*CONSULTATION*

QUR’AN

*Sura Al-Imran/Ayat 159:*

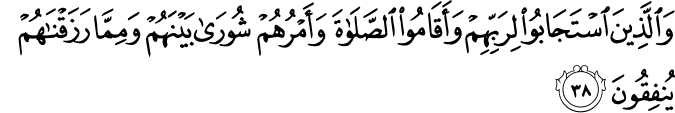
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It was by a mercy from God that (at the time of the setback), you (O Messenger) were lenient with them (your Companions). Had you been harsh and hard-hearted, they would surely have scattered away from about you. Then pardon them, pray for their forgiveness, and take counsel with them in the affairs (of public concern); and when you are resolved (on a course of action), put your trust in God.**32**Surely God loves those who put their trust (in Him).(1)

***32****. Like many other verses, this verse also contains several important principles.*

*The Prophet, upon him be peace and blessings, sought counsel with his Companions about how to handle the approaching enemy before the Battle of Uhud. Although he and the elder Companions were of the opinion that they should face the enemy outside Madīnah and lead a defensive war, the young members of the army, who formed the majority, insisted on fighting in the open field. After consultation, the elders warned the younger ones and pressed them to change their minds. They came to the Messenger, upon him be peace and blessings, and informed him that the young people had changed their minds. The Messenger, upon him be peace and blessings, who had already donned his armor, responded: “When a Prophet has donned his armor, he does not take it off” (al-Bukhārī, “I‘ti s ām,” 28).*

*Sura Ash-Shura/Ayat 38:*

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And those who answer the call of their Lord and obey Him (in His orders and prohibitions), and establish the Prayer in conformity with its conditions; and whose affairs are by consultation among themselves;**15** and who spend out of what We provide for them (to provide sustenance for the needy, and in God's cause);(2)

15. Consultation is the first requirement for reaching the right decision. Decisions reached without due reflection or proper consultation usually come to nothing. Individuals who depend only on themselves are disconnected from others and unconcerned with the opinions of others; such people, even if they happen to be geniuses, are at considerable risk of error, as compared to those who exchange opinions and arguments (See *Pearls of Wisdom*, 77–78).

Consultation settles many affairs among Muslims. Judges who cannot decide cases employ consultation to reach a verdict, based on the Qur'ān and the Sunnah, thus making it similar to *ijtihād* (deducing new laws through reasoning based on the Qur'ān and Sunnah) and *qiyās* (analogy). Furthermore, any punishment of a secondary nature that is not explicitly mentioned in the Qur'ān and the Sunnah can be pronounced after consulting authoritative Muslim jurists.

(1) 3:159/The Quran with Annotated Interpretation in Modern English by Ali Unal

(2)42:38/The Quran with Annotated Interpretation in Modern English by Ali Unal

HADITH

The Prophet – peace be upon him – has consulted his wives in the most delicate and important matters such as consulting his wife Um Salama – may Allah be pleased with her – regarding Al-Hudaibia treaty. The Prophet – peace be upon him – had written the treaty between him and the polytheists of Quraish in Al-Hudaibia region, in the hudaibia year and told his companions: go to make sacrifice and shave, but no one responded. The Prophet– peace be upon him – repeated that three times but still no one responded to him. Then the Prophet – peace be upon him – went to Um Salama and told her about the matter. Hearing that, Um Salam said: o Prophet of Allah, just go and don't speak to any one until you make your sacrifice and shave. The Prophet– peace be upon him – went out and did not speak to anyone until he did the same. Seeing that, the companions stood and make their immolation and began shaving for each other.(3)

(3) Narrated by: Um Salama hind bintabiumayiah – degree: successive – Reported by: IbnJarir Al-Tabari – Source: Tafsir Al-Tabari – page or number: 2/293

**Consultation**

For the heirs of today, consultation (*shura*) is a vital attribute and an essential rule, just as it was for the first heirs. According to the Qur'an, it is the clearest sign of a believing community and the most important characteristic of a congregation who have given their hearts to Islam. The importance of consultation is mentioned in the Qur'an to the same degree as *salat* (prescribed prayers) and *infaq* (giving to maintain the religion and people for the sake of God):

…Those who hearken to their Lord, and establish regular prayer, who conduct their affairs by mutual consultation, who spend out of what We have bestowed upon them for sustenance. (Shura 42:38)

In this verse, we are reminded that consultation is a type of conduct that is on the same level as prayer; we are reminded of the significance of consultation by the fact that the answer to and acceptance of God's word or invitation and its consequences, such as prayers, consultation and giving, are mentioned in the same divine commandment.

That is why a society which does not consider consultation important can hardly be considered to be a fully believing one, and a community which does not apply consultation is not accepted as being Muslim in the full and perfect sense. In Islam, consultation is an absolute essential, which both the rulers and the ruled must obey. The ruler is responsible for conducting consultation about state politics, governing, legislation and all affairs related to society; the ruled are responsible for expressing and conveying their views and thoughts to the ruler. The important things which should be noted are: consultation is the first condition for the success of a decision made on any issue. We have all seen how all decisions made without having been thought through thoroughly, without having taken into account the views and criticisms of others, whether related to individuals in particular or to society in general, have resulted in fiasco, loss, and great disappointment. Even if a person has a superior nature and outstanding intellect, if they are content with their own opinions and are not receptive and respectful to the opinions of others, then they are more prone to make mistakes and errors than the average person. The most intelligent person is the one who most appreciates and respects mutual consultation and deliberation (*mashwarat*), and who benefits most from the ideas of others. Those who are content with their own ideas in their plans and deeds, or who even insist or force others to accept their ideas, not only miss a very important dynamic, but also face disagreement, hostility, and hatred from the people with whom they are associated.

Just as the first condition for one to obtain the best results in any task one undertakes is mutual consultation, equally it is by means only of mutual consultation that one is able to gain a significant source of power that is far superior to one's own.

Before any venture one should not spare any effort in carrying out the necessary preliminary investigation, deliberation, and consultation in order to avoid criticizing destiny and blaming others associated with the doer and the work on the basis of causes, in order to stay within the plan of precautions, and in order not to thus delve further into harmful behavior and consequences which could lead to downfall or calamity. Disappointment and remorse are inevitable if the outcome and consequences have not been well thought-out and deliberated and if the people experienced in that field have not been referred to prior to the venture. Ventures and enterprises embarked on without sufficient prior consultation do not go far and also cause those who undertake them to lose credit and to become disheartened, discouraged, and disappointed.

Consultation is one of the prime dynamics which keep the Islamic order standing as a system. To consultation belongs the most important mission and duty of resolving affairs concerning the individual and the community, the people and the state, science and knowledge, and economics and sociology, unless of course there is a *nass* (divine decree; a verse of the Qur'an or a command from the Prophet, decisive on any point in canon law) with a clear meaning on these matters.

In Islam, the consultative council of the state is an institution in a position of guidance; it takes place prior to executive decisions. Today in some countries there is the supreme court, but its function is quite limited, its remit is quite narrow, and it is a much constrained institution compared to Islamic consultation.

Even if the head of state or the leader is confirmed by God and nurtured by revelation and inspiration, he is under obligation to conduct affairs by consultation. There have been some who have neglected to do so, but generally the number of nations or communities which have retained this institution under different names and titles at different times is not negligible. In fact, any society which has ignored or disregarded it has never prospered, but rather has perished. So the Messenger of God saw the salvation and progress of his community in mutual consultation: "Those who consult can never lose."[6]

Consultation is mentioned explicitly in the Qur'an in two verses, but there are many more verses indicating it. The first of the two explicit verses was given above, and the second one, which does not require any interpretation whatsoever, is: Consult them in the affairs (of public concern). (Al 'Imran 3: 159)

It should also be noted that consultation is the key word in this chapter of the Qur'an and how meaningful it is that the chapter is called Shura (Consultation), outlining one of the basic principles which characterize the community of true believers. In this chapter, consultation is treated as a commendable attribute of the Companions. This is a reminder that has been phrased as if to say "Why should those [the Companions] whose every action is consultation-based not be praised?" That the Companions were praised particularly for consultation from among so many attributes can be considered a very important indicator of its significance.

Just as consultation is emphasized as an important rule in the Qur'an, we also witness that it has been given considerable weight in the Prophet's example (Sunna) and that its importance is underlined repeatedly. The Messenger of God always consulted others, whether men or women, young or old, on the matters on which a Divine Decree had not been revealed. Though we may be very advanced in various fields now, we cannot claim that we have yet reached the level in consultation that had been reached at that time.

Consulting with his Companions on every matter, the Messenger of God took their opinions and perspectives into account, and thus every venture he planned was presented to and adopted by the collective conscience; he made use of every feeling, emotion, and inclination that arose from the collective conscience as a foundation, and thus he supported and gave extra strength and endurance to the work he undertook. That is, by uniting everyone and involving everyone mentally and spiritually in the work to be done, he accomplished his projects on the strongest, soundest basis.

Now we can relate some incidents from the life of the Prophet to illustrate this.

Before and after the Muslims arrived at Uhud, the Messenger of God took counsel with his Companions and instructed them to follow certain strategies during the battle. Among the strategies he employed, without having received any indirect or implied objections from the Companions were: to post the archers on a certain position on the hill; how the archers were to confront the enemies and take part in the battle; how they were not to change or leave their positions, no matter what should happen; that even if other soldiers should break ranks or run after the spoils after a clear victory, the archers were to hold their positions and continue to follow the command given and not to follow the other soldiers. However, even though they realized the wisdom of obeying commands, some of the Companions fell into the error of interpretation or judgment of when the given command was no longer valid, and thus they had an indirectly oppositional attitude, similar to that of the indirect opposition the Messenger of God had faced on the way to Uhud.[7] Now, had anyone else been faced with such consecutive opposition, and had that person suffered the loss and damage that was suffered at that time, he would certainly have rebuffed those people and their ideas, and would have said, "Go away and may God punish you as you've deserved." But the Messenger of God did not do that. Though he had been injured and his face was covered with blood as a result of the ruthless attacks of the enemies to which his Companions' actions had inadvertently exposed him, and in spite of being surrounded by the mutilated bodies of many of his Companions and close relatives, and at a time when some of his friends had worried and fought for their lives and fled toward Madina to save their lives, God's Messenger recited the verse, *Conduct the affairs by mutual consultation*to those around him, whether guilty or not, as if nothing had happened, and sat and consulted with them again about their next move. Not only did he take counsel with them, but at the same time he also informed them that they would be pardoned and he received the Divine Revelation that commanded him to pray for their forgiveness:

And by the mercy of God you dealt with them gently. And had you been severe and harsh-hearted, they would have broken away from about you; so pass over (their faults), and ask (God's) forgiveness for them; and consult them in the affairs. Then when you have taken a decision, put your trust in God, certainly God loves those who put trust in Him. (Al 'Imran 3:159)

When this verse was revealed following the Battle of Uhud, God's Messenger is reported to have said: "Indeed, neither God nor His Messenger need consultation. However, God made it a means for [His] Mercy. Whoever consults, he is not denied attaining the right, and whoever leaves it falls into deviation." It can be clearly understood by this statement that as God enjoined consultation upon His Messenger, who did not need it, then so too must other rulers or administrators practice it. The rulers are reminded that they should not exercise dictatorship and that they should benefit from the ideas of their citizens; this is how citizens can provide assistance to the governing of the state.

A few of the Prophet's remarks on consultation, taken from many, are given below:

One who consults will not have cause to regret.[8] One who consults will not come to harm.[9] One who consults is secure.[10] There has been no community which used consultation but could not reach the right result.[11]

Considering all these, there is consensus among Islamic scholars that consultation is one of the basic principles of Islam and that it is one of the necessary rules that should be applied to life. It has always been understood and practiced so, although some differences in its application can be seen through different ages and times and under some special conditions and circumstances.

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Consultation, within its remit, promises some effects and also follows some rules which lead to positive outcomes. In this regard we may mention an increase in the level of thought and intervention in society; reminding society of its own importance by taking its views on all new events; by reminding it in this way, leading it to produce alternative ideas; keeping consultation as an active principle for the sake of the future of Islam; in every event, getting the *Sawaad al-A'zam* (the majority of the highest, most able individuals or the council of the Muslim community) to join in the administration to some extent; to ensure by public supervision of the administration that the people remain aware of the necessity for questioning and calling to account the administrators whenever the situation requires them to do so; and by preventing irresponsible behavior of rulers by limiting their executive power.

As we stated above, it is because of this vital importance of consultation that God commends the Companions of Prophet Muhammad as those *who conduct their affairs by mutual consultation* (Shura 42:38). Furthermore, the fact that toward the end of the battle of Uhud, at its most painful moment, God once more commands the Prophet to consult, take counsel of them (Al 'Imran, 3:159) with the Companions, who have caused such a bitter outcome and painful time, is exceptionally important.

Both of the revealed verses related to the principle of consultation are extremely flexible and responsive to the needs of every era; they have a breadth which surpasses all ages, such that, no matter how much the world changes and no matter how the times alter, even if humans were able to build cities in the sky, they would not feel the need to add new things to these decrees (the two verses). In fact, all the other rules and principles of Islam are open to similar flexibility and universality, and have always retained, and will also retain in the future, their freshness, relevance and validity, despite the passing of time.

It would be useful to recap the points of what forms the basis of consultation.

1. Consultation is a right for both the ruling and the ruled; and in exercising that right neither has preference, priority, or superiority over the other. In the verse *who conduct their affairs by mutual consultation* (Shura 42:38), the Qur'an indicates that both sides, the ruling and the ruled, have equal status: as all the work related to the Muslims concerns every individual and the whole community, the rights of the ruler and the ruled are accepted as being equal. However, the right may vary according to time, place, and conditions, and thus the way to conduct consultation may vary.

2. As a consequence of the verse, *consult them in the affairs* (Al 'Imran 3:159), it is incumbent on the ruler or administrator to bring the matter on which consultation is required to the attention of those of sound judgment, otherwise he will be held responsible. The ruled are responsible for expressing their views when they are asked to. However, if the ruled do not express their views when asked to, then they are equally accountable. In fact, they are considered not to have fulfilled the duty of citizenship if they are not determined to be heard when their views are being taken, and still more if they neglect to voice their views and opinions.

3. Performing consultation for the pleasure of God and the benefit of the Muslims, and not allowing the line of thought of the consultative committee to be affected or deflected by bribery, threats, or oppression are essential. God's Messenger said: "One who is consulted is a man of trust; one who is consulted about a matter must express his view as if he were deciding for himself."

4. There may not be always unanimity (*ijma'*) in consultation. However, in a case where there is no general concurrence or consensus of opinion and decision amongst those present, the decision is taken and people act according to the opinion and conviction of the majority. According to God's Messenger, the majority is considered to represent full agreement:

God's hand is with the community.[12] My people do not unite around deviation.[13] I asked God not to let my people unite on deviation, and He accepted my wish.[14]

In these hadiths, we are reminded that the majority view is as powerful as unanimity and we must apply and abide by the decision of the majority. We can relate many examples of this from the Prophet's own life, and in short we can say that the consultations at the beginning and the end of the battles of Badr and Uhud were carried out in this way.

5. Whether concluded by unanimity or by the majority, as long as consultation is conducted by the rules, in conformity with the principles of consultation, it is then no longer permissible to disagree with or oppose the decisions taken, or to propose alternative ideas. To continue to air views against the decision taken with words such as "[but] I suggested a different and sounder view" or "[but] I already made a remark or comment in opposition" leads only to defeat, and is nothing less than a sin. God's Messenger went to Uhud in compliance with the view of the majority, though it was against his own judgment (*ijtihad*); after the battle, he did not say or make any remark concerning the view of the majority, its cause, and the aftermath, even though their view had been erroneous. Moreover, the Qur'an indicated that the *zalla* (lapse, slip) of the *muqarrabin* (the close ones) which was committed during the preparation for Uhud could be questioned.[15]

6. Consultation is concerned with resolving existing problems. It does not call for conjectural decisions related to hypothetical events. In any case, Islamic life is already continuing in the light of divine decrees. As to the events which occur outside that frame or as to other plans and projects that must be fully realized, each and every plan or event, by taking its particularity into full account should be resolved by itself, within itself, and according to its own manner of taking place.

7. The consultative committee convenes when the need arises and continues to work until the problems have been resolved, and the plans and projects finalized. As there is no divine decree that it should convene at regular intervals, so is there no indication that it should be composed of salaried or paid individuals; the practice of the Prophet and the first four Caliphs constitute the parameters in this respect, we are not concerned with the practices of the following periods. As a matter of fact, the execution of consultation by salaried people or officials causes many problems and complications along with it.

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The importance the Messenger of God attached to consultation and his respect for the opinions of the old, the young, and people of different social ranks requires a full and separate treatment. However, within the scope of this article we will touch upon a few examples. He always consulted and listened to the views of others, took them seriously, and tried to establish all the alternative plans and projects on firm grounds. He proved how highly he regarded consultation by sometimes revealing his opinion one by one to individuals with sound opinion and judgment, and sometimes by bringing all those people together, and then basing the decision on a collective view:

1. On the occasion of the slander against his wife Aisha (*'ifq*) the Messenger of God consulted several of his Companions, namely 'Ali, 'Umar, Zaynabbint-iJahsh, and Barira. 'Ali expressed the opinion that God's Messenger should ignore his worries and disregard the baseless slanders; 'Umar, Zaynab, Barira and many highly esteemed others stated that they believed Aisha to be chaste, exalted, and purified of such calumnies. Although the chain of narrators is not considered strong, a conversation is reported between 'Umar and God's Messenger when he asked 'Umar's opinion about the event. 'Umar said: "One day, while you were leading the congregation- al prayer, you took off your slippers and pushed them aside. When we asked the reason for it, you replied that something impure had smudged your slippers and the Archangel Gabriel came and informed you of it and asked you to take off your slippers. Now, if something had happened and blemished the good name of your wife, would God not have informed you of it?' Even though the authenticity of this conversation is not held to be high by some scholars of hadith, the lesson from it in respect of taking counsel is quite important.

2. Before setting out for the Battle of Badr, God's Messenger consulted the Muhajirun and Ansar. Miqdad, on behalf of the Muhajirun and Sa'dibnMuadh on behalf of the Ansar expressed similar views overflowing with faith, submission, and enthusiasm, which agreed with, confirmed, and supported the view of God's Messenger, thus serving to convince their tribes and the community present there that they should fulfill the decisions taken. As can be seen from that occasion, the Prophet always had such vital decisions taken and adopted by the community as a whole, and proceeded toward the target by having the public opinion along with him.

3. Again in preparation for the Battle of Badr, the Messenger of God took the counsel of Companions such as KhubabibnMunzir about the positions and the fields of battle where the army of Islam would be deployed, and decided on and used strategies in line with these suggestions. The Muslims then defeated an army three times as great as their own and returned to Madina singing songs of victory.

4. During the Battle of the Trench (Ahzab), his willingness to heed and comply with the suggestion of Salman al-Farisi that the Muslims should dig ditches around the spots where the enemy was likely to try to infiltrate Madina is another example of how God's Messenger attached importance to consultation.

5. During the negotiation of the Peace Treaty of Hudaybiya, God's Messenger again consulted his Companions. After taking the views of all the Muslims, he consulted with his wife, our mother Umm Salama, not neglecting or ignoring her opinions, assessed the views and the personal inclinations of the Companions, then decided on a way and strategy which turned potentially complete defeat, complete failure, into a clear victory, and came back to Madina having saved the lives and souls of many.

When we look into the life of God's Messenger closely, we see that every matter, affair, or problem on which a Divine Revelation was not sent was conducted by consultation, presented to and adopted by the collective conscience, and then the decision was put into practice or executed. Thus the councils of consultation that we see in the various Islamic states throughout history are nothing more or less than a simple continuation of the first consultation and the council that we see in the Prophet's model.

[6] Qurtubi, *al-Jami'u Li-ahkam-il Qur'an,* 4/251.

[7] Some younger Companions who had not had a chance to attend the Battle of Badr wanted to fight on the battlefield. Blinded by their willingness, they could not appreciate the Prophet's wise judgment to resist the enemy by defending the city, Madina. This is considered to be *zalla*, a lapse.

[8] Qurtubi, *al-Jami'u Li-ahkam-il Qur'an,* 4/251.

[9] *al-Jami'u Li-ahkam-il Qur'an.*

[10] Abu Dawud, *Adab,* 114; Tirmidhi, *Zuhd,* 39; *Adab,* 57; Ibn-iMaja, *Adab,* 37.

[11] Qurtubi, *al-Jami'u Li-ahkam-il Qur'an,* 16/36.

[12] Tirmidhi, *Fitan*, 7.

[13] IbnMaja, *Fitan*, 8.

[14] *Musnad*, 6/396.

[15] See note 7.