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Developing al-Siyasah al-Shar‘iyyah Framework for Contemporary Public Policy Analysis

*M ustafa Omar Mohammed
Omar Kachkar*

Abstract: *Al-Siyasah al-Shar'iyah (SS) in Islamic history had played significant role in guiding and regulating the relations, activities and policies of Muslim states towards meeting Maqasid al-Shari'ah. Over time, this science became conservative and overloaded with general Shari'ah rules, and thus deficient of establishing a robust system of public policy formulation and analysis comparable to the current well developed conventional public policy system. Most of the literatures on al-Siyasah al-Shar'iyah, past and present, still discuss the subject within the general principles of the Shari'ah. The present paper adopts content and thematic analyses to develop SS theoretical framework. It has used the new framework to present policy cases in Islamic Turath scientifically. Once refined, the new SS framework can be used for contemporary public policy analysis from Islamic perspective. The paper has set new direction for presenting SS scientifically that suits contemporary public policy analysis.*

Keywords : al-Siyasah al-Shar'iyah, al-Maqasid, Framework, Policy Analysis, Economic Issues

Abstrak: *Al-Siyasah al-Shar'iyah (SS) dalam sejarah Islam telah memainkan peran penting dalam membimbing dan mengatur hubungan, kegiatan dan kebijakan dari negara-negara Muslim dalam memenuhi Maqasid al-Syari'ah. Seiring waktu, ilmu ini menjadi konservatif dan kelebihan beban dengan umum aturan syariat, dan dengan demikian kekurangan membangun sistem yang kuat perumusan kebijakan publik dan analisis sebanding dengan berkembang dengan baik sistem kebijakan publik konvensional saat ini. Sebagian besar literatur tentang al-Siyasah al-Shar'iyah, dulu dan sekarang, masih membahas subjek dalam prinsip-prinsip umum syariah. Tulisan ini mengadopsi konten dan tematik analisis untuk mengembangkan SS kerangka teoritis. Ini telah menggunakan kerangka kerja baru untuk menyajikan kasus kebijakan di Turats Islam secara ilmiah. Setelah halus, kerangka SS baru dapat digunakan untuk analisis kebijakan publik kontemporer dari perspektif Islam. Makalah ini telah menetapkan arah baru untuk menyajikan SS ilmiah yang sesuai analisis kebijakan publik kontemporer.*

Kata kunci: *al-Siyasah al-Shar'iyah, al-Maqasid, Kerangka, Analisis Kebijakan, Masalah Ekonomi*

1. INTRODUCTION

S*iyasah* is an Arabic word that denotes the art of government administration or politics while *Shar'iyah* in this context reflects public policies conforming to Shari'ah principles. Hence, *Siyasah Shar'iyah* [SS], can be defined as “government administration based on political guidelines and public policies that conform to the objectives of the Shari'ah or al-Maqasid”. Notwithstanding the political ism of SS its policy ramifications broadly extend to include, financial, economic, legal and social activities, among others. SS ensures public order, socio-economic, spiritual and moral developments for the Maslahah of mankind.

The science of al-Siyasah al-Shar'iyah (SS) in Islamic history had played significant role in guiding and regulating the relations, activities and policies of Muslim states towards meeting Maqasid al-Shari'ah. Over time, this science became conservative and overloaded with general Shari'ah rules, and thus deficient of establishing a robust system of public policy formulation and analysis comparable to the current well developed conventional public policy system. Most of the literatures on al-Siyasah al-Shar'iyah, past and present, still discuss the subject within the general principles of the Shari'ah. The present paper adopts content and thematic analyses to develop SS theoretical framework that can be used to present policy adoption in our Turath in a scientific manner and at the same time the new SS framework can be further refined in future and used for contemporary Islamic public policy analysis. The study makes use of current economic issues and cases and adapts conventional public policy analysis process to illustrate the steps in the SS framework, namely policy problems structuring, policy formulation, policy adoption, policy implementation and policy assessment.

The paper is divided into five sections including the introductory section. The second section presents a definition of

SS. Section three provides overview of SS in Islamic history and the issues. The fourth section develops the SS framework and shows how the new framework can be useful in presenting public policy cases in our Turath scientifically. The final section concludes the study and makes suggestions for future research.

2. DEFINITION OF SS

Siyasah Shar'iyah is a compound word comprising Siyasah and Shar'iyah. The root of "Siyasah" is the Arabic words "Sasa", "Yasusu" and "Siyasatan" which carry the meaning "to take care". If the word is used for human affairs, it means "to administer their affairs" (Bustani 1956). Hence, the word "Siyasah" will mean "the art of government" as derived from the saying (hadith) of the Prophet s.a.w. narrated by al-Bukhari (1987) and Muslim (1990):

“كانت بنو إسرائيل تسوسهم الأنبياء”

“The Children of Israel were administered by the prophets”

Al-Qistilani and al-Imam al-Nawawi interpreted the hadith as: “the Prophets managed the administrative affairs of the children of Israel in the manner other leaders of other nations manage the affairs of their own citizens” (Thaib, 1998). Furthermore, based on this hadith, the majority of classical Muslim scholars defined Siyasah as “the art of governance” that all government policy makers must possess.

Along this line, Ibn Manzur [1955], a lexicographer of the eighth century after Hijrah defines Siyasah is managing something in a befitting manner

[“السياسة القيام علي الشيء بما يصلحه”]

Al-Ghazali (1988) was of the view that the knowledge of Siyasah is a societal obligation and means for achieving the pleasure of Allah in this world and hereafter. Thus he defines Siyasah:

استصلاح الخلق بارشادهم الى الطريق المنجى في الدنيا ["والآخرة"

"Pursuing the welfare of the people by guiding them towards the straight path of success in this world and in the hereafter".

According to Ibn Khaldun (n.d.) Siyasah is to govern the people based on the Shari'ah in order to fulfill their legitimate interests in this world and in the hereafter:

حمل الكافة على مقتضى النظر الشرعي في مصالحهم الآخروية والدينية]

Ibn Nujaym (n.d.) opines Siyasah is:

فعل شيء من الحاكم؛ لمصلحة يراها، وإن لم يرد بذلك الفعل ["دليل جزئي"

"It is the decision of a ruler on something he sees as public interest even though such a decision is not based on any specific Shari'ah evidence or rulings."

In the view of Ibn Aqil (1990), Siyasah is :

ماكان فعلا يكون معه الناس أقرب إلى الصلاح وأبعد عن الفساد، وإن لم يشرعه الرسول صلى الله عليه وسلم ولا نزل به وحى.وكيفها بأنها "ما وافق الشرع وليس ما نطق به الشرع

"Siyasah Shar'iyah is an act by which people become closer to righteousness and distance themselves away from mischief, even if that act was not prescribed by the Prophet s.a.w nor did it come

from revelation. What is pertinent is for the act to conform to the Shari'ah not that it was mentioned by the Shari'ah”.

In a more general definition, al-Maqrizi (1980) referred to Siyasaḥ as an act of executing good purposes. He divided Siyasaḥ into two categories, namely, “just or good governance” that follows the principles of the Shari'ah and thus SS and, the second category is opposite to SS. It is known as “bad or unjust governance”, or al-Siyasaḥ al-Zalimah. Fathi Uthman (1979) views SS as a practice that relates to administration, constitutional law, government authority including the ruler [caliph], consultative member [ahlul-halli wa al-Aqdi], right of the individual and public interest (Maslahah ‘Ammah), among others. Khallaf (1956), a contemporary Muslim scholar, defines SS as “a flexibility given to a person in authority to make judgments and take actions based on the needs of the community (Ummah), as long as the judgments and the actions were not against any Shari'ah principles.

Based on the definitions given by the various Muslim scholars above, it can be concluded that SS is,

“Any decisions and measures taken by the rulers/leaders to manage government institutions and state resources for the interests and benefit of the public [Maslahah] in this world and in Akhirah. The decisions and measures may not have direct evidences or bases from the Quran or Sunnah. But they must conform to the Shari'ah and ensure the preservation of its objectives. The implementation of the decisions and measures will vary with time and places”.

The definition of SS from the Islamic perspective has some resemblance to the definition of politics from the conventional perspective. For example, the Greek concepts of “Politikos” relating to citizen affairs and governance, Plato’s idea of just city-

state and just man in “Republic”, Aristotle’s political economy and, the modern definition given by the Cambridge Dictionary (2015), “the activities of the government, members of law-making organizations or people who try to influence the way a country is governed”. On the other hand, however, fundamental differences still exist between the two perspectives in the sense that SS is value laden. It is based on the Shari’ah, aspires to achieve Maqasid and Maslahah is extended to the hereafter.

3. OVERVIEW OF SS IN ISLAMIC HISTORY AND THE ISSUES

Public policy as a concept developed throughout the Islamic history as part of the development of the Islamic state as a whole. Starting from the early days of Islam, during the time of the Prophet s.a.w. Divine Revelation was the chief source of public policy. The Prophet s.a.w. faced several practical issues, which required policy prescriptions from the Islamic perspective. In the absence of any antecedents, it was natural that the Prophet s.a.w had to rely on Divine instructions in the form of revelation. There were times when he s.a.w. had to initiate measures through Ijtihadat, which were later validated by revelation. The small size of the Muslim community at that time allowed the Prophet S.a.w. to engage directly and in most cases promptly in formulating policy measures on current issues. The following are some selected incidents upon which the Prophet s.a.w. was guided by revelation to initiate public policy measures.

Before Zakah was imposed in the second year of al-Hijrah, several voluntary Sadaqat verses were revealed to encourage giving behavior among the Muslims [23:4, 27:3], caring attitude especially towards the poor relatives [2:215] and self purification of love for excess wealth [9:103]. During that period, the Prophet s.a.w. adopted a policy of establishing voluntary institutions such as Waqf, grants and gifts. Upon the imposition of Zakat, the policy

focus became macro in nature such as emphasis on productivity [30:39], equitable distribution of income and wealth [9:60, 59:7], rights of the poor and destitute [9:60, 51:19], among others. Another example is the initiative by Prophet s.a.w. to establish al-Hisbah as an important religious and socio-economic public policy institution. The primary objectives of al-Hisbah were enjoining good [Al-Amr Bi al-Ma'ruf] and forbidding mischief [al-Nahy anil Munkar]. It conducts routine inspections in the community, particularly the markets, receive public complaints and formulate policies to advance the welfare of the Ummah. Its market functions included the checks on market imperfections such as monopoly, fraud and manipulations, ensuring the provision of basic needs and fair wages in the market. It also ensured that the public sector was run efficiently (Khan, 1982).

In summary, the following can be said about the steps in public policies during the time of the Prophet s.a.w.:

1. Policy problems were clearly defined
2. Policy prescriptions were either directed through revelations or formulated by the Prophet s.a.w himself through consultations with his companions
3. Policies formulated were adopted and implemented immediately
4. Policies directed by revelations and hence implemented were not assessed due to the strong belief that any directives from Allah were perfect. However, policies implemented through the Ijtihad of the Prophet s.a.w. were reviewed though seldom. For instance the incident related to the use of cross pollination in the cultivation of dates. The Prophet s.a.w. advised the companions to abandon their role as agents of pollination in favour of self pollination. But upon realizing decline in production due to

the previous policy, he reversed his decision in favour of the previous prevalent practice of cross pollination.

During the period of the four righteous Caliphs, public policies related to SS were formulated through *ijtihadat* based on the two primary sources of al-Quran and al-Sunnah. This was in addition to secondary sources notably the Shura and the *ijma* of the Prophet's companions. Besides these sources, the Caliph's theoretical and practical knowledge, in-depth knowledge of al-Maqasid, piety, intuition and good sense of judgments were very critical for taking appropriate decisions and measures when faced with current issues. Historical records bear testimonies that most of the policies prescribed by the four righteous Caliphs have far reaching impacts on the welfare of the Ummah at every generation. Here are few cases to substantiate this claim.

The first Caliph Abu Bakr al-Siddiq r.a. decided to fight the Arab tribes who intended to decline paying Zakah after the death of the Prophet s.a.w. The decision was very significant to disallow the state disintegrating into political chaos, loss of revenue and above all violation of one of the pillars of Islam - Zakah.

The second Caliph, Omar ibn al-Khattab extensively used the concept of SS in many public issues. With the expansion of the Islamic state across the Arabian Peninsula to include Iraq, sham and Egypt, the Caliphs appointed *walis* (governors) to preside over the affairs of Muslims in the new expanded territories. Those appointed in the position of *wali* were assumed to be just and fair to the public and honest in implementing public policies. To facilitate direct communication between the Caliphs and the citizens under the administration of the *walis*, Caliph Omar established a department known as *diwan al-mazalim*. This department is specialized to look into the complaints of ordinary people against the government' officials including judges,

governors, tax collectors, etc. (Abu Harbid, 2009). Omar r.a. used to gather all his *walis* during hajj days and encourage people with complaints to gather and raise their complaints (Hammad, 1430-31.H). The concept of *diwan al-Mazalim* extended until the Abbasi Era. It was a significant institution that solicited feedback from the public on public policies particularly those related to abuses by government officials (al-Sarjani, 2010)

Other examples of SS implemented by Omar r.a. included the suspension of the share of *muallafah qulubuhum* (new Muslims) from the recipients of Zakah, and the suspension of the *hadd* of theft in the year of *mja'ah* (famine). The share of Zakah for new Muslim recipients were suspended because Omar r.a. argued that Islam was then in a strong position and hence there was no need to spend money to win over new converts to strengthen the position of the Muslims. As for suspending the *hadd* on theft, the Caliph observed that people were forced to resort to stealing because of survival need due to the worst economic situations. Implementing the *hadd* would be unfair as many people would end up losing their hands for situations beyond their control.

Another important measure undertaken by Omar r.a. was the policy related to the Conquered land of Iraq. It was a normal practice at the time of the Prophet s.a.w and Abu Bakar r.a. to distribute conquered lands among the soldiers. When Iraq was conquered, Omar Ibn Al Khattab made exception to the practice regarding the land. He thought if the conquered land were distributed among the Muslim soldiers, the share of each individual soldier would be excessively high (Qlaji, 2000) thereby creating extreme income inequalities among the Muslims. He consulted Ali Ibn Abu Talib r.a. on the matter and the latter agreed with Omar r.a. that the Iraq lands remain as assets for the entire Muslims. Accordingly, Omar r.a. reserved the lands and levied taxes called *kharaj* on them. Omar r.a. was quoted as saying: "I

swear by Allah who controls my soul, were it not for the fear of depriving future generations of the Ummah, I would have distributed every land I conquer in the same manner as the Prophet s.a.w did with the land of Khaibar. Instead, I leave such lands as a reserved public asset for the entire Muslims" (Kahf, 1987). Therefore, the underlying objective of Omar's policy was to maintain the land of Iraq as a source of annual revenue for the benefit of the contemporary and future Muslim generations.

Other examples of SS by Omar r.a. included the establishment of Hisbah institution and widening its role [Ibn al-Qayyim, 1961] and the treasury or Bait al-Mal. This is in addition to the establishment of *Iqta* or Individual ownership system. The *Iqta* conferred proprietary rights on the beneficiaries such that it became *iqta tamlik*, where the owners were free to use the land in any way they liked. Besides the *Iqta*, *Hima* or collective land-ownership system was created to grant land ownership to one or more tribes.

The following salient points can be deduced about SS during the era of the Caliphs:

1. Similar to the time of Prophet s.a.w., policy problems were clearly defined
2. Policy prescriptions were formulated by the Caliph through consultations or Shura with the other companions, and decisions were often reached through consensus or Ijma. In the absence of consensus, the Caliph will exercise his wisdom and intuition
3. Policies formulated were adopted and implemented immediately.
4. Policies were sometimes reviewed in the light of new developments. For example, an amendment of public policy was undertaken by Omar r.a. with regard to the tax imposed on Ahl al-Jizyah (Christians and Jews living in Muslim lands). Al-

Suyuti, Ibn al-Qayyim and others (<http://fatwa.islamweb.net>) reported that Omar r.a. saw a man begging, and upon inquiring from the beggar, he found out that the man was a Jew begging to pay his obligation of Jizyah (tax). Omar r.a. then said to the man, “by Allah we could not done justice to you if we took tax from you when you were young and yet we do not care about you when you are now an old man” Then Omar ordered his men to pay the beggar regular allowance (pension).

5. The Caliphs employed a policy approach that Dunn (1994) as cited by Elssa and Ambali (2012) referred to as Argumentation. This approach to policy formulation includes justification of the authorities whose wisdoms are generally recognized, and the intuitive mode based on trusting the insightfulness of the policy makers. Furthermore, this approach includes arguments based on cause and effect and on ethics or value critical mode.
6. SS was not based on well defined framework. Rather, policy formulations largely relied on the wisdom and insightfulness of the Caliph coupled with the consensus of the companions and feedback from the public.

After the era of the Caliphs, SS still did not exist as a separate discipline in Islamic intellectual discourses. Hence, one does not find any reference to it in the earliest Islamic literature. Most of the Muslim jurists such as al-Imam al-Shafi, Abu Yusuf and Abu Hanifah did not take SS as a special branch of knowledge. They discussed Islamic political science in their works under certain chapters of Islamic jurisprudent (*fiqh*). For example, al-Imam al-Shafi discussed the rights of citizens who became prisoners of war in his al-Umm in the chapter of “*ahli dar al-harb*” [citizens of the territory of war], and the discourse on the rights of citizens who are not from Muslim territory but whose countries have agreements with Muslim territory in the chapter of “*ahl dar*

al-'ahd' [citizens of the territory of truce], while the discussion on the rights of non-Muslim citizens in a Muslim territory were put in the chapter of "*diyatu ahl al-dhimmah*". In fact, al-Shafi also discussed international relations (Khallaf 1956). Abu Yusuf adopted the same methodology placing his discussion on the "Concept of Sovereignty" in the chapter "*al-hakimiyyah*" in his work of "*al-kharaj*". He also emphasized the problem of political representation under the title of "*al-shura*". Similar discussions by other Muslim scholars were grouped in a chapter titled "*al-imamah*" (Abdi 2000).

In the classical period of Islam, Muslim jurists (*al-fuqaha*) in particular and Muslim scholars in general were never challenged outside their circle, with the growth in Islamic thinking. They were regarded as the only group of leaders who could be consulted on any problems that arose. This resulted in Islamic political science or SS discipline remaining in its classic form in terms of structure and methodology, placing it as a general sub-discipline of Islamic jurisprudence "*al-ahkam al-shar'iyah*". Hence, jurisprudential tools like Maslahah, al-Istihsan, al-Masalih al-Mursalah, Saddu al-Zarai, al-'urf and al-Istishab were used ostensibly in wholesale as a methodology of SS justifying historic policy decisions.

During the period of the 11th and 14 centuries of the classical period of Islam, however, there emerged several Muslim scholars who worked towards making an Islamic political science (SS) as a systematic system of governance and administration. Prominent among these scholars were al-Imam al-Mawardi with his work "*al-ahkam al-sultaniyyah*" and al-Imam Ibn Taimiyyah with his book "*al-siyasah al-Shar'iyah fi islah al-ra'i wa al-ra'iyyah*". In this book al-Imam Ibn Taymiyyah explains the obligations of the ruler and the Ummah's responsibilities towards the Ruler. The Shaykh also explains the principles by which to select the best Ruler according to Shari'ah. These two scholars

were the first to discuss Islamic political science in a comprehensive and systematic way as a separate discipline in Islam. Then Ibn al-Qayyim also contributed towards the effort with his work “*al-turuq al-hukmiyyah fi al-siyasah al-shar’iyyah*” (Thaib 1998). Through the use of the new term of “*al-Siyasah al-shar’iyyah*”, Islamic political science became more comprehensive and was recognised as a separate discipline in the hierarchy of Islamic sciences. Despite these commendable efforts, SS was not developed hitherto into a policy analysis framework as is the case in the western literature.

4. DEVELOPING SS FRAMEWORK FOR PUBLIC POLICY ANALYSIS

4.1. What is Public policy?

The conventional literature provides several definitions of public policy. For example, (Parsons, 1996; Cochran, 1999 and Jenkins, 1993) as cited by Elssa and Ambali (2012). The present paper adopts a definition quoted by Anderson (2000) as cited by Elssa and Ambali (2012: 4) that, "A policy is a proposed course of action within given environment providing obstacles and opportunities, which the policy was proposed to utilize and overcome in an effort to reach a goal or realize an objective or purpose". This definition is broad and has many elements that conform to the definition of SS provided earlier in section 2 of this paper. For example, both definitions have emphasized course of action, environment, obstacles and opportunities and objective or purpose.

Furthermore, Elssa and Ambali (2012) elaborated that the word policy connotes four things:

- 1) setting of objectives
- 2) setting of priorities
- 3) description of plan of action and
- 4) specification of decision rules and procedures

All these four connotations are discussed in the literature of SS. The first connotation relates to Maqasid al-Shari'ah as discussed in section 2 above. The second relates to the levels of Maqasid: necessities, complements and embellishments, coupled with the preservation of the five essential elements, namely al-Din, al-Nafs, al-'Aql, al-Nasl and al-Mal. as for the fourth and fifth connotations, several examples can be cited from the SS measures taken by the Prophet s.a.w, the four rightly guided Caliphs and the succeeding generations. Citing the example of measures taken by Omar r.a. regarding the conquered land of Iraq as discussed in page 5 of this paper above. Table 1 below relates the four policy connotations to the measures taken by Omar r.a.

Table 1: Policy Measures Taken by Omar r.a. on Conquered Land of Iraq

No	Policy	Measures taken by Omar r.a.
1	setting of objectives	Equitable distribution of income and wealth
2	setting of priorities	Future generation
3	description of plan of action	Nationalize land and impose agricultural tax (Kharaj)
4	specification of decision rules and procedures	Based on rules and procedures related to Maqasid al-Shari'ah, Shura and Ijtihad

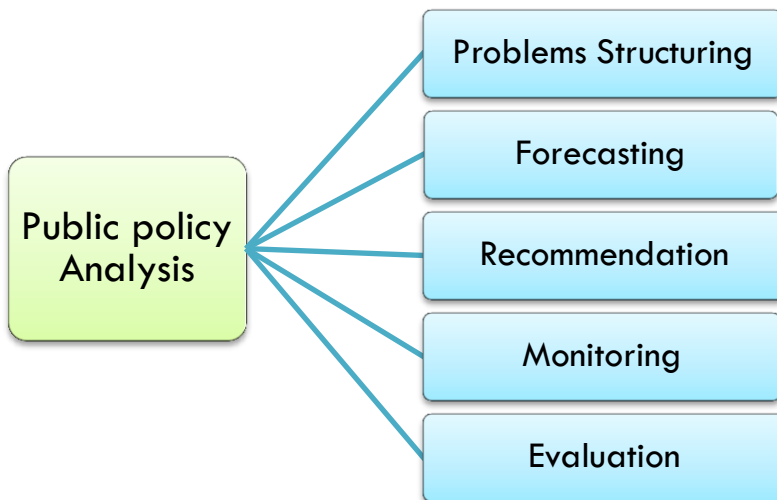
4.2. Public policy Analysis

This is a very important procedure that needs to be undertaken to analyze the effectiveness of policy implementation.

That is, whether the policy has met the objectives set, and from the SS perspective, this objective must be in line with al-Maqasid.

According to Dunn (1994), public policy analysis process comprises five steps, namely problems structuring, forecasting, recommendation, monitoring and evaluation. The five steps are conceptualized in Figure 1 below.

Figure 1: Steps in public Policy analysis



4.2.1. Problems Structuring

This is the most significant step in public policy analysis. It involves problem identification, problem definition and problem modeling (Dunn, 1994). According to Elssa and Ambali (2012), normally sources of problems identification include 1) dramatic events that cause public panic such as earthquakes and terrorist attacks, 2) mass media publicity that influences public opinions, for example a story on corruption by top officials, 3) public opinions especially during elections and 4) expert opinion related to specific issues such as air quality, epidemics, etc. In problem identification, the views of the various stakeholders must be taken

into consideration. However, these problems are also susceptible to varying perceptions among the stakeholders. For instance, in the case of the conquered land of Iraq discussed above, the companions had varying opinion about the policy measures taken by Omar r.a. Some companions opined that the previous practice of earmarking conquered land to individual soldier was a directive from the Prophet s.a.w and hence was not subject to change. While Omar r.a. and other companions were of the opinion that the directive from the Prophet s.a.w was contextual; to provide source of livelihood for the soldiers so that they could remain focus to their mission of Jihad. Another typical example today is the policy on minimum wage cope with inflation, which employees welcome but is seen as extra cost by the employer.

Meanwhile problem definition is to formulate the problem in a more concrete detail with possible potential solutions. Quantitative and qualitative data are normally used to express the size of the problem. For instance, take the case of the recent Ebola outbreak in West Africa. Policy makers defined the problem in terms of the number of people affected, their demography, the amount of losses and the extent to which it is contagious, among others. In many cases, it is important to identify critical factors, that is, factors that are the primary causes of the problem. Good policy questions will help policy makers to formulate workable problem statement. Such questions will include: what is the magnitude of the problem? What are the efforts that were made in the past to resolve the problem? How does the problem fit in the macro problem? There is also a need at this stage to set policy goals, objectives and evaluation criteria. Policy makers should involve all the experts and related parties to crystallize the problem. This approach of Shura and Ijma was common among the companions of the Prophet s.a.w.

Problem modelling is done by identifying the key variables to the problem. Such variables can be both qualitative and quantitative. Most importantly, these variables should be measurable. For example, again taking lesson from the measures taken by Omar r.a. related to the conquered land of Iraq, the variables involved included income level, income redistribution or transfer, national savings and tax revenue (Kharaj).

4.2.2. *Forecasting*

Forecasting is essentially about policy formulation. Good policy formulation must visualize how the future is going to look like if the policy is implemented. If policy makers do not foresee changes resulting from such policy, then this is considered a static outlook. For example, in the areas of computer technologies, many companies that do not forecast the future properly find their products obsolete. According to Dunn (1994) as cited by Elssa and Ambali (2012), forecasting is “an attempt to form good idea about what the future would be like concerning problems and variables of interest on the basis of prior information about policy problem” (p. 46). Three possibilities may occur about forecasting the future: potential state of the society with varied possibilities if the policy is adopted, plausible future state of affairs if the policy is not adopted and finally is the normative or ideal state of affairs which policy makers wish to see prevailing in future. Today there are several advanced forecasting techniques, both quantitative and qualitative. Quantitative techniques include econometrics models such as simple or multivariate regressions and structural equation modelling. Notwithstanding the quantitative techniques, not everything can be quantified and sometimes unavailability of data can render the quantitative technique ineffective. Hence, policy makers resort to judgemental qualitative forecasting technique. It requires systematization of information and wise and vast experience of the policy maker. Some of the techniques used in qualitative forecasting include, 1) visionary forecasting usually

made by prominent individuals with high level of intuition and expertise, 2) brainstorming that is done in a form of a meeting where participants critically debate on policy issues, 3) Analogies are used when policy makers compare present and future scenarios using historical facts and similar variables, 4) panel consensus forecasting is a form of focused group discussion among panel of policy experts and 5) the Delphi method is similar to the focus group study but in this case the experts are approached individually and they are anonymous to one another. Evidences from Islamic heritage show that most of the policy makers of SS used the qualitative forecasting technique particularly the visionary forecasting, brainstorming, analogies and panel consensus forecasting.

4.2.3. Recommendation

Recommendation corresponds to policy adoption. At this stage, policy makers should compile all the relevant data that will allow them to adopt policy from alternative choices available. Before recommending a policy, policy makers must evaluate these alternatives properly. Such evaluations include how effective could a given alternative best solve the policy problem; how efficient will a given resource be used in the process and how clear are the multiple goals set? Cost and benefit analysis must be taken into consideration. The focus should not only be on the quantitative aspect. Qualitative cost-benefit analysis is equally important to measure all the consequence of the policy being adopted. Emphasis should also be given to shadow pricing – cost on the society as a whole as compared to the narrow economic cost. In Islamic Turath, the equivalence of cost-benefit analysis is the Maslahah-Mafsadah analysis.

4.2.4. Monitoring

This denotes policy implementation. The policy makers must ensure the availability of the necessary resources to facilitate

the implementation of the policy. Hence policy makers need to observe two criteria: how effective is the implementation towards achieving the desired objectives, and how adequate are the resources available in implementing the adopted policy? Policy makers should also take into consideration the participation of the relevant stakeholders to ensure effective policy implementation. This step is obvious in most policy measures in our Turath. In fact it cuts across many sectors. For example, Muslim leaders would ensure the criteria of effectiveness and adequacy and stakeholders' participation before they went to wars.

4.2.5. Evaluation

This refers to the assessment of the policies after their implementation, to gauge the extent to which they have achieved *Maslahah* or public interest. It seeks to evaluate the entire processes across the five steps of public policy analysis. It also gives room to the policy makers to heed lesson from how the resources were utilized and whether there are rooms for improvement. According to Elssa and Ambali (2012, p. 99), policy evaluation raises questions such as: what are the goals and objectives of the program? Who are its target population? Are program benefits reaching the target population? Does it comply with its legislative design? How effective is it in achieving envisioned objectives, and at what cost? Is it an efficient worthwhile use of resources? Policy evaluation is categorized into three, namely process evaluation, impact evaluation and meta-evaluation.

Process evaluation looks at how the program was designed and implemented and how services were delivered to the public. Thus, it evaluates the methods and strategies used in achieving the program, and the efficiency and effectiveness of the administrators. Meanwhile impact evaluation focuses on the end results. It is usually analytical. It examines the cause and effect

and tests the hypotheses. Meta-evaluation looks at the trend in evaluation literature in the same area. In this sense, it is similar to literature review.

Our policy makers in the Turath have used the first two approaches in policy evaluation, namely, process evaluation and impact evaluation. With regard to process evaluation, we can cite the examples of the institutions of al-Hisbah and *diwan al-Mazalim* that we had discussed earlier. Through these two institutions, policy makers are checked by the public in terms of how they utilized the resources in achieving their programs and they were also evaluated on the efficiency of their administration. On the other hand, Muslim leaders evaluated the impact of their programs, using both quantitative and qualitative method. This can be substantiated by the case of policy measures that the Prophet s.a.w took in relation to the practice of cross pollination (see no. 4 page 4 above).

5. CONCLUSION

Islamic Turath is rich in SS public policy implementations at every stage of our history. However, the way these policies are presented in our books, particularly the Fiqh books, make them legalistic and thus detached from the various socio-economic and political dimensions they embody. This also denies the Ummah the chances to treasure and appreciate these legacies. This paper therefore suggests a new approach to presenting the SS in the Turath. The proposed SS framework once further refined will present SS in a way that is appealing to policy makers, scholars and students of contemporary sciences.

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