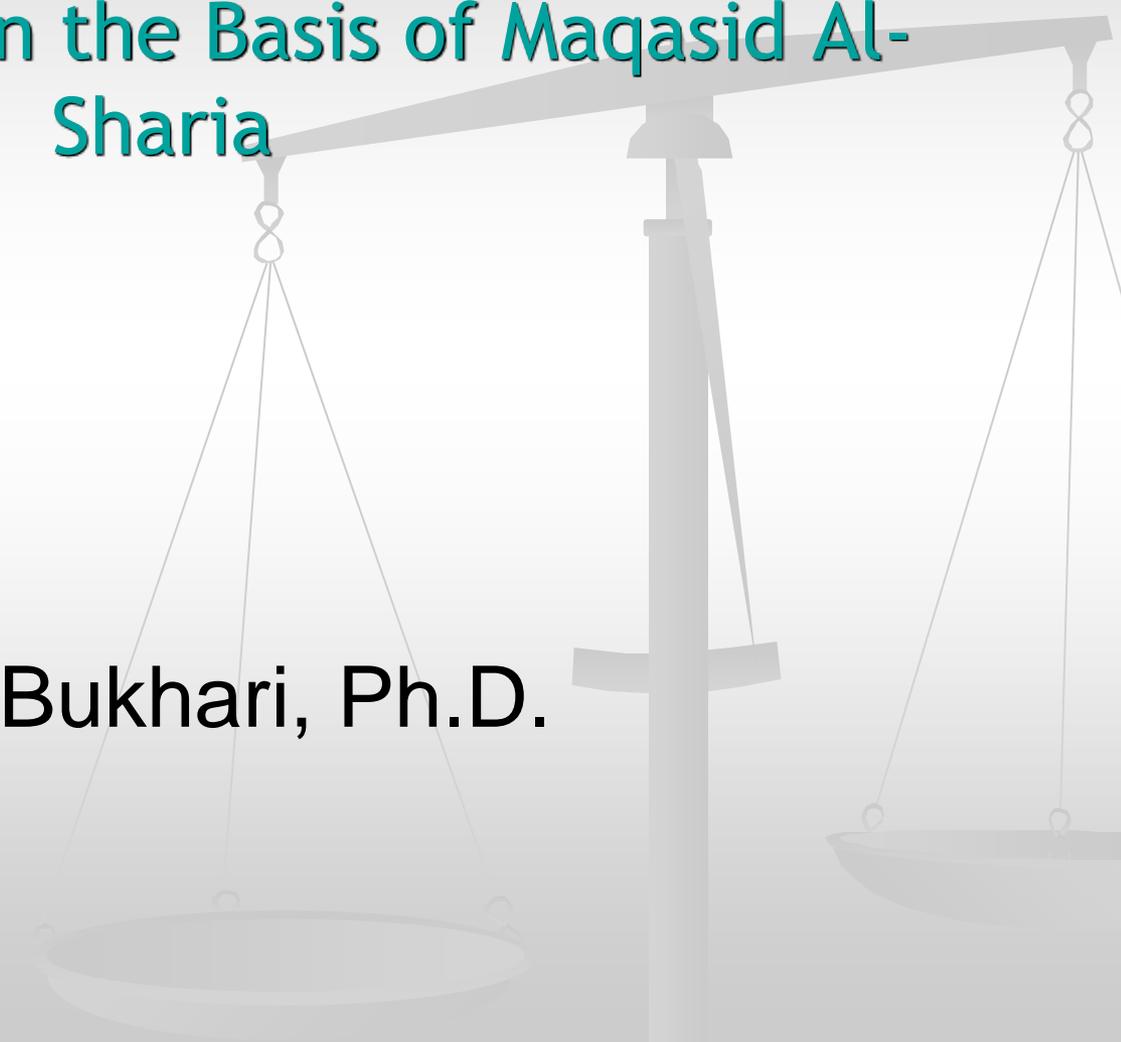


Developing a “Just and Balanced Society Index (JABSI)” on the Basis of Maqasid Al-Sharia



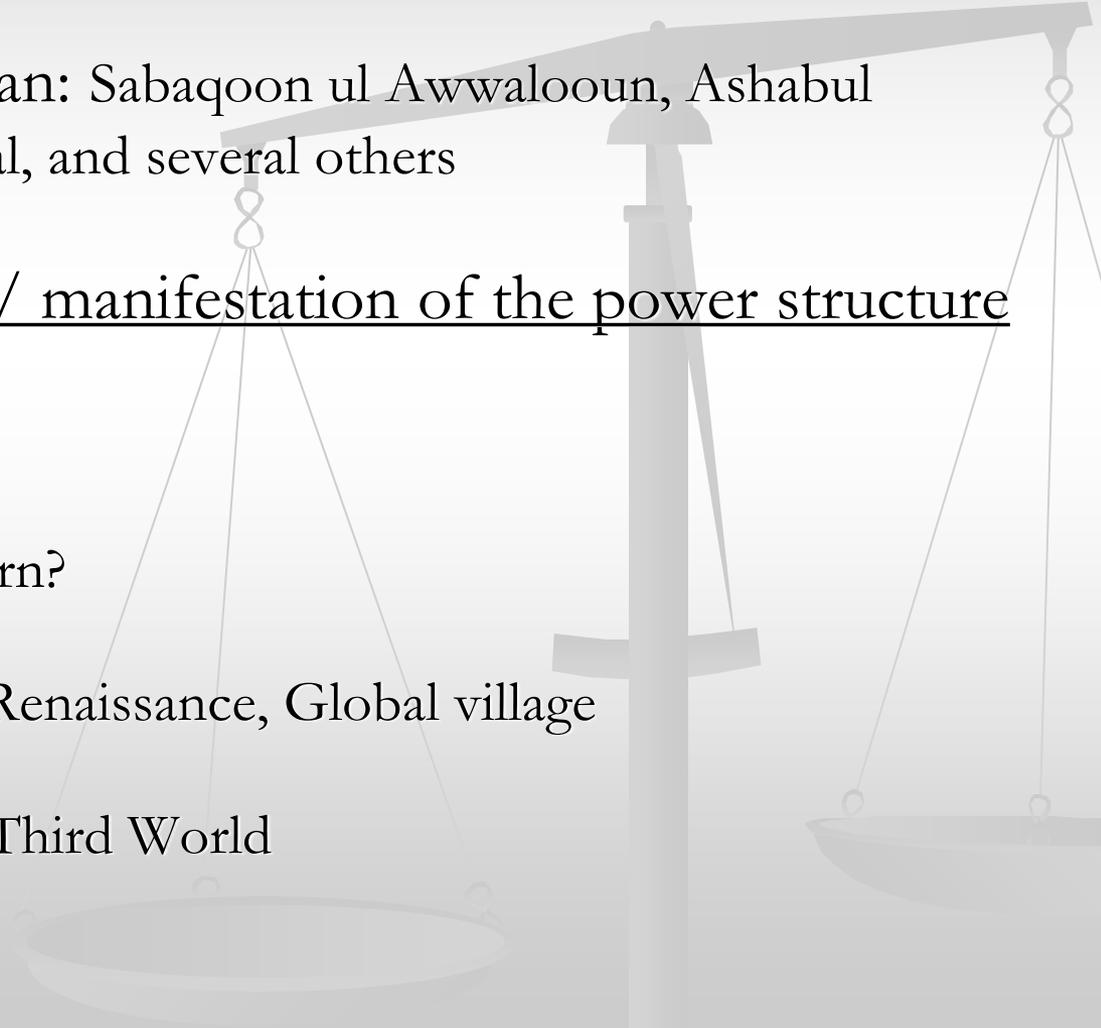
Zahid Bukhari, Ph.D.

Introduction

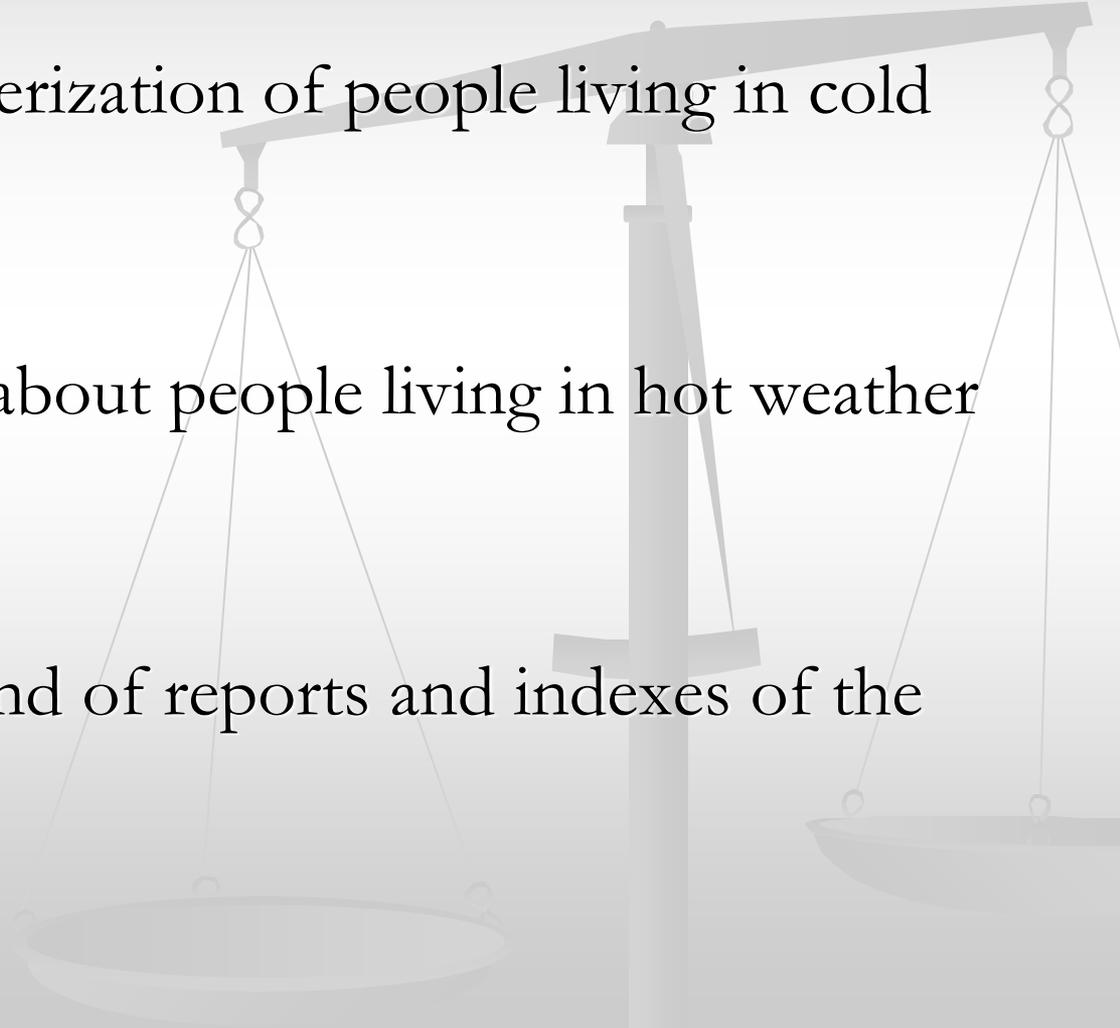
- Work in progress
- Could be developed into a major project
- Needs a multi-disciplinary approach and team



Categorization of People, Periods and Places

- Examples from the Qur'an: Sabaqoon ul Awwalooun, Ashabul Yameen, and Ashabul Shamal, and several others
 - Human construct labels / manifestation of the power structure
 - Darul Islam / Darul Harab
 - Mawra al Nahar? Near Eastern?
 - Stone age, Medieval period, Renaissance, Global village
 - First World, Second World, Third World
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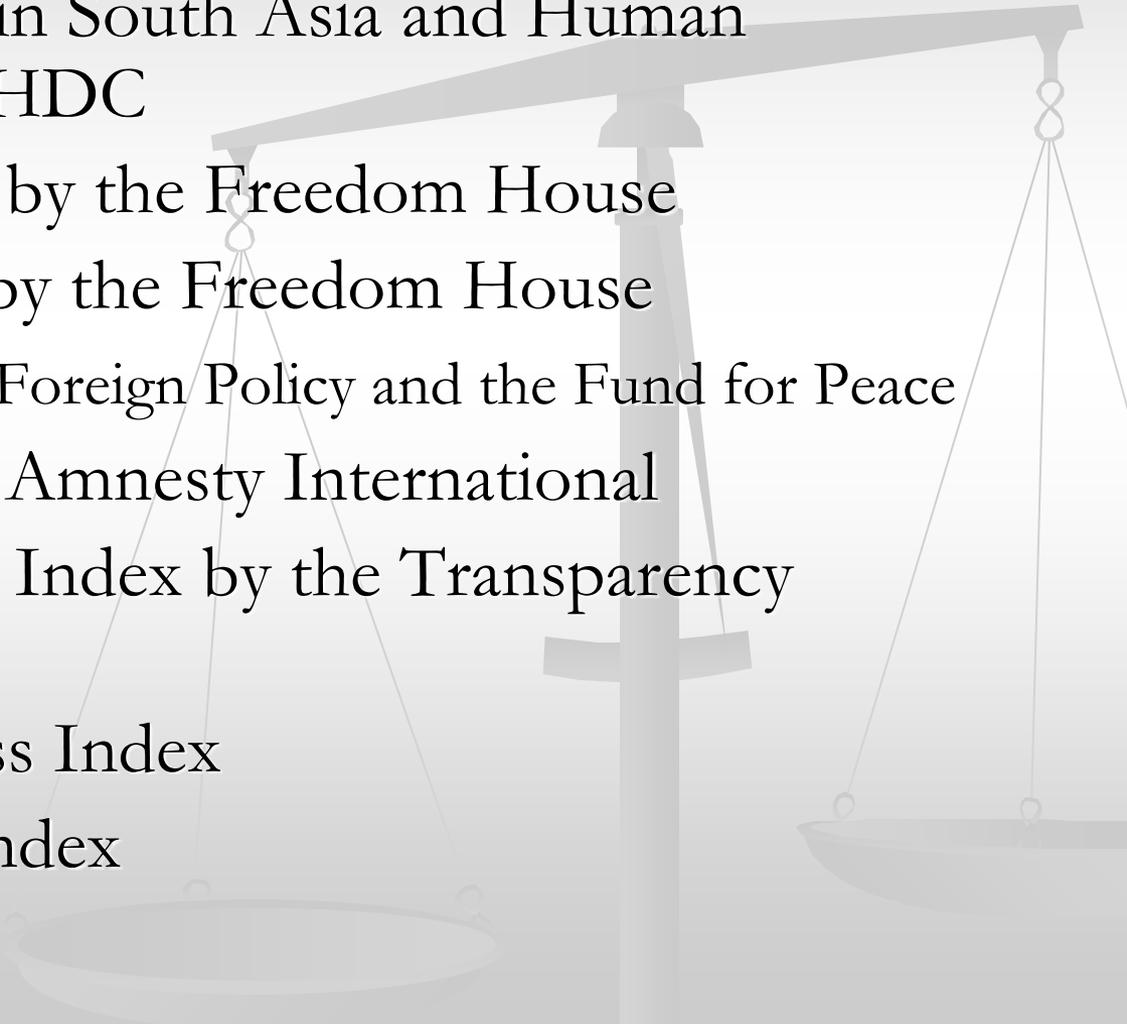
Categorization of People, periods and Places

- Ibn Khaldun's characterization of people living in cold and urban areas and
 - Modern classification about people living in hot weather areas
 - Post World War II trend of reports and indexes of the countries of the world
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Annual Reports and Indexes

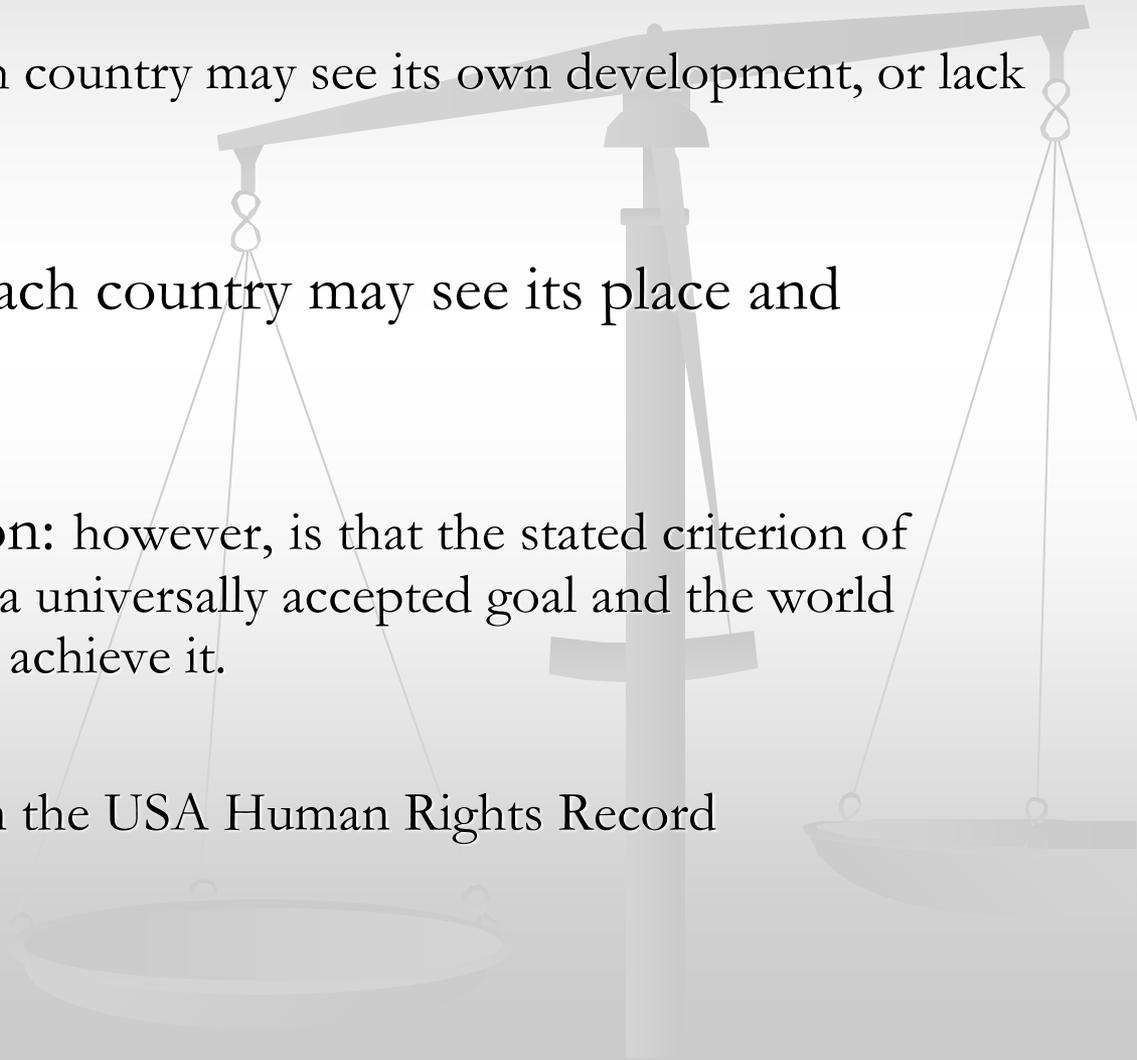
- World Development Reports by the World Bank, since 1978
 - UN Human Development Reports, world wide and regional, since 1990
 - US State Department Publishes:
 - Country Reports on Human Rights Practices
 - Country Reports on Terrorism
 - International Religious Freedom Report
 - Trafficking in Persons Report
 - China report on the Human Rights Record of the US
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Annual Reports and Indexes by Private Institutions

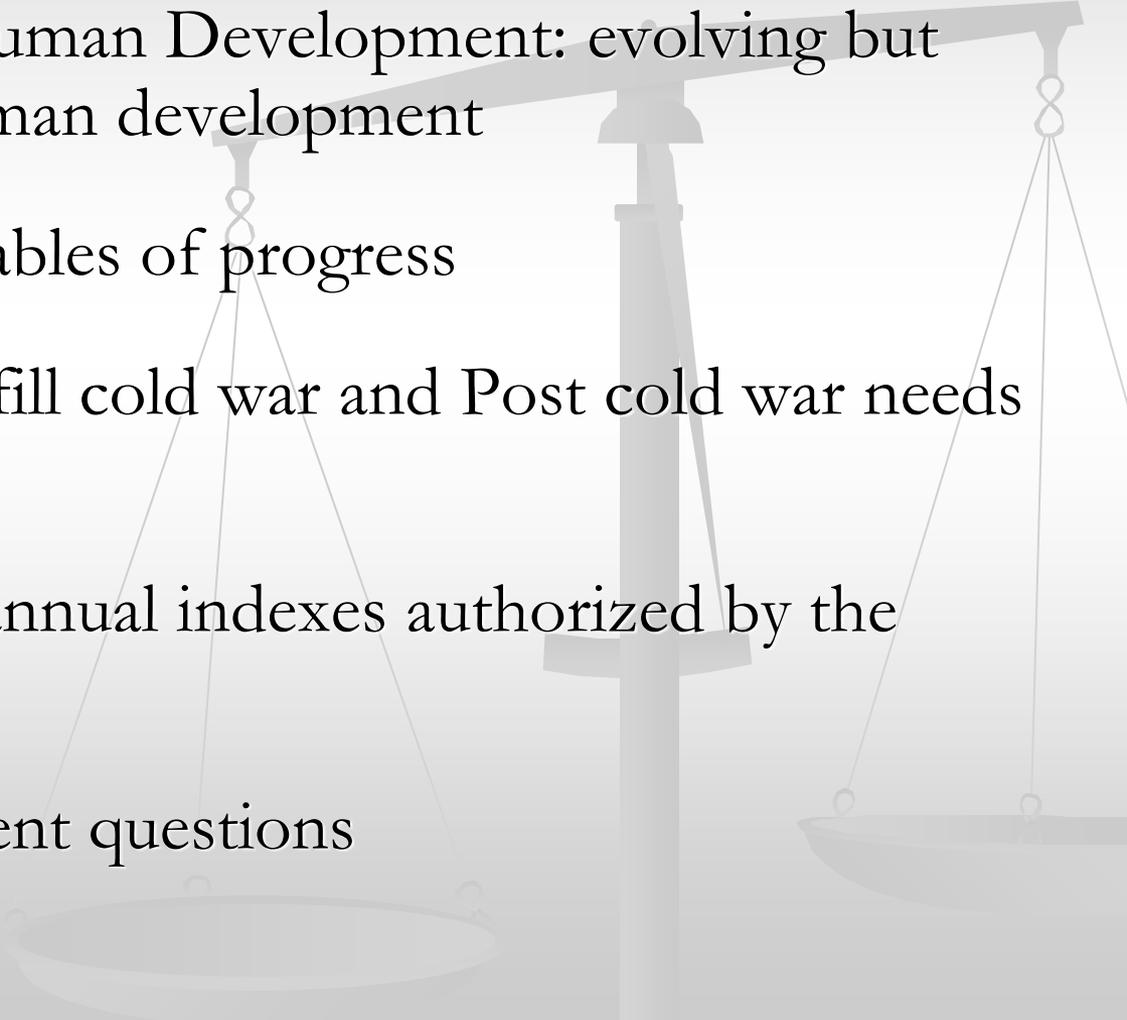
- Human Development in South Asia and Human Governance Index by HDC
 - Freedom in the World by the Freedom House
 - Freedom of the Press by the Freedom House
 - Failed States Index by Foreign Policy and the Fund for Peace
 - Annual Reports of the Amnesty International
 - Corruption Perception Index by the Transparency International
 - International Happiness Index
 - International Wealth Index
- 

Purpose of the Reports and Indexes

- A Giant Mirror: where each country may see its own development, or lack of it.
- A Global Matrix: where each country may see its place and position.
- The Underline Assumption: however, is that the stated criterion of progress on the given topic is a universally accepted goal and the world community should struggle to achieve it.
- Tit for Tat: China report on the USA Human Rights Record



Critical Issues with the Reports and Indexes

- Per capita income to Human Development: evolving but limited focus of the human development
 - Selective areas and variables of progress
 - Agenda Setting / to fulfill cold war and Post cold war needs of the Western world
 - Excluding USA in the annual indexes authorized by the Congress
 - Failed to answer pertinent questions
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Prophetic Mission: To Guide man to achieve Justice

- The paramount purpose for which the Prophets were sent to struggle all their lives was to guide man to achieve justice.

We sent our messengers with clear signs, and sent down with them the Book and the Balance so that men may conduct themselves with justice' (al-Hadid 57:25) and -- that injustice leads ultimately to destruction (Ta-ha 20: 111)

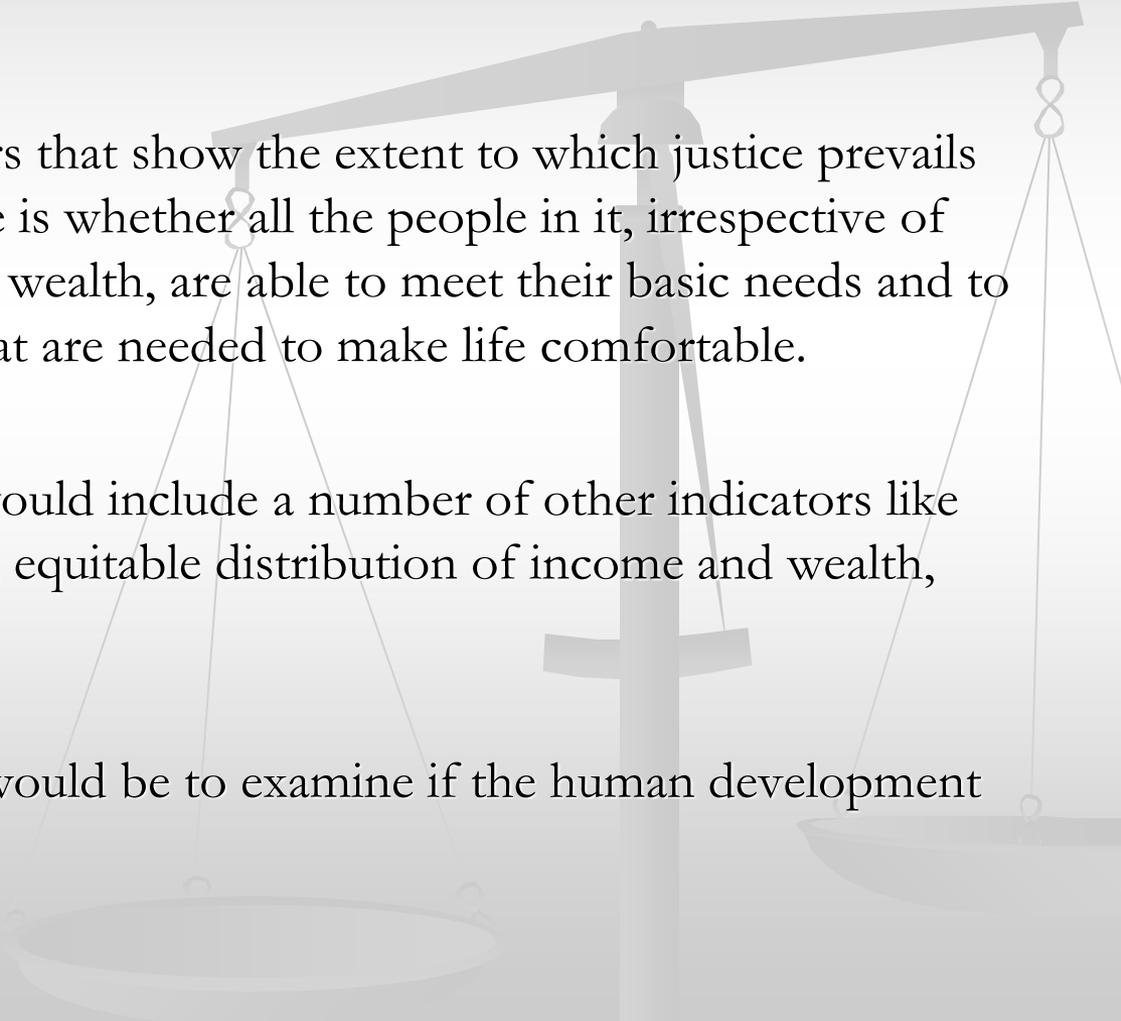
- While the Qur'an predicts destruction to be the consequence of injustice, the Prophet, peace and blessing of God be upon him (PBUH), predicts darkness to be the consequence.
- Both essentially imply the same thing: failure to ensure human well-being will lead to darkness and destruction.

Justice should be the goal of human development

- The emphasis on justice has been reflected in the writings of all Muslim scholars throughout history. For example, Ibn Taymiyyah (d. 1328) wrote that: “Injustice is absolutely not permissible, irrespective of whether it is to a Muslim or a non-Muslim or even to an unjust person.” Ibn Khaldun (d. 1406) also forcefully stated that it is not possible for a country to develop without justice.
- The Western Scholars and The American Founding Fathers also emphasized this dimension, especially the importance of non-economic factors for the human development.

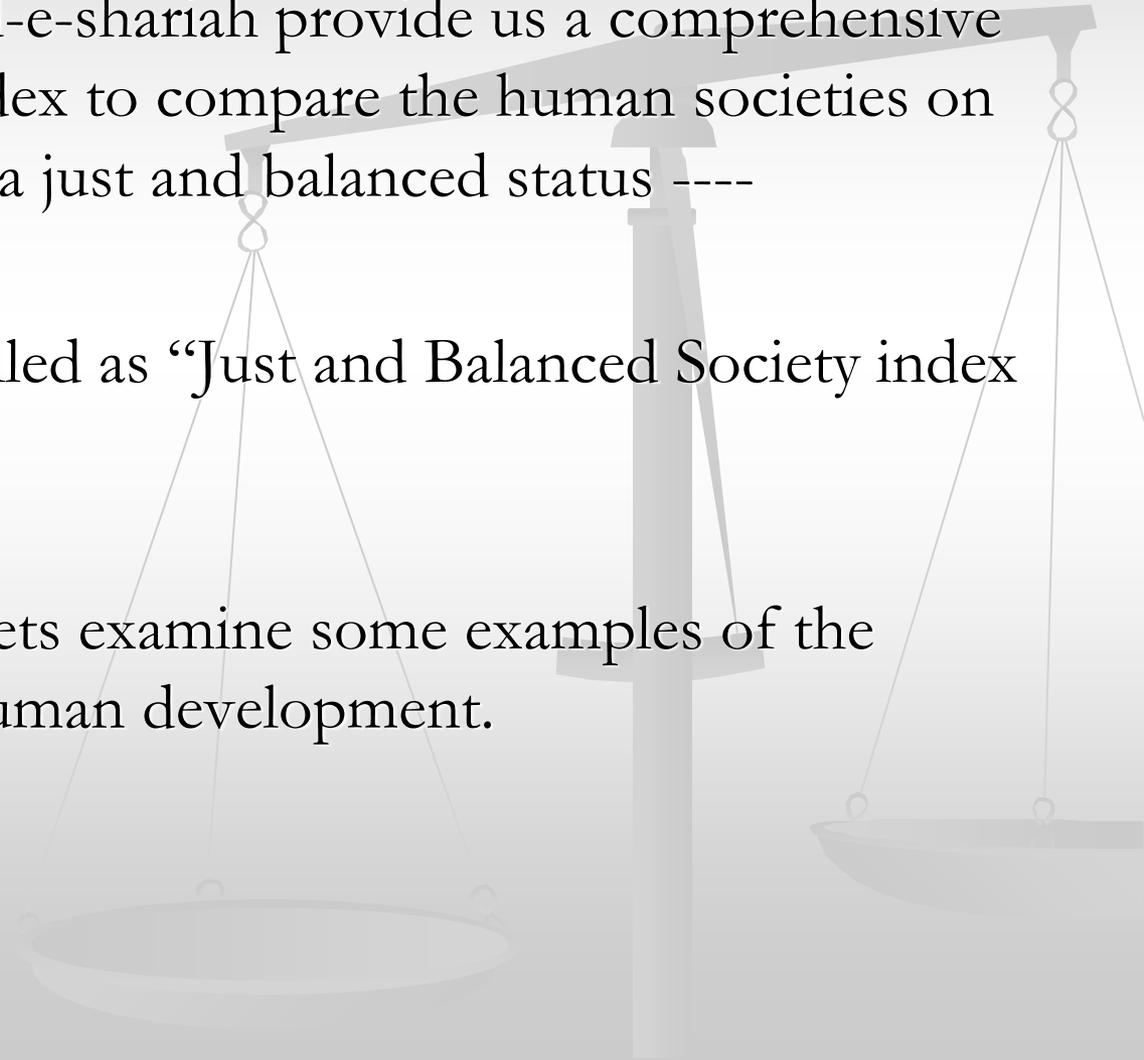
Need for a new Index

To present the human endeavor in one global perspective

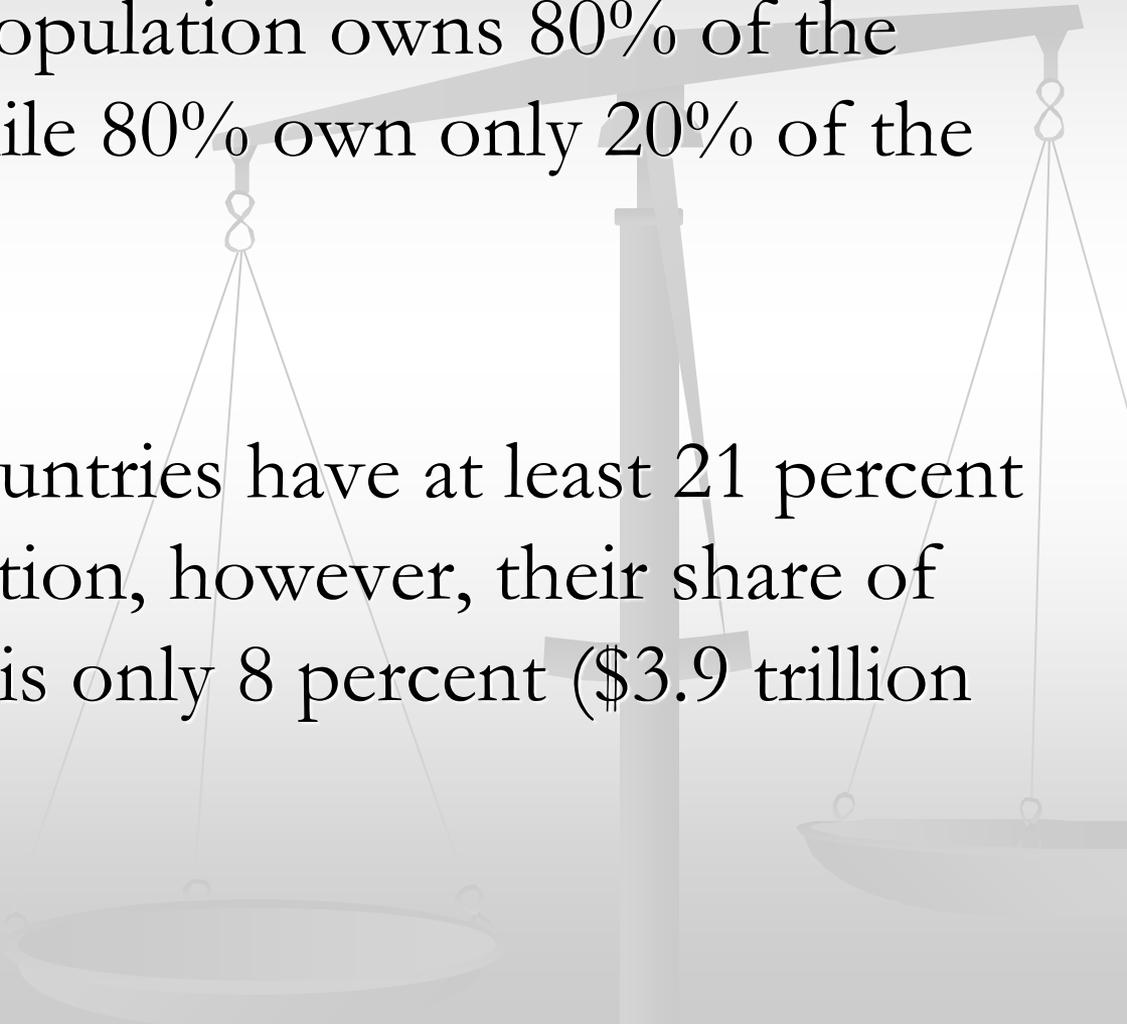
- There are a number of indicators that show the extent to which justice prevails in a given country. One of these is whether all the people in it, irrespective of their race, religion, color, sex or wealth, are able to meet their basic needs and to have access to all the utilities that are needed to make life comfortable.
 - A more comprehensive index would include a number of other indicators like family integrity, social harmony, equitable distribution of income and wealth, and mental peace.
 - The purpose of the new index would be to examine if the human development is just and balanced.
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Just and Balanced Society Index (JABSI)

- The seven-point-maqasid-e-shariah provide us a comprehensive scheme to develop an index to compare the human societies on their progress to achieve a just and balanced status ----
- The new index will be called as “Just and Balanced Society index (JABSI).”
- Before dwelling into it, lets examine some examples of the unjust and unbalanced human development.



Disparity at Global Level

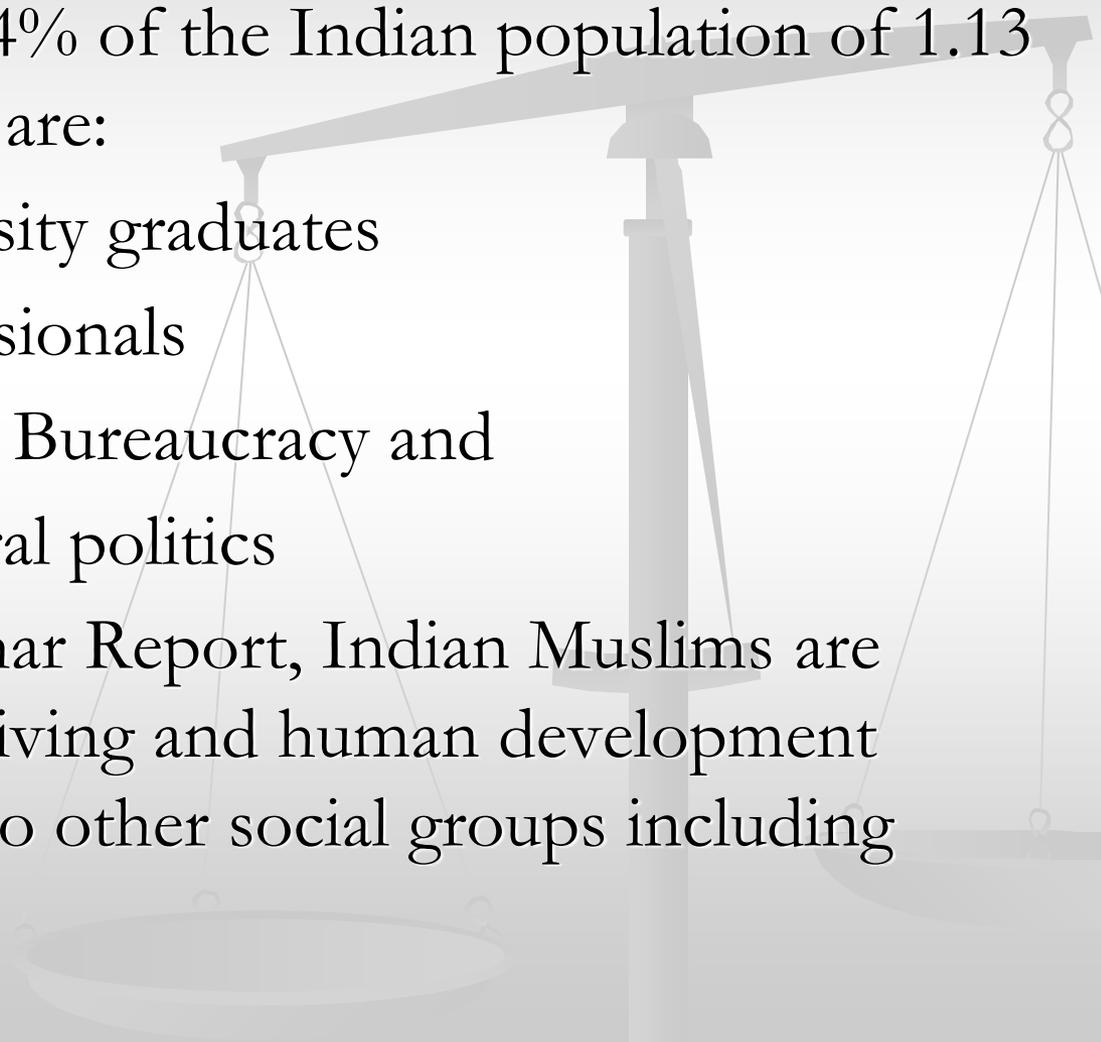
- 20% of the world population owns 80% of the world resources, while 80% own only 20% of the world resources.
 - Digital divide
 - OIC 57 Muslims countries have at least 21 percent of the world population, however, their share of PPP adjusted GDP is only 8 percent (\$3.9 trillion of \$48.5 trillion).
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Disparity between Blacks and Whites in the USA

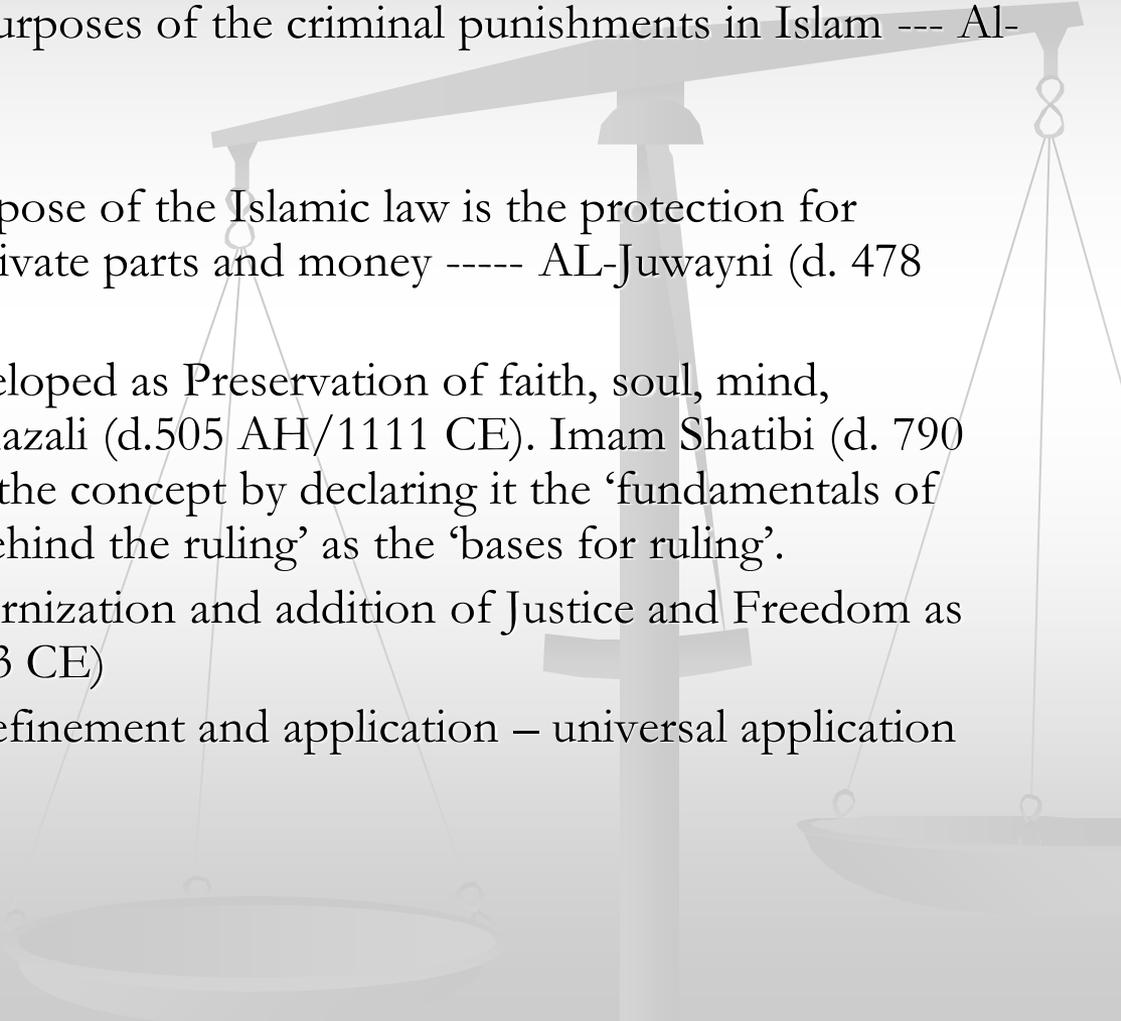
- Blacks are 13% of the USA population of more than 300 million. Blacks comparing whites on various socio-economic variables:

<u>Blacks comparing whites</u>	1978	2003
Life expectancy of a child	5 yrs shorter	6 yrs shorter
Infant mortality	twice	twice +
Families below the poverty line	4 times more	Unchanged
Unemployment, adults	twice	Unchanged
Unemployment, teens	3 times more	Unchanged
Family median income	60%	66% of
Lawyers/judges	1.2% of all	5.1% of all
Professors	2.6% “	6.1% “
Physicians	2.0% “	5.6% “
Engineers	1.1% “	5.5% “

Muslim Conditions in India

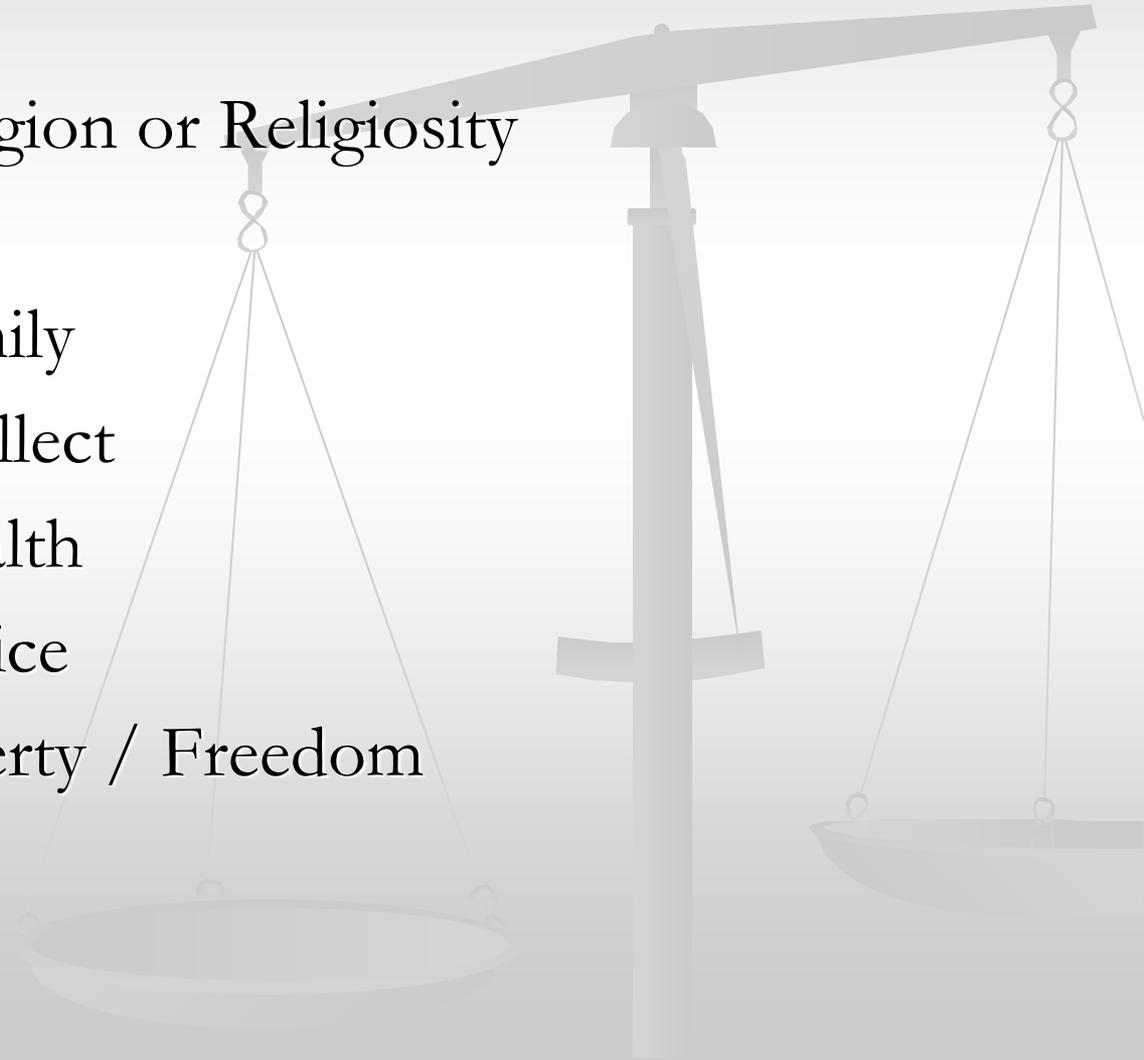
- Muslims are almost 14% of the Indian population of 1.13 billion. However, they are:
 - 4% among the university graduates
 - 3% among the professionals
 - 6% among the Indian Bureaucracy and
 - 7% among the electoral politics
 - According to the Sachar Report, Indian Muslims are facing lower levels of living and human development conditions compared to other social groups including *Dalits* and *Adivasis*.
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Development of Maqasid Al-Sharia Approach: Six Stages

- 1) **7th – 9th centuries:** speculating a certain underlying purpose, aim or intent of Qura'nic or Prophetic instruction
 - 2) **10th century:** Classification of Purposes of the criminal punishments in Islam --- Al-Amiri (d. 381 AH/991 CE)
 - 11th – 14th century:**
 - 3) Theory of level of necessity, Purpose of the Islamic law is the protection for people's faith, souls, minds, private parts and money ----- AL-Juwayni (d. 478 AH/1085 CE)
 - 4) Five Maqasid Al-Sharia was developed as Preservation of faith, soul, mind, offspring and wealth – AL-Ghazali (d.505 AH/1111 CE). Imam Shatibi (d. 790 AH/1388 CE) revolutionized the concept by declaring it the 'fundamentals of law' and instead of 'wisdom behind the ruling' as the 'bases for ruling'.
 - 5) **20th century:** Refinement, modernization and addition of Justice and Freedom as Maqasid --- Ibn Ashur (d. 1973 CE)
 - 6) **Late 20th – 21 Century:** More refinement and application – universal application
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Seven Point Maqasid Al-Sharia

- 1) Preservation of Religion or Religiosity
- 2) Preservation of Life
- 3) Preservation of Family
- 4) Preservation of Intellect
- 5) Preservation of Wealth
- 6) Preservation of Justice
- 7) Preservation of Liberty / Freedom



Just and Balanced Society Index (JABSI)

new questions, new surveys and new information

- Questions about the role of religion and believe in God
 - Questions about the *falah* and honor of each human being
 - Questions about family, children, marriage, divorce
 - Questions about economic disparity
 - Questions about *adal*, among the various ethno-religious groups and their level of achievement in a society
 - Questions of the liberty and freedom of various individual rights
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