

CONCEPT OF SHŪRĀ IN SUNNĪ ISLAM

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I. Introduction

Nowadays, shūrā is a persistent topic whenever people discuss the Islamic concept of state or democracy in Islam. This is primarily due to the fact that the Qur'ān commands Muslims to manage their affairs through shūrā.

Etymologically, shūrā means to extract honey from the small hollow in the rock in which it is deposited by the wild bees; or to gather it from its hives and from other places.¹ In its technical sense it may be defined as mutual consultation or debate in order that one may see another's opinion.² Shūrā can also be defined as "mutual advice through mutual discussions on an absolutely equal footing,"³ or "a collective endeavour for seeking an objective truth."⁴ The Qur'ān employs the term shūrā in these two latter senses when it asks the Prophet to consult the companions in the affairs concerning community.⁵ This verse (3:159), together with chapter 42, verse 38⁶ lay down the basic principle which guide Muslims in managing their affairs.

Shūrā, as an institution, was not an Islamic innovation. It was a custom dating back to the pre-Islamic era. Before Islam came, the Arab had an institution called *nāḍi* (assembly). It was a tribal council composed of the elders of the tribe. Important matters of the tribe, such as peace, war and security, were decided by mutual consultations in the council.⁷ This tradition was so strongly rooted in Arab society that even the Bedouins conducted their affairs by mutual consultation. Ibn 'Atiyya (d. 993), an early Qur'ān interpreter, related that a Bedouin chief said that he would never be cheated until his people were also cheated, because he would do nothing until he had consulted them.⁸ It is this institution which was reorganized in Islam and was given the name shūrā.

In pre-Islamic Mecca, after the death of Qusayy ibn Kilab, the founder of the confederacy of Mecca, who decided public affairs by himself, supreme authority was vested in a relatively small number of privileged persons whose distinction was based on social status. These persons were the heads of the various clans of the Quraish and of their allies who together constituted the body known as *al-Malā'* (council of elders) or *nāḍi* which regulated the religious, social, political, economic and cultural life of the community. This body decided all matters it chose to consider and their decision was final. All free members of different clans and their allies above the age of forty were al-

lowed to attend the meetings of the council at *Dār al-Nadwah*. But it appears that this age condition was not strictly observed because it was said that Abū al-Hakam (Abū Jahl) attended its meeting when he was only thirty years old and Ḥakim b. Hizam attended its meeting when he was 20 years old.⁹ At least in theory, all the members of the council had equal status and none could exercise authority or supremacy without the consent or permission of the other members. But persons or leaders of high caliber, such as Hāshim, 'Abd al-Muṭṭalib and others, could overrule the decisions of the members of the council or at least get them around to agree with their points of view.¹⁰

This council of elders had only legislative and juridical powers. It did not have any executive power, the execution and implementation of the decision of the elders was left to the clans and families.¹¹ It therefore lacked the coercive power to execute its will. In spite of this, in an extraordinary circumstance, it could give an effective sanction to the recalcitrants or adversaries by bringing economic or social pressures against them.¹²

This paper will discuss *shūrā* under the Prophet and the first four Caliphs, and the viewpoints of pre-modern and modern Muslim scholars on *shūrā*. In expounding these issues, I shall put forward two different lines of opinion held by the Muslim scholars.

II. *The Prophet and Shūrā*

The authority exercised by the Prophet was total in the sense that the believers had no right to question him. They are called upon to obey God and His Prophet unconditionally.¹³ The Qur'ān says that he who obeys the Prophet obeys God.¹⁴ But this is not to say that the Prophet was an absolute ruler. This is clear from the aforementioned verses which enjoin the Prophet to consult his followers in conducting the affairs of the Muslims where there is no clear-cut divine guidance in the Qur'ān. The Prophet when asked as to what they should do after his demise in matters where there were no specific injunctions in the Qur'ān, said that they should resolve their matters through mutual counsel on condition that the consultants be men of piety and sound opinion.¹⁵ The Qur'ān refers to these people as *ūlū'l amr*. It states:

And when there comes to them any tidings whether of peace or of war, they spread it about: Whereas if they had referred it to the Messenger and to those in authority (*ūlū'l amr*) among them, surely those of them, who can elicit the truth from it, would have understood it. And had it not been for the grace of Allah upon you and His mercy, you would have followed Satan, save a few.¹⁶

In this verse *those in authority* (*ūlū'l amr*) means men of exceptional talent and wisdom capable of deriving knowledge from the matter referred to them.¹⁷ Such a body of men was found around the Prophet who gave their opinion on matters referred to them. According to Muḥammad Imārah, the contemporary Egyptian intellectual, the most important members of this group are Abū Bakr al-Ṣiddīq, 'Umar b. al-Khaṭṭāb, Uthmān b. Affān, Alī b. Abī Talib, Talha b. 'Ubayd Allāh, al-Zubayr b. al-Awwām, 'Abd al-Rahman b. 'Awf, Sa'd b. Abi Waqqāṣ, Said b. Zayd b. Nufail, and Abū 'Ubaida b. al-

Jarrāh.¹⁸ 'Imārah, however, did not provide a source for his statement.

In the history of Islam, it is reported that consultations with close associates was the general practice of the Prophet in spite of the fact that his actions were guided by revelation. He usually sought advice from his leading companions on all important matters of the state. Ā'isha, the Prophet's wife, said that she did not see anyone who consulted people more than the Prophet.¹⁹ For instance, on the advice of Ḥubāb b. al-Mundhir, the Prophet changed his early decision as to where Muslims should encamp during the battle of Badr.²⁰ Before the battle of Uhud, the Prophet also sought advice from his followers.²¹ Not only in matters of war did the Prophet consult his companions, but also in worldly affairs where there were no specific injunctions in the Qur'ān. For example, before God sent down a revelation which deals with the accusation of the slanderers against his wife. Ā'isha, the Prophet consulted 'Alī b. Abī Ṭālib and Usāmah b. Zayd as to what he should do about that matter.²² Even the call to prayers (adhān) resulted from mutual consultation.²³

It should be noted that once the decision was made the Prophet abided by it. We observe this from the rejection of the Prophet to change his decision as to where the Muslims should fight the attacking Meccans. Before the battle of Uhud, the Prophet and some of his leading and experienced companions wanted to defend Medina from within but the majority of his followers, especially the younger and newly converted Muslims, wanted to go out to confront the enemy. The Prophet accepted the majority's opinion and later rejected the advice of some of his companions to change his decision. When they asked him to stay, the Prophet replied that "a Prophet should not take off his armour after he has put it on (for the battle) until Allah decides the case."²⁴ This is, in fact, in accordance with the command of Allah in the Qur'ān which reads "Consult them (O Muḥammad!) in the affair; when you have determined (upon a course), then put your trust in God."²⁵ The Prophet, when asked about the meaning of *'azama*, said that "consult knowledgeable people then follow them."²⁶ Al-Qurṭubī (d. 1273), quoting the early Qur'ān interpreter, Qatāda (d. 736), asserted that God commanded the Prophet to carry out the decision he has taken, and he should put his trust in God.²⁷ Abd al-Hamīd Mutawallī, a contemporary Muslim scholar, asserted that *'azama* meant that "after obtaining advice from the community, the Prophet should determine upon a course in accordance with the advice tendered and for its practical consequences, whatever they be, he should put his trust in God."²⁸

During the time of the Prophet, the *shūrā* was not a formal institution. The Prophet consulted his companions if need be. The *ahl al-shūrā* or the consultative body was also informal. The people in this consultative body were not the representatives of the whole community in the sense that they were elected by them in the modern sense.

IV. *The First Four Caliphs and Shūrā*

After the demise of the Prophet, Abū Bakr was elected Caliph. Abū Bakr, as reported, was elected initially by a few leading companions from the

Meccan Immigrants and the Medinese Anṣār after a long debate in the hall of Banū Sā'ida. In this meeting, the leaders of the Medinese Anṣār rejected Abū Bakr's and Abū al-Nu'mān's²⁹ claim that the *Muhājirūn al-Awwalūn* (the First Immigrants), who were from the Quraish, were more entitled to succeed the Prophet as the leader of the Muslim community. They (the leaders of the Medinese Anṣār) proposed that the Muhājirūn and the Anṣār elect their respective leaders.³⁰ They also turned down Abū Bakr's proposal that 'Umar b. al-Khaṭṭāb or Abū 'Ubayda b. al-Jarrāḥ be elected Caliph. 'Umar, fearing a complete breach would occur, asked Abū Bakr to raise his hand. When Abū Bakr did so, 'Umar gave him his allegiance followed by the Muhājirūn and the Anṣār who were present in the hall of Banū Sā'ida.³¹ On the next day, people swore allegiance to Abū Bakr as a body after the pledge in the hall.³²

Abū Bakr, in his inaugural speech, said to the people: You have elected me (as your chief executive) although I do not think I am the best among you. If you think I do right support me; If I am wrong, set me right. Obey me as long as I obey God and His Messenger.³³

During his caliphate, Abū Bakr, as the first successor of the Prophet, must have followed the precedence set up by the Prophet in the matter of consulting the leading companions when he was confronted with a problem. But this consultation was vague and informal. The "consultative body" whom the caliph could consult with was, as Montgomery Watt stated, also some what informal.³⁴ The members of this "consultative body" were mainly the leading members of *al-Muhājirūn al-Awwalūn*³⁵ and several leading companions from the Medinese Anṣār.³⁶

According to the classical Sunnī image, during the caliphate of Abū Bakr, it is reported that whenever he wanted to make a decision, he referred to the Qur'ān. If he found a nass (text/provision) relating to the matter, he based his decision on that text, but in the absence of a clear nass, he referred to the Sunnah of the Prophet. If he found one which can be employed to decide the matter under consideration, he used it. But if he did not, he asked people whether they knew the Prophet had made a decision about the same matter or not; and if that too failed, he then summoned the leaders of the Muslims to be consulted. Finally, he decided the matter based on the consensus reached by the *shūrā*.³⁷ In spite of this, it is a historical fact that Abū Bakr sometimes did not agree with the members of his "shūrā" on several matters. For example, he decided to fight those who declined to pay the *zakāt* (alms tax) despite the fact that most of the members of his "shūrā", including 'Umar ibn Khaṭṭāb, opposed Abū Bakr's opinion.³⁸ Another instance of Abū Bakr's opposition to the opinion of the *ahl al-shūrā* is that despite the opposition of the majority of the members of the *shūrā*, he sent an expedition to Syria under a young and inexperienced commander. Usāmah b. Zayd.³⁹

Abū Bakr appointed 'Umar b. al-Khaṭṭāb caliph after he (Abū Bakr) consulted 'Abd al-Raḥman b. 'Awf and 'Uthmān b. Affān.⁴⁰

During the caliphate of 'Umar, we have details of two important *shūrās*, one on the eve of the battle of al-Qādisiyya, a battle fought between the Mu-

slim and the Persian armies in 636, to decide whether or not the Caliph (Umar) should lead the Muslim army in person, and the other to elect his successor.

Tabarī reported that before the battle of al-Qādisiyya, 'Umar intended to lead the Muslim army in person and he, therefore, made 'Alī the deputy in charge in Medina before he headed towards Iraq. However, when the Muslim army stopped at Sirār, a spring near Medina, there arose a serious debate as to whether the caliph should go back to Medina or continue to be the commander of the Muslim army. 'Umar, therefore, ordered his army to congregate, explained the purpose of the meeting to them and waited for an answer. The people said that he should go with them. He agreed with them and said he would go unless there was a better opinion. Then he sent for the *ahl al-Ra'y* (the well-informed persons) and asked for their opinion about his intention to lead the Muslim army in person. All of them but Ṭalḥa were of the opinion that he should stay in Medina and send another companion to lead the Muslim army if he wanted to be victorious.⁴¹ Abd al-Raḥman b. 'Awf was against 'Umar's intention to lead the Muslim army in person because he was afraid that the defeat of the Muslim army under the Caliph's command or his death in the battle would bring disaster to the Muslim.⁴²

After holding *shūrā* with the *ahl al-Ra'y*, he asked his army to congregate and addressed them:

Verily God, the Honoured and the Great, has united through Islam its adherents and bound their hearts together. He has made them brothers in it (Islam). Among themselves the Muslims are like a body, if one limb is afflicted, the others cannot escape the consequence. Therefore, it is enjoined upon the Muslims that their affairs should be settled by consultation among themselves and among the well-informed persons. The (common) people must follow those in authority and adhere to those things which are agreed upon and approved by them, and those in authority must follow their important opinion of the strategy of war. O people, I was a man who had the same opinion as yours (that I should go to the front) until the well-informed dissuaded me from going. Now I am of the opinion that I should stay behind and send somebody else.⁴³

The second case of *shūrā* was the *shūrā* conducted by the *majlis al-shūrā* (the electoral body) constituted by 'Umar to elect his successor. This electoral body consisted of six persons chosen from the members of the *ahl al-Ra'y* or *al-Muhājirūn al-Awwalūn*. They are 'Uthmān b. Affān, 'Alī b. Abī Ṭālib, Ṭalḥa, al-Zubayr b. 'Awwām, 'Abd al-Raḥman b. 'Auf, and Sa'd b. Abī Waqqās.⁴⁴ Umar ordered these people to elect a caliph from among themselves and added that they should consult each other for three days until they could elect a caliph on the fourth day.⁴⁵ It is reported that when this group gathered and consulted each other, 'Abd al-Raḥman b. 'Awf said to them that he was not going to compete with them, and if they wished, he could select a caliph from among them. All of them agreed to let 'Abd al-Raḥman decide the

case.⁴⁶ 'Abd al-Raḥman, in carrying out the task of selecting a caliph, consulted not only the members of the *majlis al-shūrā* constituted by 'Umar but also the companions of the Prophet, the leaders of the armies and the distinguished people who were present in Medina.⁴⁷ Despite the fact that there was difference of opinion over the procedure of the election and the contention of the people from Banū Hāshim that 'Alī should be elected caliph, 'Uthmān was finally elected caliph.⁴⁸

The members of *shūrā* during the caliphate of 'Umar, besides those from the period of Abū Bakr, also included the Qur'ān reciters (*qurrā'*). They (the members of the *shūrā*) consisted of the young and the aged.⁴⁹ 'Umar was also reported to have said about the importance of *shūrā*, that "the opinion of one man was like the cloth woven of one thread; the opinion of two was like the cloth made of twisted thread; and the opinion of three (or more) was like a piece of cloth woven of several threads together that could hardly be torn to pieces."⁵⁰

During the caliphate of 'Uthmān and 'Alī, due to the unfavorable circumstances, the institution of *shūrā*, as it existed under 'Umar, disappeared. From this period onwards, *shūrā* seems to lose its practical significance. It again became an issue when Mu'āwiyah decided to appoint his son, Yazīd, as his heir-apparent. Several sons of the leading companions of the Prophet, among them 'Abd Allāh b. 'Umar, 'Abd Allāh b. al-Zubayr, and 'Abd al-Raḥman b. Abī Bakr, opposed Mu'āwiyah's decision. Ibn 'Umar, when asked by Mu'āwiyah about his opinion on this matter, replied that the Muslims should elect the best man as caliph,⁵¹ and 'Abd al-Raḥman b. Abī Bakr and Ibn al-Zubayr stated that the election of the caliph should be conducted by way of *shūrā*.⁵² Mu'awiyah, however, rejected their proposals.

During the Umayyad period, it was 'Umar b. 'Abd al-Azīz who tried to revive the institution of *shūrā* when he became the governor of Medina in 700. When he arrived in Medina, he sent for ten jurists⁵³ of the city. When they had gathered before him, he said to them:

Verily I have summoned you for a business of which you shall be rewarded, and in it you will become the upholders of the truth. I do not wish to decide any matter except with the opinion of all of you or with the opinion of those who are present among you. If you see someone breaking the laws or if you know my administrative officer (*'amil*) does something wrong, you must inform me.⁵⁴

It should be pointed out that with the political victory of Mu'āwiyah, the *shūrā* was gradually replaced by autocratic decision-making. Since then dynastic rule was established and the system of *shūrā* was greatly changed if not abolished. According to the classical Sunnī tradition, the Umayyads altered the very character of the early caliphate and imposed their own political system, restricting *shūrā* to their supporters with the exception of 'Umar b. 'Abd al-'Azīz. In addition, some of the learned (*'ulamā*) supported the Umayyads' claim that they reigned by the *qadar* (divine predestination)⁵⁵ and will of God as His viceregents. This claim implied that the caliphate had been

bestowed on the Umayyads by God and that disobedience to the Caliph and his subordinate officers was a refusal to acknowledge God and so tantamount to unbelief.⁵⁶

This tendency towards emphasizing a complete and unconditional obedience to the caliphs was adopted from this period onwards. Some of the 'ulamā even rationalized the religious obligation of absolute obedience to the existing powers by citing sayings attributed to the Prophet. One of them is the Hanafi jurist, Abū Yūsuf (731—798), who was appointed *qādī* of Baghdad in 782 and later became the chief *qādī* of the caliphate. In his *Kitāb al-Kharāj* dedicated to the Caliph Hārūn al-Rashid, Abū Yūsuf cited several traditions attributed to the Prophet which supported a complete and unconditional obedience to the Caliph, among which are: "Fear God and obey Him; and even if a flat-nosed shrunken-headed Abyssinian slave is invested with power over you, hearken to him and obey him."⁵⁷ This is, in fact, an off-quoted tradition to show that Islam treats human beings equally and that Islam supports the democratic principle. Abū Yūsuf, however, used it as an argument in defence of blind submission to authority. He quoted another tradition, "He who obeys God obeys me and he who obeys the imam obeys me. He who rebels against me rebels against God and he who rebels against the imam rebels against me."⁵⁸ In support of the opinion that the obligation to obey the imam is not limited to a good imam, he cited a tradition which stated, "When God intends good to a people, He appoints over them governors who are forbearing and puts their properties in the hands of tolerant men; and when He wants to put them to ordeal, He appoints over them stupid governors and entrusts their goods in the hands of avaricious men."⁵⁹

From the Umayyad period onwards, *shūrā* came to indicate the ideal to which a ruler should stick in deciding political matters. This can be seen from the writings of the Qur'ān interpreters and the political theorists.

IV. Muslim Scholars' View on *Shūrā* in Pre-modern History

The Qur'ānic verses relating to *shūrā* have been differently interpreted by early and Medieval Muslim scholars. However, unlike their modern counterparts, they only discussed two important issues: the nature and the subjects of *shūrā*.

1. The Nature of *Shūrā*

Many Muslim scholars of the pre-modern period were of the opinion that *shūrā* was compulsory and, therefore, it was incumbent upon the rulers to carry it out. Ibn 'Atiyya (d.993), an early Qur'ān interpreter, stated that *shūrā* was one of the principles of the shari'ah and the basis of rule. Therefore, the ruler who did not consult those who were well-informed and those who had knowledge of religion had to be deposed. According to him, there was no difference of opinion (among the scholars) on this matter.⁶⁰ The same line of opinion was put forward by Ibn Khuwayzimandad (d.?), asserting that it was incumbent upon the rulers to consult the 'ulamā when the rulers were ignorant of or in doubt about matters of religion, the leaders of the army in

matters related to war, the people in matters concerning their welfare, the secretaries, the ministers, and the governors in matters related to the welfare of the country and its structure.⁶¹ Ibn Kathīr stated in his *Tafsīr* that some of the *fuqahā'* were of the opinion that *shūrā* was compulsory by basing their opinion upon two hadiths of the Prophet, namely that the Prophet said to Abū Bakr and 'Alī that if they agreed on a counsel, he would not oppose them. The second hadith is the explanation of the Prophet about the meaning of '*azama* in the verse' *fa idhā 'azamta fa tawakkal 'alā'l Allāh*". He said that '*azama* meant "consult knowledgeable people and follow them."⁶²

Al-Māwardī (947—1058), one of the Medieval political theorists, made *shūrā* obligatory by mentioning it as one of the ten duties of an *amīr* (ruler or governor). Al-Māwardī asserted that an *amīr* had to consult those who were well-informed in difficult matters, and turn to the people of prudence whenever he was in doubt in order to avoid making mistakes and to be successful.⁶³ Ibn Taymiyya (1263—1328), a Ḥanbali jurist, theologian, and *mujaddid* (reformer) also held the opinion that *shūrā* was compulsory, saying that the ruler could not dispense with consultation because God had enjoined the Prophet to consult his companions. When a ruler took counsel with his *ahl al-shūrā* and one of them indicated to him what he had to practice as prescribed by the Book of God (the Qur'ān) the Sunnah, or the *Ijmā'* (the consensus of the community), he had to comply with it. There was no obedience to someone who deviated from that even though he was very well-informed in matters of religion and the affairs of the world.⁶⁴ Muḥammad b. 'Alī Muḥammad al-Shāwkanī (1760—1832), basing his opinion upon the form of the verb "*shāwirhum*" in the verse "*wa shāwirhum fī'l amr*" (Qur'ān 3:159), which is in the imperative, held that *shūrā* was obligatory because the imperative indicated obligation. It is, therefore, he contended, incumbent not only upon the Prophet but also upon the rulers after the Prophet's demise to perform *shūrā*, because the verse "*wa shāwirhum fī'l amr*" was not a command limited to the Prophet".⁶⁵

Contrary to the first group who asserted that *shūrā* was compulsory, some scholars stated that *shūrā* was only *mandūb* (recommended). This group reasoned that the Prophet consulted his companions because he wanted to conciliate their hearts, not because he needed their opinions. They quoted Muqātil b. Sulaymān (d.767), Qatāda (d. 736) and al-Rabī' b. Anas (d.756) who said that the Arab chiefs felt bad if they were not consulted in the matters. God, therefore, commanded the Prophet to consult them in the matter because this consultation made them sympathize with him, removed their rancor, and conciliated them.⁶⁶ To support their view, this group quoted Imām Shāfi'ī (767—820) who held that *shūrā* was recommended based on the Prophet's hadith, namely that the virgin girl was consulted regarding her marriage in order to conciliate her heart, not because it was obligatory to do that. In fact, her father could coerce her into marriage, although it was preferable to consult her.⁶⁷

2. The Subjects of Consultation

There are two lines of interpretation with regard to the word *amr* in the verse "wa shāwirhum fī'l amr". Some of the Muslim scholars were of the opinion that God commanded His Prophet to consult his companions in matters relating to war in order to win their loyalty and secure their cooperation.⁶⁸ Zamakhsharī (1075—1144) and Ibn Kathīr (1301—1373) mentioned this line of opinion, asserting that God commanded His Prophet to consult his companions in matters relating to war and the like where there was no revelation dealing with them.⁶⁹ Many 'ulamā, according to al-Rāzī (1149/50-1210), held that the word "*amr*" in the verse "wa shāwirhum fī'l amr" referred specially to the matter of war because they were of the opinion that *alif* and *lam* in the word "*al-amr*" did not indicate the whole matter.⁷⁰

Most of the early Qur'ān commentators held that the term *amr* in the verse "wa shāwirhum fī'l amr" referred to affairs relating to war not covered by revelation. This is, according to Mutawallī, because most of the issues which the Prophet referred to his companions were concerning matters of war.⁷¹

Among the Medieval political theorists, al-Māwardī, following the opinion of the early Qur'ān commentators, put forward the same opinion, stating that the Prophet was enjoined to consult his companions in matters of war in order to obtain a correct opinion to be implemented.⁷²

The second opinion supports the idea that the term *amr* in the verse "wa shāwirhum fī'l amr" includes all matters not covered by revelation. Among the classical Qur'ān commentators, Ṭabarī (838—923), al-Rāzī, and Qurtubī (d.1273) mentioned this kind of interpretation in their Tafsīrs. While Ṭabarī and Qurtubī simply asserted that the objects of *shūrā* could be in all matters not touched by revelation,⁷³ al-Rāzī put forward his opinion with an emphasis on the human aspect of the Prophet. He held that, in spite of the fact that the Prophet was the most perfect man, he had limited knowledge about human worldly affairs. It is not unlikely, al-Rāzī argued, that people knew things which the Prophet did not. In addition, the Prophet himself said to his companions that "you know better your worldly affairs and I know better your religious affairs." That is why the Prophet is reported to have said that "no people practice *shūrā* except that they will be led to the very best in their affairs."⁷⁴

V. Muslim Scholars' View on *Shūrā* in Modern Period

It is clear from the previous account that the early and Medieval Muslim scholars did not pay much attention to *shūrā*. Most of the discussions on *shūrā* were mainly found in the historical reports, in the Tafsīrs written by the Qur'ān interpreters when they explained the term "*shūrā*" encountered in several verses of the Qur'ān, and in the writings of several political theorists. But since the 19th century, with the challenge of the West with its concept of democracy to the Islamic world, which was largely under their domination, the Muslim scholars revived the concept of *shūrā* with great zeal. Besides discussing the nature and the subjects of *shūrā*, they discuss new topics,

among them the problem of the participation of the community in *shūrā*, the concept of the sovereignty of the people, and the functions of the Legislative Assembly.

1. *The Nature of Shūrā*

Many Muslim scholars in the modern period, like their early and Medieval counterparts, were of the opinion that *shūrā* was compulsory and, therefore, it was incumbent upon the rulers to carry it out. Muḥammad 'Abduh (1849—1905) expressed this line of opinion, asserting that *shūrā* was obligatory and it was, therefore, incumbent upon the rulers to consult the well-informed persons in matters related to the welfare of the country and the benefit of human beings.⁷⁵ He continued that *shūrā* was one of the matters of *shari'a*, so whoever abandoned it, he abandoned a matter of *shari'a*.⁷⁶ Dr. 'Abd al-Ḥamīd Ismā'il al-Anṣārī, Professor at the Faculty of Law and Islamic studies at-Qatar University, stated that *shūrā* was obligatory. He based his opinion on the form of the verb "*shāwirhum*" in the verse "*wa shāwirhum fi'l amr*" (Qur'ān 3:159), which is in the imperative. Al-Anṣārī asserted that, following the main principle (*al-qā'idah al-uṣūliyah*) which was laid down concerning *amr*, *shūrā* denoted obligation if it was free from averting evidence (and this is the case of the verse "*shāwirhum fi'l amr*").⁷⁷ He continued that *shūrā* would lose its meaning if it was deprived of its obligatory character.⁷⁸ Dr. Ismā'il al-Badawī, Professor of Public Law at al-Azhar University, in his comment on this issue, stated that it was incumbent upon the rulers to practice *shūrā* in all matters because it was one of the pillars of Islamic government and one of its fundamental characteristics, especially because God commanded even the Prophet to perform it.⁷⁹

In spite of the contention of many of the Muslim scholars that *shūrā* was compulsory, some of them claimed that *shūrā* was not compulsory, but only recommended. This group put forward several reasons to support their contention,⁸⁰ namely because 1. the verse "*wa amruhum shūrā bainahum*" (42:38) was a statement indicating a recommendation. On the other hand, although the verse "*wa shāwirhum fi'l amr*" indicated an obligation, it became recommended because *shūrā* was a means of conciliating hearts, as the Prophet said, "The father seeks the permission of the virgin girl regarding her marriage, her silence symbolizes her agreement." It is, however, also permissible that her father coerces her into marriage, although it is preferable that he takes her consent." Similarly, it was permissible to ignore the outcome of *shūrā*, although it was preferable to follow it, because the Arab chiefs felt bad if they were not consulted in the matters. God, therefore, commanded the Prophet to consult them in the matter because this consultation made them sympathize with him, removed their rancor, and conciliated them. When the Prophet consulted them, they knew that he honored them. 2. the Prophet's saying that "the consultant is entrusted" is not in the imperative mood. If *shūrā* were compulsory, the hadith would have been put in obligatory style. 3. the Prophet did not need consultation. To

support this assertion, this group quoted Ḥasan al-Baṣrī (d. 728) and Daḥḥak b. Muzāhim (d. 723) who said that God commanded the Prophet to consult his companions not because he needed their opinions, but because he wanted to teach them by way of consultation beneficial things, so that his people would practice it after his demise.

One of the few contemporary Muslim scholars who held this opinion is 'Abd al-Ḥamīd Mutawallī, a former Professor of Law and Political System at Omdurman al-Islamiyah University in Alexandria. He contended that *shūrā* was not compulsory because, according to the convention of the scholars of Islamic Jurisprudence, *shūrā* was an action whose performers God extolled, but He did not criticize those who left it.⁸¹

2. The Subjects of *Shūrā*

Most modern Muslim scholars were of the opinion that the term *amr* in the verse "wa shāwirhum fī'l amr" includes all matters not covered by revelation. Rashīd Riḍā (1865—1935), in his *Tafsīr al-Qur'ān al-Ḥakīm*, expressed this line of opinion, saying that the term *amr*, in general, meant important policy regarding war and peace, fear and security, and other things concerning the worldly affairs of human beings.⁸² He continued that the matters to be consulted were important issues of worldly affairs, and not religious matters such as *'aqā'id* (doctrines), *ibādāt* (worship), *ḥalāl* and *ḥarām* (lawful and unlawful), and other things, which had been decided by revelation.⁸³ Sayyid Quṭb (1903—1966), an Egyptian scholar, in his support of his opinion that the objects of *shūrā* can be in all fields not touched by revelation, based his opinion on the verse 42:38 of the Qur'ān (*wa amruhum shūrā bainahum*) rather than verse 3:159 (*wa shāwirhum fī'l amr*). This is because according to him, the verse "*amruhum shūrā bainahum*" was revealed by God when the Prophet was still in Mecca, and hence before the Muslim state in Medina was established. He, therefore, contended that *shūrā* was applied not only on the political system of the state because it was the principal character of the whole society.⁸⁴

Muḥammad 'Imārah, Muḥammad Abū Zahrah and Ismā'īl al-Badawī are three contemporary Muslim scholars who maintained that the subjects of *shūrā* were in all fields not covered by revelation. 'Imārah stated that the subjects of *shūrā* included worldly affairs and those things which did not have clear-cut injunctions in the Qur'ān.⁸⁵ Abū Zahrah expressed this line of opinion, asserting that al-Qur'ān had made *shūrā* a general principle for the Muslims when they were confronted with an issue not covered by revelation.⁸⁶ Al-Badawī, on the other hand, held that the subjects of *shūrā* were not limited by considering the form of the word "*amr*". The term *amr*, he maintained, signified general (matters), and this interpretation, he argued, was in accordance with the practice of the Prophet and the four Caliphs who did not limit the fields of *shūrā*. In support of his contention, he mentioned several Qur'ān commentators who expressed the same opinion, such as Nāsir al-Dīn al-Shīrāzī (d. 1372) who wrote *Tafsīr* entitled *Anwār al-Tanzīl wa*

Asrār al-Ta'wil, Abū al-Barakāt 'Abd Allāh al-Nasafī (d. 1310), the author of *Madārik al-Tanzil wa Haqā'iq al-Ta'wil*, and Muḥammad Jamāl al-Dīn al-Fāsi Al-Qāsimī (1866/7-1914) who wrote *Mahāsin al-Ta'wil*.⁸⁷

In the modern period, Mutawalli is one of the few Muslim scholars who limited the scope of *shūrā*. Contrary to the widely accepted view that *shūrā* covers all matters not touched by revelation, he contended that *shūrā* could not include all matters despite the fact that there was no revelation dealing with them. He put forward two reasons in support of his view, namely that some of the matters, by the very nature of their cases, were outside of the jurisdiction of the representative body (*ahl al-shūrā*), and that the Prophet did not consult his companions in several important matters not covered by revelation. He cited the incident which occurred at the battle of Tabūk as an example. Before the battle took place, some of the hypocrites asked the Prophet's permission not to participate in the battle. The Prophet gave them permission in spite of the weakness of their excuses and the absence of several other Muslims. As a result, God sent down a revelation reproving the Prophet (9:43: "God has forgiven you for granting them permission before you know those who are sincere and those who are not"). In his comment on this verse, Mutawalli stated that if the Prophet had consulted his companions, the reproof would have been directed to the opinion of *ahl al-shūrā* and not to the action of the Prophet.⁸⁸

3. The Problem of the Participation of the Community in *Shūrā*

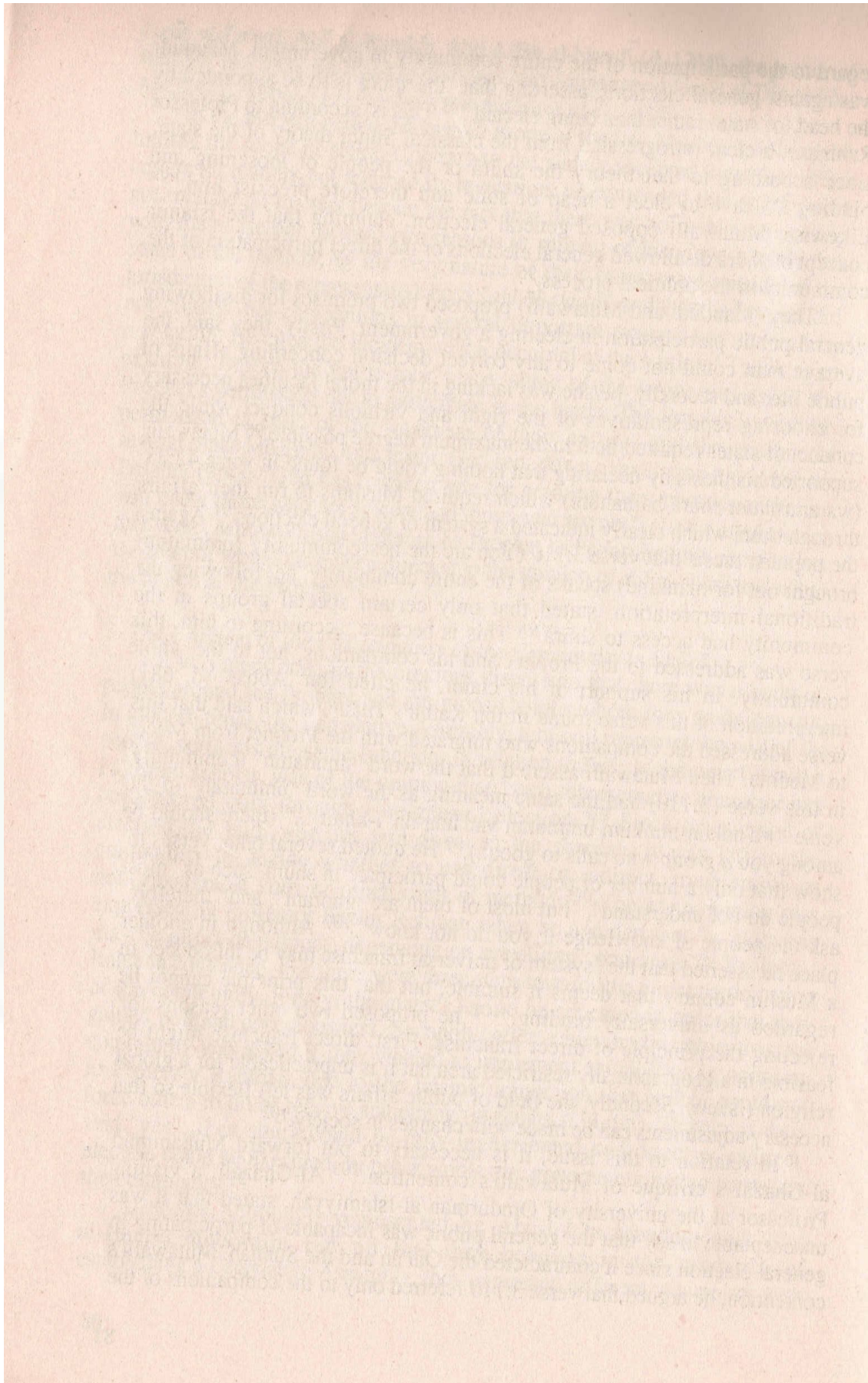
It was mentioned in the previous discussion that there was a body of people around the Prophet and the pious Caliphs whom they could consult. In modern times, the Legislative Assembly, that will represent the will of the people, performs the same function. In relation to this, Muhammad Asad, a Pakistani scholar, was of the opinion that "such representative character can be achieved only through free general election."⁸⁹ Since the method of election, he said, was not laid down in the *shari'ah*, it was left to the community to decide whether to use direct or indirect, transferable or non-transferable vote, or other kinds of methods.⁹⁰ The same opinion was expressed by Professor Fazlur Rahman when he asserted that "... elections may be direct or indirect, depending on prevailing conditions."⁹¹ Professor Rahman contended that there were three steps towards the direct participation of the community. Firstly, the masses had to be educated in order that they gained political consciousness. Secondly, after achieving this objective, the community was asked if they wanted to implement *shūrā*. This is, according to Professor Rahman, due to the Islamic injunction that people could not force others to do or receive something (*la ikrāha fī al-dīn*). Thirdly, if they said "yes", then *shūrā* could be fully implemented and direct or indirect election could be executed. In other words, the government had to be run by the community.⁹²

Another opinion is represented by Abū-l-A'la Maudūdī and 'Abd al-Ḥamīd mutawallī. For all that they believed in the necessity of establishing a Legislative Assembly, they expressed different viewpoints with

regard to the participation of the entire community in government. Maudūdī was against general elections, asserting that "the shūrā is to be appointed by the head (of state) rather than being elected."⁹³ This is, according to Professor Rahman, "a clear retrogression from the classical Sunnī theory of the state, since according to that theory the shūrā or the people of loosening and binding ...' have to elect a head of state and therefore preexist him."⁹⁴ Likewise, Mutawallī opposed general election, claiming that the Islamic concept of shūrā disallowed general elections or the direct participation of the community in the political process.⁹⁵

They (Maudūdī and Mutawallī) proposed two premises for disallowing general public participation in electing a government. Firstly, they said, the average man could not come to any correct decision concerning affairs of public life; and secondly, he/she was lacking in the moral faculties necessary for choosing representatives of the right and virtuous conduct while the conduct of states required both to the maximum degree possible.⁹⁶ Mutawallī supported his thesis by declaring that nothing could be found in verse 42:38 (wa amruhum shūrā bainahum) which required Muslims to run their affairs through shūrā which clearly indicated a system of general elections.⁹⁷ Against the populist thesis that verse 3:110 (You are the best community (ummatun) brought out for mankind) speaks of the entire community, he, following the traditional interpretation, stated that only certain special groups in the community had access to shūrā.⁹⁸ This is because, according to him, this verse was addressed to the Prophet and his companions, not to the whole community. In his support of his claim, he cited Ibn 'Abbas' (d. 681) interpretation of this verse found in ibn Kathīr's *Tafsīr*, which said that this verse addressed the companions who migrated with the Prophet from Mecca to Medina. Then Mutawallī asserted that the word "ummatun" (community) in this verse (3:110) had the same meaning as the word "ummatun" in the verse "wa'ltakun minkum ummatun yad'ūna ilā 'l-khair ..." (there should be among you a group who calls to good...)⁹⁹ He quoted several other verses to show that only a number of people could participate in shūrā, such as "most people do not understand", "but most of them are ignorant", and "therefore, ask the people of knowledge if you do not know".¹⁰⁰ Although in another place he asserted that the "system of universal franchise may be introduced in a Muslim country that deems it suitable, but that this principle cannot be regarded as universally binding,"¹⁰¹ he proposed two other reasons for rejecting the principle of direct franchise. First, direct franchise might be feasible in a geographically restricted area but it is unpracticable for a global religion (Islam). Secondly, the field of public affairs was left flexible so that necessary adjustments can be made with changes in society.¹⁰²

In relation to this issue, it is necessary to put forward Muḥammad al-Ghazali's critique of Mutawallī's contention.¹⁰³ Al-Ghazali, a visiting Professor at the university of Omdurman al-Islamiyyah, stated that it was unacceptable to say that the general public was incapable of participating in general election since it contradicted the Qur'ān and the Sunnah. Mutawallī's contention, he argued, that verse 3:110 referred only to the companions of the



could not function as a law-making body, the representatives of the community will serve as the immediate sovereign.

5. The Functions of the Legislative Assembly

Muhammad Rashid Ridā, in his book entitled *al-Khilāfah aw al-Imāmat al-Uzma* (the Caliphate or the Supreme Imamate), asserted that the people of 'loosening and binding' (*ahl al-ḥāll wa'l-'aqd*) were the only people qualified to pass judgement on the conduct of the rulers. They elected the Caliph and represented the community. They made law or legislated and it was in consultation with them that decisions of the state acquired a religiously binding force.¹¹¹

Maudūdī, on the other hand, discussed the functions of the legislature (*ahl al-ḥāll wa'l-'aqd*) in the light of the Qur'ānic injunctions. Basing his opinion on chapter 33, verse 36,¹¹² and chapter 5, verse 44,¹¹³ he asserted that the legislature of an Islamic State could not legislate in contravention of the directives of God and His Prophet.¹¹⁴ He then stated that in spite of this limitation, the legislature in an Islamic state had a number of functions:

1. Where the explicit directives of God and His Prophet are available, although the legislature cannot alter or amend them, yet the legislature alone will be competent to enact them in the form of sections, devise relevant definitions and details and make rules and regulations for the purpose of enforcing them.
2. Where the directives of the Qur'ān and the Sunnah are capable of more than one interpretation, the legislature would decide which of these interpretations should be placed on the Statute Book.
3. Wherever there is no explicit provision in the Qur'ān and the Sunnah, the function of legislature would be to enact laws relating to the same, of course, always keeping in view the general spirit of Islam, and, where previously enacted laws are present in the books of *Fiqh*, to adopt any one of them.
4. Wherever and in whatever matters even basic guidance is not available from the Qur'ān, or the Sunnah, or the conventions of the Righteous Caliphs, it would be taken to mean that God has left us free to legislate on those points according to our best lights. In such cases, therefore, the legislature can formulate laws without restriction, provided such legislation is not in contravention of the letter and the spirit of the Shari'ah-the principle herein being that whatever has not been disallowed is allowed.¹¹⁵

Concerning the functions of the Legislative Assembly, Professor Rahman asserted that since "legislation in Islam is the business of the community *as a whole* (,) it is, therefore, the function of the representatives of the people who sit in the Legislative Assembly to make laws."¹¹⁶ Then he contended that many 'ulamā had been patently wrong in claiming that Islamic legislation was a function that properly belonged to them. The task of the 'ulamā was, he claimed, in fact, not to legislate or veto legislation (since no such right existed in Islam), but to constitute religious leadership for the community.¹¹⁷ What is interesting in his view concerning the consensus (*ijmā'*) of the community is his contention that the ideas (*ijtihād*) created and

formulated by religious leadership would be disseminated and discussed widely in the community through the various media of mass-communication until a general public opinion, i.e., *ijmā'*, has crystallized. This would be embodied in the form of law, which would be perfectly Islamic law, by the representatives of the people. He claimed that the law enacted could be abrogated, amended or replaced by another.¹¹⁸ This is, of course, due to the fact that non-divine law is not final; what was true yesterday, may not necessarily so today. Therefore, the contention of many Islamic scholars that the gate of *ijtihād* was wide open, was justifiable.

It should be pointed out that the Legislative Assembly holds the legislative power, whereas the executive power belongs to the Head of State. His task is to carry out the law. Also, it is the representatives of the community, who sit in the Legislative Assembly, who elect the Head of state and not the other way around as some Muslim scholars¹¹⁹ claim.

As for the question whether the opinion or decision on certain matter arrived at and tendered by the Legislature is binding or not on the holders of the executive power, particularly the Head of state, Muhammad Asad and Hasan Shah asserted that the decisions arrived at by the Legislature through a majority vote were not merely consultative, to be accepted or rejected by the holders of executive power at their discretion, but were legally binding for them.¹²⁰ On this issue, Maudūdī and Mutawalli again put forward an opposing opinion. They claimed that the opinion of the *shūrā* (Legislative Assembly) was not binding for the ruler.¹²¹

VI. Concluding Remarks

It is clear from the account above that *shūrā* or mutual consultation enjoined by the Qur'ān was, according to the Sunnī tradition, carried out by the Prophet and his immediate successors. However, it remained operative only for a short period of time. The implementation of *shūrā* began to decline during the reign of the third and fourth caliph due to political upheavals, and with the political triumph of Mu'āwiyah, the democratic processes in Islamic polity was abolished. Since then, except perhaps during 'Umar b. 'Abd al-'Azīz's governorship in Medina, *shūrā* has been only preserved in theory, not in practice. Also, except during the caliphate of 'Umar, during the era of Prophet and the first four Caliphs, there was no Legislative Assembly (*Majlis al-Shūrā*) in the modern sense of the word. They consulted the leading companions or the leaders of the community both from the Medinese Anṣār and particularly from the Meccans Immigrants on important problems of policy; but neither were the persons thus consulted properly elected by the community for this purpose, nor did the rulers feel themselves bound in every instance to follow the advice tendered to them. They asked for advice, considered it on its merits, and made their decisions in accordance with what they thought was right. Like the consultative body, the consultations practiced by the Prophet and his immediate successors were also informal, except perhaps in the case of consultation performed by *the group of six*

NOTES

- ¹Edward W. Lane, *An Arabic-English Lexicon*, 8 Vols. (Beirut: Librarie du Liban, 1968), IV: 1616.
- ²*Ibid.*, pp. 1616-17.
- ³Fazlur Rahman, "Principle of Shūrā and Role of Ummah," *Journal of the University of Baluchistan* 1 (?): 7.
- ⁴Ahmad Hasan, "The Political Role of Ijma'," *Islamic Studies* 8 (June 1969): 140; Muhammad Nazeer Ka Ka Khel, "The Conceptual and Institutional Development of Shura in Early Islam," *Islamic Studies* 19 (Winter 1980): 271.
- ⁵*Qur'ān*, 3:159 "Consult them (O Muhammad!) in the affair; when you have determined (upon a course), then put your trust in God."
- ⁶*Qur'ān*, 42:38 "their communal business (affair) is to be (transacted in) consultation among themselves."
- ⁷Fazlur Rahman, "The Islamic Concept of State," in *Islam in Transition*, ed. J. Donohue and John L. Esposito (New York: Oxford University Press, 1982), p. 263; *Idem*, "Principle of Shura," p. 7; *Idem*, *Islam and Political Action: Politics in the Service of Religion*, in *Cities of God: Faith, Politics and Pluralism in Judaism, Christianity and Islam*, ed. Nigel Giffar, Jamie S. Scott, and William Schweiker (New York: Greenwood Press, 1986), p. 156; *Idem*, "Islamic Resurgence and Its Neglected Duty," *An Address submitted to a Conference on "Modernization in Islamic Perspective,"* University of Southern California (February 17, 1987): 16; Souran Mardini, "Fundamental Religio-Political Concepts in the Sources of Islam: The shura in the Islamic Umma," *Hamdard Islamicus* 9 (Winter 1986): 25; Muhammad Shafiq, "The Role and Place of Shura in the Islamic Polity," *Islamic Studies* 23 (Winter 1984): 433—34.
- ⁸Qurtubī, *al-Jāmi' li-Aḥkām al-Qur'ān*, 20 Vols. (Cairo: Dār al-Kutub al-Misriyya, 1957) IV:249—50.
- ⁹Muhammad Nazeer Ka Ka Khel, "Political System in Pre-Islamic Arabia," *Islamic Studies* 20 (Autumn 1981): 383-85; *Idem*, "The Conceptual," pp. 271-72.
- ¹⁰*Idem*, "Political System," p. 384; *Idem*, "The Conceptual," p. 272.
- ¹¹Mardini, "Fundamental," pp. 25-6.
- ¹²Ka Ka Khel, "Political System," p. 385; *Idem*, "Theory and Practice/p. 272.
- ¹³*Qur'ān*, 4:15
- ¹⁴*Qur'ān*, 4:80-81.
- ¹⁵*Quoted in* Ka Ka Khel, "Conceptual," p. 273.
- ¹⁶*Qur'ān*, 4:83.
- ¹⁷Hasan, "Political Role," p. 143.
- ¹⁸Muhammad 'Imārah, *al-Islām wa Falsafat al-Hukm* (Beirut: ?, 1979), p. 60.
- ¹⁹Maḥmūd b. 'Umar al-Zamakhsharī, *al-Khashāf'an Haqā'iq al-Tanzīl wa 'Uyūn al-Aqāwīl fī Wujūh al-Ta'wīl*, 4 Vols. (Beirut: Dār al-Kutub al-'Arabiyya, 1947), I, p. 245.

- 20 Ibn Ishaq, *Sīrat Rasūl Allāh*, transl. by A. Guillaume (London: Oxford University Press, 1905), p. 297.
- 21 *Ibid.*, pp. 371-72.
- 22 *Shahīḥ al-Bukhārī*, Kitāb al-I'tisām, Vol. XXV, p. 91.
- 23 Ka Ka Khel, "Conceptual," p. 276.
- 24 *Shahīḥ al-Bukhārī*, Kitāb al-I'tisām, Vol. XXV, p. 91; Qurṭubī, *al-Jāmi'*, Vol. IV, p. 203; Ibn Ishaq, *Sīra*, pp. 371-72.
- 25 *Qur'ān*, 3:159.
- 26 Abd al-Ḥamīd Ismā'īl al-Anṣārī, *al-Shūrā bayna al-Ta'thīr wa'l- Ta'athur* (Cairo: Matābi' al-Shurūq, 1982), p. 27; Ibn Kathīr, *Tafsīr*, 9 Vols. (Cairo: al-Manar, 1969), II, 277.
- 27 Qurṭubī, *al-Jāmi'*, Vol. IV, p. 202.
- 28 Abd al-Ḥamīd Mutawallī, *Mabda' al-Shūrā fī al-Islām* (Cairo: 'Ālam al-Kutub, 1972), p. 47.
- 29 I have not been able to identify this companion.
- 30 Al-Ṭabarī, *Tārīkh al-Rusul wa'l Mulūk*, 10 Vols. (Cairo: Dār al-Ma'ārif, 1970), III, pp. 220-21; Imārah, *al-Islām*, p. 60.
- 31 Al-Ṭabarī, *Tārīkh*, Vol. III, p. 221; Ibn Ishaq, *Sīra*, p. 686.
- 32 Ibn Ishaq, *Sīra*, p. 687.
- 33 Al-Ṭabarī, *Tārīkh*, vol. III, 224; Ibn Ishaq, *Sīra*, p. 687.
- 34 Montgomery Watt, *Islamic Fundamentalism and Modernity* (London: Routledge, 1988), p. 89.
- 35 Al-Ṭabarī, *Tārīkh*, Vol. III, p. 219; Imārah, *al-Islām*, p. 60.
- 36 Mutawallī, *Mabda'*, p. 28; Ismā'īl al-Badawī, *Mabda' al-Shura* (Cairo: Dār al-Fikr al-'Arabi, 1981), p. 60; Hasan, "Political Role," p. 142; Ka Ka Khel, "The Conceptual," pp. 277-78.
- 37 Mutawallī, *Mabda'*, p. 25; Badawī, *Mabda'*, p. 52.
- 38 Mutawallī, *Mabda'*, p. 16. 16; Badawī, *Mabda'*, p. 54; Ka Ka Khel, "The Conceptual," p. 278.
- 39 Mutawallī, *Mabda'*, p. 16 n. 12; Ka Ka Khel, "The Conceptual," p. 278.
- 40 Al-Ṭabarī, *Tārīkh*, Vol. III, p. 428.
- 41 *Ibid.*, p. 480; According to al-Balādhurī, 'Abbas b. 'Abd al-Muṭṭalib and most of the leading companions of the Prophet advised 'Umar to stay behind. 'Alī, however, advised him to go himself. Al-Balādhurī, *Futūḥ al-Buldān* (Cairo: al-Maktabah al-Tijāriyyah al-Kubra, 1959), p. 255.
- 42 Al-Ṭabarī, *Tārīkh*, Vol. III, pp. 481-82.
- 43 *Ibid.*, p. 481.
- 44 Al-Ṭabarī, *Tārīkh*, Vol. IV, p. 228; Al-Balādhurī, *Anṣāb al-Ashraf*, ed. S.D.F. Gortein (Jerusalem: Hebrew University Press, 1936), Vol. V, p. 18.
- 45 Al-Ṭabarī, *Tārīkh*, Vol. IV, pp. 228-29.
- 46 *Ibid.*, p. 230; *Shahīḥ al-Bukhārī*, Kitāb al-Ahkām, Vol. XXIV, p. 240.
- 47 Al-Ṭabarī, *Tārīkh*, Vol. IV, p. 231.
- 48 *Ibid.*, pp. 232-34; Balādhurī, *Anṣāb*, Vol. V, p. 19; *Shahīḥ al-Bukhārī*, Kitāb al-Ahkām, Vol. XXIV, p. 241.

⁴⁹Shahīh al-Bukhārī, Kitāb al-Itisām, Vol. XXIV, p. 92; Badawī, *Mabda'*, p. 60; Hasan, "Political Role," p. 141; Ka Ka Khel, "The Conceptual," p. 279.

⁵⁰Badawī, *Mabda'*, p. 14; Muhammad Rashid Riḍā, *Tārīkh al-Ustādh al-Imām al-Shaykh Muhammad 'Abduh*, 3 Vols. (Cairo: al-Manar, 1906), II, pp. 209-10.

⁵¹Muhammad b. Abd. Allāh al-'Arābi, *al-Awasim min al-Qāwasim fi Tāhqiḳ al-Sahābah ba'da Wafāt al-Nabi* (Cairo: Salafiyya, 1976), p. 216.

⁵²*Ibid.*, pp. 217 & 221. Ibn al-Zubayr proposed to Mu'awiyah three methods of electing caliph: 1. He (Mu'awiyah) could do what the Prophet did, i.e., he did not appoint his successor until he passed away, or 2. He could do what Abū Bakr did, i.e., he chose a man from the Quraish, who was not from his clan, to be caliph, or 3. He could do what 'Umar did, i.e., he could constitute *majlis al-shūrā* which consisted of six persons from the Quraish, none of them was the son of his father. Mu'awiyah, however, rejected Ibn Zubayr's proposal. *Ibid.*, pp. 220-21.

⁵³They are the following: 'Ubayd Allāh b. 'Abd Allāh b. 'Utbah, Abū Bakr b. 'Abd al-Rahman, Abū Bakr b. Sulaymān b. Abu Hathamah, Sulaymān b. Yasār, al-Qāsim b. Muhammad, Sālim b. 'Abd Allāh b. 'Umar, 'Abd Allāh b. 'Umar, 'Abd Allāh b. 'Amir b. Rabi'a, and Khārijah b. Zayd. Al-Tabarī, *Tārīkh*, Vol. VI, p. 427, Imārah, *al-Islām*, p. 70.

⁵⁴Al-Tabarī, *Tārīkh*, Vol. VI, pp. 427-28; Imārah, *al-Islām*, p. 70.

⁵⁵Hasan al-Basrī (d.728) wrote a treatise on *qadar* addressed to 'Abd al-Malik b. Marwan, the fifth Caliph of the Umayyads who reigned from April 685 until October 705. This treatise appears to have been written in part as a defence against those who attacked his doctrine of *qadar* as an innovation, and in part as a protest against the corruption and tyranny of officials who justified their acts by appealing to *qadar*. In this treatise Hasan accused them of using *qadar* as an excuse for their sinful appetites and treacherous iniquities. He contended that so far as man's conduct was concerned, *qadar* did not extend beyond the metaphysical realm of God's administration of the affairs of man and denied the incompatibility of the *qadar* of God with the moral and religious freedom of man. He stated that violence and tyranny were not of the decree of God: God did not order abominations. Guidance, he said, came from God, but error was man's own doing. Julian Obermann, "Political Theology in Early Islam: Hasan al-Basri's Treatise on Qadar," *Journal of the American Oriental Society* 55 (1935), pp. 138-62.

⁵⁶Ann K.S. Lambton, *State and Government in Medieval Islam* (New York: Oxford University Press, 1981), p. 46; W. Montgomery Watt, "God's Caliph: Qur'anic Interpretations and Umayyad's Claims," in *Iran and Islam*, ed. Clifford E. Bosworth (Edinburgh: Edinburgh University Press, 1971), pp. 570-71.

⁵⁷Lambton, *State and Government*, p. 57; Qamar-ud-in Khan, *al-Mawardi's Theory of the State* (Lahore: Maazm-i-Iqbal, ?), pp. 11-2.

⁵⁸Lambton, *State*, p. 57.

⁵⁹Qamar-ud-in Khan, *al-Mawardi*, pp. 11-2.

⁶⁰Qurtubī, *al-Jāmi'*, p. 249.

⁶¹*Ibid.*, p. 250.

⁶²Ibn Kathir, *Tafsīr*, Vol. II, p. 277.

63. 'Alī Ibn Muḥammad Ḥabīb al-Baṣrī al-Māwardī, *al-Ahkām al-Sultāniyyah al-Wilāyah al-Dīniyyah* (Cairo: Dār al-Fikr, 1983), p. 40.
64. Taqī al-Dīn Aḥmad ibn Taymiyya, *al-Siyāsah al-Shar'iyyah* (Cairo: Dār al-Matba'ah al-Salafiyyah, 1399), p. 80.
65. Quoted in Badawī, *Mabda'*, p. 23.
66. Qurtubī, *al-Jāmi'*, Vol. IV, p. 250; Ibn Kathīr, *Tafsīr*, Vol. II, pp. 276-77.
67. Quoted in Fakhr al-Dīn Muḥammad b. 'Umar al-Rāzī, *al-Tafsīr al-Kabīr*, 32 Vols. (Cairo: al-Bahīyya al-Misriyyah, 1928), XXVII, p. 67; al-Qurtubī, *al-Jāmi'*, Vol. IV, p. 250.
68. Abū Ja'far Muḥammad ibn Jarīr al-Ṭabarī, *Jāmi' al-Bayān 'an Ta'wīl Ay al-Qur'ān*, 30 Vols. (Cairo: Mustafā al-Bābī al-Halibī, 1954-68), III, p. 102; Qurtubī, *al-Jāmi'*, Vol. IV, p. 250; Ibn Kathīr, *Tafsīr*, Vol. II, p. 276.
69. Al-Zamakhsharī, *al-Kashshāf*, Vol. I, p. 432; Ibn Kathīr, *Tafsīr*, Vol. II, p. 276.
70. Al-Rāzī, *al-Tafsīr al-Kabīr*, Vol. IX, p. 67.
71. Mutawallī, *Mabda'*, p. 20.
72. Al-Māwardī, *al-Ahkām al-Sultāniyyah*, p. 40.
73. See Ṭabarī, *al-Jāmi'*, Vol. III, p. 152; Qurtubī, *al-Jāmi'*, Vol. IV, p. 250.
74. Al-Rāzī, *al-Tafsīr al-Kabīr*, Vol. IX, p. 66.
75. Rashīd Riḍā, *Tarikh al-Ustādh*, Vol. II, p. 208.
76. *Ibid.*
77. Al-Anṣārī, *al-Shūrā*, p. 13.
78. *Ibid.*, pp. 13-4.
79. Badawī, *Mabda'*, p. 28.
80. *Ibid.*, pp. 22-3.
81. Mutawallī, *Mabda'*, p. 11.
82. Muḥammad Rashīd Riḍā, *Tafsīr al-Qur'ān al-Hakīm*, 12 Vols. (Cairo: al-Manār, 1906-35), III, p. 199.
83. *Ibid.*, p. 200.
84. Sayyid Quṭb, *Tafsīr Sura al-Shūrā* (Beirut: Dār al-Arabiyya, 1963), p. 71; *Idem*, *Fi Zilāl al-Qur'ān*, 29 Vols. (Cairo: Dār al-Kutub al-'Arabiyya, 1953), XXV, p. 47.
85. Imārah, *al-Islām*, p. 59.
86. Mutawallī, *Mabda'*, p. 19; Badawī, *Mabda'*, p. 50, n. 2.
87. Badawī, *Mabda'*, pp. 50-51.
88. Mutawallī, *Mabda'*, p. 20; Badawī, *Mabda'*, p. 48.
89. Muḥammad Asad, *The Principles of the State and Government in Islam* (Berkeley and Los Angeles: University of California Press, 1961), p. 45; Nasim Hasan Shah expressed the same line of opinion, asserting that a truly representative of the entire community could be achieved only through free and general elections. Therefore, he said, the members of the Assembly had to be elected by means of the widest possible suffrage. Nasim Hasan Shah, "Islamic Concept," p. 46.
90. Asad, *Principles*, p. 146.
91. Rahman, "The Islamic Concept," p. 263.
92. Fazlur Rahman's lecture on "Introduction to Islamic Political Thought" on December 2, 1985, University of Chicago.

- ⁹³Fazlur Rahman, "A Recent Controversy over the Interpretation of Shūrā," *History of Religions* 20 (May 1981), p. 293.
- ⁹⁴*Ibid.*
- ⁹⁵Mutawalli, *Mabda'*, pp. 29-30.
- ⁹⁶*Ibid.*
- ⁹⁷Mutawalli, *Mabda'*, p. 29.
- ⁹⁸*Ibid.*, p. 30.
- ⁹⁹*Ibid.*
- ¹⁰⁰*Ibid.*, p. 32.
- ¹⁰¹*Ibid.*, pp. 34-5.
- ¹⁰²*Ibid.*
- ¹⁰³*Ibid.*, pp. 48-9.
- ¹⁰⁴*Qur'ān*, 12:40.
- ¹⁰⁵*Qur'ān*, 3:154.
- ¹⁰⁶Maudūdi, *First Principles*, pp. 16-25; *Idem*, "Political Theory of Islam," in *Islam in Transition*, ed. J. Donohue and John L. Esposito (New York: Oxford University Press, 1982), p. 253; *Idem*, *The Islamic Law and Constitution*, trans. and ed. Kurshid Ahmad (Lahore: Islamic Publication Ltd., 1960), pp. 177-78.
- ¹⁰⁷Rahman, "A Recent Controversy," p. 297.
- ¹⁰⁸*Ibid.*
- ¹⁰⁹Rahman, "The Islamic Concept," p. 264.
- ¹¹⁰Hasan, "Political Role," p. 136; Ka Ka Khel, "Legitimacy," p. 168.
- ¹¹¹Quoted in Hamid Enayat, *Modern Islamic Political Thought* (Austin: University of Texas Press, 1982), pp. 72-81.
- ¹¹²This verse reads "It is not for a believing man or believing woman to have a say in any affair when it has been decided by Allah and His Messenger; and whoever disobeys Allah and His messenger, he goes astray manifestly."
- ¹¹³This verse reads "And those who do not make their decisions in accordance with that revealed by Allah, are (in fact) the disbelievers."
- ¹¹⁴Maudūdi, *First Principles*, p. 29.
- ¹¹⁵*Ibid.*, pp. 30-1.
- ¹¹⁶Rahman, "The Islamic Concept," p. 262.
- ¹¹⁷*Ibid.*
- ¹¹⁸*Ibid.*, p. 263.
- ¹¹⁹Among them are Maudūdi and Hamoodur Rahman. See Hamoodur Rahman, *Islamic Concept of State* (Karachi: The Times Press, 1978), p. 15.
- ¹²⁰Asad, *Principles of State*, p. 52; Hasan Shah, "Islamic Concept," p. 47.
- ¹²¹Rahman, "A Recent Controversy," p. 293; Mutawalli, *Mabda'*, pp. 14-7.

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