

KHUTBA

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English

THE SHURA PRINCIPLE IN ISLAM

Shura constitutes one of the four cardinal principles in the Islamic perspective on socio-political organization. The other three are justice, equality, and human dignity.

Shura is also a central issue in the on-going debate among Muslims over political reform. In the Arab world, even the most conservative powers that be (and they are many and various) have come around — after prolonged recalcitrance I might add — to recognize the shura imperative in public life. This is mainly because they have begun to see the inevitability of accommodating at least some measure of shura reform. But they still have to be dragged — kicking and screaming, as it were — every step of the way.

What is the shura principle in Islam? It is, as I see it, essentially parallel to the democratic principle in Western political thought, having analogous aspects and about the same tendency or direction. It is predicated on three basic precepts. First, that all persons in any given society are equal in human and civil rights. Second, that public issues are best decided by majority view. And third, that the three other principles of justice, equality and human dignity, which constitute Islam's moral core, and from which all Islamic conceptions of human and civil rights derive, are best realized, in personal as well as public life, under shura governance.

Shura, as a principle, is rooted in the Quran itself. The Quran has presented shura as a principle, and not as a system, of governance. The distinction is important to note, because the Quran thereby has left it to successive generations of Muslims to continue to strive toward a more perfect realization of the shura principle.

In the Quran, two modes of political consultation are mentioned. In the one, the Prophet Muhammad is asked to consult with his companions, but, ultimately, to decide on his own. In the other, the community of the faithful is described as the one that (among its other attributes) administers its affairs by mutual consultation. In the one, consultation is mandated but is not binding; in the other, it is depicted as constituting the very process by which binding decisions on public matters are reached. In the one, the Prophet is personally involved, in the other, it is the community deliberating on public matters collectively. The conservative, not to say reactionary, view on shura recognizes it only as discretionary, non-binding consultation. This view, needless to say, is the one the powers that be, presumptuously comparing themselves to the Prophet, find more to their convenience. But it is the more progressive and, I submit, more authentic view of shura as a binding decision-making process that is gaining ground in the contemporary Islamic thrust for reform.

What precisely supports this latter position? What is there in the Islamic jurisprudential framework that favors the broader rather than the narrower interpretation of shura?

For an answer, let us review some fundamental Islamic precepts that rarely receive due consideration in discussions about political Islam. I am using the term "fundamental" here advisedly, realizing full well the undeserved notoriety this term has gathered when used in relation to Islam. But I use it nonetheless, because the legal precepts involved here are more than peripheral in Islamic jurisprudence. Only by understanding these precepts in the context of an overall

framework, can one, I believe, begin to grasp the fullness and coherence of the Islamic perspective on governance. I shall cite the original Arabic terms for these constructs, then give their translation in English.

In the first place, Islam stipulates "rida al awam", that is, popular consent, as a prerequisite to the establishment of legitimate political authority, and ijihad jama'i, that is collective deliberation as a requisite to the proper administration of public affairs. Beyond that, Islam stipulates "mas'uliyah jama'iyah", that is, collective responsibility, for maintaining the public good of society. And by affirming all humans as equal before God, Islam stipulates equality before the law; for to claim parity before God and disparity among ourselves is plain hypocrisy. Finally, by rejecting man's subservience to anyone but God, Islam stipulates freedom as the natural state of man, hence liberty within the limits of law is an Islamic stipulation. The famous rhetorical question asked by the second Khalifa, Omar Ibn Al Khattab, "When (implying by what right) ... when did you enslave the people, knowing that they were born free by their mothers?" speaks volumes about Islam's innate resentment of anything that arbitrarily violates personal freedom.

These are authentic Islamic positions, stressing popular consent, collective deliberation, shared responsibility, personal freedom, justice, equality, and dignity of the human individual, all conceived within the shura framework of governance. Conversely, any thorough and objective reading of Islam would show that by its intrinsically egalitarian perspective, Islam rejects all kinds of autocratic authority or privilege; that it rejects hereditary rule, for no particular lineage has monopoly over competence and integrity.

The ummah is bound together by a common moral outlook, and a common commitment to do what is right and shun what is wrong. The significance of this lies in the absence of any racial, territorial, political, or any other exclusionism. The ummah of Islam, as such, encompasses the entire Muslim populace living anywhere on earth, and it also includes peoples living in the Islamic lands, who though not formally Muslim, are nevertheless at peace with Islam. This all-inclusive notion of the ummah comes through clearly in the directive that the fourth Khalifa, Ali Ibn Abi Taleb gave to Malik Ibn Al Ashtar Al Nakha'i, upon dispatching him as governor to Egypt at a time when Egypt was more Christian than Muslim. Ali wrote:

Know, O Malik, that I am sending you to a country which has been subjected before you to both just and unjust rulers, and so the people will judge you in the same way that you now stand in judgment of your predecessors. Therefore, let good works be your true assets. Discipline yourself, and covet not that which is not rightfully yours. Train your heart to feel compassion for the people, to love them and be kind to them. Do not behave like a ferocious beast toward them, snatching away their sustenance, for the people are of two categories: they are your brothers in religion and/or your fellow human beings".

Next comes the concept of khilafah, which means God's delegation of authority to the ummah to maintain peace, justice and prosperity on earth. The concept is universal in that every individual member of the ummah is legally obligated to ensure the proper execution of the delegated authority. Representative governance, through which alone this collective obligation can be properly fulfilled, thus becomes constitutionally mandatory in Islam. Absolute, cosmic sovereignty belongs to God, but sovereignty on earth He has delegated to the ummah, the people, through the mandate of istikhlaf. By collectively enjoining the right and forbidding the wrong, the ummah would move ahead, achieving unprecedented heights in human development.

Third is the precept of bay'ah, basically a form of electing or confirming the khalifa, or the chief executive. It is comprised of two steps. The first step is called bay'ah khassah, and it is tantamount to a nomination process through private consultation. The second step is called bay'ah a'mmah, that

is popular acceptance of the nominee. Since acceptance was expressed by handshaking with the khalifa-designate, those dissenting were free to withhold the handshake. Thus dissent is recognized as a political right.

We now come to the fourth and central constitutional principle of shura. It is important to make two observations here. The first is that the etymological form of shura, derived from the root shawr, or advice, means mutual consultation in its widest scope — a collective deliberation in which all parties are exchanging counsel. The term shura, as such, is to be distinguished from the term istisharah, which means one side seeking counsel from another, and from the term tashawur, which means mutual consultation but on a lesser scale than that envisioned in shura as a nationwide participatory political exercise. For instance, in my country, Oman, the present assembly was first named al majlis al istishari, and only several years later renamed as majlis al shura, thereby claiming a more democratic posture.