource-constrained territorial units, by contrast, face genuine institutional difficulties. A city-state such as Singapore possesses limited internal capacity for the territorial reshaping of settlement geography because the geographical scope within which population movement and resource integration can operate is bounded by the small national territory itself. The constraints on cross-border mobility under the contemporary international order amplify this difficulty. These questions are critical not only as institutional design problems but also as tests of the framework's generality.

7.3 Final Reflection

The future-generations problem is not a technical puzzle solvable by better discounting formulas or larger custodial funds. It is a structural problem of governance: how to ensure that a political system designed to represent the present also protects those who cannot yet speak. Democracy cannot solve this problem from within because the problem is a consequence of democracy's most fundamental feature, the representation of the enfranchised present. The TRF offers a structural answer that differs in kind from existing institutional proposals: where they seek to adjust democratic governance to better protect future generations, the TRF replaces the institutional

architecture within which the future-generations problem arises. The institutional logic, documented across legal traditions from Rome to the Pacific Northwest and most comprehensively systematised in the Islamic juristic tradition as *Maqṣūṣat al-Ḥuqūq*, does not derive its authority from any single tradition but from the convergence of multiple traditions on the structural requirements for sustaining the planetary endowment across generations. The TRF is offered here not as a finished proposal but as a structural alternative whose institutional precision and cross-cultural grounding warrant the sustained attention of those who take seriously the question of what we owe to those who will inherit what we leave behind.

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