

# SHURAA

## ISLAMIC CONSULTATION



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## INTRODUCTION

Islam exhorts the adoption of SHURA (consultation) in all matters of importance. This meritorious practice of great benefit is encouraged by the Qur'an and the practical example of Rasulullah (Sallallahu alayhi wasallam) and his Sahaabah.

Our Ustaadh and Shaikh, Hadhrat Maulana Muhammad Masihullah Khaan, in this treatise discusses the Islamic concept of Shura or consultation. The Islamic definition, rules and status of Shura are explained in detail and in simple form.

The Islamic practice of Shura has often been misunderstood and misinterpreted by both Ulama and laymen in our day. Muslims infected with the disease of western mentality have endeavoured to show that some of the processes of 'consultation' innovated by non-Muslims are in fact akin to Islamic Shura. Sometimes Qur'aanic Aayaat and Hadith narrations are manipulated and distorted to give credence and validity to systems of 'consultation' and 'consultative assemblies' invented by men weak in Imaan and deficient in deeds of virtue — by men who have very slight relationship with the Sunnah of Rasulullah (Sallallahu alayhi wasallam). This treatise will dispel the confusion which has been woven around the Islamic concept of Shura. It will put forward the simple system of Shura of Rasulullah (Sallallahu alayhi wasallam) and the Khulafa-e-Raashideen (radhiallahu anhum).

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## FOREWORD

The recent chaotic conditions which prevailed in certain Madaaris have brought into focus the status of the administrative and consultative bodies of these institutions of Deeni learning. Many different rumours spread to various parts of the world. As a result, concern and anxiety set in among the ranks of the learned. Numerous requests to write something on this issue poured in from inside the country, as well as from foreign countries. Ulama from Gujerat and elsewhere in the country, as well as from Pakistan, South Africa, England, etc. made such requests in abundance. Although there was a continuous flow of these requests pouring in, it was considered unwise to touch this subject in a turbulent atmosphere. I did not discern any benefit in writing on this issue at the time. In fact, this attitude was always that of our illustrious predecessors who had advised and adopted solitude and silence during times of anarchy. On such occasions safety lies in solitude and silence. This advice has greater emphasis in these times when no one is prepared to heed the admonition of another. Nowadays, attention and confidence are no longer accorded to the knowledge, intelligence, insight and experience of men of wisdom. Sound advice and good counsel are summarily dismissed if these clash with one's opinion. When such dismal attitudes prevail one is not inclined to write and comment on the situation.

There was the time when the word of seniors was accepted without demure. Such was the degree of respect and honour shown to seniors that wholehearted acceptance was offered even if their advice clashed with one's opinion. For practical adoption the advice of the senior was always accepted.

During the time of Hadhrat Maulana Rashid Ahmad Gangohi (rahmatullah alayh) an application for membership of the Shura (consultative Assembly) of the Darul Uloom Deoband was received from a local wealthy resident who belonged to the upper social

strata. But, Hadhrat Gangohi refused the application. Great strife and anarchy ensued in the wake of the refusal. The escalation of disturbances threatened the closure of the Madrassah. In view of the delicate situation the Principal and management officials of the Madrassah approached Maulana Gangohi and advised him:

*"In such a grave situation it would be expedient to accept the application for membership. The mischief and strife will dissipate and there seems no harm in his (the wealthy man's) being a member since the majority serving in the Shura is in fact the supporters of Maulana".*

However, Maulana Gangohi (rahmatullah alayh) categorically refused the application and commented:

*"The madrassah is not the aim and object. The pleasure of Allah is the aim. We shall be apprehended (by Allah Ta'ala) for appointing an unqualified person. Should the mischief and disturbance escalate as a result of refusal to accept his application for membership, and in consequence the Madrassah is compelled to close, he will be liable and answerable".*

On hearing this reply, all maintained silence and abandoned their own opinion. By accepting the ruling of Hadhrat Gangohi, the mischief ended. This was the result of heeding and accepting the advice of seniors. However, today such virtuous attitudes are lacking, hence, my initial disinclination to write anything on this topic.

Finally, the atmosphere of tension, mischief and incitement ended and the situation returned to normality. Nevertheless, Ulama from far and wide persisted on the presentation of a detailed discussion setting out the Shari status and limits of the principal and consultative assembly. A Strong need was felt for elaborating and defining the rules in this regard.

I then thought that after all, lovers of the truth will accept the truth. An explanation of this question will benefit them, I, therefore, discerned the advisability of presenting this treatise, reposing my trust in Allah. Research of the Books of Tafseer and Hadith was made for the initiation of this work.

## THE BASIS

Regarding this question, the most explicit basis is the following statement of Allah Ta'ala.

﴿وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ ط

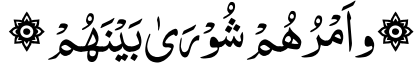
إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ﴾

"And, consult with them in affairs. Then, when you have decided, have trust on Allah. Verily, Allah loves those who have trust (in Him)".

In this Aayat Rasulullah (Sallallahu alayhi wasallam) is advised to consult with the Sahabah in important matters. However, after having decided, he (Sallallahu alayhi wasallam) should proceed to act according to his decision, reposing trust in Allah.

Although, this Aayat is directed in the first instance to Rasulullah (Sallallahu alayhi wasallam), however, by way of indication (Dalaalat) it applies to all Muslims in general.

Thus, this Aayat constitutes a general principle for the entire Ummah. Another Aayat in corroboration, extolling the high qualities of the Believers, says:



*"Their (mutual) affairs are (decided with) consultation among them".*

Before embarking on the tafseer, explanation of this Aayat and the rules emanating therefrom, an explanation of the conception of Ameer and Shura is necessary.

### THE MEANING OF SHURA

Ruhul Ma'ani states:

*"Ash-Shura is an infinitive verb (root-word) like Al-bushra. Imam Raghīb said that al-mashwarah is the acquisition of opinion by mutual consultation. Shura is a matter regarding which consultation takes place. The popular view is that Shura is a masdar (infinitive verb)."*

In Mufradat of Imam Raghīb it is stated:

*"At-tashawur, al-mushaawarah and al-mashwarah are the acquisition of opinion by mutual consultation. And, ash-Shura is a matter about which consultation takes place".*

Tafseerul Mazhari states:

*"Ash -Shura is an infinitive verb like al-futya. It means mutual consultation."*

Tafseer Madarik states:

*"The meaning of شاورْتُنْفلانا is: "I have presented my opinion and he has presented his".*

According to these references, it is clear that the terms mashwarah, mushaawarah and shura are synonyms meaning "the obtainal of different opinions". Thus, it should be apparent that the function of

an advisor or the one tendering an opinion, is merely the presentation of his opinion. Enforcement and imposition of mashwarah (advice or an opinion tendered) are beyond the scope of the advisor's function. Enforcement of a particular opinion or advice is entirely a separate affair.

### WHO ARE THE ULUL AMR?

In the Qur'an Majeed, along with the divine command to render obedience to Allah and His Rasool is the command to obey the Ulul Amr. Thus, the Qur'an Majeed declares:

*"O people of Imam! Obey Allah, obey His Rasool and the Ulul Amr among you" (Surah Nisa)*

This gracious Aayat explicitly commands obedience to the *Ulul Amr*. It is, therefore, important to understand the meaning of *Ulul Amr*, To whom does this term refer?

Every important act or statement is termed *Amr*. It is also used as a synonym for *hukm* (command). In Arabic, the term *ulu* is, plural, meaning 'the people', 'the ones'. *Ulul Amr* thus means 'the people of command.'

It is quite apparent that *Ulul Amr* is not confined to the rulers and kings. The term has a general application as is clear from the following references from Books of Tafseer.

Anwarut Tanzeel states:

*"Ulul Amr: He (Allah Ta'ala) intends by them the leaders of the Muslimeen during the age of Rasulullah (Sallallahu alayhi wasallam) and after him. Among them are included the Khulafa, the Qadhis and the leaders of the army. It is said that the Ulama of the Shariah are also included."*

Ibn Katheer states:

*"The apparent meaning is that it (Ulil Amr) generally refers to everyone of authority among the leaders and the Ulama."*

Tafseer Khazin states:

*"Zujjaj said that the Ulil Amr are all such persons who control and arrange the Deeni affairs of the Muslimeen as well as all affairs concerning their interests and well being".*

According to the aforementioned exegesis of the Qur'aanic Aayat it is abundantly clear that the meaning of *Ulil Amr* is not confined to only the rulers, but extends to a wide variety of men in authority.

Discussing the meaning of *Ulil Amr* in *Al-Abwab Wat-Tarajim*, Hadhrat Shaikhul Hadith Maulana Muhammed Zakariyya Sahib records a number of versions narrated by Allamah Aini. After stating the last version, he confirms that the most authentic version asserts a meaning of general application. This is also the view of Imam Bukhari (rahmatullah alayh).

In the eleventh version, Imam Bukhari's (rahmatullah alayh) view is stated:

*"Its (i.e. Ulil amr's) meaning is general. It refers to every person to whom jurisdiction over something has been assigned". (Al-Abwab Wat-Tarajim).*

Mullah Jeewan (rahmatullah alayh) states in his Tafseer:

*"In fact, the scope of its meaning covers every person of command (or authority), be he an Imam or an Ameer, a Sultan or a Hakim, an Aalim or a Mujtahid, a Qadhi or a Mufti, in relation to leader and follower".*

According to the Ahadith as well, the term *Ulil amr* has a general and a comprehensive meaning.

Hadhrat Abu Saeed Khudri (radhiallahu anhu) narrates that Rasulullah (Sallallahu alayhi wasallam) said:

*"When there are three persons on a journey, they should appoint one of them as the Ameer".*

It is clear from this Hadith that the term Ameer does not refer to only the Sultan or Hakim. On the contrary, it is a word with a comprehensive meaning. Thus, even travelling companions are exhorted to appoint one of them as the Ameer. Following the Ameer will thus be obligatory. Intelligence too demands a single central figure of control.

Hadhrat Ibn Umar (radhiallahu anhu) narrates that Rasulullah (Sallallahu alayhi wasallam) said:

*"Everyone of you is a shepherd and everyone of you will be questioned about his flock. Thus, the Imaam who is appointed over people is a shepherd and he will be questioned about his flock. A man is the shepherd of his family and he will be questioned about his flock. A woman is a shepherdess in the home of her husband and over her children. She will be questioned about them. The servant is a shepherd over the property of his master and he will be questioned thereabout. Hear well! Thus, everyone of you is a shepherd and everyone of you will be questioned about his flock" (Mishkaat Shareef).*

These Ahaadith make it abundantly clear that the term, *ameer* applies to everyone who has authority over others. Obedience to the *ameer* has been decreed compulsory by the Shariah. Every such person having authority over another comes within the purview of the meaning of *ulil amr*, obedience to whom is obligatory.

Hadhrat Maulana Fatah Muhammad states in his famous work, Khulasatut Tafaseer:

"A permissible act commanded by the Sultan, Mujtahid, Ustadh, Shaikh, father or husband is of two kinds:

1. The act relates to the maintenance of law and order, it goes without saying that such an order becomes obligatory. There is no dispute in this, otherwise governments will become ineffective and chaos and anarchy will follow.
2. The act relates to Ibaadat and Aqaaid (Beliefs). In such matters there is no obligation to follow since the introduction of new practices in the Deen is void. No one has the right to innovate in the Deen.

Rasulullah (Sallallahu aiavhi wasallam) said:

*"There is no obedience to any created being in disobedience to the Creator".*

Thus, an obedience which involves disobedience to Allah Ta'aia or sin is unlawful.

### **A MISCONCEPTION**

In certain quarters there exists a misconception regarding obedience to superiors. It is alleged that the Muta-akh-khireen (i.e. the later Fuqaha) have fettered Muslims with serfdom by planting in them the seed of 'worshipping' seniors (the Shaikh, Ustadh and Senior Ulama). The exposition of the term *ulil amr* in the foregoing pages will dispel the error of this charge. The Ulama-e-Muta-akh-khireen have merely stated the obligation of rendering obedience to those for whom the Shariah has commanded obedience. They have not introduced any new dimension in the Shari conception of *ulil amr*. As long as such obedience is within the limits of the Shariah, it will be an obligatory command falling within the scope of the Qur'aanic Aayat ordaining obedience to Allah, His Rasool and the *Ulil amr*.

In fact, such obedience to seniors in these times assumes greater importance in view of the liberalism which has afflicted juniors. The consequence of this baneful attitude of liberalism is the elimination of peace and contentment.

Consider the fact of a father being the *hakim* (ruler) of his house. Obedience to him is confirmed by several Aayat and Ahaadith. In view of this, will it be just to brand the children's obedience as being the worship of the father? Similarly, the Shariah orders the wife to obey her husband. How, then, can such commanded obedience be construed as worship of the husband? In a similar way, the Ustadh is the *hakim* of his pupils and the Shaikh is the *hakim* of his mureeds (disciples).

In regard to Rasulullah (Sallallahu alayhi wasallam), the Qur'an Majeed says:

*"He (i.e. Muhammad) purifies them (the Mu'mineen) and teaches them the Kitaab and Hikmah". (Surah Al-e-Imran)*

The Hadith Shareef states:

*"Verily, I (i.e. Muhammad) am to you like a father is to his child." (Mishkat)*

*"Verily, the Ulama are the Heirs of the Ambiyaa." (Mishkat)*

In conjunction with the two former narrations, it is clear from this Hadith that the Asaathizah (Teachers of Dean) and the Mashaa-ikh are perpetuating the mission of the Ambiya (alayhimus salaam) in regard to Deeni Ta'leem and purification of the nafs. In their attitude of affection and concern for the betterment and well-being of Muslims, they are like a father to his children. Thus, to brand obedience to these seniors as *akabir-parasti* (worship of seniors) betrays not only deficiency in knowledge, but is an indication of ignorance and gross error. This allegation is the consequence of deviation from the Path of Truth because the move to "unfetter" laymen from the Ulama with the attitude of liberalism is the medium for the spiritual destruction of the general public. Both their worldly life and their Aakhirah are exposed to the danger of destruction and ruin. These baneful results are being observed in this present age.

As has been stated earlier, the reality of *mashwarah*, *mushaawarah* and *shura* is the acquisition of different opinions regarding a matter. The function of the advisors is merely to present their opinion/advice. However, acceptance of any particular advice or even dismissal of all the opinions tendered by the advisors and to act in accordance with one's own opinion are the rights of only the *Ulul Amr*, whether it happens to be ruler of the house, viz the husband, or the one in charge of Salaat, viz the Imam, or the one in charge of the Madrassah, viz. the Principal, or the one in charge of Hajj, viz. Ameerul Hajj, or the ruler of the country, viz. the Sultan, or the one in charge of the army, viz. the Commander, or the one in charge of the court, viz. the Qadhi, etc.

Every department of society has its *ameer*. It does not matter in which sphere we look, there is always a central controlling authority supervising those under his jurisdiction. Without this arrangement chaos and anarchy will reign in the land. In every sphere of our mundane life, obedience to an *ameer* (leader) is a requisite for order and systematic operation. The same principle applies to the Dean.

### **THE SUPERIORITY AND EXCELLENCE OF THE SYSTEM AND ORGANIZATION OF THE DEEN.**

The Deen accords greater importance to the maintenance of a beautiful and perfect system and order of life. The Deen having greater awareness of human nature as well as fully comprehending all changing circumstances and contingencies which will develop until Qiyaamah, has provided man with the best, highest and most beneficial system to order and regulate his life.

Non-Muslims, in fact, have learnt from Islam the way of conducting the affairs of a country. The great and wonderful accomplishments of the Khulafa-e-Raashideen in the establishment of governmental systems have astonished men of intelligence. Having in view the achievement of the highest degree of perfection and efficiency,

Allah Ta'ala has established the principle of ranks in society for the operation of the system of the Shariah. Thus, an ameer has been appointed for every department of life and obedience to the ameer has been decreed obligatory.

*Mabsoot* is the name of a book in Islamic jurisprudence (Fiqh), the author of which is Imam Muhammad (rahmatullah alayh). Elaborate expositions of the proofs of Islamic jurisprudence are presented therein (*Mabsoot*). A christian who had embraced Islam after having studied this book commented:

*"This is the book of your junior Muhammad (i.e. Imam Muhammad). How indeed, then, is the Book of your senior Muhammad (i.e. Rasulullah)?"*

In other words, from the vast and superior knowledge of Imam Muhammad (rahmatullah alayh) one can gauge the lofty degree of the knowledge of Rasulullah (Sallallahu alayhi wasallam). The expositions of Imam Muhammad (rahmatullah alayh) were, in fact, an exegis of the knowledge handed down by Rasulullah (Sallallahu alayhi wasallam) to his followers.

It is indeed significant that aliens (i.e. non-Muslims) have adopted the principle of leadership in every department of life. In all departments there are gradations. Every department has a head. Those serving under the head are obliged to be obedient to him. In contrast, Muslims in these times have deviated and have abandoned this principle inspite of Rasulullah's (Sallallahu alayhi wasallam) order:

*"Hear well! Everyone of you is a shepherd and everyone of you will be questioned about his flock."*

Rasulullah (Sallallahu alayhi wasallam) has appointed every person a ruler with authority over his subordinates.

Emphasising the importance of submission to the ameer, Rasulullah (Sallallahu alayhi wasallam) said:

*"Hear and obey even if a Habash' slave is appointed over you..."*  
(Mishkaat)

### **CONFINING ULIL AMR TO ONLY THE KINGS AND RULERS**

It is not correct to confine the meaning of Ulil Amr to only kings, rulers and governments. The people of knowledge are well aware of the fact that the term 'Imam' while it is used in the Hadith for the Sultan, it is also used for the one who leads the Salaat. The Fuqaha have, therefore, categorized Imaamate into Imaamat-e-Sughra (Lesser Imaamate) and Imaamat-e-Kubra (Greater Imaamate).

Rasulullah (sallallahu alayhi wasallam) said:

*"Jihad is obligatory on you with the Ameer, be he pious or evil, even if he commits major sins. Salaat is obligatory on you behind every Muslim, be he pious or evil, even though he commits major sins".*  
(Mishkat)

This Hadith commands obedience to both sets of Imams with equal emphasis.

Similarly, Rasulullah (sallallahu alayhi wasallam) appointed Hadhrat Abu Bakr Siddique (radhiallahu anhu) as the Ameerul Hajj on his return from the expedition of Tabuk.

It is among the objectives of the Shariah to have an Ameer in every department of life. Mischief, anarchy and chaos will be the consequences if the reins of authority are distributed among a number of persons. This then is the consequence referred to in the following Qur'aanic Aayat:

*"If there were gods in the heaven and earth besides Allah, then most certainly these (heaven and earth) would have been corrupted".*  
(Surah Ambiya)

Thus, without a single, central figure of authority the result is chaos and anarchy.

Elaborating on the Hadith which orders the appointment of a leader (Ameer) among travelling companions, Imam Ghazali (rahmatullah alayh) comments that opinions differ and conflict. Along the journey the mutual clash of opinions can prove destructive.

Intelligence too, dictates that authority to make the final decision and its implementation be vested in a single responsible person. In the absence of such a single authority to take the lead and act decisively, system and government break down resulting in confusion, indecision, weakness and chaos.

It has been shown positively from various angles that the function of advisors ceases upon the presentation of their advice or opinion and that the authority of administration and enforcement is the duty of the Ameer.

## THE SCOPE OF CONSULTATION

In which affairs does Shura (consultation) have to be adopted? The Qur'aan Majeed exhorts:

*"And (O Muhammad!) Consult with them (the Sahabah) in affairs"*

Explaining this exhortation, Tafseer Roohul Ma'aani says:

*"i.e. in matters of war or in such similar affairs in which consultation usually takes place. This is the view of a group (of Fuqaha)."*

Tafseerul Mazhari comments:

*"In the matter of war and such affairs which require consultation when you have no knowledge from Allah Ta'ala regarding it."*

According to Tafseer Khazin:

*"The Ulama are unanimous that it was not permissible for Rasulullah (sallallahu alayhi wasallam) to consult the Ummah in such matters in regard to which Wahi was revealed. He has been ordered to consult in affairs other than this, viz. in matters pertaining to worldly affairs, warfare, etc".*

It is clear from these references that the Ameer is permitted to consult in all matters regarding which Wahi (Revelation) is silent.

### **Consultation- Mustahab or Waajib?**

In this regard the ruling will be stated from various Books of Tafseer.

Tafseer Kabeer states:

*"Hasan Basri and Sufyaan Bin Uyainah said that Rasulullah (sallallahu alayhi wasallam) was ordered with consultation merely so that others may follow him in this and so that it may become a Sunnat of his Ummah."*

*"While the term" شَاوَرَهُمْ " (consult with them) denotes wujoob (compulsion), Imam Shafi interpreted it as (an order of) Istihbaab (meritorious)."*

After citing the aforementioned version, Tafseerul Mazhari adds:

*"(The purpose of the exhortation to consult them) is to obtain (from them) their opinion, to gladden them and to establish consultation as a Sunnat of the Ummah."*

Ahkaamul Qur'aan states:

*"Mashwarah (consultation) among them is in important matters. Thus, consultation is not Mustahab in unimportant matters."*

In addition to the aforementioned references, numerous other narrations establish that consultation is Mustahab, not Waajib. The command to consult applied in the first instance to Rasulullah (sallallahu alayhi wasallam). However, it is quite apparent that it was not compulsory for Rasulullah (sallallahu alayhi wasallam) — the Repository of Wahi — to consult with the Sahaabah. In this regard Tafseer Ruhul Ma'aani says:

*"Ibn Abbas (radhiallahu anhu) narrates that when the verse, وَشَاوِرْهُمْ فِي الْأَمْرِ was revealed, Rasulullah (sallallahu alayhi wasallam) said: 'Hear well! Verily, Allah and His Rasool are in no need of consultation. But Allah has made it (consultation) a mercy for my Ummah...' "*

Thus, consultation has been introduced as a measure of mercy and blessing for the Ummah. The command in the Aayat is not for ordaining **wujoob** (compulsion). The purpose is to introduce this laudable and beneficial practice of consultation in the Ummah. It is neither **Waajib** nor **Sunnatul Muakkadah**. It is a **Mustahab** and meritorious practice. The **'Rahmat'** with which Rasulullah (sallallahu alayhi wasallam) describes **mashwarah** implies the category of istihbab.

Since **mashwarah** is not obligatory, only its excellences (fadhail) have been stated (in the Ahadith) while abstention therefrom has not been criticized or proscribed.

Imam Shafi's view that the order of شَاوِرْ is for istihbab (meritorious and laudable) confirms the non-obligatory nature of **mashwarah**.

The author of Khulasatut Tafaseer says:

*"It is laudable for the Ameer to consult his companions while reposing his trust on Allah. However, he should not be lacking in the organization of effective means."*

*Mas'alah: Shura with ones subordinates is not waajib. It is preferable. Similarly, pardoning them is not waajib. These acts are beneficial for the Ameer and engender obedience of the public. This is indicative of istihbab. Frequently, punishment is better than pardoning and secrecy is more cautious than Shura.*

At times circumstances demand abstention from consultation. It is narrated that on occasions when Rasulullah (sallallahu alayhi wasallam) desired to throw a veil of secrecy on the true objectives of the army, he would make enquiries of the north while the intention was to proceed to the South. On occasions, therefore, it will be expedient to refrain from consultation.

In Nafa-isul Azhar, the Urdu translation Majaalisul Abrar it is said that when contemplating some action it is **Mustahab** to consult.

### THE RIGHT TO CRITICIZE

The discussion thus far has established that it is Mustahab for the Ameer to consult, whether he is the head of the house, viz, the father, or the head of the Madrassah, viz, the principal, or the head of the country, viz. the Sultan. The function of the advisors with whom the Ameer consults, is merely to present their advice and opinion.

Acceptance or rejection of the advice tendered being the right of the Ameer, it will not be proper to say that he does not consult, should he reject the advice of his advisors. It should be remembered that the Ameer is also a member of the Shura, hence his mashwarah too is included among the advices of the Shura. In rejecting the opinions of the other members he, therefore, cannot be accused of abandoning consultation. Consultation is not to be understood as the incumbent imposition on the Ameer of the views of the Shura.

The Ameer is entitled to act in accordance with either the majority or the minority opinion of his Shura even if the minority happens to be a single advisor. This right of the Ameer has been explained with clarity in various Tafaseer (Books of Qur'aanic exegesis) in the exposition of the Aayat:

فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَيْهِ

*"When you have resolved, then have trust on Allah."*

Further references will now be cited in substantiation of this right which the Ameer possesses.

In the tafseer of the Aayat: فَإِذَا عَزَمْتَ, Tafseer Roohul Ma'aani states:

*"ie. When you (the Ameer) have resolved (the issue) on a particular course, after consultation..."*

Jalaalain Shareef says:

*"When you have resolved after consultation to act in accordance with your intention (or opinion), then repose trust on Allah. Have trust in Him, not in consultation."*

Tafseerul Mazhari states:

*"When you have resolved on something after consultation."*

Tafseerul Mudarik states:

*"When you have decided on an issue after Shura"*

Tafseer Baidhawi records:

*"When you have finally decided on an issue after Shura"*

Tafseer Roohul Bayaan says:

*"When you have resolved, i.e. after mashwarah, an Issue and you feel satisfied."*

Bayaanul Qur'aan explains this Aayat as follows:

*"As a practice consult with them in matters of importance so as to make them feel happy. Then, after consultation when you have resolved on a particular course, whether it be in accord or in conflict with their advice, then, placing your trust in Allah Ta'ala, put into practice (your resolve). Verily, Allah Ta'ala loves those who put their trust in Him."*

Elaborating further, Bayaanul Qur'aan states:

*"Whether the Ameer's decision is in accord or in conflict with their mashwarah --the proof for this claim is the term عَزَمَ (i.e. you have resolved — عَزَمْتَ). This term appears in the Aayat without any restrictive condition. This confirms that in governmental affairs requiring opinion and consultation, the principle of majority opinion is absolutely baseless. If majority opinion had any validity in matters of consultation, the Ameer's resolve and decision would only have been valid if, ratified by the majority opinion."*

On the contrary, we find the Qur'aan upholding the decision of the Ameer.

All these authoritative Books are unanimous in the meaning of this Aayat. All propound the same view. All Mufasssireen proclaim the same view, viz. After consultation, the Ameer is entitled to adopt or reject any opinion presented by the Shura, be it a majority or minority one. If majority opinion was the principle to be adopted after consultation, the Qur'aan would have said:

فَإِذَا عَزَمُوا

*(When you [i.e. plural] have resolved),*

or even

فَإِذَا عَزَمَ أَكْثَرُهُمْ

*"When their majority has resolved."*

But, instead, the Qur'aan, addressing the Ameer, says:

فَإِذَا عَزَمْتَ

i.e. the second person, singular.

This view is further strengthened by Ahkamul Qur'aan of Jas-saas:

*"When Rasulullah (sallallahu alayhi wasallam) consulted with the Sahaabah, they would present their opinions and Rasulullah (sallallahu alayhi wasallam) would also present his opinion. He would, however, act in accordance with the opinion which appealed to his ijtihaad."*

*"It was thus possible that the opinion of the Sahaabah concurred with the opinion of Nabi (sallallahu alayhi wasallam) and it was also possible that the opinion of some of them concurred. It was likewise possible that the opinion of all the Sahaabah conflicted with the opinion of Nabi (sallallahu alayhi wasallam) and thus he would act according to his own opinion."*

### **Un-Islamic Systems**

It will now be abundantly clear that the system in some of our Deeni institutions of making the Ameer a mamoor (i.e. one who has to obey, stripping him of his prerogative right) and elevating the advisors to the rank of Ameer (by assigning them the right of decision) is un-Islamic. This un-Islamic system in some Deeni institutions has been acquired from aliens. It is, therefore, imperative to discard it and introduce the Shar'i system.

It is most surprising, especially for Ulama, to argue the validity of such un-Islamic systems on the basis of democratic style government. The foregoing discussion has established without any ambiguity that the Shar'i system of government is neither a total dictatorship nor a secular democracy. In contrast to these two extremes, the Islamic system of government envisages an Ameer who is neither totally independent of **mashwarah** (consultation) nor subservient to his advisors. In the Shariah of Muhammed (Sallallahu alayhi wasallam) there are no extremes. The middle path and moderation are the norms of this Shariah.

Thus, the Qur'aan says:

*"in this way have We created you the balanced (middle,  
moderate) Ummah"  
(Surah Baqarah).*

In present-day democracies the norm is majority rule. The Ameer (President) is subservient to the majority. This is in conflict with intelligence and nature. Consider the government of the home. Are the children entitled to discard the order of their father on the basis of majority opinion? Are they permitted to argue that since they are the breadwinners their father has to be subservient to the decision adopted by the majority? Intelligence will never condone such behaviour because the father is in actual fact the ruler while the wife and children are his subjects. Obedience to their ruler is incumbent on them. The Fuqaha have even ruled that in any conflict between the commands of the mother and father, the children will be obliged to obey the father since he is the Ameer and ruler of both his wife and children. However, in rendering service and showing kindness, the right of the mother has priority. Similarly, in a clash of opinion between the Imam and musallis regarding the number of raka'ts performed the decision of the Imam will be final, no matter how numerous the musallis holding an opposite opinion may be. In the same way, in an educational institution, the regulations of only the principal will be enforceable. The advisors cannot impose their opinion on him. It cannot be said

to him: "You are an employee of the institution and the right to rule and control belongs to the Shura (consultative Committee)". Since the principal is the ruler in the institution, he cannot be made subservient to the Shura. He has the unfettered right to decide. The only difference in regard to authority between the Ameer of an institution and the Sultan is that the latter possesses all the coercive agencies of authority of the state. Since, he rightfully possesses such coercive power, he is fully entitled to utilize force and coercion to compel acceptance of his Shar'i proclamations and decisions.

In view of the authority of the head of the institution, all members (advisors) of the Shura are his underlings and subservient to him not withstanding the merit of the Ameer consulting with advisors. However, after consultation, the adoption of any particular course or opinion is the right of solely the Ameer, be it the majority or the minority opinion or be it even his own opinion.

In administrative affairs on which the Shariah is silent, the opinion of those having experience in such affairs will enjoy priority. The **muhtamim** (principal) of an institution is more cognizant with the administration of the madrassah under his control. He is daily in touch with the institution, the staff and the students and is generally well-apprized of the attitudes of the community and other related matters. On the other hand, the advisors of the Shura have, comparatively speaking, lesser contact with all aspects of the administration. The principal, therefore, by virtue of his greater experience, will be entitled to adopt his own opinion should the opinion/advice of the Shura clash with his. Even Rasulullah (Sallallahu alayhi wasallam) endorsed the opinion of the Sahabah-e-Kiraam in mundane matters which depended on experience for correct understanding. The case of the transplantation of date-plants is not hidden from people of knowledge.

Once Rasulullah (Sallallahu alayhi wasallam) despatched an army on a Jihad campaign. Senior Sahaabah such as Hadhrat Abu Bakr and Hadhrat Umar (radhiallahu anhuma) had also joined the army.

However, a Sahaabi of low social rank was appointed the commander of the army. The army arrived at its destination during the night time and set up camp. The Ameer of the army ordered that numerous fires be lit in different places. Senior Sahaabah in the army objected since they failed to understand the wisdom underlying this order. The Ameer reminded them of their duty to obey. Thus, the order was carried out.

When the army returned to Rasulallah, this episode was related. Rasulallah (Sallallahu alayhi wasallam) enquired from the Ameer the reason for the order to light fires. When the Ameer explained that the many fires dotting the wide area of the desert in the darkness created the illusion of vast numbers, Rasulallah (sallallahu alayhi wasallam) upheld the correctness of the commander's order.

This episode also supports the view that in matters in which experience plays a major role, the opinion of the Ameer will enjoy priority.

The Incumbency of obeying the Ameer within the confines of the Shariah is well borne out by the following narrations:

*"Ibn Abbas narrates that Rasulallah (sallallahu alayhi wasallam) said: Whoever observes in his Ameer something displeasing, should be patient, for verily, the person who splits from the jama'at by even one hand and then dies, dies the death of jaahiliyyah." (Mishkat)*

Hadhrat Abdullah Ibn Mas'ud (radhiallahu anhu) narrated that Rasulallah (sallallahu alayhi wasallam) said:

*"Soon after me will you see self-promotion (and self appointment) and such things which you will detest" The Sahabah said: "What do you command us to do at such times), O Rasulallah !" Rasulallah (sallallahu alayhi wasallam) said: "Fulfil their rights and ask your rights from Allah" (Mishkat)*

It is, thus this command which constrained the Sahabah to bear with patience the injustice and oppression of Hajaj Bin Yusuf. The following narration further confirms this fact:

*"Zubair Bin Adl said that Anas Bin Malik (radhiallahu anhu) came to us. When we complained to him about the cruelties of Hajjaj, he (Anas Bin Malik) said: 'Adopt sabr'... (Mishkat)*

Mullah Jeewan (rahmatullah alayh) says in Tafseerul Ahmadiyah:

*"The Tabi-oon accepted posts (in the government) offered by Hajjaj although he was a cruel Sultan according to the narration in Hidayah."*

It is, therefore, required of us to bear with patience the faults, and deficiencies of the Ameer as was the practice of the illustrious Tabieen. We have to follow in the footsteps of the Salf-e-Saliheen whose knowledge, practice and understanding were much superior and loftier than what we possess.

Allah Ta'ala commands:

*"Follow the path of those who turn towards Me."*

This should be kept always in mind. In this direction lies the secret of our success. The Shariah emphasises obedience to the Ameer to the extent that even if he (the Ameer) happens to be a faasiq, he has to be obeyed and followed in Jihad and Salaat.

## **THE WISDOM OF OBEDIENCE TO THE AMEER**

Underlying the command of obedience to the Ameer is the wisdom of maintaining unity, law and order among Muslims; the preservation of the strength of the Muslim nation and the prevention of chaos and anarchy. The corruption and anarchy which will rise in the wake of dissension will be worse and more harmful than the prevailing detestable deficiencies. When confronted by two evils, the choice of the lesser evil becomes necessary. Hence on

the basis of this principle, it is essential to bear with patience the prevailing injustices.

Besides the requirements of the Shariah, it is only natural for superiors to expect obedience from their subordinates. Thus, a father expects obedience from his son; a murshid (spiritual guide) from his mureed (disciple); a teacher from his student, a leader from his following, a commander from his army and a king from his subjects. Obedience is, only proper and beneficial for subordinates. It is their duty to obey their superiors. The **Aslaaf** (our illustrious forbearers) obeyed their superiors in the various departments of life with great sincerity. This was the secret of their success and perfection.

The way of **Aslaaf** was to render true obedience to the Ameer.

When they observed the Ameer committing an evil or un-just act they would respectfully proclaim the truth in his presence and then resign themselves to Allah. But, they continued to obey within the confines of the Shariah. Their stand of proclaiming the truth is based on the following Hadith of Rasulullah (sallallahu alayhi wasallam):

*"The best Jihad is the true word (proclamation of truth) in the presence of a tyrannical ruler". (Mishkat).*

The basis for the continuance of obedience within the confines of the Shariah after having declared the truth, is the following Hadith:

*"Auf Bin Malik Ashja', (radhiallahu anhu) narrates that Rasulullah (sallallahu alayhi wasallam) said: "The best of your A-immah (Ameers) are those whom you love and they love you; you supplicate for them and they supplicate for you. The worst of your leaders are those whom you detest and they detest you; you curse them and they curse you'. We (the Sahaabah) said: "O Rasulullah! Should we not break our pledge of allegiance at such times?" Rasulullah (sallallahu alayhi wasallam) said: "No! As long as they establish Salaat among you. Beware! Whoever observes an appointed ruler*

*sinning against Allah, should detest the sin which he commits, but should never withdraw his hand from obedience (i.e. he should not disobey and rebel)." (Mishkat)*

It is now abundantly clear that all subordinates in an institution should obey their leaders in the various departments. They should consider their Ameer to be their superior and friend. They are entitled to respectfully draw his attention to any error he commits. But, to advertise his faults and publicly denounce him are to open the door to anarchy and chaos. The Shariah severely forbids such action. Thus, the Hadith states:

*"The worst riba is to wreck the reputation of a Muslim without justification." (Mishkat).*

(The Shariah does not justify the publication of the faults of the Ameer, hence those engaging in such activities come within the purview of the warning stated in this narration -Translator)

Another narration in this regard says:

*"Ibn Umar (radhiallahu anhu) narrated that Rasulullah (sallallahu alayhi wasallam) mounted the mimbar and proclaimed in a loud and clear voice: "O gathering of those who have accepted Islam with the tongue while Imaan has not penetrated the heart! Do not molest the Muslimeen: Do not be sarcastic towards them. Do not search for their faults, for verily, Allah will pursue the faults of the one who pursues the faults of his brother Muslim. Allah will disgrace the one whose faults He pursues even though he is within his home. (Mishkat)*

The **fitnah** and **fasaad** which follow in the wake of such public criticism and vilification are abhorred by Allah Ta'ala.

Among the highly abominable defects in man is the perpetration of **fasaad** (corruption and strife). On the occasion of the Divine announcement proclaiming the creation of Hadhrat Aadam (ala

Nabiyyina wa alayhis salatu was-salam) and his appointment as Allah's Khalifah on earth, the Mala'ikah voiced their surprise and exclaimed:

*"What! Will you (O Allah!) appoint on earth one who will create fasaad therein and shed blood?"(Surah Baqarah)*

Among the defects in man, the Malaikah mentioned the one most abhorred by Allah Ta'ala, viz. fasaad. Blood-shed is even worse. Even Allah Ta'ala speaks about the evil of **fasaad** in a number of places in the Qur'an Shareef. Thus, Allah Ta'ala says:

*"Verily, Allah does not love those who spread fasaad."  
(Surah Al-Qasas)*

*"This Abode of the Aakhirah We shall award to those who do not desire strife on earth nor fasaad." (Surah Al-Qasas)*

Every subordinate member of an institution should, therefore, keep aloof from **fitnah** and **fasaad**, and fulfil his duties and obligations wholeheartedly. If a man has been unable to condition himself to obedience and abstention from **fitnah** and **fasaad** while serving Deeni Madaaris, then what hope can be expected from such a person when he leaves the institution? Shaikh Abul Hasan Noori (rahmatullah alayhi) said:

*"One who does not acquire adab (good training and manners) when he has the opportunity, has spent his time in the wrath (of Allah)."*

It should be impressed in one's mind that there is no place or institution on earth which conforms to one's every wish and desire. It is futile to labour in such expectation. Allah Ta'ala chides the pursuit of futile hopes. The Qur'aan says:

*"What! Can man attain everything he wishes for?"  
(Surah Najm)*

Jannat is the only place where man can attain his heart's desires. All bounties will be at his disposal. *"And for you therein (in Jannat) is whatever your hearts desire."*

It is, therefore, absurd to expect the Muhtamim of a Madrassah to conduct all the affairs of the institution in conformity with the wishes of his subordinates. Subordinates should be concerned with their own behaviour and reformation rather than the behaviour of the Ameer (the Muhtamim). They should refrain from measures which lead to conflict with the Ameer. Should a subordinate find his position untenable in the Madrassah set — up, he should resign with dignity, without acrimony and on friendly terms. He should not pursue the path of mischief nor should he harm others. Such an attitude is among the most abominable sins according to the Shariah.

### **QUARRELLING AND INFIGHTING NOT BECOMING OF THE HIGH RANK AND DIGNITY OF ULAMA**

Infighting and quarrelling, fitnah and fasaad in a Madrasah are totally negatory of the lofty status of the men of knowledge. Such demeaning behaviour is not expected of the people of Ilm. They are expected to conduct themselves with noble dignity and humility. According to Maulana Rumi (rahmatullah alayh) the people of Ilm are men whose hearts become agitated and confounded by even an abundance of association with friends, what then to say of fighting and quarrelling? When people of Ilm do not find solace in even friendly association, how is it possible for their hearts to tolerate the baneful acts of infighting and quarrelling?

Every member connected to the institution should concern himself with his duties. Respect and honour for the Ameer are essential. All subordinates should have trust in the Ameer and entertain a good opinion of him. Rasulullah (sallallahu alayhi wasallam) said:

*"Good opinion (about a person) is of (the acts of) beautiful  
Ibaadat".*

Do not intrude in the administrative affairs and systems of the Muhtamim. Teachers, students and advisors should adopt the policy of non-interference. The duty of Ustaadhs is to teach. The duty of students is to learn and the duty of the advisors is to present their advice. Interference in the administration by these groups will constitute transgression of the limits of their functions. It will amount to usurpation of authority.

Once, while travelling In Pakistan, the author (Hadrath Masihullah) happened to be seated in the same compartment with Shaikhul Hadith Wat-Tafseer, Hadrath Maulana Muhammad Idrees Kaandhalwi (rahmatullah alayh). During conversation, Hadrath Shaikhul Hadith said:

"My experience of a life-time has convinced me that the function of mudarriseen (teachers in a Madrassah) is only dars and tadrees (to teach Deeni knowledge). The affairs of administration are the function of the Muhtamim (principal). Teachers should totally abstain from interference in the affairs of administration."

Hadrath Shaikhul Hadith had the necessary experience to speak on this subject with authority. He had served in several famous Madaaris. Once he was even a participant in some turmoils.

As mentioned earlier, every group should concern itself with only its functions and duties.

It has been observed that sometimes teachers present their complaints to the Shura Committee in such a convincing manner that on most occasions members of the Shura believe whatever is reported to them on account of lack of experience. As a consequence of such erroneous acceptance of complaints, students become audacious and even rebel against the Madrasaah administration. Such developments are extremely detrimental to both the students and administration.

While it is conceded that seniors too err in their assessment and judgement, criticizing them is not permissible. Errors are usually manipulated to bring disrepute to the Madrassah management. The management is ridiculed and belittled. The evil consequences which ensue in the wake of such action are well-known.

### **FINDING FAULT WITH THE SAHABAH**

It is quite evident from the foregoing discussion that while it is possible for seniors to commit errors of judgement, it is obligatory to refrain from castigating them and publicizing their errors. From this should be realized the grave error of some writers who revile and baselessly criticize a Sahaabi without any Shar'i justification, merely by reliance on historical reports. In their writings and discourses they transgress all limits and with shameless audacity fix the Sahaabah as a target for their criticism. They have become incapable of discerning the evil of this attitude.

Rasulullah (sallallahu alayhi wasallam) spoke of the virtues and excellences of all the Sahaabah in general, and certain special and significant attributes of excellence he related about particular Sahaabah. It is compulsory for the Ummah to observe and respect these ranks of the Sahaabah.

Criticizing those who disrespect the Sahaabah, Rasulullah (alayhi wasallam) said:

*"Verily, the vilest of my Ummah are those who are the most audacious (in their criticism) of my Sahaabah (Ibn Adi)*

*"Allah curses the one who abuses my Sahaabah" (Tibrani)*

*"Verily, Allah chose me and chose Companions for me. From among them, Allah appointed for me ministers and helpers. The curse of Allah, of the angels and of mankind be on those who abuse them (my Sahaabah). Allah neither accepts their Fardh nor their Nafil acts. (Mazahirul Haqq).*

There exists a large volume of Ahadith which severely reprimands and warns gravely those who criticize and vilify the Sahaabah.

The awe-inspiring accomplishments and lofty attributes of virtue and excellence of the Sahaabah are of such a noble calibre and so manifest that assuming the Qur'aan and Hadith were silent in this regard, then too we would have been constrained to acknowledge their reality. The deeds and accomplishments of the Sahaabah are unforgettable. In the truest sense of the term, they sacrificed all they possessed — their wealth, their homes, their families and their lives — for the sake of Nabi-e-Kareem (sallallahu alayhi wasallam) and the Deen of Islam. Their sacrifice and devotion are incomparable and unique in the annals of history. Their goal in every act here on earth was to cultivate the pleasure of Allah and His Rasool (sallallahu alayhi wasallam). Their hearts radiated with love for Rasulullah (sallallahu alayhi wasallam). When on rare occasions they fell prey to error they were overwhelmed with regret and the fear of Allah. They hastened towards repentance and presented themselves for punishment to be executed against them. Indeed, history cannot show the likes of men such as the Sahaabah who came forward of their own free will, driven by the fear of Allah and the vivid reality of the Akhirah, insisting for even the execution of capital punishment against them for sins which they had committed. Such episodes are well known in Hadith literature and is not hidden from men of knowledge.

Suffering under intolerable circumstances of hardship and persecution they happily volunteered to be with Rasulullah (sallallahu alayhi wasallam) in the most difficult mission of establishing the Deen and aiding Islam. There is no parallel for this group among the nations of the world. In this regard Allamah Safareeni (Rahmatullah alayh) states:

"Assuming that Allah and His Rasool were silent regarding the excellence of the Sahaabah, nothing being mentioned about their significance, then too, their unique condition would have made it obligatory to believe in their

uprighteousness, their purity of souls and that they are the best among the Ummah after their Nabi. This, in fact, is the belief of the entire Ummah. Among their virtuous deeds were their migration (in the Path of Allah, giving up their homeplaces permanently), Jihad, aiding the Deen, sacrificing their wealth, lives, their fathers and children. They adopted the way of mutual admonition and advice among themselves and they developed strength of Imaan and Yaqeen."

*(Aqeedah Safareeni).*

Allah Ta'ala had chosen them to be the companions of His Nabi. He established them as the media and transmitters of the Deen. Already here on earth, the Divine announcement pardoning their errors and proclaiming their attainment of Allah's pleasure was made. The Divine Promise of Jannat for them is stated in the Qur'aan. Thus, Allah Ta'ala announces:

*"For those who accepted Imaan, migrated, waged Jihad in the Path of Allah with their wealth and their lives, there is a great rank by Allah. They, indeed, are the successful ones. Thier Rabb gives them glad tidings of His Rahmat, (His) Pleasure and of such Gardens for them in which are everlasting bounties." (Surah Taubah)*

Similarly, the Qur'aan states in Surah Anfaal:

*"And those who accepted Imaan, migrated (i.e. to Madina) and waged jihad in the Path of Allah, and those who gave (the Muhaajireen) refuge and assisted (them), indeed, they are the true Mu'minoon. For them is (Allah's) Pardon and a gracious rizq (sustenance)."*

This Aayat lauds praise on the Muhaajireen and the Ansaar. The Aayat bears testimony to the lofty status of Imaan of the Sahaabah and promises the high and everlasting rewards of the Aakhirah for them.

The Aayat:

*"These early and first among the Muhaajireen and Ansaar, and those who sincerely follow them (the Sahaabah), Allah is pleased with them and they are pleased with Him."*

Announces the mutual bond of pleasure which has been confirmed and solidified between Allah Ta'ala and the Sahaabah. Allah Ta'ala, the possessor of eternal knowledge, by announcing His Pleasure, in fact guarantees that the end of the Sahaabah in this world and their ultimate goal will be virtue and victory. The Qur'aanic announcement of Divine Pleasure for the Sahaabah confirms that these august persons will not become deliberate participants in any activity which contradicts Allah's Pleasure.

In Surah Al-Hujarat, Allah Ta'ala states:

*"But, in fact, Allah has endeared Imaan to you. He has adorned Imaan in your hearts and has made kufr, fusooq (evil, immorality) and sin detestable to you. Indeed, these (Sahaabah) are the rightly-guided."*

This Aayat comprehensively refers to all Sahaabah.

It is not the aim to enumerate here all the Aayaat which mention the virtues of the Sahaabah. The few Aayaat cited here are ample to illustrate the lofty rank of the Sahaabah. These Aayaat clearly indicate that the Sahaabah have achieved Divine Acceptance.

The Qur'aanic Aayaat which announce the lofty status of the Sahaabah and their acceptance by Allah Ta'ala, are the statements of the All-Knowing Creator, The One of eternal knowledge. He was, therefore, fully aware of every condition which would occur to every Sahaabi during the age of Risaalat (i.e. the age of Rasulullah (sallallahu alayhi wasallam) and thereafter. Despite the commission by the Sahaabah of such acts which are criticized by audacious persons, Allah Ta'ala announces the treasure of His Pleasure for them. He announces that He is pleased with them for all time and they are well-pleased with Him. It is precisely for this reason that

the honour, respect and love for the Sahaabah are so profoundly ingrained in the hearts of the Ulama-e-Haqq.

According to Hakimul Ummat Hadhrat Maulana Ashraf Ali Thaanvi (rahmatullah alayh), the highest virtue of the Sahaabah is their act of having witnessed with their own eyes the glorious and majestic countenance of Rasulullah (sallallahu alayhi wasallam) in his physical form. There is none who can equal them in this great fortune. Neither Umar Bin Abdul Aziz, the Mujaddid and Qutub of his age, known as the fifth of the Khulafa Raashideen by virtue of his total adherence to the Sunnat, nor Uwais Qarni, the noblest of the Taabieen about whom the Ulama of the Ummah have ventured the opinion that despite him not being a Sahaabi he approximates them in the attainment of thawaab (reward in the Hereafter). But, inspite of the superior ranks of such august personalities of Islaam, they cannot be equated to the Sahaabah. Hadhrat Uwais Qarni (rahmatullah alayh) was not the possessor of such eyes which had beheld the glorious face of Rasulullah (sallallahu alayhi wasallam). His excellences and virtues are innumerable. Rasulullah (sallallahu alayhi wasallam) himself instructed Hadhrat Umar (radhiallahu anhu) and other Sahaabah: *"There will come a man from Yemen by the name, Uwais Qarni. If you meet him, convey my Salaam to him and request him to make dua for you."*

Allahu Akbar! Even a man of this lofty status is not the equal of the Sahaabah. He remains as "Afdhalut Taabieen" (the noblest of the Taabieen).

Once Hadhrat Ghauth-e-A'zam, Sayyid Abdul Qadir Jilani (Rahmatullah alayh) spoke on the virtues of Hadhrat Umar - Bin Abdul Aziz (Rahmatullah alayh) and Hadhrat Uwais Qarni (Rahmatullah alayh). A man enquired:

"How does Ameer Muaawiyah (radhiallahu anhu) compare with these two?"

This question set Hadhrat Ghauth-e-A'zam (rahmatullah alayh) ablaze. He replied:

"If Ameer Muaawiyah (radhiallahu anhu) is seated on a horse which he is riding in the Path of Allah, then the dust which gathers on the mucuous in the horse's nostrils is superior to thousands of men of the calibre of Umar Bin Abdul Aziz and Uwais Qarni.

Hadhrat Maulana Ashraf Ali Thaanvi (Rahmatullah alayh) commenting on this statement, said:

"Truly, the vision of Rasulullah (alayhi wasallam) conferred on the Sahaabah such a lofty status which the greatest Auliya and even Imaam Mahdi are unable to attain. In fact, they are not able to aspire to the rank of the lowest among the Sahaabah".

Indeed, it is a very great favour and kindness of Allah Jalle Shaanuhu, on the Ummah of Muhammad (sallallahu alayhi wasallam) that in His infinite mercy He has revealed with the greatest clarity the excellence and rank of the Sahaabah to our Illustrious forbearers. With complete unanimity the Salf-e-Saaliheen have declared:

*"All of them (the Sahaabah) are righteous and just. The noblest of creation after the Nabi are the Sahaabah of Nabi (sallallahu alayhi wasallam)."*

The revelation and recognition of this lofty status of the Sahaabah had the effect of assuring the safety of the Deen. This attitude of the Salf-e-Saaliheen confirmed the protection of Islam for all time. Besides this effect, the other great benefit was the acquisition of the love of Rasulullah (sallallahu alayhi wasallam). Acceptance of the lofty rank and superiority of the Sahaabah led to increase in love for Nabi-e-Kareem (sallallahu alayhi wasallam). An increase of love for the Sahaabah results in a corresponding increase in love for Rasulullah (sallallahu alayhi wasallam). This is an established rule, and the converse is also true, viz., the degree of the lack of love for

Rasulullah (sallallahu alayhi wasallam) is proportionate to the degree of distrust one has for the Sahaabah. The greater one's distrust for the Sahaabah, the less one will love Rasulullah (sallallahu alayhi wasallam). Thus, the Sahaabah had the great fortune of seeing Rasulullah (sallallahu alayhi wasallam) and dedicating themselves to his obedience - a fortune which no one can ever aspire to attain even after a thousand years of struggle and striving. The Qur'aan, Hadith and the categoric assertions of the authorities of Islam establish the extremely lofty status of the Sahaabah. Hence, no one has the right of criticizing or belittling the Sahaabah. No one has the right to give discourses and write articles publicizing the faults or errors of the Sahaabah. Such action constitutes the gravest degree of disrespect and misbehaviour which are in-tolerable.

Honour and love for the Sahaabah are of fundamental importance for the establishment and protection of Imaan and Islaam. Therefore, it is not permissible to make a public issue of any error of judgement of the Sahaabah. Such action will be negatory of their high rank and honour as well as detrimental to the followers of Islaam.

### **A necessary Warning**

While an Ijtihadi error (or an error in Ijtihad of those qualified in this respect) is not abominable in Shari terms, nevertheless, laymen are unable to distinguish the subtle difference in an Ijtihadi error. They understand even such an 'error' to be just as the errors of all persons. Making a public issue of this subject only creates disrespectful audacity in laymen, which leads to great corruption. It is, therefore, essential to refrain from public entertainment of this delicate subject because a gateway to belittling, criticizing and dishonouring the Sahaabah is opened up and the beliefs of the public are corrupted and destroyed.

People of knowledge should be exceptionally cautious otherwise they will be the cause of misleading the public. Rasulullah (sallallahu

alayhi wasallam) said: *"Whoever adopts an evil way, will be liable for its sin as well as for the sin of the one who adopts that way until the Day of Qiyaamah."*

The collective burden of sin of all people who had adopted an evil practice will devolve on the originator of that practice.

Maintaining the honour and authority of the Sahaabah is the pivot of the mechanism safeguarding this glorious Deen. If a flaw had to develop in the integrity of the Sahaabah the Deen will become exposed to the gravest perils. This is quite apparent in the case of groups which have shed the authority of the Sahaabah and have wrought changes in the Deen on the basis of their opinion.

اللَّهُمَّ احْفَظْنَا مِنْهُ

*O Allah! Protect us from this."*

## THE REMEDY FOR THE UMMAT'S CORRUPTION

The true cause of the corrupt and degenerate state of the Ummah is the abandonment of the way of our **Aslaaf** and **Akaabir** and the obedience of one's Ameer. There is, therefore, the need to adhere firmly to the natural requirement of obedience to the Ameer. The secret underlying the success of our **Akaabir** (seniors) was their sincere and total obedience. Such obedience, even today, is the key to success.

At this juncture it may be said that on the basis of the proofs presented it will be conceded that in administrative affairs on which narrational evidence (Qur'aan and Hadith) is not available, the Ameer or the Principal of the Madrassah is empowered to enforce any opinion after having adopted the principal of Mashwarah (consultation) and in the instance of a conflict of opinions, his opinion be accorded priority. However, sometimes the situation develops into a deadlock and there seems no way of ending the

stalemate. Such a stalemate may arise as a result of the attitude of some members, that since the Principal is their contemporary his opinion cannot enjoy priority and preference or he is considered on par with the others. In view of the fact that the Muhtamim (Principal) lacks coercive power to enforce decisions, what course should be adopted to resolve the dispute?

The solution: The Madrassah requires a rector who should be the accepted senior of all parties. He has to be of a calibre which makes him truly respectable and honourable to the disputants. He has to be highly qualified in knowledge and be a man of practical deeds. The case should be presented to him for a verdict. His decision should then be regarded as final and binding.

Among our illustrious seniors the example of Hadhrat Maulana Gangohi (Rahmatullah alayhi) is unanimously accepted. During his time it was the practice of the Madrassah authorities to present their disputes for settlement to him. The following incident bears testimony to this practice which was then in vogue.

During his term of rectorship a prominent wealthy man desired to be appointed a member of Darul Uloom's Majlis-e-Shura. Since the applicant did not qualify for membership, Hadhrat Gangohi (rahmatullah alayh) rejected his application. In view of the fact that this nobleman was a prominent man in the upper strata of society, the refusal to accept him was met with a great hue and cry. The ensuing strife threatened the closure of the Madrassah. In view of the delicate situation, some members of the Shura Committee including the Muhtamim suggested that the application be accepted to ease the tension and to end the strife. This course of action was considered expedient. Even Hadhrat Maulana Thaanvi (rahmatullah alayhi) entertaining this view appealed to Hadhrat Gangohi (rahmatullah alayh), saying:

"Hadhrat! Great strife and tension are presently prevailing. The Madrassah is threatened with closure. Under such delicate circumstances what will be wrong if this man is

accepted as a member? After all, the majority (of the members in the Shura Committee) will still be the servants of Hadhrat."

Hadhrat Maulana Gangohi (rahmatullah alayhi) commented:

"This is a Deeni matter. It is not permissible (i.e. in terms of the Shariah to appoint as a member an unqualified person). I cannot perpetrate an unlawful act. The aim is to acquire Allah's Pleasure. The goal is not the Madrassah. If the Madrassah has to close (on account of the strife) its burden will not descend on us. On the contrary, it will devolve on the authors of the strife. Why should we, then bother? On the other hand, we will be answerable for appointing an unqualified person as a member. We have, thus to be concerned in this regard."

Thus, Hadhrat Gangohi (rahmatullah alayh) remained firm in his rejection of the application. As a result of the barkat (blessings) of his steadfastness, the fitnah (strife) dissipated after a short while.

In this dispute the matter was submitted for arbitration and the verdict of the Rector was accepted as final and binding. Intelligence too demands an end to disputes. There has to be a limit otherwise the strife will continue.

Important affairs will fall into neglect as a result of the continuity of a dispute. In judicial matters, the president of the country is empowered to accept a petition for clemency and revoke, cancel or alter the sentences — even a death sentence — handed down by the courts of law. All courts, be it the High Court or the Supreme Court, will respect the president's decision and accept it without any qualms. Similarly, it is necessary that all disputants abide by the decision of the Rector. If they refuse to accept his decision, he will be reduced to a powerless puppet. This is precisely why Hadhrat Maulana Thaanvi (Rahmatullah alayh) resigned from the rectorship of Daarul Uloom Deoband.

During Hadhrat Thaanvi's term of Rectorship it was the rule to forward to Hadhrat Thaanvi (Rahmatullah alayh) all resolutions adopted by the Shura Committee. In his capacity as the Rector, Hadhrat would study and review the resolutions. After adding and deleting, Hadhrat would return the resolutions to the Shura. However, the members of the Shura would ignore the changes made by Hadhrat and would implement their own decisions and opinions. After this happened several times, Hadhrat tendered his resignation, and commented that this is no rectorship.

Hadhrat Thaanvi's resignation caused consternation at Daarul Uloom. The Muhtamim accompanied by some members of the Shura came to interview Hadhrat who said:

"When my amendments are not acceptable, then of what benefit is there in being the Rector? I have, therefore, resigned."

A member of the Shura replied:

"If the opinion of the rector has priority, it means that the Shura, is a useless body."

Hadhrat Thaanvi (rahmatullah alayh) said:

"The Shura is not useless. The opinion of a single man does not encompass all angles. The benefit of Shura lies in its capacity to bring forward all angles in a matter. Thereafter, a particular course of action suggested by a member may appear beneficial and correct to the rector who then adopts it. This is a benefit of Shura. Thus, Shura is not useless."

This incident illustrates that refusal to abide by the decision of the rector constrained Hadhrat Thaanvi (rahmatullah alayh) to hand in his resignation. The decision of the head is like the headquarters and the rule is to refer to the headquarters. It was due to the absence of a headquarters that Jihaad was not ordained during the Makki period (the stay in Makkah), inspite of the Sahaabah's yearning for Jihaad. Jihaad was decreed only after migration when the headquarters of Muslims was established in Madinah. Two years after the establishment of the headquarters, the command

for Jihaad was given and then, despite the lack of battle equipment and sufficient arms, the famous Battle of Badr took place. One of the conditions for the obligation of Jihaad is the existence of a headquarters.

This digression entered the discussion in our analogy comparing the head (the Ameer) to the headquarters. Thus, the decision of the head should be regarded as final and all parties should abide by it so that disputes may be terminated.

### **THE PRACTICE OF RASULULLAH (SALLALLAHU ALAYHI WASALLAM) AND THE KHULAF-A-E-RASHIDEEN**

The way and practice of Rasulallah (sallallahu alayhi wasallam) and the Khulafa-e-Raashideen regarding Shura will now be presented.

#### **TREATY OF HUDAIBIYYAH**

In the explanation of the Aayat,

*"Consult with them in affairs, and when you have decided, then have trust in Allah."*

it was made clear that the function of the advisors is only to present their advice while the Imaam has the right to adopt and enforce any one of the various opinions/advice or even his own opinion. The best example supporting this claim is the Treaty of Hudaibiyyah.

Rasulallah (sallallahu alayhi wasallam) saw in a dream the peaceful entry of Muslims into Makkah and their successful performance of Umrah. Rasulallah (sallallahu alayhi wasallam) narrated this dream to the Sahaabah.

Although Rasulallah (sallallahu alayhi wasallam) did not inform them of the definite time that the Umrah will be performed, the Sahaabah, on account of their yearning and enthusiasm, concluded that they would be blessed with the good fortune of Umrah that very year. Rasulallah (sallallahu alayhi wasallam) also decided to undertake

the Journey for Umrah that very year. Thus, with approximately 1500 Sahaabah Rasulullah set out towards Makkah with the intention at performing Umrah. Qur'baani animals were also taken along.

When this news reached Makkah, the Quraish resolved to block the Sahaabah's entry into Makkah. Rasulullah (sallallahu alayhi wasallam) with his band of Sahaabah halted at a place known as Hudaibiyyah where he took a Bay'at (Pledge of Allegiance) from the Sahaabah. This Pledge is known as Bay'at-e-Ridhwaan. Here some chieftains from Makkah met Rasulullah (sallallahu alayhi wasallam) with a view to initiate peace-talks. Suhail who represented the Quraish of Makkah, said that among the conditions of the treaty was that the Muslims would not be allowed to perform Umrah that year. They had to turn back and perform their Umrah the following year when they would be allowed only three days stay in Makkah. The Sahabah in general did not approve of this condition.

After prolonged discussion the work of writing the terms of the treaty commenced: Rasulullah (sallallahu alayhi wasallam) sent for Hadhrat Ali (radhiallahu anhu) and ordered:

*"Write-'Bismilaahir Rahmaanir Raheem:*

Suhail said:

*Rah man and Raheem are not terms used by us, Write 'In Your name, O Allah!'*

Rasulullah (sallallahu alayhi wasallam) accepted this ammendment. He then said to Ali (radhiallahu anhu), write:

*"This is the treaty entered into by Muhammad, the Rasool of Allah."*

The Quraish objected:

*"If we knew you to be the Rasool of Allah, we would not have prevented you, But, yes, you are Muhammad, the son of Abdullah."*

Rasulullah (sallallahu alayhi wasallam) replied:

*"I am the Rasool of Allah as well as Muhammad, the son of Abdulah."*

Rasulullah (sallallahu alayhi wasallam), then said to Ali:

*"Erase Rasulullah". All replied: No! By Allah! I shall never erase it."*

Among the Sahaabah present, Hadhrat Usaid Bin Hadheer (radhiallahu anhu) and Hadhrat Sa'd Bin Ubaadah (radhiallahu anhu) grabbed hold of Hadhrat Ali's (radhiallahu anhu) hand to prevent him from erasing the phrase, 'Rasulullah' and substituting it with some other words. They declared that in the event of non-acceptance by the Quraish, the sword will be the arbiter. There was a clamour of voices on all sides. Rasulullah (sallallahu alayhi wasallam), taking the treaty document in his blessed hand and inspite of being an Ummi (one who cannot read and write), miraculously wrote the document.

Among the conditions of the treaty was the stipulation that any Muslim linking up with the Mushrikeen will not be returned to the Muslims. On the otherhand, any Mushrik embracing Islam and taking refuge with the Muslims in Madinah has to be returned to the Mushrikeen. This unfair condition greatly agitated the Sahaabah and they exclaimed:

*"Subhaanallah! How can one who comes as a Muslim be returned to the mushrikeen?"*

Inspite of the displeasure of the general body of the Muslims, the condition was incorporated into the treaty which was finalised.

From the Ahadith the following facts emerge very clearly in regard to the Treaty of Hudaibiyyah:

1. The overwhelming majority of the Sahaabah did not approve of the terms of the Treaty which ostensibly were all in favour of the Mushrikeen.
- 2.
2. The overwhelming majority did not approve of terminating the Umrah Ihram.

In both these matters their opinion differed with Rasulullah (sallallahu alayhi wasallam).

3. In spite of the majority opinion contradicting him, Rasulullah (sallallahu alayhi wasallam) adopted his own opinion and acted accordingly.

4. This establishes that the final decision is the prerogative of the Ameer. This fact is also confirmed by the statement of Queen Bilkees, which is stated in the following Qur'aanic Aayat:

*"O noblemen! Advise me in this matter of mine. I am not one to decide a matter without your presence."*

The decision is the right of the Ameer while the function of the advisors is to only present their advice. Thus, the noblemen replied: *"We are a powerful and a strong fighting people. But, the command is yours. Therefore, you decide what you have to command."*

This reply also confirms the prerogative of the Ameer to give the final decision. Explaining this reply, Tafseer Kabir states:

*"In this (reply) was the demonstration of obedience to her."*

The episode of Hudaibiyah illustrates that the Ameer is not bound to adopt the views of the Shura and that he is entitled to adopt and promulgate according to his opinion.

## **THE INCIDENT OF BAREERAH**

Hadhrat Bareerah (radhiyallahu anha) was a slave-woman married to Hadhrat Mugheeth (radhiyallahu anhu) who was also a slave. Bareerah (radhiyallahu anha), on being emancipated by her master, exercised her right of annulling the marriage on account of incompatibility.

Hadhrat Mugheeth (radhiyallahu anhu) being deeply in love with his wife, was shattered by this separation. He wandered around the

streets sobbing in grief. Rasulullah (sallallahu alayhi wasallam) took pity on him and advised Bareerah (radhiallahu anha) to remarry Mugheeth (radhiallahu anhu). Bareerah (radhiallahu anha) asked;

*"Do you command me (to remarry him)?"*

Rasulullah (sallallahu alayhi wasallam) replied:

*"I am an intercessor." In otherwords, 'I am not commanding you'.*

She thereupon said: *"I have no need of him."*

Rasulullah (sallallahu alayhi wasallam) neither compelled her to accept his advice nor did he display any displeasure at her refusal

This episode establishes that:

1. There is no compulsion in Mashwarah.
2. Rejection or non-acceptance of the advice proffered should not induce displeasure in the advisors.

Obedience to any direct command of Rasulullah (sallallahu alayhi wasallam), be it a Deeni or mundane matter, is obligatory. In this regard the Qur'aan states:

*"It is not lawful for any Mu'min nor Mu'minah to have a choice in their affairs when Allah and His Rasool have ordered a matter." (Surah Ahzab)*

Hence, Hadhrat Bareerah (radhiallahu anha), prior to refusing, enquired whether Rasulullah (sallallahu alayhi wasallam) was commanding her or not.

It should thus be realized that Mashwarah (consultation) is not the final decision which is a matter entirely apart. The ruling pertaining to the final decision is stated in

فَإِذَا عَزَمْتَ

*"Hence, when you have decided..."*

After the announcement of the final decision by the Ameer, there no longer remains scope for opposition or difference. Obedience, then, is imperative.

## **THE BATTLE OF AHZAB**

On this occasion the might of the combined forces of the Arabs and Jews made its assault on Madinah Munawwarah. Approximately 15000 kuffaar participated in this action. When information of the imminent attack reached Rasulullah (sallallahu alayhi wasallam), he consulted the Sahaabah. Hadhrat Salmaan Farsi (radhiallahu anhu) who was also present in this consultation advised the digging of a trench around the city since this was among the ways adopted by the Persians for defending a city in a similar situation. The advice appealed to Rasulullah (sallallahu alayhi wasallam) and the order was given to dig the trench. Even Rasulullah (sallallahu alayhi wasallam) joined in the manual work of digging.

During the prolonged siege of Madinah Munawwarah, Rasulullah (sallallahu alayhi wasallam) sent for Uyainah Bin Haseen and Haarith Bin Auf who were chiefs of the Ghatfan tribe, Rasulullah (sallallahu alayhi wasallam) initiated peace-talks with them. On learning of this initiative, Hadhrat Sa'd Bin Ma-az and Sa'd Bin Ubadah (radhiallahu anhuma) advised against a pact. Rasulullah (sallallahu alayhi wasallam) accepted this advice.

Two things emerge from this episode:

1. The advice of even the minority is acceptable.
2. There is no need for the Shura to consist of specific members. The Ameer is entitled to consult with whomever he wishes. Similarly, anyone — not necessarily a member — is permitted to give advice. The Ameer is entitled to accept it.

In Ahkaamul Qur'aan, it is narrated that on the Day of Badr Hadhrat Khabbab Bin Munthir (radhiallahu anhu) advised Rasulullah (sallallahu alayhi wasallam) regarding the location and availability of

water. This advice was accepted in view of the fact that Hadhrat Khabbab (radhiallahu anhu) being a resident of the area, was well-acquainted with the terrain.

### THE CARAVAN OF ABU SUFYAN

Regarding the action of pursuing the caravan of Abu Sufyan, Rasulullah (sallallahu alayhi wasallam) consulted with the Sahaabah. This consultation appears as follows in the Arabic version of Hayaatus Sahaabah and the narration is by Ahmad:

*"Anas (radiallahu anhu) reports that Rasulullah (sallallahu alayhi wasallam) consulted (the Sahaabah) when news reached him of the advance of Abu Sufyan's caravan. Abu Bakr spoke, but Rasulullah (sallallahu alayhi wasallam) did not accept his advice. Then Umar spoke, but he did not accept his (Umar's) advice. Then Sa'd Bin Ubadah said: "Do you wish for our (ie. the Ansaar's) answer? I take oath by The Being in Whose possession is my life! If you command us to drive our mounts into the oceans, then we shall most certainly do so. Rasulullah (sallallahu alayhi wasallam) then called the people (to prepare for the pursuit of the caravan)."*

This incident also confirms that in consultation there is no fixed membership. In this case Rasulullah (sallallahu alayhi wasallam) ignored the advice of such senior Sahaabah as Abu Bakr and Umar (Radiallahu anhuma) and adopted the advice of the Ansaari Sahaabi since the matter in its practical execution concerned them to a greater degree. The high degree of obedience offered by the Sahaabah did not allow Abu Bakr and Umar (Radiallahu anhuma) to indicate the slightest displeasure at having been ignored.

### THE AMEER TO IGNORE CRITICISM

Once the Ameer has made his final decision, he should ignore criticisms and insults and repose his trust on Allah Ta'ala. Never should he be detracted by criticism. **Mashwarah** occupies only the

category of a scheme/plan. While some schemes are beneficial, others are not. It is, therefore, not incumbent to adopt the proffered advice. About **tadbeer** (planning) the Hadith states:

*"Anas (radhiallahu anhu) narrates that a man said to Nabi (sallallahu alayhi wasallam): 'Advise me. Rasulullah (sallallahu alayhi wasallam) said: 'Act with planning (tadbeer). If you detect goodness in its consequences, then adopt it. If you fear loss (or harm in the tadbeer), then abstain (from it).'" (Mishkaat)*

In contrast is tawakkul (trust in Allah) which is always beneficial and superior than all schemes. The one who has tawakkul in Allah is provided with divine aid. The Qur'an says:

*"Whoever has trust on Allah, He (Allah) is sufficient for him."*

### **FAADHIL AND MAFDHOEL**

*[The term faadhil (فاضل) means a man of rank or excellence or significance. Mafdhoeel (مفضول) as opposed to faadhil, means one of lesser rank. Thus, the faadhil will have a higher status than the mafdhoeel.]*

It is quite apparent from the Hadith that it is permissible to appoint a junior and a mafdhoeel as an Ameer over a senior and a faadhil provided that he possesses the necessary ability.

During his last illness, Rasulullah (sallallahu alayhi wasallam) appointed Hadhrat Usaamah (radhiallahu anhu), the son of the emancipated slave, Hadhrat Zaid Bin Haarithah (radhiallahu anhu), the commander of the army in which senior Sahaabah of the Mujhaajireen and Ansaar were serving. Usaamah (radhiallahu anhu) was junior to numerous Sahaabah in both age and rank, but they had to serve under him. At the time of his appointment as the commander, Hadhrat Usaamah (radhiallahu anhu) was only nineteen years old.

In actual fact, Usaamah (radhiallahu anhu) was appointed to occupy the post left vacant by the demise of his father, Zaid Bin Haarithah. This fact further serves to confirm the correctness of the appointment of an able relative. There is absolutely no misdirection involved if the Ameer appoints a qualified relative of his to any post of government if the relative possesses the ability for such a position. In fact, the appointment of an able and trustworthy relative will strengthen the hand of the Ameer. Thus, we find in the Qur'aan Majeed the supplication of Hadhrat Musa (alayhis salaam):

*"Appoint for me a wazeer (minister, deputy) from my family  
— Haroon, my brother. Strengthen with him (Haroon) my  
power."*

*(Surah Taha)*

The fact that Nabi Musa (alayhis salaam) requested the appointment of his brother, indicates that such appointments have their merit provided that the persons appointed have the necessary ability.

Greater mutual aid, mutual co-operation, trust, natural affinity, congeniality and cohesion are factors inherent among family members. These factors facilitate greater efficiency in administration. Hence, accepting the dua of Nabi Musa (alayhis salaam), Allah Ta'ala says:

*"Verily, you have been granted your request, O Musa!"  
(Surah Taha)*

It is now abundantly clear that it is not improper in the least for the Ameer to appoint able and qualified members of his family or friends. On the contrary, wisdom dictates such appointments which are best in the interests of smooth and efficient administration.

Objecting to such appointments on the basis of favouritism and tribalism is proof of the deficient knowledge of the objectors. Even Nabi Zakariyya (alayhis salaam), fearing that he will leave this world

without an heir to perpetuate his sacred mission, supplicated to Allah Ta'ala for a son. The Qur'aan records his dua as follows:

*"O my Rabb! Grant me holy offspring." (Surah Ale Imraan).*

Elsewhere the Qur'an states:

*"O my Rabb! Do not leave me alone (without offspring)."  
(Surah Ambiya).*

Commenting on the dua of Hadhrat Zakariyya (alayhis salaam), Imam Raazi (rahmatullah alayh) says:

"He (Zakkariyya) desired a heir who will be loving towards him; who will strengthen him in his (Zakariyya's) Deeni and mundane affairs and who will be his representative after his death. Thus, he made the dua of a sincere one, of an Arif."

Similarly, Hadhrat Ibraheem (alayhis salaam) made dua for sons to represent him. Thus, when Allah Ta'ala gave him the following glad tidings:

*"Verily, I shall be appointing you the Imaam of people,"*

Hadhrat Ibraheem (alayhis salaam) supplicated:

*"And from my offspring."*

Allah Ta'ala, answering Ibraheem's dua, said:

*"My promise will not reach the wrong-doers."  
(Surah Baqarah).*

From this it is very clear that as long as one's relatives and associates possess the necessary qualifications, there is absolutely no Shari proscription against their appointment to posts in administration of affairs.

The acceptance of their duas confirmed that the Post of Nubuwwat would remain in the family provided there is no valid cause which militates against the appointment of any particular person. An Aayaat in Surah Ankaboot explicitly states this fact:

*"We have established in your offspring Nubuwwat and the Kitaab."*

Nubuwwat, thus, remained in the family.

### **THE EXAMPLE OF HADHRAT ABU BAKR (RADHIALLAHU ANHU)**

We shall now present Hadhrat Abu Bakr Siddique's (radhiallahu anhu) attitude on Shura.

Earlier it was mentioned that Rasulullah (sallallahu alayhi wasallam) had, during his last illness despatched the army under the command of Hadhrat Usaamah (radhiallahu anhu) towards the eastern wing of the Roman Empire. When Usaamah reached a place known as Jurf, about 4 kilometres from Madinah Munawwarah, he received word of the deteriorating condition of Rasulullah (sallallahu alayhi wasallam) from Hadhrat Umar (radhiallahu anhu) who advised him to procrastinate. On receiving this information, Hadhrat Usaamah (radhiallahu anhu) halted at Jurf. Mean-while, Rasulullah (sallallahu alayhi wasallam) passed away.

Among the first tasks with which Hadhrat Abu Bakr (radhiallahu anhu) concerned himself on assuming the reigns of Khilaafat was to order the continuation of Usaamah's expedition. The political situation at that juncture was precarious. A number of Arab tribes had reneged from Islam; the evil of nifaaq (hypocrisy) was rearing its head and continuous reports of rebellion of the Jews and Christians were reaching Madinah Munawwarah.

In this tense and delicate situation it did not seem wise to order Usaamah to continue with his march. Hadhrat Abu Bakr's decision to proceed with the campaign was very difficult on the senior Sahaabah who considered that a temporary suspension of the expedition would be expedient.

Endeavouring to convince Hadhrat Abu Bakr (radhiallahu anhu) to call off the campaign, the senior Sahasbah among the Muhaajireen reminded him that the participants in Usaamah's army consisted of the cream of the Sahaabah and that it was not wise to scatter the forces of Muslims at such a delicate stage. Hadhrat Abu Bakr (radhiallahu anhu) gave a resolute reply which dispelled all vestiges of doubt and compromise. He said:

"If dogs and wolves had to snatch and carry me away, then too, would I order the march as Rasulullah (sallallahu alayhi wasallam) had ordered it."

The Ansaar, via Hadhrat Umar (radhiallahu anhu), had requested that if the continuation of the campaign was imperative, then an older and a more experienced man than Usaamah (radhiallahu anhu) should be appointed the commander. When Hadhrat Umar (radhiallahu anhu) delivered this request of the Ansaar to Hadhrat Abu Bakr (radhiallahu anhu) he (Abu Bakr) stood up in anger and severely rebuked Hadhrat Umar (radhiallahu anhu) in the following terms:

"O son of Khattab! May your mother lose you. Rasulullah (sallallahu alayhi wasallam) appointed him and you order me to dismiss him!"

In this episode, inspite of a number of propositions and advices presented, the Ameer acted according to his own opinion. The barkat of firmness, tawakkul and obedience to Rasulullah (sallallahu alayhi wasallam) manifested itself in the manifold successes of Usaamah's army. Every rebellious tribe by which Usaamah passed returned to Islam in total submission, fully convinced of the power of Islam.

On another occasion after the demise of Rasulullah (sallallahu alayhi wasallam), certain tribes on the outskirts of Madinah who had reneged from Islam unitedly advanced on Madinah Munawwarah. Laying siege to Madinah, they sent their emissary to Hadhrat Abu Bakr (radhiallahu anhu) with the demand for the

abrogation of Zakaat. They agreed to accept the institution of Salaat, but refused to pay Zakaat. When the emissary delivered the message, Hadhrat Abu Bakr (radhiallahu anhu) consulted with the Sahaabah. The unanimous advice of the Sahaabah was that caution had to be exercised. The tense situation demanded diplomatic dialogue. Thus, Hadhrat Umar (radhiallahu anhu) advised:

"O Khalifah of Rasullah! Deal with these people with love and kindness."

Replying to this counselling, Hadhrat Abu Bakr (radhiallahu anhu) declared:

"(O Umar!) What! You were brave during Jaahiliyyah, but weak in Islam. Verily, Wahi has terminated and the Deen has been completed. What, will the Deen become defective while I am alive! By Allah! I shall wage Jihad against them even if they withhold from me a piece of string (which is due of the Fardh Zakaat)"

Even in this episode, while resorting to Shura with the Sahaabah, Hadhrat Abu Bakr (radhiallahu anhu) opposed the unanimous advice of his advisors and ordered Jihad to be waged against the murtaddeen (renegades). In spite of the command being in conflict of their unanimous opinion and advice, the Sahaabah wholeheartedly submitted and accepted the Ameer's order. None raised a voice of opposition because they all were sincere, devoid of the love for fame and wealth and they were men who recognized the truth. Obedience to the Ameer, honouring and respecting him had already become their nature. They were devoid of mutual jealousy and malice and they were not bigotted. The exceptionally high degree of obedience of the Sahaabah remains a lesson and an example to emulate in every age in matters regarding Shura.

A lesson derived from this episode is that unanimity of opinion of the Shura members is not proof of rectitude or correctness. In spite of unanimity of opinion or majority opinion, the Ameer should bring into operation his own in-sight, experience and judgement. In the

final analysis he should, while having tawakkul on Allah, decide and decree.

A further testimony of the Ameer's prerogative right of deciding and decreeing, is the appointment of Hadhrat Umar (radhiallahu anhu) to the Office of Khilaafat. Hadhrat Abu Bakr (radhiallahu anhu), during his very lifetime appointed Hadhrat Umar (radhiallahu anhu) as the Khaleefah to succeed him. However, the Sahaabah differed with Hadhrat Abu Bakr (radhiallahu anhu) regarding Umar's appointment on account of his (Umar's) general stance of sternness and uncompromising attitude. Thus, Hadhrat Ali and Hadhrat Talha (radhiallahu anhu) addressing Hadhrat Abu Bakr (radhiallahu anhu) said: "Whom have you appointed the Khalifah?

Abu Bakr said: Umar.

Ali and Talha: What answer will you give to your Rabb?

Abu Bakr: What! Do you warn me of Allah? Most certainly, I know. Allah and Umar more than the two of you. I shall say (to Allah): I have appointed over people the noblest among your people as the Khalifah."

This episode, too, confirms the prerogative of the Ameer to decide himself and enforce his decision. Hadhrat Abu Bakr (radhiallahu anhu) did not heed the advice of anyone in this matter of vital and crucial importance.

## **THE PRACTICE OF HADHRAT UMAR (RADHIALLAHU ANHU)**

The following narration throws much light on the Islamic system of Shura. The role of the advisors and the prerogative right of the Ameer are well illustrated in the practice of Hadhrat Umar (radhiallahu anhu).

"Sa'd Bin Waqqas (radhiallahu anhu) narrated: I never saw anyone with more understanding, intelligence, knowledge and forbearance than Ibn Abbaas (radhiallahu anhu). I have observed Umar Bin Khattab (radhiallahu anhu) calling him (for consultation) in difficult problems. He (Umar) would say (on

the arrival of Ibn Abbaas): 'Here is a difficult problem for you. Then, Umar would not exceed the talk (or opinion) of Ibn Abbaas inspite of the (senior) participants of Badr among the Muhaajireen and Ansaar being seated around him." (Hikaayatus Sahaabah).

It is abundantly clear from this that it is perfectly permissible for the Ameer to adopt the council of a single advisor in opposition to the majority opinion. When the Ameer is convinced of the rectitude of the advice of any person with whom he consults, it will be fully within the purview of his right to adopt the minority opinion. In spite of the presence of senior and knowledgeable Sahaabah — the veterans of Badr among the Muhaajireen and Ansaar — participating in the Shura, Hadhrat Umar (radhiallahu anhu) would send for Ibn Abbaas (radhiallahu anhu) and accord preference to his advice.

The following narration in Baihaqi further illustrates Hadhrat Umar's (radhiallahu anhu) system of Shura:

"Ibn Seereen narrates that Umar Bin Khattab would always consult even if he had to consult with a woman. Sometimes if he discerned anything in her advice which appealed to him, he would adopt it." (Hikaayatus Sahaabah).

Again, this narration confirms that the prerogative of decision is that of the Ameer who will consult and then decide the course to be adopted even though he obtains conviction and certitude from the advice of a woman.

Hadhrat Umar's act of seeking advice from even women should not be misconstrued. It should not be understood from this narration that women participated in the Shura sessions of Hadhrat Umar (radhiallahu anhu). Nor did Hadhrat Umar (radhiallahu anhu) act in conflict with any rules of Hijaab by speaking to women without any intervening screen as is commanded by the Qur'aan:

*"And, when you ask them for something, then ask them from behind a screen. That is purer for your hearts and their hearts."*

Consulting with women was not the normal and standard procedure of Hadhrat Umar (radhiallahu anhu) or of the other Khulafa-e-Rashideen. Such acts of consultation were isolated cases — Translators.)

### **THE MEMBERS OF THE SHURA**

It is established with clarity from the foregoing discussion that there is no imperative need for the Shura to consist of a fixed membership. Consultation can be with any person of knowledge, insight and experience. Such consultation can be at any time and at any venue. Those with whom the Ameer consults may be fadhil or mafdhoel, senior or junior, male or female.

This informal manner of Shura with no fixed membership, is applicable in greater degree in this present age. The appointment of Shura members is a superfluous act.

In these times when mischief and corruption are so rampant, the grave danger in having appointed members to serve in a Shura Committee is that after a while the members of the Shura regard themselves as the rulers while the Ameer is considered to be the underling who has to submit to the Shura's decision. But this is an inversion of the functions of the members and the Ameer. This reversal of authority is in conflict with the Shariah as has been explained in these pages.

Intelligence too, militates at this misdirection of authority. There are several harmful effects which stem from the assumption of authority by the Shura. These are:-

1. Frequently there happens to be difference of opinion between the Muhtamim (principal of the Madrassah) and the members of the Shura. This is only natural. On such

occasions of conflict of opinion, the opinion of the majority is acted on. The minority opinion which may be appropriate for the administration of the Madrassah is rejected. Decline and weakness set into the administration as the result of the indiscriminate adoption of the principle of majority opinion.

2. It is necessary that the advisors be experienced in the field in which their advice is sought. The following two Hadith narrations are cited in substantiation.

- a. "There is no wiseman but the one with experience."
- b. "You know better your worldly affairs."

Thus, those who are consulted should be experienced in the matters regarding which their advice is sought.

While it is necessary to have people of experience in any Shura Committee, in most Madaaris this is not the case. In the majority of cases those who occupy posts in the Shura committee lack experience. They were appointed as members either because of their social status or because of their financial contributions to the Madrassah. Since they have no connection and communication with the Madrassah staff and students, they lack the necessary experience. Their advices, regarding administrative affairs, therefore, are in conflict with the future interests of the Madrassah. It was precisely for this reason that Hadhrat Maulana Gangohi (rahmatullah alayh), the rector the Darul Uloom Deoband, rejected the application for membership of a prominent resident of the town despite the looming danger of the imminent closure of the Madrassah.

The incident has already been explained in greater detail earlier.

Even some Ulama who have been co-opted as members of the Shura committees of Madaaris are such persons who have been influenced by modern (western) methods of teaching and prevalent

political attitudes. Thus, the advice which such advisors tender is not inspired by the Deen. On the contrary, modernity is slowly being introduced into the Madrassah. In consequence, the Madrassah suffers spiritual degeneration and drifts away from taqwa.

3. Sometimes some members of the Madrassah staff and students present their complaints in such a subtle and plausible manner that the Shura members on account of their lack of experience, believe everything in the way which it is explained to them. One-sided decisions are sometimes made and this proves highly detrimental to the Madrassah.

## **THE ATTRIBUTES AND QUALIFICATIONS OF THE PEOPLE OF SHURA**

The Hadith of Rasulullah (sallallahu alayhi wasallam) states:

*"Consult with a man of intelligence and do not contradict him for then you may regret."*

Explaining this Hadith, the author of Roohul Ma'ani says:

"It is advisable that the one who is consulted be an intelligent person just as it is advisable that he be a pious man."

In the foregoing pages the type of person qualified for consultation was explained. Take the example of Hadhrat Ibn Abbaas (radhiyallahu anhu). Hadhrat Umar (radhiyallahu anhu) would accept his advice even if it was in conflict with the opinion of the senior Sahaabah of Badr. Hadhrat Sa'd Bin Waqqas (radhiyallahu anhu) stated that the attributes of Ibn Abbaas were alertness of mind, high intelligence, knowledge and insight.

Hadhrat Abbaas (radhiyallahu anhu) giving good counsel to his son, Abdullah (radhiyallahu anhu) — the one with whom Hadhrat Umar (radhiyallahu anhu) usually consulted — said:

"I observe that this person (viz. Umar) has honoured you. He has granted you his proximity and he has promoted you into the ranks of those of whom you are not one. (viz, the senior Sahaabah of Badr). Therefore, remember three things from me: Never let him experience falsehood of you; Do not divulge his secrets and never scandal of anyone by him."

According to the Hadith, the one giving advice has to be a man of trust. Another Hadith states:

*"Gatherings of discussion (or consultation) are with trust."*

From the foregoing explanation it emerges that an advisor should be intelligent, a man of knowledge and insight; he should be far-sighted, honest, trustworthy, alert, experienced and pious.

### **THE ATTRIBUTES AND QUALIFICATIONS OF THE AMEER**

It is now necessary to explain the attributes and qualifications of the type of Ameer to whom obedience has been ordained compulsory by the Shariah, so that just anybody may not aspire for this post, misappropriating and abusing the sacred trust. Incompetent and unqualified persons occupying the high post of Ameer or Muhtamim of a Madrassah may regard the Madrassah property and funds as being their private property. The Muhtamim should understand that the Madrassah is a sacred trust. He should act with great wisdom, foresight, planning and patience. In matters which require consultation, he should consult with men of experience and wisdom.

If the Muhtamim is not a man of knowledge as is the case with small Madrassahs, it will be obligatory for him to refrain from acting before having obtained the Shariah's ruling from the Ulama. If he fails to adopt this course, he will conduct the affairs of the Madrassah in conflict with the laws of Allah Ta'ala. He will then be the loser in this world and the Hereafter. In the words of the Qur'an:

*"Lost is he in this world and the Aakhirah."*

Some Ahadith describing the posts of Amaanat (Trust) will now be presented.

Hadhrat Abu Hurairah (radhiallahu anhu) narrates that Rasulullah (sallallahu alayhi wasallam) said:

*"He who has been appointed the Qadhi, verily he has been slaughtered without a knife."*

Commenting on this Hadith, Hafiz Ibn Hajr (rahmatullah alayh) said that slaughtering without a knife (e.g. with a blunt instrument) causes great pain while slaughtering with a sharp knife brings about swift death. The victim thus finds quick relief.

When deciding a matter between contending parties, the need arises for thorough investigation and deep thought. The mind is taxed to its maximum. The mental and physical pressure on the Qadhi is considerable. Faithful execution of this obligation can be effected only by a person with the following three qualities:

1. Uprighteousness which is described as Taqwa (piety).
2. Courage
3. Wisdom

The effect of uprighteousness is impartiality. The uprighteous Qadhi will be impartial, He will not act unjustly.

Courage will enable him to withstand external pressures in the course of his investigations. He will not submit to those who oppose him. He will not be detracted (in proclaiming the truth).

Wisdom will enable him to decide a case wisely and solve problems amicably. He will be devoid of haste and rashness. He will not succumb to anger nor react to provocation. He will discharge his obligations honourably and with dignity.

Hadhrat Auf Bin Maalik (radhiallahu anhu) narrates that Rasulullah (sallallahu alayhi wasallam) said: *"If you wish, I shall inform you about government what it is?"*

Auf Bin Maalik (radhiallahu anhu) exclaimed: *"O Rasulullah! What is it?"*

Rasulullah (sallallahu alayhi wasallam) said: *"Its first stage is to be criticized. Its second stage is regret and its third stage is punishment except for the one who is just. And, how will he be just with his relative?" (At-Tarheeb).*

The need for Taqwa is explicit in this Hadith since adl (justice) presupposes Taqwa. Dealing and deciding justly with relatives require much courage and fortitude. Displeasing them invites their opposition. Therefore, both firmness in the Deen and courage are required on such occasions. One also requires courage to stave off criticism and to bear shame and regret.

Dealings with relatives are frequent affairs. Courting their displeasure is not wise. The wise person will therefore act with wisdom and discharge their affairs in a beautiful manner while at the same time not abandoning justice. As far as possible he will avoid disrupting family ties. The last sentence in the above-mentioned Hadith, viz. *"How will he be just with his relative?"*, implies wisdom and foresight which have to be adopted in particular when dealing with relatives. It is for this reason that a wise and experienced man sometimes postpones the verdict. The postponement affords him time to search for the best solution.

These three attributes, viz, taqwa (piety), courage and wisdom, are essential for the Ameer and those in authority, Hadhrat Maulana Thaani (rahmatullah alayh) has repeatedly stressed the need and importance of these qualities. The presence of these attributes in a person is an indication of the divine aid reflected in the following Hadith: "Rasulullah (sallallahu alayhi wasallam) said:

*'The dua of three persons is not rejected: a fasting person until the fast is not broken; an uprighteous Ameer and the dua of the oppressed.'*  
(Tarheeb)

From this Hadith we learn that an uprighteous and just Ameer is Mustajaabut Da'waat, ie. he is a person whose dua (supplication) is readily accepted by Allah Ta'ala. An Ameer striving in his investigations to establish the truth is aided with divine inspiration. The following Hadith provides the substantiation for this claim:

"Iyadh Bin Himar (radhiallahu anhu) says: 'I heard Rasulullah (sallallahu alayhi wasallam) saying: *'Three persons are the people of Jannat: a just ruler who is inspired (by Allah)...*'"

Besides the three attributes discussed, there is also another quality necessary for one in authority, viz. alertness. The ruler or Ameer has to be alert so that his authority and control are not eroded due to negligence. He should remain well aware of the activities of his subordinates otherwise there will be the danger of the empire's collapse. In this regard, Hadhrat Thaanvi (Rahmatullah alayh) observed that the demise of nine-century reign of the Muslims in Hindustan was brought about by ghaflat (negligence, indifference). Alertness is, therefore, vital for guarding an empire. The following two episodes provide ample testimony for this.

1. Hadhrat Umar Bin Khattab (radhiallahu anhu) while on his nocturnal rounds investigating the conditions of subjects, heard the sound of music coming from a certain house. He entered the house from the rear entrance. If he had attempted to gain entry from the front, the culprits would have managed to escape. The inmates of the house became fearful when they saw the 'intruder' with whip in hand. They realized who it was. Hadhrat Umar — the Man of the Whip — always carried a whip on his rounds. His whip was well-known to people. A member of the household mustering up courage, said: *"O Ameerul Milmineen! We are guilty of only one sin while you have committed several sins. One - You pried whereas the*

*Qur'aan says: "Do not pry." Two - You entered via the rear whereas the Qur'aan commands: "Enter houses from their main entrances." Three - You entered without permission while the Qur'aan orders: "Do not enter the houses of others without permission and without greeting:"*

Hadhrat Umar (radhiallahu anhu), adopting the course of wisdom said: *"All right! I repent. You all also repent."* Thus, all present repented.

This episode illustrates the alertness and wisdom of Hadhrat Umar (radhiallahu anhu). As a result of his alertness, he kept himself aware of the conditions of his subjects. At the same time, he wisely concluded an affair without adopting an argumentative stance. With wisdom he achieved the aim-reformation and repentance. This in fact is a manifestation of the attributes of Allah Ta'ala who is Haakim (The Ruler) as well as Hakeem (The Wise). A man of authority is in need of both these attributes.

2. On returning from his tour of the Land of Sham, deep in thought of the condition of the people, he came across a hut on the outskirts of Madinah which at the time was the seat of the Khilafah. An old woman was the occupant of the hut. Hadhrat Umar (radhiallahu anhu), whom the old woman did not recognize, asked her: *"What is your opinion of Umar?"* She replied: *"You enquire about Umar! May Allah save us from him."* Hadhrat Umar; *"What evil do you discern in him?"* She said: *"He never bothered to enquire about me,"* Umar: *Mother! How can a man alone enquire about everyone especially when you are living so far off? You should have informed him and sought his assistance.* The old woman sighed and said: *"The time has now arrived for the citizens to inform their Ameer. The Ameer, himself, has to be aware of the condition and circumstances of his subjects living in the east, west, south and north."*

Tears welling up in his eyes, Umar (radhiallahu anhu) rebuked himself: *"Umar! The knowledge of the old woman exceeds your knowledge."*

Addressing her, Hadhrat Umar (radhiallahu anhu) said: *"Mother! Forgive Umar"* Old woman: *"Go. Do not Jest with me."* Umar: *"Mother! Take something from me and forgive Umar. Here take these twenty coins and forgive Umar."*

The old woman accepted the money and said that she has forgiven Umar.

While this conversation was in progress, Hadhrat Uthman and Hadhrat Ali (radhiallahu anhuma) arrived on the scene in search of Hadhrat Umar (radhiallahu anhu). On seeing Hadhrat Umar, both, together exclaimed: "Assalamu Alaikam! O Ameerul Mu'mineen!

Now realization dawned on the old woman and she became fearful. Seeing her plight, Hadhrat Umar (radhiallahu anhu) assured her: *"Mother! Do not worry. You have bestowed a great favour on me. In having forgiven me, you saved me from the Fire of Jahannum."*

From the aforementioned explanation it is abundantly clear that the Ameer and those in authority should be pious, courageous, experienced and alert. It is imperative that they be aware of the situation and conditions of those within the jurisdiction of their control.

If it is argued that these lofty attributes are not to be found in any Muhtamim in this age, then, this will be conceded. However, the answer to this objection is: Likewise, these attributes are lacking in the members of the Shura Committee, hence the opinion of the Muhtamim will still have priority since he is in authority. In the discussion on the Ameer and Shura, it was explained In detail that obedience to the Ameer is incumbent.

## MATTERS FOR CONSULTATION

In conclusion, It is necessary to explain the matters in which shura (consultation) is necessary.

There are two classes of affairs: *Mansoos* and *Ghair Mansoos*. Matters which have been decided by the clear rulings of the Shariah are called *Mansoos*, e.g. Salaat, Saum, etc. In *Mansoos* matters there is no need for consultation. When there exists a categoric rule of the Shariah it is not permissible to refer to or consult any person. This is stated in Ruhul Ma'ani:

"The meaning of the Ahkaam (In which Shura is adopted) refers to such matters in which there is no Nass of the Shariah otherwise shura will be meaningless. How is it possible for a Muslim to turn from the Law of Allah, Azza Wajal and incline towards the opinions of men while Allah Subhanahu wa Ta'ala is The Wise, The Fully Aware?"

The *Ghair Mansoos* category refers to such matters for which there is no clear ruling in the Shariah. This category is subdivided into two classes, viz. 1. matters of importance which contain good and evil, benefit and harm. Both possibilities are present, and 2. Natural things and things of little importance, e.g. eating and drinking habits, etc. Only important matters are the subject for Shura, Roohul Ma'ani states:

"Shura between Nabi (sallallahu alayhi wasallam) and the Sahaabah took place in matters pertaining to war. The same method (of shura existed among the Sahaabah after Nabi (sallallahu alayhi wasallam). Among them too, Shura concerned matters such as war against the renegades, inheritance of the grand-father and the number of lashes for consumption of liquor.

The following facts summarize this discussion:

1. Shura is not permissible in the categoric laws (Ahkaam Mansoos). Such laws have to be obeyed and executed at all times except when

there exists valid Shar'i cause for concession. Details in this regard are to be found in the books of Fiqh.

2. There is no need for shura in natural things and matters of slight importance even where there exists no categorical laws. In such matters there is no question of virtue and vice.

3. Important affairs to which apply the possibilities of good and bad, benefit and harm. Such matters are the subject of Shura. Consultation in such matters is necessary so that all angles are brought to the fore. The Aayat: *"And consult them in affairs"*, applies to important matters. However, the practical adoption of any particular course or opinion is the prerogative of the Muhtamim - a prerogative stated in the Aayat: *"...Thus, when you have decided, (then act) and have trust on Allah."*

### **STATEMENTS OF HAIUMUL UMIVIAT MAULANA ASHRAF ALI THAANVI (RAHMATULLAH ALAYH)**

It will be appropriate to conclude this treatise with some advices of Hadhrat Thaarvi (rahmatullah alayh).

1. Intelligence demands that in collective activities there should be one person in control while all others are his subordinates. (*Fuyudhur Rahman*).

2. The smooth operation of the system of the world is possible only when some are followers, and some are leaders. Without this, the systems break down. In fact, there should be only one leader.

Allah Ta'ala sent His Law through the medium of the Nabi and He ordained obedience to the Nabi compulsory on all creation so that they be the followers of only one person. From the very inception the Shariah has commanded obedience to the Nabi. Thus, entire creation has been made subordinate to a single person. In fact, when Allah Ta'ala had at times sent two Nabis in the same period to

a nation, one was made subordinate to the other. Hadhrat Musa and Hadhrat Haroon (alayhimas salaam) were contemporary Nabis, however, Musa (alayhis salaam) was in authority. Haroon (alayhis salaam) was his subordinate.

Haroon's (alayhis salaam) subordination was not merely nominal. Musa (alayhis salaam) had total authority over him. Despite Haroon's (alayhis salaam) seniority of age, he had no authority to oppose Musa (alayhis salaam) (*Islah Ghayatun Najah*)

3. It is a principle of the Shariah of Islam that only one person be at the helm of affairs to make the decision. The opinions and advices of others are sought as a measure of aid. The benefit of Shura lies in the fact that the various angles and dimensions pertaining to a matter are brought to the fore. Once all dimensions have been tendered, the Ameer after studying and pondering, will adopt a particular course for action. This is the Shari — the intelligent course — to follow. (*Islah Ghayatun Najah*).

Alhamdulillah! With the aid of Allah Ta'ala and the barkat of Hadhratwala (i.e. Hadhrat Thaarvi) this treatise on the question of Shura has been completed. May Allah Ta'ala accord it acceptance and may He make it a source of benefit.