

The Principle of *Shura* and the Role of the Umma in Islam

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Muslims, or at least the vast majority of them, have been very vocal about the necessity of establishing an Islamic state in the world, or, if it is not possible, to set up a unitary Islamic state, at least, several Islamic states. The idea of an Islamic state has many implications touching both the form and the substance of the state and raising questions like unity and multiplicity of such states, the nature of legislation and source of power and whether or not it ought to be a democracy. In this paper, I shall discuss only this last question which immediately concerns only the form of the state but which has obvious far-reaching consequences for substantive issues as well—for example, the source of power and the nature of legislation.

But, although Muslims have been very anxiously expressing the need for an Islamic state, there is little consensus on any of the basic matters mentioned above, the least on the issue to be discussed in this paper, viz., the form of an Islamic state. Yet, the absolutely fundamental importance of the issue cannot be denied since it centrally involves the question of the Muslim Umma and the nature of its role in an Islamic state. We will first try to delineate the bearing that the teaching of the Qur'an has on the subject, then briefly characterize both the views of the classical Muslim jurists and the practice of the historic community. Then, we will give the essentials of the current positions and, finally, indicate our conclusion.

The Qur'an formally announced the establishment of the Muslim community in Madina in connection with three events: the declaration of the incumbency of the *Hajj* of the Ka'ba upon Muslims, the declaration of the duty of *Jihad* and the change of the *Qibla* from Jerusalem to the Ka'ba. We will not go here into the question of the timing of these events because it has no direct bearing on our present problem. It is sufficient to point out that the pilgrimage was the first to be announced, then probably came *Jihad* and then the change in the *Qibla*. Be that as it may, the *Hajj* and *Jihad* are treated in close proximity to each other in Sura 22 (*al-Hajj*), while the *Hajj* and the *Qibla* change appear close to each other in Sura 2 (*al-Baqara*), the two Suras being contemporary or closely

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approximate in time. All the three events are mutually closely connected.

It is also quite obvious that all these three have a direct bearing on the community's life and constitution. And it is, therefore, hardly surprising but perfectly natural that in both places the Qur'an talks about the Umma and its task and function. The function of the community is proclaimed by the Qur'an to be a "median community" so that it can be a "witness upon mankind", i.e. mediate their extreme positions and balance these out: "And even so have We appointed you as a median community that you may be witness over men" (II, 142). Most probably what the Qur'an has immediately in mind is the middle position or balancing effect of the Muslim community as between the immobility or rigidity of Jewish particularism on the one hand and the excessively "accommodating" nature of Christianity on the other. But, of course, this immediate objective of the Qur'an can and must be extended by the principle of *qiyas* to other extremes, for example, that between Communism and Capitalism. The term "witness" here, as the Qur'an commentators remind us, has reference to the balance of the two sides of a scale. The idea, then, is that Muslims are the scale or the judge whereby extremes are to be determined and they are also the modifiers whereby those extremes are to be smoothed out. The former is an intellectual or diagnostic function, while the latter is an operational one.

Verse 40 of Sura XXII states, "Those (are Muslims) who, when We give them power on the earth, shall establish prayers, pay *Zakat*, command good and prohibit evil—and to God belongs the end of the affairs." Verse 110 of Sura III says to the same effect, "You are the best community produced for the humankind for you command good and prohibit evil, and you believe in God." The task of the community, then, is to establish on the earth an order by effectively prohibiting evil and commanding good on the basis of belief in a one and unique God. That this order will be a socio-political one but erected on a valid and viable ethical basis is, I think, obvious from the wording of both these passages of the Qur'an. In fact, the task of establishing such an order and the functioning of the community as a "witness" over mankind are fundamentally interdependent and neither is possible without the other.

The verses cited above talk about the role of the Muslim community in the world at large; they do not talk about the internal constitution or structure of the Muslim community. However, verse 103 of Sura III has often been interpreted as referring to the internal structure of the community. The verse reads, "Let there be of you a community who call (people) to virtue, command good and prohibit evil—these shall be the successful ones." Here, the words "Let there be of you a community" are, so far as the Arabic is concerned capable of meaning either, "Let you be a community" or "Let there be *from among* you a community or a group." Often taking the words in the latter sense, it has been contended that the Qur'an is here referring to the group of learned ones among Muslims, the

religious leadership whose task it is to call people (Muslims) to righteousness, command good and prohibit evil. It is difficult to see, however, how the Qur'an could confer upon the religious leadership the duty and the privilege of commanding and prohibiting. Since in the other verses discussed above, this phrase refers to a general socio-political function, it is hardly likely that here it refers to religious leadership. It is far more likely that this verse, like the other two, also refers to the task of the Muslim community on the globe, viz., of building an ethically based socio-political order on the earth.

There is no doubt that the Qur'an envisages and calls upon Muslims that they produce such people from among themselves as would develop an insightful understanding of the Faith. "Why should there not turn up from every division (of Muslims) a group in order that they might understand the Faith deeper and, when they return to their people, they might admonish them so that their brethren can also improve their conduct by desisting (from possible mistakes)"—IX, 122. It is obvious enough from this verse that the task of the religious leadership is to acquire a deep understanding of the Faith and then to teach and preach it. If this function can be called "commanding good and prohibiting evil" in some sense, then they can be called "People who command good and prohibit evil," but this does not apply in any meaningful sense in which the community as a whole has been given that title or the sense in which the duly constituted political or administrative authority in Islam has been called "ulu'l - amr" by the Qur'an (IV, 59: IV, 83).

Indeed, the task devolving upon the religious leadership is double, viz. the acquisition of correct and meaningful knowledge of the Faith and its diffusion through teaching and preaching. They do not constitute an elite any more than does any other functional group vis-a-vis the community. Indeed, in the eyes of the Qur'an the idea of elitism is so abhorrent that it explicitly and unequivocally states that all Muslims (= mu'mins) are the bearers of the responsibility of "prohibiting evil and commanding good," including both men and women. "Believing men and believing women are friends and supporters of each other; they command good and prohibit evil, establish prayers, pay *Zakat* and obey God and His Messenger—these are the ones upon whom God is going to have His mercy; God is mighty and wise" (IX, 71).

Since this verse speaks about the mutual support and friendship of Muslims, it certainly can be seen as regulatory of the internal relationship within the community. But here "commanding good and prohibiting evil" is stated to be the duty and privilege of every Muslim male and female. There is not the slightest suggestion of an elite that can arrogate to itself this particular function either in the name of superior knowledge, understanding or wisdom. This is both a re-statement and corroboration of what the Qur'an often states to be the sole basis of mutual relationships among Muslims as members of the community, viz. active good will for and cooperation with each other. "Those who believe

and mutually admonish each other with steadfastness and mutual mercy" XC, 17). Again, "Those who believe, do good works and support each other by admonishing with the truth and with steadfastness" (CIII, 3). On cooperation, we have in Sura VI, verse 2, "Cooperate on the basis of goodness and warning each other against moral peril and do not cooperate on the basis of wrong-doing and transgression." The Qur'an had prohibited secret cliquing of groups that schemed against others, particularly against the Prophet and his policies. These were the "Hypocrites" and their fellow-travelers. In LVIII, 8, the Qur'an reiterates its prohibition on secret cliquing and then goes on in verse 9, "O believers, if you do hold private and secret meetings, do not plan on the basis of wrong-doing and transgression and disobedience of the Prophet, but plan on the basis of righteousness and warning each other against moral peril." My point in bringing these verses is that the Qur'an envisages the Muslim community internally as a perfectly egalitarian, open society based on good will and cooperation, without elitism and without the mentality that generates secret conspiracies. Of course, the anti-Islamic prohibitions on conducting the community's political or other aspects of life in the open daylight and, therefore, forcing people to hold secret meetings is condemnable by the self-same verses of the Qur'an, no matter how self-righteously these prohibitions are clamped upon the community in the name of Islam or in the name of patriotism. Both such secret meetings and such bans are utterly in opposition to what the Qur'an envisions to be the internal life of the community, viz. an open, egalitarian society of active good-will and cooperation. Quite apart from the fact that such bans are manifestly anti-Qur'anic, they are, of course, counter-productive and self-defeating as repeated experiences have shown. How many Muslim countries today can claim to be such open societies? In the interests of the solidarity of the community, such measures may well be resorted to on a very temporary basis, but to make it a permanent or semi-permanent device flies directly into the face of the Qur'an.

The points we have made so far are (1) that the Qur'an has defined the task and the function of the Muslim community, viz. to erect a certain kind of social-political order on the earth and to balance out extremes on the globe, (2) that so far as the internal life and constitution of the Muslim society is concerned, it is relentlessly egalitarian and open, smacking of no elitism and no secretism, and (3) that the basis of the internal life and conduct of society is mutual active good-will and cooperation. The Qur'an tolerates *no* distinction between one believer and another, male and female, in their equal participation in the life and conduct of the community and in *any* aspect thereof. Now, in perfectly logical harmony with this vision, the Qur'an laid down the principle of *shura* guiding the decision-making process of the community. *Shura* was a pre-Islamic democratic institution of the Arabs, whereby the important tribal decisions were made collectively. Normally, it was the elders of the tribe,

representing the member-groups of the tribe who were directly involved in the decision-making process. There has grown, over the centuries in Islam, a terrible misconception as to the nature of *shura* due to misguided and misleading practices and structures adopted from the outside without adapting them to the ethos of Islam. It is widely held that *shura* means that one person, the ruler, consult such men as, in his judgment are repositories of wisdom and then may or may not accept their advice. First of all, this picture totally misconceives the structure *shura* presupposes. The Qur'an states, while talking about the characteristics of the believers, "Those whose affairs are decided by mutual consultation (*amruhum shura bainahum*)" (XLII, 38). *Shura*, then, does not mean that one person asks others for advice but, rather, *mutual advice* through mutual discussions on an absolutely equal footing. This implies directly that the head or the chief executive cannot simply reject the decision arrived at through *shura*.

The circumstances under which the classical doctrine of *shura*, along with the entire doctrine of caliphate developed, producing the misconceptions referred to just now, are essentially historical in nature and cannot be attributed to the Qur'an. So far as the prophetic period is concerned, the mainstay of all authority was obviously the Prophet himself, obedience to whose decisions was expressly and repeatedly made binding upon Muslims by the Qur'an itself. After him, and particularly during the period of the rapid expansion of the domain of Islam, and, of course, due to this very phenomenon, *shura* was an informal affair wherein the Commander of the Faithful consulted an inner circle comprising leading individuals among the companions of the Prophet. Formalization or institutionalization of *shura* into anything like an assembly was made impossible by the exigencies of continuous wars both because of the swiftness with which conquests and subjugation of territories and their people were made and the problems that demanded urgent decisions were military in nature. During the Umayyad rule, these war exigencies were not confined to external expansion but included internal consolidation as well since the entire Umayyad period witnessed incessant rebellions entailing the necessity of politico-military consolidation. Besides, rule by the Umayyad House, altered the very character of the early Caliphate and imposed its own political logic where *shura*, far from facilitating the participation by the community at large, became restricted to those who supported the Umayyad regime. In fact, *shura*, vanished into that very cliquing which had been condemned by the Qur'an—only, this cliquing was the work of the successful group, vis. the rulers. It was the development of an administrative structure which now supplied the link between the rulers and the ruled, only this link worked essentially from the top downward as opposed to *shura* which worked in the reverse.

The institution of *bai'a* or the oath of obeisance for the validation of a new caliph, however, continued to operate during the Umayyad rule.

This period also saw the early development of Islamic law and legal theory at the hands of certain exceptionally gifted and pious individuals who thereby gained prominence and respect in the eyes of the community. The results of this legal creativity were subsequently implemented through the state judicial system during the Abbasid period when legal schools were formed and consolidated. The classical Islamic theory of state also developed during the Abbasid rule. While the Shi'a evolved the doctrine of the infallible Imam as the supreme religious guide and ruler—a doctrine close in spirit to (and probably also in line with) the ancient Iranian ideas of Divine Kingship, the Sunni theoreticians emphasized the elective nature of the Caliph's office and his function being restricted to that of the chief executive of the community. Though they differed with regard to the question of how many constitute an effective electoral college to choose a caliph, they, nevertheless, held fast to the principle of election. The community could wrest its rights from the Caliph in case he usurped them and would not listen to advice and warning, and, indeed, he could also be lawfully deposed.

Those people in whose hands rested the election and advice of the Caliph were generally seen to be men with effective voice in the public. These were called "people of loosening and binding (ahl al-hall wal-'aqd)." Since the principle of *shura* had been abandoned and had not been allowed to develop into a self-sustaining institution, clearly, an appeal to the "people of loosening and binding" was the only alternative under the circumstances. Of course, what basically vitiated the Sunni political institution was the insistence of the theoreticians—for which legitimation was sought from obviously concocted traditions and other dicta—that rebellion even against tyrannical rule was prohibited by Islam. Yet, the only real way to stop rebellions and break-down of law and order—the real reasons behind the Sunni position—was to evolve the principle of *shura* into some practical form. This was not to be. We need not tarry further to consider later political developments, the age of the Sultans and the rise of empires in Islam in the later medieval period. What we have said should be enough to illustrate the yawning chasm between the ideals of the Qur'an and the historical reality where there was no direct participation whatever by the community at large in the affairs of the state. We must now make some relevant comments on the contemporary scene.

Since about the mid-nineteenth century, prominent leaders of reformist thought in Islam have argued that in order to implement Islam in the public sector, rule must be established in accordance with the will of the people. One consideration that weighed particularly heavy with reformers like Jamal al-Din al-Afghani was that without the participation of the people in the government, Muslim states cannot become strong enough to withstand the pressures of the expanding West. Rulers without public support and confidence gave in easily to the

demands of the Western powers. Secondly, for purposes of internal progress and development, without which Muslim states must also remain weak, the willing participation of the people was equally required. Namik Kemal, in his discussion of *shura*, raises more theoretical questions about the legitimacy of rule without the approval of the people: if a person sets himself up as a judge merely on the strength of his own declaration without appointment by a competent authority, his claim is regarded as invalid, but how about a person who declares himself to be a ruler, wages war and peace on behalf of people and levies taxes on them, yet all without their consent?

Both of these considerations, viz. the question of progress and of the legitimacy of rule have obviously basic Islamic relevance. The notion of progress is new, although the idea of the general well-being and prosperity of the people is very old. The notion of progress is a modern differentiation of this idea of general well-being. As for the question of legitimacy, its importance had been fully realized by Muslim political theorists from the beginning. But it is notorious how, pressed by the brute facts of historical realities, these theorists came frankly to recognize the validity of the principle of "usurpation of power" or seizure of rule. Let us try to picture, if we can, the distance between the Qur'anic demand of "rule by mutual consultation (*amruhum shura bainahum*)" and the principle of the validity of usurpation of power. It is in this background that the real Islamic relevance and import of the principle of democracy insisted upon by al-Afghani and Namik Kemal is thrown into bold relief.

The most serious objection raised against the introduction of a democratic form of government by its opponents was that the general masses, being ignorant and unenlightened, cannot be expected to elect the right kind of representatives. And, equally, the representatives chosen by the masses, since they themselves will be, for the most part, ignorant cannot be expected to discern right from wrong and legislate correctly. This objection was, to my knowledge, first advanced by those Turks who sought to defend the imperial power of the Sultan against the protagonists of constitutionalism. To this objection, Namik Kemal gave a general reply that in the various districts (*vilayets*) of the Ottoman realm one can find people with enough wisdom and practical sense to be able to carry on the business of the state successfully. A similar controversy occurred more recently between the Egyptian scholars 'Abd al-Hamid Mutawalli and Muhammad al-Ghazali. Al-Ghazali, replying to the tirade against democracy and general franchise (in his *Mabda' al-Shura fi'l-Islam*), based upon the argument from the ignorance of the masses, insisted that the common man can very well decide whether, for example, a certain war should be waged or not and whether a certain proposed tax is fair or not.

The crux of the matter on this issue, however, came to the fore clearly in the thought of Muhammad Iqbal in his critique of democracy as

practiced in the West. Iqbal was undoubtedly a democrat both in his impulse and his thought (even though, in the recent debate in Pakistan, some people have attempted to underline Iqbal's hope or faith in some kind of a supreme leader or superman expressed in some of his poetic statements); yet he bitterly denounced Western democratic systems. Now, the essence of his criticism of the democracies of the West is that these are secular, i.e. Western societies aim only at accomplishing materialistic ends through their democratic set-ups and the average Western man is devoid of any vision of a higher moral social order. This is precisely what Iqbal means by Western secularism which he perceived developing from the very genesis of Christianity with its principle of "rendering unto Caesar what is Caesar's due and unto God what is God's due."

In the light of this, we are now ready to resume discussion of the point we started out with in this paper, viz. that of the status and role of the Muslim Umma. We have just seen that Iqbal rejected Western democratic systems because of the disorientation of Western societies in ethical and spiritual terms. It is not their democratic forms and processes where they are in error but in their orientations and value systems. Now, this should not be the case with the Muslim Umma which by its very constitution and by definition is charged by the Qur'an with a certain global moral task. It is tragic to see before our eyes the very logic of Iqbal's argument being twisted. All too often our leaders and thinkers are found stating that because Western democracies are in some fundamental way wrong, therefore, democracy is wrong and Islam does not approve of democracy. The fact is that if the Muslim Umma is just like other societies, including the Western, then we must frankly admit that the Muslim Umma is not in existence, since the task that the Qur'an has formulated, it has cast squarely upon the shoulders of the Umma and not upon those of an elite thereof. The most capital mistake made by such leaders is to equate, surreptitiously and *e silentio* the Muslim community and its task with other secular communities and their goals. Is this fair to the Muslim community and its responsibilities? The point I wish to make is that Muslims instead of looking at other communities and peoples and jumping to conclusions by drawing wrong analogies therefrom, must first look to Islam and to their own selves and attempt to put their own house in order. Whether or not other societies have goals and ideals and, if they do, what these goals and ideals are, is not the Muslims' concern *at this stage*.

But, despite what we have said, there are apparent reasons why these mistaken analogies are drawn by so many of our leaders, often *e silentio* as we have stated. The reason is that, although the Muslim community is explicitly charged with performing certain tasks and certain goals, Muslim masses, by and large, are said to be ignorant of these tasks and goals and, because of their lack of proper awareness of the meaning of Islam, have become assimilated to the condition of non-Muslim societies. I

wish to remind ourselves once again that if the Muslim community at large has permanently and hopelessly lost the Islamic vision of life, then we must admit that the Umma Muslīma does not exist. If this is so, then no amount of self-styled elites, political, religious, or intellectual can save the situation for Islam, for the Qur'an has reposed its charge and its trust in the Muslim community alone and does not talk about elites. If, however, there is hope, as the present writer firmly believes to be the case, that the situation can be redeemed by making the community fully aware of the meaning of Islam, then, surely, the first task that devolves upon the Muslim intellectuals and leaders is to attend to the business of the reconstruction of the Umma and its reconstitution in an Islamically meaningful way. This task can neither be avoided nor delayed except on pain of utterly defeating Islam.

It is obvious that this task cannot be achieved overnight, but achieved it must be. We are not here to apportion blame for the derelict state of the Umma among the various segments of the society, particularly governments and the religious leadership. It is a process that has occurred over long centuries and undoubtedly the historical phenomenon of the fast expansion of Islam, without the necessary spiritual adjustments of the converts to the new Faith, is responsible for it. If this task is undertaken in earnest, this will start a momentous remedial historical process in reverse. In the meantime, the participatory association of the Umma, through directly ascertaining the will of the Umma, in decision-making in the political and legislative life of the community can neither be rejected nor postponed. Those who advocate such a course of action are wittingly or unwittingly guilty of rendering Islam null and void, while God wishes to establish Islam on earth.

Let us once again hearken to the already quoted words of the Qur'an: *Wa amruhum shura bainahum*. And let us ponder first of all the phrase "amruhum," *their* affair(s), i.e. the affair does not belong to an individual, a group or an elite, but it is "*their* common affair" and belongs to the community as a whole. Next, let us consider the command: *shura bainahum*, i.e. (their common affair) is to be decided by *their* common and mutual consultation and discussion—not by an individual or an elite whom they have neither elected nor sanctioned. What else is the Qur'an saying except that Muslims constitute an egalitarian and effective community or a brotherhood of equals?