

# Consultation (*Istishārah*) in Prophet Muhammad's Administration and Guidance for Solving Today's Problems

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The 21st century began with major crises for the Muslim World. The invasion of Iraq and Afghanistan, the Arab Spring and its following events led to the death and immigration of millions of individuals, as well as major demographic shifts within the countries involved. Very few Muslim countries have stability, while most of them are in search of it. There are many internal and external reasons for that lack of stability. One of the internal reasons is the lack of the implementation of laws of consultation which are prioritized by Islam in state administration. This means that only a small clique decides on behalf of the country and the will of the people does not play a role in guiding the administration of the state. This paper analyses the relationship between Islam and consultation, the need for consultation in the postmodern world, the importance the Prophet Muhammad ﷺ gave to consultation and the ruling of consultation in state administration and offers suggestions concerning one of the main issues faced by the Muslim world by following the Prophetic path.

**Keywords:** consultation, state administration, the Prophet Muhammad ﷺ, contemporary world.

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**M**uslim countries face structural problems in the current world. Examples of this include the lack of upholding justice, the lack of transparency in administrations, the lack of administrator accountability, and the lack of prioritisation of the rule of law. Another example is the inability of Muslim countries to establish the Islamic tradition of *istishārah* into an institution. Disregarding *istishārah* and failing to assign educated and experienced individuals to local administrations, as well as domestic and international political arenas, stand in the way of creating permanent solutions. As professional opinions are circumscribed within decision-making mechanisms, it leaves the country's fate to the preferences of a narrow clique within government, or certain groups that have taken over governmental authority. In turn, this causes deep political, economic, and social problems.

In certain situations, it is essential that governments conduct *istishārah* with its populace, such as a referendum. If we do not count exceptional cases, the fact is that referendums on important issues are absent in Muslim countries. When the will of the citizenry are not reflected in politics, the people (of whom are part of the solution) are left to act as observers and take the easy route of expecting all solutions to come from its administrators. This leads to waste of the country's financial and spiritual assets. More importantly, it leads to unneeded polarisation among the population.

This work aims to analyse the importance the Prophet ﷺ gave to the mechanism of *istishārah* as well as his ﷺ application of it, despite the fact that he ﷺ was a bestowed prophethood and Revelation. The goal is to first draw attention to a foundational problem that exists within the administration of Muslim countries and secondly to analyse the opportunities that are provided through the applications of the Prophet ﷺ.

### **The Meaning of Consultation**

In Arabic, the origin of the word *shārah al-ʿasal* (شار العسل), comes from removing honey from a bee comb. *Ashārah ilayhi* (أشار إليه): to point towards.

*Ashāra* ʿalayhi (أشار عليه) : to show the way, which carries the meaning of giving advice. In this case just as, *mashūra*, *mashwaraa*, *shūra*, *istishārah*, means seeking an opinion through consultation, *ishārah* and *mushāwarah* mean extracting honey from a bee comb, i.e. giving your idea or opinion.<sup>1</sup> The root word of *istishārah* carries the meaning of bringing to light something from where it belongs, to make it visible. The reason why extracting honey is used as a metaphor derives from the fact that a honeybee must extract pollen from several different flowers in order to produce honey. In the same way, to obtain a suitable opinion regarding a given question, consulting others and verifying that opinion with the intention of being faultless are also meanings conveyed by this term. Islamic culture and literature emphasise that the state leader specifically, and administrators broadly, consult individuals and specialists in matters that relate to them. Therefore, this alludes to the relationship between the linguistic and technical meaning of the word *istishāra*.

### Islam and Consultation

The belief system, devotions and ethical teachings preached by Islam are part of the foundational elements of the religion. However, the everchanging socio-political and socio-cultural aspects of life are part of the evolving elements of the religion. The variables that enter the second part of life should also be guided and planned out according to the foundational elements clarified by Revelation. A wide topic such as this is left to the *ijtihād* of experts in the field. The Islamic principle of *istishāra* is one of the elements that we have emphasised in regard to guiding these variables. Applying *istishāra* in subjects that Revelation has not clearly ruled and has left room for preferences, in order to clarify which course of action should be taken in individual and communal preferences, as well as to reach the accurate decision in corporate situations, is a religious teaching.

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<sup>1</sup> Rāghib al-Iṣfahānī, *Mufradāt 'Alfādh al-Qur'ān* (1st eds), Damascus: Dār al-Qalam, 1992, Ed: Ṣafwān 'Adnān Dāwūdī. 469-470; Ibn Manzūr Muḥammad b. Mukrim b. 'Alī. *Lisān al-'Arab*, 3rd edition, Beirut: Dār Ṣadir, 1414H, 4/434

The Qurʾān describes the characteristics of the believers who have attained the good pleasure of Allah in the following way:

﴿ And those who respond to their Lord, and observe prayer, and who (decide) their affairs by mutual consultation, and who spend out of what We have provided them with ﴾<sup>1</sup>

As stated, the Believers, consulting with one another before deciding a course of action, was described as connected to gaining Allah's good pleasure and has been praised. In another verse Allah says:

﴿ By an act of mercy from Allah, you [Prophet] were gentle in your dealings with them— had you been harsh, or hard-hearted, they would have dispersed and left you— so pardon them and ask forgiveness for them. Consult with them about matters, then, when you have decided on a course of action, put your trust in Allah: Allah loves those who put their trust in Him. ﴾<sup>2</sup>

This verse commands Prophet Muhammad ﷺ to consult Muslims in matters not clarified through Revelation, relying on Allah and being firm once the matter is decided. The first verse is Makkan whereas the second verse is from the Madīnian period. This shows that Islamic administration has consultation at its core, and this teaching applies to any time period. These verses imply the importance given to consultation with his ﷺ Companions during the Prophet Muhammad's ﷺ Makkan period and after becoming a head of state in the Madīnian period. The Prophet's ﷺ decision on the campsite location at the Battle of Badr, dealing with prisoners of war, whether to fight the enemy inside or outside of the city at the Battle of Uḥud, dealing with the accusations directed at Lady ʿĀʾ-īsha ؓ, and many other matters are examples of scenarios where consultation took place.

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<sup>1</sup> Sūrah *al-Shurā*, verse 38

<sup>2</sup> Sūrah *al-ʿImrān*, verse 159

The Prophet Muhammad ﷺ would mostly consult with Abū Bakr and Umar, who, among his Companions, had the highest level of reasoning, knowledge, and experience. He ﷺ also gave importance in consulting with the representatives of the Helpers and the Immigrants. In addition, when the Prophet ﷺ felt the need to consult on a certain matter, he would consult stakeholders without differentiating between gender, age, or even religion, and prioritised their opinions. Anyone who studies the life of the Messenger of Allah is able to observe this. In conclusion, I believe it is fair to say: It is necessary for fallible individuals, absent of Revelation, to consult with others as even a Prophet ﷺ, characterised by infallibility and primary conveyer of Revelation, still gave importance to consultation.

#### **About the Importance of Consultation in the Contemporary World**

The state leader consulting in particular, and administrators consulting in general, has been regarded with significance in all periods. A vital way to reach the correct decision in any given matter is calling on the aid of the knowledge, experience, reasoning, and instinct of others. Just as doing consultation, conventionalising, and institutionalising it within state administration distributes responsibility, it also makes those sharing the responsibility a mutual part of the solution. Along with aims to find the best decision, or coming as close as possible, consultation will ignite the spirit of solidarity as it provides those being consulted a sense of respect. Consultation is paramount since making an impactful decision on people's lives carries responsibility in both this life and the next. It is difficult to make the best decision through the reasoning of a single mind. Consultation was important during every era; however, its importance has elevated in our day relative to the past. This is because we are in the age of specialisation; life has become highly detailed in every aspect, with specialists for every area. Educational processes have extended in duration *en mass*, however, despite this intensive education, individuals still struggle to gain a strong foothold in these details.

The dimensions that have been reached in transportation and communication have moulded us humans, our lives, our socio-political and

socio-cultural existence, into a complex structure. Today, we have unlimited access to knowledge, furthermore, global relationships are becoming an interactive dynamic of informatics, with artificial intelligence further increasing complexities. Societal needs and cultural differences also cause differences in content. People are concerned with their psychological needs as much as their biological ones. While biological needs are limited, psychological needs are boundless. Combined with capitalism's greed for unlimited growth, guiding individuals and societies through their psychological needs, it gives rise to colossal problems and opportunities.

In history, continuity is essential. As the flow of time accelerates, combined with the rapid evolution of sociology, a change in needs and priorities has become unavoidable. It has become evident that, in order to make the right sustainable and value-centred choices in the face of these changes, there is a need for the collective minds of knowledgeable and experienced staff. One of the maladies that lie in the foundation of today's deep and hurtful issues is that, although some of the pre-existing phenomena's in human life outwardly appear the same, their content, dynamics, and worldview have evolved through the impact of the postmodern era's spirit. It appears impossible to direct these phenomena's, that have changed in regard to content, through religious legal opinions (*fatāwa*) of the past. In order to overcome this handicap, different scientific disciplines must cooperate with one another, requiring interdisciplinary consultation.

Islam is a universal religion and the last Messenger is the Prophet Muhammad ﷺ. As there will not be another prophet, Muslims are left to develop solutions for their problems with the opportunities offered by their religious procedures to retain their identity. This will come into fruition with a unified mind and conscience derived from opportunities offered by consultative mechanisms. This paper concerns state leaders, politicians, and bureaucrats responsible for governing society in a vertical manner. Similarly, it concerns thought leaders and NGOs horizontally guiding society. Along with common historical experiences, Muslims take their

foundational principles from the Qurʾān and the Sunnah. In this manner, it is useful to offer some practical examples demonstrating the importance of consultation during the life of the Prophet Muhammad ﷺ. He ﷺ is a role model for the Believers and Muslims have been commanded to follow in his ﷺ footsteps.

### Consultation in the Life of Prophet Muhammad ﷺ and its Analysis

In necessary situations, the Prophet ﷺ verbally advised that there should be consultation as well as executing acts himself ﷺ in different periods, locations, and circumstances, with different individuals. In this matter, his ﷺ actions are more than his spoken Sunnah. He ﷺ was, first and foremost, a prophet who carried out his ﷺ advice and commandments in his ﷺ own life and affairs. Below are some examples to demonstrate the importance of the matter. Imam al-Shāfiʿī relates that Abu Hurayra ﷺ said, “I have not seen anyone consult his Companions more than the Prophet.”<sup>1</sup> The testimony of this Companion, who was in close quarters to the Prophet ﷺ and dedicated himself to learning *ḥadīth*, is essential. In a narration by Ibn Mājah ﷺ, the Prophet Muhammad ﷺ said: “If any of you is consulted by a brother of yours, he should give him advice.”<sup>2</sup> This *ḥadīth*, considered to have a fair chain of transmitters, therefore acceptable by Ibn Ḥajar ﷺ,<sup>3</sup> preaches consultation amongst the Believers as a principle of brotherhood. The goal in consultation is to help the brother asking for advice to make the correct decision. The examples mentioned below will, qualitatively and quantitatively, demonstrate the place of consultation in the life of the Prophet ﷺ, as well as lay out the foundation for what is aimed at in this paper.

First of all, let us begin with the consultations that took place at the Battle of Badr. The Muslims of Makkah, who were boycotted politically and economically, restricted in practicing their religious belief, and migrated to

<sup>1</sup> Muḥammad b. Idrīs Al-Shāfiʿī, *Al-Musnad*, Beirut: Dār al-Kutub al-ʿIlmiyya, 1400H, p.277; Muḥammad b. Ḥibbān al-Dārimī Ibn Ḥibbān, *Ṣaḥīḥ Ibn Ḥibbān*. (2nd eds), Beirut: Muʿassasat al-Risāla. Ed: Shuʿayb Arnaʿut, 1993, 11/216, hn.4872

<sup>2</sup> Muḥammad b Yazīd al-Qazwīnī Ibn Mājah, *Sunnan Ibn Mājah* (1st eds), Dār al-Risāla al-ʿĀlamiyya. Ed: Shuʿayb Arnaʿut, ʿAdil Murshid, Muhammad Kaamil Qurra Ballali, Abdullatif Hurzullah. 2009, 4/682, hn. 3747

<sup>3</sup> al-ʿAsqalānī Ibn Ḥajar, *Taghliq al-Taʿliq ʿAla Ṣaḥīḥ al-Bukhārī*, (1st eds) Amman: Dār ʿAmmār. Ed: Said Abdurrahman Musa al-Qazqi, 1405H, 3/253

Madīnah and had their belongings confiscated by the Makkan polytheists. From time to time, the polytheists also carried out attacks on the Muslims to prevent them from living comfortably in Madīnah. With the help of the Madīnian Jews and hypocrites, the polytheists tried to stop Muslims from establishing a political entity. In such a critical period, the Makkan's formed a commercial caravan to travel to Syria under the leadership and partnership of Abu Sufyān, with the profits intended to be used to fund a major attack on Prophet Muhammad ﷺ. For this reason, the Muslims planned an assault upon this caravan. In response, the Makkan polytheists raised a large army under the command of Abu Jahl and set out towards the Muslims. The Muslims, who heard of this, hesitated as they were not ready to counter this sizeable force. The Prophet ﷺ consulted his ﷺ Companions on whether they should face the approaching army or attack the caravan.

The Prophet Muhammad ﷺ and the *Muhājirūn* were of the opinion that they should face the army. On the other hand, the *Ansār* had made an oath during the allegiance of Aqaba to protect the Prophet ﷺ within Madīnah. However, they were now outside the city borders. The Prophet ﷺ sought their opinion on this life and death situation. Sa'ad ibn Mu'adh ﷺ, one of the two leaders of the *Ansār*, said: "O Prophet of Allah, do you mean us the Helpers? I swear by the One who my soul is in His hands, if you commanded us to drive our horses into the sea, we would follow suit. Likewise, if you were to command us to mount them and ride them to Barq al-Ghimad we would obey that too."<sup>1</sup> As a result, it was decided that they would face the approaching army.

Another important matter that was consulted on during Badr was regarding the meeting point of the battle and war headquarters. The Muslims had camped in a sandy location. Ḥubāb ibn Mundhir ﷺ, who was knowledgeable of the local geography, as well as on war strategy, voiced his concern about the inappropriate location: "O Messenger of Allah, is this

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<sup>1</sup> Muslim b. Al-Ḥajjāj Abū al-Ḥasan al-Qushayrī al-Naysabūrī, *Ṣaḥīḥ Muslim*, Beirut: Dār Iḥyā' al-Turāth al-'Arabī. Ed: Muhammad Fu'ad Abdulbaqi. 3/1403, hn. 1779



the location that Allah commanded you to camp at? If so, we will not go a step forward nor a step backward. If not so, is it a strategic opinion in the sense that war is deception?" In response, the Prophet of Allah ﷺ said: "No, it is an opinion."<sup>1</sup> Upon Ḥubāb's suggestion, a new strategy was decided, and the army's location was changed. An important detail here is the fact that Ḥubāb asked whether the decision was based upon Revelation and that he clarified his disagreement and alternative suggestion after finding out that the decision was based upon deliberation rather than Revelation. The fact that Prophet Muhammad ﷺ accepted and followed the new suggestion after realising the fault in the initial decision, and that he ﷺ also consulted his ﷺ Companions on dealing with prisoners of war after the Battle, has a lot to teach today's leaders.

Let us look at another application of consultation during the period of *nubuwwah*. Prior to the Battle of Uḥud, when Prophet Muhammad ﷺ heard of the enemy's arrival, he ﷺ had planned to meet the Makkan polytheists within Madīnah based upon the interpretation of a dream he ﷺ saw in relation to the matter. In a sermon he ﷺ gave at Masjid an-Nabawī, he ﷺ relayed his ﷺ opinion to his ﷺ Companions and opened up the topic for consultation. Abdullah ibn Ubay ibn Selūl (the leader of the hypocrites), his tribe's most prominent members, and the leaders of the Helpers defended the position of protecting the city from within its borders. However, the majority were of the opinion that they should face the enemy outside of the city borders. Among them were Ḥamza, the uncle of the Prophet ﷺ, Sa'd ibn Ubāda, Nu'mān ibn Mālik ﷺ and especially the young men who were impacted by the verses, in praise of those involved in the Battle of Badr. They desired to meet the army head-on. As a result, in contrast to his ﷺ personal opinion, the Prophet ﷺ went with the majority and decided to prepare for battle outside of the city borders.<sup>2</sup>

If the Prophet Muhammad ﷺ had insisted, everyone present would have followed his ﷺ command. However, he ﷺ did not seek authoritarian

<sup>1</sup> Aḥmad b. al-Ḥusayn Al-Bayhaqī, *Dalā'il al-Nubuwwa wa Ma'rifat Aḥwāl Ṣaḥib al-Sharī'a* (1st eds), Beirut: Dār al-Kutub al-'Ilmiyya, 1405H, 3/35

<sup>2</sup> Muḥammad ibn 'Umar ibn Wāqid al-Sahamī Al-Wāqidī, *Al-Maghāzī* (2nd eds), Beirut: Dār al-'A'lamī, 1989, 1/208-212

leadership, nor did he ﷺ remind them of the principle of absolute submission that prophethood brought. He ﷺ preferred to take action according to the conclusion of consultation in a matter that was not specified by Revelation. However, the result of the battle was not as desired, with major Muslim losses during the Battle of Uḥud, with The Prophet ﷺ himself injured. Despite this, he ﷺ did not stop consulting on future matters. According to the examples mentioned below, he ﷺ continued consultation despite the bitter result of the decision.

During the Battle of the Trench, the Prophet Muhammad ﷺ changed his ﷺ mind about a consulted agreement that was on the verge of being signed. As a result of the war being dragged out for too long, with troubles arising within the city, the Prophet ﷺ began to meet some of the Bedouin tribe representatives secretly to cause disunity among the enemy and to protect the city. He ﷺ asked them to stop fighting and leave the Makkan army, offering them one-third of Madīnah's date produce in return. Initially, they wanted half the produce, however, eventually agreed thus prepared a document outlining the agreement.

The Prophet ﷺ consulted Sa'ad ibn Mu'ādh and Sa'ad ibn Ubāda ﷺ regarding the matter. In disagreement, they said: "O Prophet of Allah, is this something you wish for us to do? Or is it a command from Allah? If Allah has commanded you to do so, we will follow suit. Or is it that you are trying to protect us by doing so?" In response, the Prophet ﷺ said, "No, it is because I am thinking of your wellbeing, and I wish to foil the Arab armies." Sa'ad ibn Mu'ādh ﷺ said: "O Messenger of Allah, we would not give these men a single date while we and they worship idols, except out of generosity or for trade. Are we going to give them our belongings now that Allah has favoured us with Islam, and strengthened us with you and Islam? We have nothing to give them except our swords." As a result, the Prophet Muhammad ﷺ turned back from the agreement.<sup>1</sup> In this incident to the Companions wanted to find out if the Prophet's ﷺ decision was based upon

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<sup>1</sup> al-Wāqidi, *Al-Maghāzī*, 2/477- 478

Revelation and encouraged the Prophet ﷺ to change his ﷺ mind by voicing their opinion.

Based on the examples cited above, it may seem as though the Prophet ﷺ only consulted his ﷺ Companions in matters of war. However, this is not the case, and this is evident in the example of the incident of the *ifk*, that is mentioned in the ḥadīth, *sīrah*, and *tafsir* books. On one of his ﷺ campaigns, the Prophet ﷺ took his ﷺ wife, Sayyidah ʿĀ-ʿishah ﷺ with him ﷺ. On their return, they set up a camp and, in order to relieve a need, she walked away some distance. When she returned to the camp, she noticed that she dropped her necklace and returned to where she came from. While she was gone, they decided to leave, thinking that Sayyidah ʿĀ-ʿishah ﷺ was upon her camel under the canopy, leaving her behind. When she returned, the caravan was gone, and she decided to wait for them to return. The caravan’s watchman, Ṣafwān ibn Mu-ʿaṭṭal ﷺ, returned for Sayyidah ʿĀ-ʿishah ﷺ, placed her on a camel, and caught up with the rest of the caravan. Those with disease in their hearts did not want to miss this opportunity, with the leader of the hypocrites, Abdullah ibn ʿUbay, being the first to slander Sayyidah ʿĀ-ʿishah ﷺ, accusing her of adultery.

Madīnah’s serene atmosphere was poisoned for a month as a result of this slander. The Prophet ﷺ began a wide investigation, making several consultations.<sup>1</sup> In a narration from Bukhārī, in regard to this matter, it is reported: The Prophet of Allah ﷺ called ʿAlī and Usāmah (ibn Zayd) ﷺ. When Revelation was delayed, he ﷺ consulted whether he ﷺ should seek divorce. Usāmah ﷺ responded: “ʿĀ-ʿishah is your family, we don’t know anything but good about her.” Barīrah ﷺ (ʿĀ-ʿishah’s servant) said: “I have not witnessed anything more blameworthy in ʿĀ-ʿishah- than the fact that she is a young lady who falls asleep while kneading her dough and lets the lamb eat from it.” Upon this, the Messenger of Allah ﷺ gave a sermon at the mosque, saying: “Who is going to aid me concerning an individual (Abdullah ibn Ubay) who wishes to harm me in regard to my household?”

<sup>1</sup> al-Bukhārī Muḥammad b. Ismāʿīl, *Ṣaḥīḥ al-Bukhārī, al-Jāmiʿ al-Musnad al-Ṣaḥīḥ al-Mukhtaṣar min ʿUmūr Rasūl Allah Ṣalla Allah ʿAlayh wa Sallam wa Sunanihi wa Ayyāmihi* (1st eds), Dār Ṭuruq al-Najāt, Ed: Muhammad Zuhayr ibn Nāṣir al-Nāṣir, 1422H, 5/116, hn. 4141; *Ṣaḥīḥ Muslim*: 4/2129, hn. 2770

By Allah, I do not know anything but good in regard to my family. Those slanderers have also mentioned the name of that man, likewise whom I know nothing about but good.”<sup>1</sup>

Even within a slanderous and burdensome situation, the Prophet ﷺ, his household, and the Believers, he ﷺ still tried to bring the matter into light by consulting others. The fact that Sayyidah ʿĀʿishah’s ﷺ servant Barīrah ﷺ was included among those consulted shows that gender and status unimportant in addressing the situation. In the end, Allah brought clarity to the matter through Revelation in Sūrah *an-Nūr*<sup>2</sup>, where it was stated that this was clear slander.

### Was Prophet Muhammad ﷺ in Need of Consultation?

According to Islamic belief, Prophet Muhammad ﷺ, just as all other prophets, is characterised with infallibility and is protected from falling into sin. He ﷺ could err; however, Allah would correct the error through Revelation and would not remain him ﷺ in error. The Prophet ﷺ must convey the message from Allah perfectly, both verbally and in action. There are rulings and examples that confirm this fact from the Qurʾān and ḥadīth narrations. Despite this, why did the Prophet ﷺ consult those around him ﷺ, give importance to their opinions, and from time to time act upon the result of the consultation even if it were to be in contrast to his ﷺ own preference? Muslim scholars agree that the Prophet ﷺ did not consult on matters that were clarified and commanded through Revelation. The Companions, aware of this fact, would ask him ﷺ if this were the case prior to sharing their own opinion. They knew that the Prophet ﷺ consulted in matters where Revelation was delayed, or it didn’t specify a choice, and in worldly matters that were left to his ﷺ *ijtihād*. They tried to help the Prophet ﷺ in his decisions and make it easier for him.

For example, the famous incident concerning date pollination was within the context of nourishing and guiding this approach of theirs. In summary,

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<sup>1</sup> al-Bukhārī: 3/167, hn. 2637

<sup>2</sup> Sūrah *an-Nūr*, verse 11-13

the event occurred as follows: The Prophet Muhammad ﷺ was born and raised in Makkah, a place with a granite surface and agricultural practices were unknown. When he ﷺ immigrated to Madīnah, he ﷺ was welcomed by an agrarian community. One day, as he ﷺ walked through the fields with some of his Companions, he ﷺ saw some Madīnian residents working on top of date trees and asked what they were doing. They explained to him ﷺ that they pollinated the date trees producing small amounts of fruit and, in this way, achieved a larger quantity of produce. The Prophet ﷺ said that he ﷺ thinks this may not be so useful.

Months later, while passing by the same fields, he ﷺ noticed that the same trees had not given much fruit. When he ﷺ asked what happened to the trees, they said, “You told us that pollination may not be so useful, after all.” They had left the practice of pollination and favoured his ﷺ assumption, since he ﷺ was a prophet, over their own expertise. The Prophet ﷺ clarified to them that works such as these are better practiced according to experience by saying, “You are more knowledgeable in your matters of the world.”<sup>1</sup> Likewise, in relation to the incident, the Prophet ﷺ reminded them that knowledge relayed to them through Revelation must be obeyed: “If pollination is beneficial, let them pollinate. I made an assumption, do not take my word for an assumption. However, when I convey to you news from Allah, you must take it, as I don’t lie about matters from Allah.”<sup>2</sup> As can be seen in this incident, the Prophet ﷺ erred in assumption relating to a worldly matter where he ﷺ lacked knowledge and experience, emphasising the importance of consultation. This truth has much to teach Believers in a general sense, especially for administrators. If a prophet can err in his ﷺ assumption, it is inevitable for administrators without prophetic wisdom, intelligence and Divine gentleness err. It is necessary for them to consult in order to minimise the level of error.

In his exegesis of Sūrah *Āli Imrān*, verse 159, Elmalı Hamdi Yazır, touches on another aspect of the importance the Prophet ﷺ gave to consultation.

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<sup>1</sup> *Şahīh Muslim*: 4/1835-1836, hn. 2361, 2362, 2363

<sup>2</sup> Aḥmad b. Ḥanbal Musnad al-Imām Aḥmad, *Mu’assasat al-Risāla* (1st edition) Ed: Shu’ayb al-’Arna’ūt, ‘Ādil Murshid, 2001, 3/15, hn. 1395

He says, “it was Allah’s desire for the Prophet’s Companions to attain advanced political training. Such training, as per the evidence provided in the ayah, “with mercy from Allah,” could only take place in the school of consultation of the Prophet ﷺ who was mere Divine mercy. The trained Companions of the Prophet ﷺ would be brought up in a way that they could train others.”<sup>1</sup> The Companions, trained in Prophet Muhammad’s ﷺ ‘school of consultation’, offer us beautiful examples of this. The purpose of this work is to analyse the Prophet’s ﷺ practice of consultation only, without going into detail about the Companions’ practice of consultation. However, we will mention a few examples.

Abū Bakr’s ﷺ election as state leader, his consulting whether to fight those who chose not to give alms during his period, his affirming through consultation on those to be placed in *muṣ-allaḥ* groups according to Revelation, as well as Umar ﷺ appointing a consultation board in order to elect the next caliph, his frequent consulting with the intelligent Shifāḥ-binti Abdullah ﷺ, and many other such incidents are examples of the Companions consultation after the time of the Prophet ﷺ. These examples are proof enough of the value the Prophet ﷺ and his Companions gave to consultation. He ﷺ trusted the generation nurtured so much that he ﷺ felt it unnecessary to appoint a caliph after him, and preferred the Companions consultative efforts.

### The Ruling of Consultation

Ruling can be divided into two parts: the first are those concerning the Prophet ﷺ, whereas the second concerns his ﷺ Ummah. The first part is also directly related to the subject of *ijtihād*. Since, in a way, consultation is a form of *ijtihād*. Whether the Prophet ﷺ himself made *ijtihād* or not is a disputed matter amongst the scholars of *uṣūl*. The position of the scholars on the matter of *ijtihād* can be divided into three categories:

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<sup>1</sup> M. Hamdi Yazır Elmalılı, *Hak Dini Kur’an Dili*, İstanbul: Azim Dağıtım, 1935, 2/452

1. The first category states that it is not permissible for the Prophet ﷺ to make *ijtihād*. The main defender of this position is one of the head imāms of the Dhahiri *madhab*, Ibn Ḥazm. <sup>1</sup> Some Muʿtazili scholars also defend this position. <sup>2</sup> Their claim is that the Prophet ﷺ, who receives Revelation, is not in need of *ijtihād*. According to these few scholars, it is only possible for the Prophet ﷺ to make *ijtihād* (and likewise consultation) in worldly matters such as warfare. <sup>3</sup>
2. The second position prefers to withhold judgement and not specify a claim for, or against, whether the Prophet ﷺ made *ijtihād*, since the scholars of this position were unable to reach a conclusion on its permissibility. <sup>4</sup>
3. The third position includes the majority of scholars. According to this position, just as it is logically possible for the Prophet ﷺ to make *ijtihād* in theory, it has actually occurred. <sup>5</sup> Thus, it is permissible for him ﷺ to practice consultation, and he ﷺ has done so.

However, what is the permissibility of the Prophet ﷺ making consultation? In other words, is it obligatory for him ﷺ to make consultation? The general opinion is that it is permissible. <sup>6</sup> Imam al-Shāfiʿī رحمته الله opines that it is recommended. <sup>7</sup> The reason for his opinion may be based on the belief that Revelation could possibly descend to address a matter in which the Prophet ﷺ feels need for further information, and that Revelation could correct an inaccurate decision. As mentioned earlier, it is not permissible

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<sup>1</sup> Alī b. Aḥmad al-Dhāhirī Ibn Ḥazm, *Al-Nubdha al-Kāfiya fī Aḥkām Uṣūl al-Dīn*, (1st eds), Beirut: Dār al-Kutub al-ʿIlmiyya, Ed: Muhammad Ahmad Abdulaziz, 1405H, p. 29

<sup>2</sup> Muḥammad bin ʿAlī bin Muḥammad Al-Shawkānī, *Irshād al-Fuḥūl*, Ed. Muḥammad Sāʿid al-Badr, (1st eds) Beirut: Dār al-Fikr, 1405H, p. 427

<sup>3</sup> Elmalılı, *Hak Dini Kurʿan Dili*, 2/454

<sup>4</sup> Al-Shawkānī, *Irshād al-Fuḥūl*, 1/428

<sup>5</sup> Muḥammad Ibn Aḥmad Al-Sarakhsī, *Uṣūl al-Sarakhsī*, Ed. Abū al-Wafāʾ al-Afghānī, Beirut: Dār al-Maʿrifa. 2/96; Al-Āmidī, Sayyid al-Dīn ʿAlī b. Abī Alī b. Muhammad. (1st edition), *Al-Iḥkām fī Uṣūl al-Aḥkām*. Beirut: Dār al-Kitāb al-ʿArabī, Ed: Dr. Sayed al-Jumaili, 1404H, 4/173

<sup>6</sup> Aḥmad b. ʿAlī al-Rāzī Al-Jaṣṣāṣ, *Aḥkām al-Qurʾān* (1st eds), Beirut: Dār al-Kutub al-ʿIlmiyya, Ed: Abdussalām Muḥammad ʿAlī Shāhīn, 1994, 2/51-52

<sup>7</sup> Elmalılı, *Hak Dini Kurʿan Dili*, 2/454

for the Prophet ﷺ to consult his ﷺ Companions in a matter established through Revelation. As agreed upon in the books of *uṣūl*, in areas of, *mawārid al-naṣ*, meaning, matters where textual evidence exists, *ijtihād* is not 'permissible'. However, he has made *ijtihād* and consultation in matters other than these. There are also scholars who hold the opinion that the Prophet ﷺ was commanded to consult on matters where there was no Divine ruling.<sup>1</sup> It is worthwhile asking, 'what is the ruling (of consultation) in regard to individuals responsible for state administration who do not receive or are corrected through Revelation when they make an error?' Islamic scholars have differed on this question as well.

The first position holds the opinion that consultation is not obligatory upon the state administrator rather, it is recommended. Amongst those scholars is Imām al-Shāfiʿī.<sup>2</sup> If an action is considered 'recommended', it means the person involved may perform the act as they see fit and are not held legally responsible in this world nor the next if they refrain from the act. The second position holds that it is obligatory upon the state leader to consult competent individuals in legislative, executive, and judicial matters that require the state leader's authority. It has been said that it is compulsory for a state leader who is not a *mujtahid* to consult a *mujtahid* in regard to the rulings of religious matters. There is no other way that an administrator can affirm the Islamic ruling concerning a given matter.<sup>3</sup> The Andalusian scholar Ibn ʿAtiyyah ﷺ says: "Consultation is from the Sharīʿah's foundational principles and major rulings. An administrator who leaves consultation should be removed from his position," and also adds, "there is no disagreement concerning this matter."<sup>4</sup>

These varying opinions in the history of Islam hold their viability in today's time. There is a difference in that today's scholars seem to prefer the second position. For example, the famous Turkish exegete, Elmalı Hamdi

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<sup>1</sup> Al-Jaṣṣāṣ, *Aḥkām al-Qurʾān*, 2/52

<sup>2</sup> Muḥammad b. Aḥmad al-ʿAnṣārī Qurṭubī, *Al-Jāmiʿ li-ʿaḥkām al-Qurʾān* (2nd eds), Cairo: Dār al-Kutub al-Maṣriyya. Ed: Ahmad al-Barduni and Ibrahim Uṭfaysh, 1964, 2/454

<sup>3</sup> Qurṭubī, *Al-Jāmiʿ li-ʿaḥkām al-Qurʾān*, 4/250

<sup>4</sup> Abdulḥaq b. Ghālib Al-Andalūsī Ibn ʿAtiyya, *Al-Muḥarrir al-Wajīz fī Tafsīr al-Kitāb al-ʿAzīz* (1st eds), Beirut: Dār al-Kutub al-ʿIlmiyya. Ed: Abdussalam Abdushafi Muhammad, 1422H, 1/534



Yazır, says that, even though consultation is recommended for the Prophet ﷺ, it is compulsory on the ummah.<sup>1</sup> Yusuf al-Qaradawi says that the opinion of the *ahl al-ḥijl wa al-ʿaqq* is binding upon the administrator. He explains that, if the administrator and those being consulted fall into disagreement, then the administrator must heed the majority opinion.<sup>2</sup> While the majority of today's scholars believe it is compulsory for state administrators to undergo consultation, they have not acted in accordance with the Divine texts and Islam's ideal political administrative spirit. It is also possible that today's dominating political understanding, the exceedingly prominent concept of individuality and perhaps the over exaggerated idealisation of democratic administrations, may have played a role in this outcome. In this medium, they are trying to not only offer the Muslims, but other communities, an ideal system of administration. Another purpose of favouring this position is the limitation of administrators unreflective of the will of the people on internal and external politics, and to enable them to do their job properly.

### Consultation for Proper and Sustainable Administration

In the postmodern world, matters requiring administration have come to a detailed, complex form, reaching a point never experienced before in history. Every matter relating to life now has a scientific discipline of its own. There is no difference between the disciplines that have taken up the subject of human life, from medicine to engineering, and environmental issues to education. It is impossible for a single individual, nor an institution, to encompass what is needed to be acquired in relation to those disciplines. For this reason, disciplinary and interdisciplinary consultation amongst meritable, trustworthy individuals, has vital importance in order to make healthy choices. The Prophet ﷺ said that "The *mustashār*, is bound by a trust."<sup>3</sup> '*Mustashār*,' means the one whose advice is sought. This *ḥadīth* clarifies that the one whose advice is sought must be trustworthy,

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<sup>1</sup> Elmalılı, *Hak Dini Kur'an Dili*, 2/455

<sup>2</sup> Yusuf Qardāwī. *Al-Siyāsa al-Shar'īyya* (1st eds), Beirut: Mu'assasat al-Risāla, 2001, p. 104

<sup>3</sup> Abū 'Isā Muḥammad Ibn 'Isā Al-Tirmidhī, *Sunnan al-Tirmidhī* (1st eds), Egypt: Maṭba'at al-Muṣṭafā, Ed: Aḥmad Muḥammad Shākir, Muḥammad Fu'ād Abdalbāqī and Ibrāhīm 'Aṭwa 'Iwad, 1975, 4/333, hn. 5128

meritable, and upright. An individual who is knowledgeable, transparent, responsible, and makes accurate suggestions can help find solutions.

A state administrator, a minister, an administrator of a unit, can affect the lives of those whom their decisions influence, in either a positive or negative manner. In order for those individuals whose responsibility is to make a positive contribution to related institutions, and for individuals to perform their duties appropriately, they require the help of adept, knowledgeable, and experienced individuals. This is essential for the common benefit between the administrator and the one being administered. The initiator of an institution feels the need for an assertive spirit in order to help the institution succeed and prosper, maintaining this spirit lively is done through processes of consultation. When a community decides with a collective mind, or according to the majority opinion, they rejoice at both an accurate and inaccurate decision. Instead of accusing each other, they are saddened and look for correctness together. Thus, they maintain inter-unity in happiness and sadness.

In the exegesis of the verse, “consult with them,” Qurṭubī says, “If the Prophet ﷺ had not consulted with the prominent Arabs of his time, it would have been heavy on them. Allah commanded him ﷺ to consult with them on different matters. Just as this was pleasing to them, it also made them understand that they were valued.”<sup>1</sup> The Prophet ﷺ consulting those around him ﷺ enabled them to increase in love and engagement within his ﷺ circle. Otherwise, just as it is clarified in the verse, “they would have dispersed from around you.” Islam is a universal religion, encompassing different cultures, a social religion flexible enough to allow those cultures to live in harmony. The way to join people of varying languages, cultures and geographic backgrounds in solidarity, a religious requirement, is by embracing their opinions in matters concerning them. If this solidarity is ‘necessary’, then what is ‘necessary’ in order to maintain this ‘necessity’ is undoubtedly ‘necessary’ as well.

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<sup>1</sup> Qurṭubī, *Al-Jāmi’ li-’aḥkām al-Qur’ān*,: 4/250

## Conclusion

The two largest empires during the time of the Prophet ﷺ, the Byzantines and the Sassanids, as well as other countries in the surrounding areas, were ruled as kingdoms, whereas the Arabs on were divided into tribes. During this prominent socio-political structure, Prophet Muhammad ﷺ taught the Believers to act upon consultation as a religious principle in matters that were not clarified through Revelation or were left to preference by Revelation, whether it was through the congregational structure during the Makkan period or the state structure during the Madīnian period. In the *'Aṣr al-Sa'ādah*, even though consultation was an important application, it was not an institutionalised structure in the modern sense. Revelation was not yet complete, and it would take a few centuries for the Muslims to form their scientific disciplines. However, even if in different contents, consultation always had a place in important decision making in relation to social issues and state administration in the Muslim world.

Based on the applications of the Prophet ﷺ and of the Rightly Guided Caliphs trained in his ﷺ 'school,' we declare that consultation must be institutionalised. What we mean by this is not to simply employ units and individuals who give consultancy service, but to deem qualified and related individuals, effective in decision mechanisms. We make this claim, that institutionalising consultation is compulsory in the current conditions, due to the aforementioned reasons. When we approach the matter from a perspective of human experience, we see that successful state traditions value consultation, placing importance on the matter. What should the content of the consultation mechanism look like? Let us emphasise that we are not talking about a static structure. The system can definitely evolve in form according to the generation, need, and present circumstances. The important point is for the essence to be established regardless of the changing form. The means may change; however, the preservation of the essence is the religion's demand. Whatever form or means may be necessary to substitute the essence in a given generation, the Muslims adapt accordingly.

We are in a time period where democracy is widespread, republic administrations are prominent, humanity is connected through communication tools, individuality is towering, with limitless sharing of information and cultures. Administrative consultation should be established within the frame of principles and traditions specific to Islam and in accordance to its own dynamics: this is absent today. The Muslim world, primarily Syria, is experiencing major loss and deep hurt. Islam, in the Qurʾān and Sunnah, has not preached an elaborate regime in terms of state regulation. Instead of this, it has specified basic principles and provisions in order to achieve the *Maqāṣid al-Sharīʿah* whose aims are happiness in this world and the next; leaving a large portion of it to the *ijtihād* of a competent cadre according to the generation's needs. The experience of Muslim history points to this fact since the time of the Rightly Guided Caliphs.

Islam seeks to form a community that experiences the religion within its infrastructure with the belief system, worship, transaction and ethical rulings established; a social structure where basic principles such as justice and consultation are present. A state is formed as a result of this. In essence, Muslims need an administrative model where the system of consultation is determinative. This model must also be aligned with the needs of the age, far from authoritarian rule, all the while being reflective of the will of the people. This is the most suitable model according to Islamic teachings.