

MAQĀSĪD SHARĪ'AH: THE DRIVE FOR AN INCLUSIVE HUMAN DEVELOPMENT POLICY

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ABSTRACT

Access to adequate resource or income, leading a healthy life; and being educated are major components of human development. However, satisfying these components remains a major challenge facing many societies today. Some of the key hindrances to development initiatives are injustice and abuse of fundamental social and economic rights as reflected in the low human development indices of many countries. Conventionally, human development is measured in terms of education, income, and health. Nonetheless, the model does not take cognizance of other integral components of development such as social justice and human rights. Thus, this paper tries to fill this gap in the current literature by incorporating social justice and human rights (exogenous) and three contextualized factors, namely education, health, and income (endogenous) into the human development model based on the Maqāṣid Sharī'ah framework. The paper uses document analysis and library based data, whereby both primary and secondary sources are collated. The model proposes that the

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principles of the Islamic divine law be enhanced to ensure an inclusive development policy devoid of tribal, ethnic or religious sentiments. The paper holds theoretical and policy implications for researchers, policymakers and other stakeholders.

Keywords: *human development, inclusive policy, maqāṣid Sharī'ah, social justice, human rights*

INTRODUCTION

Today, economic and social policies symbolize commitment for material prosperity while many people are comparatively disadvantaged in terms of human development indicators such as healthcare services, education and living standards. The alarming rate of injustice and abuse of human rights adjudged by inequitable resource allocation has contributed to the huge gap of inequality which rampages many societies today. Islam provides a comprehensive policy system that does not only offer the basis for social relations, but it also ensures moral principles that define economic, political, and ethical responsibilities in the society. The moral principles of Islam constitute the basic foundation for human development which is based on essentials of Shariah.

Maqāṣid Sharī'ah is derived from two root words: *Maqāṣid* and *Sharī'ah*. While *maqāṣid* means objectives (singular is *maqṣad* i.e. an objective), Shariah signifies divine Islamic law. Thus, the combination of the two words theoretically implies the theory on the objectives of Islamic law. The objectives of the divine law cover every aspect of human existence including human development with special emphasis on the general well-being of every individual.

Traditionally, human development is measured using education and health as indicators as established in the human capital theory. Nevertheless, the recognition of the inadequacy of physical capital in explaining economic growth suggests the emergence of the human capital theory. Therefore, it becomes imperative to improve the lives of people by maintaining a comprehensive and human-focused development policy devoid of any kind of discrimination across gender, tribe or ethnic divides.

The use of education and health as indicators of human development has grown as an established approach to measure human well-being and development. However, studies have shown that a large percentage of people across the globe are vulnerable to poverty, social discrimination, and inequality. Thus, *Maqāṣid Sharī'ah* framework is a promising alternative for enhancing human development and well-being due to its consideration for individual and

societal well-being, and its potential role in preventing destruction in the society.

Remarkably, the framework seeks to protect and uphold the aforementioned guidelines and validates all measures necessary for their preservation and advancement. In view of the above, this paper proposes an Islamic human development model (I-HDM) as a unique and comprehensive framework to address the inherent weaknesses of several development initiatives and to fulfil inclusive developmental needs of the majority. The (I-HDM) incorporates five variables known as social justice, human rights, education, health and income. Other latter factors have been well received in the mainstream development literature; however, social justice and human rights are yet to be well explored. Subsequent to the introductory section, this paper is divided into seven major sections of discussion. The paper presents the overview of human development in an Islamic framework followed by the need for I-HDM. Next, the paper briefly explains the nexus between *Maqāṣid Sharī'ah* and human development. This is followed by the proposed model of the study and the final part of the paper presents the conclusion and policy implications.

HUMAN DEVELOPMENT IN AN ISLAMIC FRAMEWORK

Human development has been defined as an economic, social, cultural, and political process of continuous advancement of the welfare of all individuals based on their active participation in the development process guided by equitable distribution of the generated wealth. Previous studies posit that economic development is indispensable; however, according to Islamic doctrine the achievement of human welfare is more comprehensive as it also encompasses economic welfare and moral excellence. Hence, Islam sought the attainment of human well-being from both aspects of human life, worldly and eternal life. In line with this doctrine, the Western scope of development has also recognized the wider dimensions of human development.

Improving individual lives through the provision of basic needs that are in line with the objectives of Shariah form the crux of the human development paradigm in Islam. Although this could be viewed from either religious or secular perspective, Islam specifically adopts a unique approach in viewing the well-being of an individual or society. Moreover, real well-being through the satisfaction of human basic needs is considered the ultimate human rights in Islam. Therefore, the goals of development is not only constrained to Gross National Product (GNP) or an increase in per-capita income which has been the indicators for most countries, but also equitable income distribution among the vulnerable poor to eradicate poverty, and provision of material and non-

material needs such as freedom, equity for people and conservation of natural resources.

It has been argued that development is not only just talking about the indicators of the success of economic development and income growth (GDP), but should also be directed at the holistic human development, ranging from welfare, human rights and freedom.

The cause of perpetual poverty and underdevelopment is the issue of access to social and economic opportunities (such as education and health), and injustice. According to the Qur'an and the *Sunnah*, human development is a legitimate target which must be established in any nation. Therefore, it is imperative to incorporate non-material and spiritual needs for a sustainable human and material development as Islam encompasses and regulates all aspects of life through a comprehensive and interrelated system.

This system is established based on the Qur'an and the *Sunnah* of Prophet Muhammad (PBUH). This assertion conforms to the tenets of *Maqāṣid Sharī'ah* that places prominence on the overall life and well-being of every individual. Accordingly, the ultimate goal of social and economic progress, in the light of *Maqāṣid Sharī'ah*, is to provide a comprehensive framework and also a way to benchmark human progress on a wider scale.

According to mainstream economics, the dimensions of human development centres on material factors such as education, health, and income.

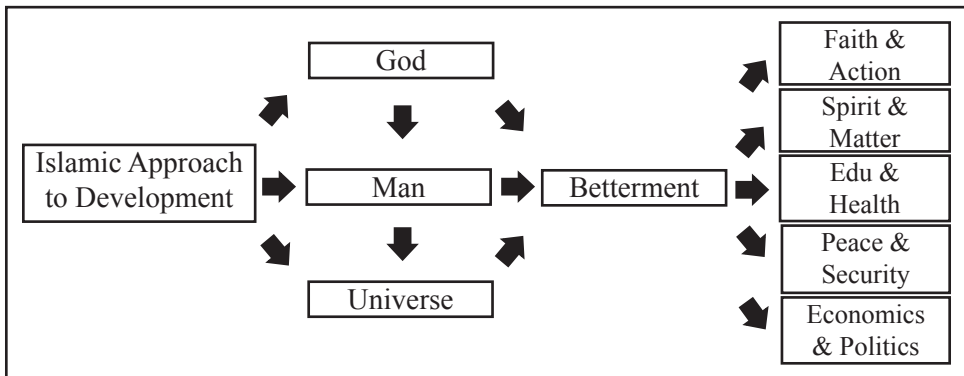
In Islam, health, education, equitable income distribution, social justice, comfortable housing, clean environment, human rights and religious accountability among others are integral parts of human development. Undoubtedly, *tawḥīd* (unity of God) and *'adalah* (justice) are vital nuclei in alleviating persistent human development problems such as poverty, unemployment, low living standards, insecurity, crimes, corruption, illiteracy and child mortality. However, the deplorable conditions witnessed by most societies today are due to lack of God consciousness and widespread injustice. All the Prophets sent by Allah buttressed their message on the need to appreciate ourselves as creatures of Allah, be conscious of Him and to uphold justice and eliminate all forms of violation of human rights, oppression, corruption and unfairness in the society. Indeed, in order to achieve the desired goals of development, human rights and social justice need to be maintained along with the material and the non-material variables.

With justice, God consciousness, and human well-being, the world would be habitable to all.

Al-Aṣḫānī emphasised that the development or improvement of the earth for the better living of all is one of the responsibilities of man towards

the Creator, Allah. He refers to the Islamic approach to development as proficient and holistic where faith and action, spirit and matter, education and health, peace and security, economics and political power elements are interlinked. However, despite the interrelated role of the factors in enhancing human development, very few studies have investigated this from an Islamic perspective. Figure 1 below illustrates al-Aṣfahānī model of development.

Figure 1: An Illustration of al-Aṣfahānī Islamic and Holistic Development Model



Source: Authors (the diagram was developed by the authors to illustrate al-Asfahani's idea)

THE NEED FOR AN ISLAMIC HUMAN DEVELOPMENT MODEL (I-HDM)

Comprehensive framework is needed in any effort to actualise human development and well-being of all. The stark reality has shown that a narrow approach to address the needs of the people might not be practical which necessitates a broader and a different option for human development programmes across the globe.

The different development initiatives initiated in the world until today with the most recent known as Millennium Development Goals (MDGs) yield little and uneven success in terms of solving problems of development. Even with the emergence of MDGs, many people in the world are still facing challenges of poverty, hunger, diseases, illiteracy, immorality, religious violence, and lack of freedom. The situation calls for revisiting the development approach and the policy system with the aim to actualise the needs of the people through *Maqāṣid Sharī'ah* framework.

Central to the challenge of human development is creating an enabling environment devoid of injustice, and embracing fairness by delivering the rights of every individual in the society through education, health care provision, employment creation, wealth creation, a safe and secured society, a hygienic environment, and moral consciousness among others. Islamic approach to human development is more comprehensive and more rigorous that stands to protect and safeguard individual and societal rights and also prevent social, economic and moral vices such as injustice, inequality, and oppression. Although the mainstream economic literature has shifted its focus now to human-based with humans seen as means and ends of development, it fails to pass an ethical test of a synthetic and inclusive approach that is well grounded in the essentials of the Islamic law.

Furthermore, it is agreed that protecting human rights and exercising social justice act as the bedrock for actualising the objectives of Shariah which is immersed in ensuring a positive impact on the society. However, the literature has argued that a sizeable number of people today have yet to feel this direct positive impact.

The contributing factors to the hindrance could be attributed to inherent corruption, inequality, injustice and insecurity. Succinctly, the direct positive impact could be felt through effective policy mechanism which emphasises the provision of basic human needs such as; food, drinkable water, clean environment, medical care, quality education, employment, moral upliftment, and among others which are well catered for in the *Maqāṣid Sharī'ah* human development paradigm.

MAQĀṢID SHARĪ'AH AND HUMAN DEVELOPMENT

Islam provides guidance for the material, moral, spiritual, economic, political, social, legal, and cultural facets of human life. This body of guidance originating from a divine revelation is known as Shariah. The theory of *maqāṣid* has recently evolved as an important multidisciplinary field of study. Prominent and earlier effort on the theory is traceable to the work of al-Juwaynī (d.478 H) and thereafter al-Ghazalī (d.505H/1901), who focused on the legal perspective. al-Ghazalī categorized the objectives of Shariah into three basic levels of *maṣlahah*, namely necessities (*darūriyyah*), complementary (*ḥājīyyah*), and embellishment (*taḥsiniyyah*).

Necessities are those essential elements that facilitate the running of a system without which a nation will run into turmoil. Complements are those elements that relief people's life while; embellishments are related to moral and ethical conducts in a system. Al-Ghazalī further expound on safeguarding

the five essential elements or universal values (*al-darūriyyah al-khams*) of the Shariah, namely religion (*dīn*), life (*naḥs*), intellect (*'aql*), posterity (*nasl*), and property (*māl*) that constitute the basis for all the affairs of mankind upon which the Islamic vision of development evolves.

The Ghazali's classical theory of *maqāṣid* was criticized by Ibn Taymiyyah, (d.728H) for its limitations upon which many scholarly suggestions for a paradigm shift have emerged. This criticism and extension opened the door at the subsequent stage for modern scholars such as Ibn 'Āshūr and Al-Shāṭibī to explain the dimensions of *maqāṣid* beyond the legal framework.

There have been developments on the Shariah framework across various disciplines with several views/arguments being held by scholars with regard to its application and implementation. The literature provides that the application of *Maqāṣid Sharī'ah* has been operating in legal services with emphasis on theoretical implications. Although scholars regarded the five objectives of Sharī'ah as fixed, there is an increasing number of scholars, particularly in the modern times who see the need for the extension of the framework.

For instance, Ibn Taymiyyah argued that the essential elements of the Islamic law should not only be limited to five but rather incorporate other significant purposes such as the rights of neighbours and the rights of Muslims to one another, faithfulness and justice. Ibn 'Āshūr suggests *maqāṣid* to integrate other dimension such as society rather than being confined to individual *maṣlaḥah*. Similarly, Auda suggests the addition of higher values such as human rights and human decency, and freedom as dimensions in the theory of *maqāṣid*.

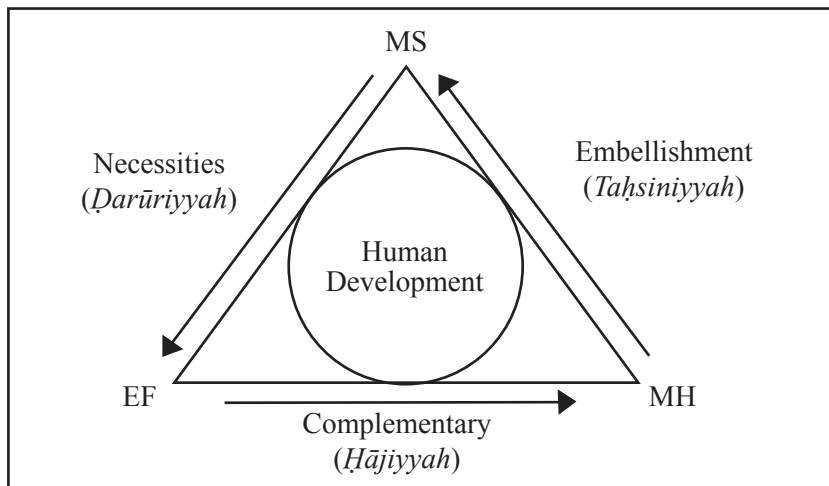
Recently, several studies have attempted to operationalize the framework and test its impact on every facet of human life. For instance, the five objectives of Shariah and the three categories of *maṣlaḥah*, namely necessities (*darūriyyah*), complementary (*ḥājjiyyah*), and embellishments (*taḥsiniyyah*) were used as a basis to develop a consumption model for an Islamic economic system.

The model includes classification of goods and services, economic activities and policy measures that could be adopted at various levels to realize these objectives. In addition, a study extended the operationalization of the Shariah framework into a decision making instrument that could be utilized by organizations to allocate their investible resources.

However, the literature has remained silent in addressing pertinent issues of development with reference to higher values such as human rights and social justice. The present study tries to fill this gap by proposing a model called I-HDM based on the fundamentals of the Islamic divine law.

By extension, this study presents a new direction of research that is opened through the adoption of the divine framework to propose a model that captures the impact of human rights and social justice on human development. Although it is argued that the theory of objectives of the Islamic law is intellectually and academically challenging, its components have been identified as essential to the development of a complete human personality and holistic well-being. In addition, the literature explicates that when there is complete social justice and observance of human rights pervading all areas of public life, the five objectives of Islamic law and other *maṣlaḥah* become achievable. Therefore, in order to achieve the highest level of human development and well-being, the rights of all mankind should be respected and everyone must be treated with fairness. Figure 2 below illustrates the triadic inter-system scope of the Shariah framework.

Figure 2: Triadic Inter-system Scope of *Maqāṣid Sharī'ah* Function



Source: Authors

Key to the figure: MS = *Maqāṣid Sharī'ah*, EF = Emerging factors from *Maqāṣid Sharī'ah*, MH = *Maṣlaḥah*

From the above discussions and views of contemporary scholars, the triadic scope depicts a path for growth and development from the *maqāṣid Sharī'ah* viewpoint. Figure 2 illustrates the triadic scope of human development developed from the combination of the three levels of *maṣlaḥah*. These components, *maqāṣid Sharī'ah* (MS), Emerging factors from *maqāṣid Sharī'ah* (EF) and *maṣlaḥah* (MH) serve as building block of human development and well-being in Islam. The first phase, necessities, represents the minimum level for

preserving the five essential elements of Shariah as mentioned earlier. The second phase provides opportunities for growth through the emerging factors. Emerging factors represent specific factors related to basic needs of life such as public health care, education, employment, and income. The protection of these needs through policy intervention ensures human dignity. The third phase represents the sustainable level of the entire Shariah framework. When the *maṣlaḥah* (public interest) is protected through the emerging factors, there will be more economic and social benefits and people will be ready to adhere to the divine principles of Shariah. Therefore, the three levels of *maṣlaḥah* represent the inclusive framework for enhancing human development.

PROPOSED MODEL OF THE STUDY

As discussed above, the criticism of al-Ghazālī's classical theory has paved way for several developments and improvements of his model. However, none of these criticisms have resulted in the development of a profound theoretical framework as previously propounded by al-Ghazālī. Abū Zahrah made a considerable attempt in his work by adding another two dimensions (education and justice) to al-Ghazālī's *maṣlaḥah*.³ Similarly, modifications to the *maqāṣid* theoretical framework were suggested. In addition to that, the idea of higher intents to modern settings using their components to develop nineteen new *maqāṣid*, which brings the components to twenty-four, was introduced.⁴ Although the author cited several examples to extend the application of *maqāṣid* to modern settings, most of these examples are legal in nature. Others include the Ethics-Augmented Human Development Index (HDI-E), which integrates faith, freedom, and environment into the human development index.⁵ Also, a study included the right to freedom and the protection of the environment in the human development index that was based on *Maqāṣid Sharī'ah*.⁶ Unlike these works, the objective of this paper is not to create a new index for human development but rather to propose a model that investigates the impact of higher intents on selected *Maqāṣid Sharī'ah* components. Hence, the I-HDM

³ M. Abū Zahrah, *Uṣūl al-Fiqh* (Cairo: Dār al-Fikr al-'Arabī, 1997).

⁴ G.E. Attia, *Nahw Taf'eel Maqasid al-Shari'ah [Towards Revitalizing al-Maqasid]* (Herndon, USA: IIIT, 2008).

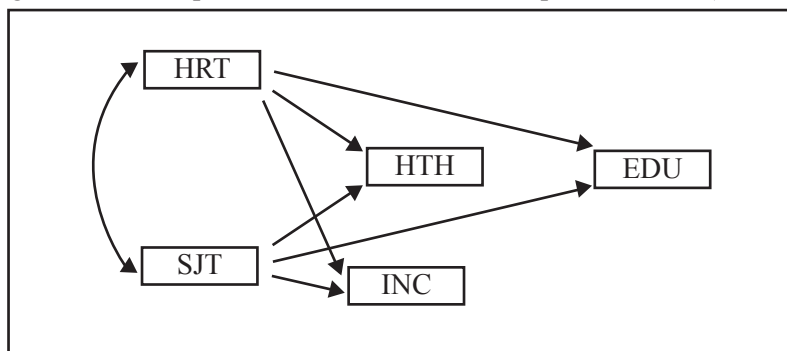
⁵ H. Dar, 'On Making Human Development More Humane', *International Journal of Social Economics*, 31(11/12) (2004): 1071-1088.

⁶ MB. H. Anto, 'Introducing an Islamic Human Development Index (I-HDI) to Measure Economic Development in OIC Countries', *Islamic Economic Studies*, 19/2 (2010): 69-94.

framework combines the three conceptualized essential elements of *maqāṣid* with two selected higher intents.⁷

This research proposes the use of three conceptualised elements of *maqāṣid*, namely human life (*al-nafs*), education (*al-'aql*), and income (*al-māl*) as dependent variables in the model and two elements of higher intent, namely social justice and human rights as independent variables integrated into a single model called Islamic Human Development Model (I-HDM). Figure 3 below presents the schematic presentation of the model. The model is proposed as another option to the existing human development model which only captures education and health as measures. Several studies have shown the incomprehensive approach of most development models in the contemporary society. This factor, together with a subtle approach to human rights and social justice, brought shortcomings to the numerous efforts embarked upon aimed at improving the lives of people through social and economic empowerment. The integration of the above mentioned factors may induce help to realise the optimum benefits of the model.

Figure 3: The Proposed Islamic Human Development Model (I-HDM)



Source: Authors

The proposed model provides a better and comprehensive path that integrates many dimensions. In other words, I-HDM is able to provide a clearer understanding of the relationship between factors, and the specific impact factors can have on human development. In addition to that, I-HDM is developed because the bidirectional relationship between the exogenous variables can ease the difficulty in terms of specificity of the interpretation. This is because human rights tend to be realised through the exercise of social justice. When there is social justice people's rights will be safeguarded. On the other hand, when the rights of the people are upheld in the development

⁷ Mustafa, *supra* note 39, at p.6.

policy, social justice will play a natural role. Therefore, both human rights and social justice reinforce each other. As shown in figure 3, the model consists of two stages of implementation. In the first stage, the three dimensions of human development are considered as divine rights of every individual without discrimination. People participate in education and training program, have access to health care facilities, and are gainfully employed. The second stage is the interactions between social justice and the three dimensions of human development. This stage is where social justice facilitates the actualization of these fundamental rights. Furthermore, there is a unidirectional relationship between the exogenous and endogenous variables. This signifies a direct effect and significant role of social justice and human rights on actualizing the well-being of people through the provision of education, health, and income.

Figure 3 shows the model built up from the combinations of the different dimensions. These dimensions, Social Justice (SJT), Human Rights (HRT), Education (EDU), Health (HTH), and Income (INC) serve as the components of the model. The output of the model implementation is expected to have a significant impact on the social and moral condition, especially of the vulnerable in the society. The logic is that adopting I-HDM will benefit the people and the society since overall human development offers opportunities towards economic growth, entrepreneurial capability as well as inclusive development of the economy. This could be realized from the perspective of human capital enhancement through training and skills, health care protection, employment creation and overall development. Thus, these may have significant impact on the society both in the short-run and the long-run. The platform for implementing the proposed model could be development agencies, government, individuals, or groups that are keen on promoting universal development.

CONCLUSIONS

The paper strived to develop an Islamic Human Development Model (I-HDM), which covers important elements for ensuring human well-being and sustainable development, reflective of *maqāṣid Sharī'ah* as a way to inclusively address the challenges of human development. The model takes account of the moral, social and economic needs of the people. Similarly, it overcomes major obstacles in secular human development initiatives. Therefore, it is hoped that an effective and inclusive human development programme could be designed and developed to educate people to be more aware of their earthly needs and their responsibility to protect them; and live in dignity.

Conscious policy can play an important role in producing good people and subsequently, a good society. What society needs is to make sure that everyone has an opportunity to grow up in a healthy environment, and eventually to create a good society free from crime and social destruction. This will improve the well-being of the people and preserve the essentials of Shariah and life of every individual in the society regardless of religious or cultural background.

LIMITATIONS

The proposed I-HDM focuses only on certain social and economic factors while other factors such as political and environmental were not included. Therefore, the model can be extended by including other important variables. Further research could be conducted to ascertain the robustness and generalizability of the model empirically.

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