Summary & Review of "Law and Development: An Alternative Indicator for the Measurement of Development" by Sharafat A. Chaudhry

By

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Bibliographic Information

Title:	Law and Development: An Alternative Indicator for the Measurement of Development
Author:	Sharafat A. Chaudhry
Publisher:	Iqbal International Institute for Research and Dialogue, 2018
ISBN:	978-969-7576-26-5
Chapters:	7

Historically, the discussion surrounding the concept of development has been driven by economic concerns, measured through GDP, commonly used by the government and other relevant entities to determine whether a country is developing or not. However, later on, the Human Progress Index (HDI) was developed to evaluate the overall progress of the country by taking into consideration other elements like living conditions, health, and education. Sharafat A. Chaudhry thinks that while the HDI's debut was a good step, the conversation about development as a whole is still lacking.

In his book Law and Development: An Alternative Indicator for the Measurement of Development, he discusses the concept of development from a different angle. According to him, the legal system should be taken into account when evaluating the country's overall development. However, he makes an effort to show that the country's legal system should not be seen as something that promotes advancement but rather as something that is linked to the country's overall development.

Moreover, Chaudhry takes the approach of interdisciplinarity in the subject of development and places significant emphasis on the role of the legal system of the country in assessing the level of development in the nation. He asserts that the validity of development indicators is limited if the people of the nation cannot depend on the legal system for the enforcement of their rights.

The author discusses the past models of development in the introductory chapter of the book and recognizes the significant role played by the Human Development Index (HDI) in

the assessment of development in the past, as it focused not only on the income level of the people of the nation but also on life expectancy, education level, and income level of the people.

However, the author asserts that the HDI fails to include the most significant factor in the assessment of development in the nation, i.e., the legal dimension of freedom. He cites the example of a nation where the education and life expectancy levels of the people are high, but the people live in fear of being arrested at any time. He further asserts that the concept of development, as proposed by Amartya Sen in the term “development as freedom,” aims at freeing the people from “unfreedom” in the forms of poverty, social deprivation, and political oppression.

He asserts that the legal system is crucial for protecting people against oppression and the misuse of authority. In a way, the legal system serves as a means for people to resolve conflicts and protect their rights. People's freedom cannot be taken for granted if the government is abusing the law or if it is ineffectual. Therefore, it is impossible to separate progress from the law in this sense.

This book's ability to connect theory and practice—or, more accurately, how it connects concepts with issues related to the creation and execution of policies—may be one of its most intriguing features. Therefore, Chaudhry is not discussing the significance of law in general terms; rather, he is suggesting that the legal state of a society should be one of the metrics or criteria utilized by people who assess development.

Chaudhry's suggestion for what he refers to as a "alternative indicator" of growth is the book's unique contribution. Chaudhry basically contends that there are four primary ways to assess a society's legal situation. The first is the rule of law, which refers to whether everyone is treated equally under the law and whether the government is likewise bound by it. A society cannot be considered completely evolved if the government is not governed by the law.

The second aspect is the availability of justice. "Can the average citizen in a country access the justice system and protect his/her rights?" is a relevant question. The cost, length, and complexity of the legal system are important concerns, even though its presence is a given.

The degree of tolerance in society is the third dimension. Chaudhry looks at how well a nation's legal and social structures support diversity and minority rights in this section. Therefore, the existence of a society where various members coexist is also a measure of that society's level of development.

The character of the litigation process in that society is the fourth and final dimension. It is considered a significant factor in determining the legal health of a nation. For example, if the government seeks to silence dissent through the legal process, this indicates poor legal health. According to Chaudhry, the above four dimensions help in determining the legal health of a country. In his opinion, the legal health of a country is as important as the country's GDP per capita and the level of education. Moreover, the progress of other sectors depends on the presence of a strong legal system in the country.

Although the book mainly provides a theoretical background, the author has also discussed the legal health of Pakistan and the various factors that affect the relationship between law and development. While focusing on the legal health of Pakistan, the author has discussed the difficulties faced by many developing countries in the Global South. This takes the discourse beyond the Western-centric development paradigm.

Another significant feature of the book is the multidisciplinary character of the ideas presented in the book. Chaudhry has presented a blend of ideas from the disciplines of law, economics, and sociology.

One could argue that the author's method, i.e., the application of the concepts associated with the idea of tolerance, etc., cannot be assessed objectively. The application of the idea of law cannot be assessed objectively, unlike the application of economic indicators such as GDP, etc. Moreover, the author's method might vary from society to society. The author refers to the problems that might arise during the application of the concepts associated with the ideas presented in the book. The author argues that such problems should not prevent academics from thinking about the concepts associated with the application of legal indicators. Thus, the book actually predicts the discussion that might arise soon.

Moreover, the book subtly criticizes states that are too strong or oppressive. In most countries, the legal system is not so much a system of justice as it is an instrument of control. The idea of progress itself is incompatible with the use of laws to stifle dissent and restrict freedom. Chaudhry is providing a framework that motivates governments to give the issue more attention by focusing on legal accountability and the defense of individual rights.

All things considered, Law and Development: An Alternative Indicator for the Measurement of Development, is a worthwhile read that contributes meaningfully to the debate on what development truly means. Chaudhry reminds readers that development is not defined exclusively in terms of economic growth or other social factors; the strength of the legal system

and the protection of individual freedoms are just as important. By placing the legal system at the center of his argument, Chaudhry encourages readers to think more broadly about what development really means.