

Shura/Consultation: A Strategy For Governance

Donald Francisco Casanova Mansir, Chair, The Bishop John S. Cummins Institute for Catholic Thought, Culture and Action, Associate Professor, Integral Program of Liberal Arts, Saint Mary's College of California

Some years ago I was visiting the Church of the Holy Sepulchre in Jerusalem with the former Latin Patriarch of Jerusalem His Beatitude Michel Sabbah. At the time of our visit the Christian Custodial Communities were chanting their prayers. I exclaimed to the Patriarch, “What a cacophony!” He encouraged me to think of it rather as a harmony of differences all under one roof, at a single holy place. It made me think of the Christian understanding of the Trinity as a Unity of Differences, that the One God is radically the same as Himself and radically different from Himself at the same time. It led me to reconsider how one might approach the reconciliation between and among conflicting groups. The chanting, a conversation with God, suggests we engage in conversation. Essentially, the conversation is a dialogue between human reason and God’s knowledge of Himself, a knowledge known through faith and revelation.

The differences in the Church of the Holy Sepulchre are religious, and at the same time, political: Greek Orthodox, Latin Catholic, Armenian Apostolic, Coptic, Syrian Orthodox, Ottoman, Palestinian, Israeli, and Muslim. How can any of these religions and political differences be brought into conversation?

In this essay, I hope to set out how Islam suggests that a conversation between reason and revelation is required for good governance. Knowledge is essential for good governance. What human persons know comes through faith and through reason—through faith seeking intellectual understanding. Human persons must develop their God-given reasoning skills. This cannot be done in isolation; it must be done in conversation. I submit the Arabic term *shura*, often translated as consultation, is just this type of conversation. I will further suggest that this conversation, is between and among persons, between faith and reason, between God and His creation, and among governments.

As the first Khalif, Abu Bakr Al-Siddique, said upon being confirmed by consensus as successor to the Prophet, “I have been given authority over you, but I am not the best among you. Obey me so long as I obey God in the administration of your affairs. Where I disobey God, you owe me no obedience.” Not obeying, however, does not mean to rebel. The Khalif is to be advised through *shura*—a reasoned consultation, which never abandons what is known through revelation.

The forty-second Sura of the Qur’an is named *Shura*:

All that you receive is but for enjoyment in this life present: but better and more enduring is a portion with God for those who believe and put their trust in their Lord...and who hearken to their Lord, and observe prayer, and whose affairs are guided by mutual COUNSEL, and who give alms...¹

Towards the end of his life, Al-Ghazzali² was led to a renewed disposition and approach to knowledge. What led him to this, other than the grace of God, was that he consulted “a number of men skilled in science in the heart and with experience of contemplation.”³ Al-Ghazzali wrote:

...previously I had been disseminating the knowledge by which worldly success is attained by word and deed I had called men to it, and that had been my aim and intention. But now I am calling men to the knowledge whereby worldly success is given up and its low position in the scale of real worth I recognized. This is now my intention, my aim, my desire; God knows that this is so. It is my eager longing that I may make myself and others better. I do not know whether I shall reach my goal, whether I shall be taken away while short of my object. I believe, however, both by certain faith and intuition, that there is no power and no might save with God, the high, the mighty, and that I do not move of myself but am moved by Him, I do not work of myself but am used by Him. I ask Him first of all to reform me and then to reform through me, to guide me and then to guide through me, to show me the truth of what is true and to grant of His bounty that I may follow it, and to show me the falsity of what is false and the grant of His bounty that I may turn away from it.⁴

Here, Al-Ghazzali prays that others be *guided through him* towards knowledge and the truth.

¹ *THE KORAN*, trans. J.M Rodwell. [London: J.M. Dent, 1994], Sura 42:30 – 40 *passim*.

² Considered by many as Islam’s greatest theologian, d. 1111.

³ “Confessions of a Troubled Believer,” Al-Ghazzali from *The Deliverance from Error in Anthology of Islamic Literature*, James Kritzeck, ed.[New York: Meridian Books, 1995], 170.

⁴ *Ibid*, 171. The italics are mine.

Averroës, Abu'l-Walid Ibn Rushd, set out in his *Exposition of Religious Arguments* his position concerning the harmony between faith and reason. They are both legitimate human endeavors encouraged by God.⁵ Unlike the Ash'arites who maintained that belief in the existence of God is possible only through reason, Ibn Rushd, as Thomas Aquinas, did not believe there are logical arguments that prove the existence of God, but there are ways to know that God exists. The unknown can be extracted from the unknown through reason.

Maimonides, Anselm and Aquinas, like Averroës, wondered whether what was revealed could stand up to reason. Anselm's famous dictum, *faith seeking intellectual understanding* has become the foundation for the Catholic intellectual tradition.⁶ This dialogue between faith and reason is also played out in the law. Aquinas' *Treatise on Law*⁷ asks what is the proper relation between human law and divine law. Aquinas writes that all good law originates with God. While Islam does not theoretically make a distinction between church and state:

...in practice the Islamic tradition recognizes a de facto separation between the religious and temporal realms of human activity, including distinct sources of jurisdiction in the Muslim polity. The categorization of religiously ordained God-human and interhuman relationships in Islamic sacred law, *Shari'a*, is an explicit expression of the distinct realms of religious and temporal on earth. Whereas God-human relations are founded on individual autonomy as regulated by divine jurisdiction interhuman relations are within the jurisdiction of human institutions founded on political consensus [and consultation] with the purpose of furthering social justice and equity.⁸

This applies equally to the usually misunderstood *jihad*, the continuous effort to do the will of God. Specific strategies to carry out the will of God are through *ijtihad*. Pakistani scholar Fazlur Rahman says:

The intellectual endeavor or jihad, including the intellectual elements of both the moments—past and future—is technically *ijtihad*, which means “the effort to understand the meaning of a relevant text or precedent in the past, containing a

⁵ See *Faith and Reason in Islam: Averroes' Exposition of Religious Arguments*, trans Ibrahim Najjar. [Oxford: One World Press, 2001].

⁶ See Anselm of Canterbury, *Monologium*.

⁷ Thomas Aquinas, *Summa Theologica* I-II, Q. 90 – 108.

⁸ Abdulaziz Sachedina, *The Islamic Roots of Democratic Pluralism* [Oxford: Oxford University Press, 2001], 5.

rule, and to alter that rule by extending or restricting or otherwise modifying it in such a manner that a new situation can be subsumed under it by a new solution.⁹

The Qur'an is considered complete. Revelation has been perfectly disclosed, as Christianity also posits. Neither the Qur'an nor the New Testament call for absolute conformity, however. Rather, they pose "a challenge for human beings to find ever more effective ways to create the society [they] envision. Every effort extended in such endeavor is called jihad..."¹⁰

Shari'a - the path to the water, to God—provides the believer with strategies for a good life. Just as Christians want Gospel principles to be embodied in national constitutions, Muslims expect codes of law to be consonant with Islam. Politics should consult theology, especially where a large number of the citizenry identify themselves with religious groups. Shari'a guides the political leadership. As a writer for *Aljazeera*, Sheikha Sajida said:

It is logical to install Sharia Law in Arab and Muslim states, where the majority of the population is Muslim. It's the only way for Muslims to escape the dictatorship and oppression of some of the Arab rulers, those who favor perceived self-interest over what's best for their nations.¹¹

Religious persons work to build religious laws into civil law. While the state should not promote a particular religion so that persons of other faiths are discriminated against and denied the rights due to all citizens, it is reasonable for political leaders to consult religious leaders and scriptures. Iran's former President Mohammad Khatami, an advocate for Islamic democracy, said in a June 2001 television interview that "today, world democracies are suffering from a major vacuum which is the vacuum of spirituality" and that Islam can provide the framework combining democracy with spirituality and religious government.¹² Not wanting to be Western and secular does not mean depriving citizens of equal voice or of equality before the law. Sovereignty is not

⁹ Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition*. [Chicago and London: The University of Chicago Press, 1982], 7-8.

¹⁰ Jacob Neusner and Tamara Sonn, *Comparing Religions through Law: Islam and Judaism* [London and New York: Routledge Press, 1999], 203.

¹¹ Sheikha Sajida, "Let's Talk." http://www.aljazeera.com/cgi-bin/news_service/article_full_story.asp?service_id=12799. Not currently retrievable. John Esposito makes a distinction between Shari'a and Islamic law:

To clarify the distinction between *Sharia* and "Islamic Law," think of *Sharia* as a compass (God's revelation, timeless principles that cannot change) and Islamic law2 (*fiqh*) as a map. This map must conform to the compass, but it reflects different times, places, and geography. The compass is fixed; the map is subject to change.

John L. Esposito and Dalia Mogahed, *Who Speaks for Islam?* [New York: Gallup Press, 2007], 53.

¹² Esposito, 56

simply popular nor is it consolidated into the one governing alone. Rather, it is the result of a dialogue between human law and divine law, between faith and reason, through faith seeking intellectual understanding. Those who strive for radical separation of faith and reason, to extract all religion from politics commit an injustice to those citizens who work to walk the path to the water.

This dialogue between faith and reason blossomed most strikingly in medieval Spain during the time of Abd al-Rahman and his successors.¹³

Out of their acquisitive confrontation with a universe of languages, cultures, and people, the Umayyads, who had come pristine out of the Arabian desert, defined their version of Islam as one that loved its dialogues with other traditions.¹⁴

The dialogue is multifaceted then. It is a dialogue between the one and the many, reaching towards a unity of differences. Furthermore, the dialogue is not simply a religious one. While Christians should explain as well as possible how God is One and Three Persons at the same time and Jews and Muslims should discuss their common origins, the children of Abraham also need to discuss how they can live together happily. The libraries in medieval Cordoba suggest an analogy:

Just as essential to the social and cultural project embodied in those libraries was a series of attitudes about learning of every sort, about the duty to transmit knowledge from one generation to another, and about the interplay between [and among] the very different modes of learning that were known to exist – modes that might [seem to] contradict each other, as faith and reason did....These sat happily in those libraries, side by side, unafraid of the contradictions.¹⁵

I submit, then, that *shura*, is more than the consultation the Khalifa might have with a few advisors. It is much more encompassing. As the former ambassador of Oman to the United States of America, Sadek Jawad Sulaiman, said:

It [*shura*] is predicated on *three basic principles*. First, that all persons in any given society are equal in human and civil rights. *Second*, that public issues are best decided by majority view. And third, that the three other principles of

¹³ For a wonderful history of medieval Spain and the intertwined stories of the Jews, Christians and Muslims and how faith and reason engaged each other see Maria Rosa Menocal's *Ornament of the World: How Muslims, Jews, and Christians Created a Culture of Tolerance in Medieval Spain*.

¹⁴ Maria Rosa Menocal, *Ornament of the World: How Muslims, Jews, and Christians Created a Culture of Tolerance in Medieval Spain* [New York: Back Bay Books, 2002], 21.

¹⁵ *Ibid*, 35

justice, equality, and human dignity, which constitute Islam's moral core, and from which all Islamic conceptions of human and civil rights derive, are best realized, in personal as well as public life, under *shura* governance.

Islamic law is to set the moral compass, guide the efforts of persons to do the will of God. While discipline is called for, mercy is the priority:

It is God's grace that you [the Prophet] have dealt kindly with them. Had you been harsh and hard-hearted, they would have dispersed from you. Therefore, forgive them and pardon them and *consult* them in affairs. ¹⁶

While acknowledging the diversity of human persons, the Qur'an emphasizes the dignity of all human persons, each created in the image of God:

And among his signs are the creation of the Heavens and the Earth and the diversity of our languages and colors. Surely there are signs for those who reflect. ¹⁷

O humankind, We have created you male and female, and made you nations and tribes for you to get to know one another. Indeed, the noblest of you in the sight of God is the one who is most deeply conscious of Him. Behold, God is all-knowing, all-aware. ¹⁸

This equality arises out of the very heart of Islam: God is One:

However, the concept of the unity of God – the Arabic, *tawhid* – reaches beyond what many of the West might assume. It is the heart of Islam, the one fundamental idea from which everything else radiates, from Islam's principles to its practices. "There is no god but God" means that nothing except God deserves to be "worshipped" -...If nothing is worthy of worship except God, then all humans are equal, as the Prophet Muhammad is reported to have said, "as teeth on a comb." ¹⁹

Therefore, if all human persons are equal, *shura* is the right of everyone to participate in the discussions about personal and public life. It is human reason engaged with revelation. Revelation, while it has its particularity, is not a boundary. Reason, while it has its particularity, is not a boundary. Differences are not boundaries. This invitation to all to participate is *shura*. It is the peaceful management of differences. While the particularities of faith, of reason, of Islam, of Christianity, of Judaism, of Sunni, of Shi'ite, remain, they can be bridged by *shura*.

¹⁶ Qur'an, sura 3:160. Italics are mine.

¹⁷ Qur'an 30:22

¹⁸ Qur'an, sura 49:13

¹⁹ Esposito, 11

Shura, then, might be understood as ‘democratic religious governance.’ It is the basis of a theology of culture for the purposes of conflict resolution in general and for the promotion of peace; it is a theology of culture we might call hospitality. The starting point for this theology of culture is Abraham, *al-Khalil*, the friend of God, and Father of Jews, Christians, and Muslims. This is not to say that the children of Abraham have the same understanding of theology or culture. Nor is it to suggest there are only three monotheistic descriptions of the nature of God. I do believe, nevertheless, Abraham can offer something worthwhile to those within the monotheistic traditions as well as to those not in these traditions.

No one can claim to be outside of or uninfluenced by all traditions. What one can do, however, is to locate one’s own judgments within a historical and global context which may place them in a wider and perhaps deeper perspective.²⁰

Therefore, it is important to realize that religion is a living and dynamic engagement with the divine. While truth may have been revealed, human understanding of what has been revealed does not come all at once, in a single enlightenment. God’s knowledge of Himself unfolds as human reason engages with revelation. It is not that truth has changed. Rather, it is understood differently as it engages with different times, places, and cultures. Islam, as do Judaism and Christianity, locates itself within each emerging “historical and global context which may place [it] in a wider and perhaps deeper context.” Just as particular Qur’anic verses and the hadith seem to have been influenced by particular events before and after the *hegira*, taking different perspectives after the establishment of the new Islamic polity at Medina, so Islam continues to interact with local cultures and in a global context. Local cultures and the international arena inevitably influence Islam as they influenced all aspects of human life.

No human institutions can claim to represent God’s interest on earth. Such is the foundation of governance and authority in Islam.

Much of traditional Islamic scholarship on the issue of God-human and interhuman relationships fails to account for the ethical-legal underpinnings of social organization and governance based on this essential distinction between divine jurisdiction of God qua God, and the human jurisdiction of the polity. The normative textual sources are treated as timeless and sacred rather than as anchored to a specific historical context. As a result, they have failed to link organically the historically mutable and reformable political practices and institutions of the interhuman politics to the stabilizing practices and institutions

²⁰ Keith Ward, *Religion and Creation* [Oxford: Clarendon Press, 1963], 3.

of divinely inspired religiosity. A rigorous and honest accounting of specific settings in Muslim social-political history, including the way political ideas have interacted with normative suggestions from the Koran and the Tradition (Sunna) could provide Muslim scholars an opportunity to engage in a critically needed conversation with the past in order to connect it with the present.²¹

Again, it is not that revealed truth changes.²² Rather, it is how religion as a cultural underpinning of a society may be revised, renewed, and understood differently. Most obviously in the contemporary world, it is how the modern territorial state can be incorporated into Islam and how religions can inform the modern territorial state.

I approach this theology of culture as a theologian and as an historian, a heterological historian who does not live and work in isolation, but who enters into the shaping of the community and returns to the community some aspect of the past.²³

I am interested in community, but in a community of persons not all of who have everything in common, and for which, therefore, gift is the activity. It is a community of hospitality, the sort of hospitality for which Abraham was praised in the Book of Genesis. Institutions of governance in the Abrahamic traditions are motivated by responsibility for the shaping of society's moral compass, including the Islamic state whose purpose is to maintain social justice.

In an interview with Nikos Papastergiadis about the borderline between the self and the other, John Berger said:

As soon as you begin to think of writing about another human being you begin to efface the border. You might then ask, where does the energy come from for the effacement of that border? I think it comes from what one has already lived. That which has become part of one's own experience and life is already other people...the self is already collective. That collective is made of all those people with whom one has interacted positively or negatively, it is made up of pain and pleasure, hope and fear, of security and risk.²⁴

I speak of encounters, of journeys to and from others in different times and in different places. It is because a person crosses borders that she or he is able to gather together many times and

²¹ Sachedina, 6

²² I refer you to Esposito's difference between *Shari'a* and Islamic law cited above.

²³ For a fine read on the work of heterological historians, see Edith Wyschogrod, *An Ethics of Remembering: History, Heterology and the Nameless Others* [Chicago: University of Chicago Press, 1998]

²⁴ Nikos Papastergiadis, "The Act of Approaching. A Conversation with John Berger," in *Dialogues in the Diasporas* [London: Rivers Oram Press, 1998], 17

places. Guillermo Gomez-Pena asks, “How to function as a fluid border-crosser, intellectual “coyote, and intercultural diplomat in and around this abrupt landscape?”²⁵ While Gomez-Pena is speaking of the United States as this abrupt landscape, the question might apply equally to conflicts with Islam and within Islam.

Strategies to gather differences into a unity are called bridging activities, strategies for welcoming, for hospitality. These activities do not simply link A to B, one to the other, but maintain an on-going dynamic, “fugal space,” so that A is in B *and* B is in A. This space, for its part, concomitantly produces nostalgia for the past and desire and hope for the future. It is the work of a heterological historian to create a new time, a future-present. This is the gift to be given to those who have suffered the cataclysms of the past, a gift of hope. The space in which future-present time operates is fugal space. “Space is not a passive vector which time occupies and sediments itself.”²⁶ To the degree a person is engaged in bridging activities – able to move different and sometimes opposing groups to share themselves with others in this way – that person is a bridge living in fugal space.²⁷ Fugal space is the location of a type of ambivalence, the tension between center and periphery.²⁸ Instead of one and/or another identifier, the person living in fugal space focuses on the unifying element among identifiers itself, fugal space, which dissipates binary opposites. It is in this fugal space that divergent identities interact without coinciding.

I submit that fugal space is the consequence of a person’s face-to-face experience with God. All face-to-face experiences are exchanges in which persons exchange each other, give and receive each other, welcome and receive each other. This dynamic exchanging creates the reality of fugal space, which is dwelling place. Fixed borders are the consequence of the collapse of fugal space and they are most unwelcoming!

We might be reminded here of Pope John Paul II’s address in 1985 to some 80,000 young people in Casablanca where he said:

²⁵ Guillermo Gomez-Pena, *The New World Border* [San Francisco: City Lights, 1996], 1

²⁶ Papastergiadis, 42. See also Paul Carter, *The Road to Botany Bay* [London: Faber & Faber, 1987]

²⁷ The Christian might be reminded of what Jesus says about Himself and the Father and about Himself and His disciples: *As you are in me and I am in you.* Gospel of John, 17:21

²⁸ See a good discussion about this meaning of ambivalence in Homi K. Bhabha, “Dissemination: Time, Narrative and the Margins of the Modern Nation,” in *Nation and Narration* [London: Routledge, 1990]

The witness to God, the Father of all mankind, cannot be separated from the witness to the dignity of the human person...therefore we must respect, love and help every human being...and we must stimulate each other in good works on the path to God.

We all need to heed the wisdom, which comes to us from Abraham. We all need to be hospitable as he was. The great commandment of Jesus to love God and neighbor comes out of Yahweh's revelation to Moses on Mount Sinai and is echoed in the Qur'an, "Whosoever kills an innocent human being, it shall be as if he has killed all humankind."

...if one sees a being as a person, one sees in [him/her] the whole of human nature. Thus to destroy a human person [in any way!] is to commit an act of murder against all humanity...the mystery of being a person lies in the fact that here is otherness and communion are not in contradiction but coincide. Truth as communion does not lead to the dissolving of the diversity of beings into one vast ocean of being, but to the affirmation of otherness in and through love. The difference between truth and that of "nature in itself" lies in the following: while the latter is subject to fragmentation, individualization...the person is not. So in the context of personhood, *otherness* is incompatible with *division*.²⁹

Persons, then, must not be understood as numbers, as radically isolated individuals. We are all perichoretic³⁰ by nature. It is our nature to give, just as it is fear and oppression, which render us stingy and unwilling to maintain the dynamism of relationality. We are fulfilled through unecessitated reciprocity³¹, by being 'found.' I use the term 'found' as the English translation of the Arabic term *wujud* used by the thirteenth century Islamic theologian, Ibn al-Arabi, to mean, "being brought into existence." Reality, therefore, is neither separate nor disconnected differences, which may or may not be privileged, nor is it the One of Greek ontological monism, identity without differences. In this sense, unity of differences is relationality, which transcends

²⁹ John Zizioulas, *Being in Communion* [Crestwood, NY: St. Vladimir's Press, 1997], 106

³⁰ The term was likely first used by St. Bonaventure. Its meaning can be summed up in the two Latin terms *circumcession* and *circumcession*. The words come from the Latin words *circum* and *(in) cedere*, which together mean to move around one another and into one another. The words express the idea of persons in a profound and dynamic communion of reciprocity and mutuality.

³¹ Edith Wyschogrod writes:

Breaking with the eudaemonistic thrust of the *Nicomachean Ethics*, that is, the notion that human beings ought to aim at their own happiness, he argues that one wishes the other well for the other's sake and not for one's own. The argument is not a consequentialist one, that is, I should desire the other's happiness because his happiness is likely to guarantee mine, but rather de-ontological, that is, I do good for the other for its own sake and not for any benefit that might accrue. *An Ethics of Remembering*, xvi.

polarities. The point is that neither difference nor identity constitutes being. Rather, being is unity in difference *and* difference in unity.

It is my hope that all of us, particularly all of us who are children of Abraham, see each other in face-to-face relationality with each other and with God. It is friendship with God, Love, which is at the center of this understanding.

I call the strategies employed to promote this understanding and consequent actions ‘bridging activities.’ Welcoming and being welcomed across borders, a loving activity, which creates community. I submit to you, therefore, that *shura* is just one such bridging activity. It bridges faith and reason. It links the one with the many. It unites differences. As such, it can be a wonderful strategy for governance.

John Esposito, among others, argues that Islam not only permits but encourages governance through *shura* [consultation], *ijma’* [consensus], and *ijtihad* [independent interpretive judgment].

³² While I know there are those who think Esposito *et al* have distorted Islam to allow for democracy, I believe Islam does encourage the face-to-face relationality I have described above. Religion does not have to be disengaged from politics. In fact, it should not be. The United States Constitution, for example, does not exclude the counsel of faith. It prohibits favoring a particular religion the consequence of which is the inequality of citizens before the law. The United States Constitution and *shura*, I submit, invite all citizens to participate in governance.

This invitation is consonant with Abraham’s hospitality. It leads to the knowledge of the equality of all human persons before God and before the law, the equality of all human persons whether they share one’s faith or not. Again, as Ibn al-Arabi suggests, we are brought into being by being found. Being found, we are brought into community—face-to-face presences in dialogue. This is *shura*.

Published by the Forum on Public Policy
Copyright © The Forum on Public Policy. All Rights Reserved. 2009.

³² John L. Esposito and James Piscatory, “Democratization and Islam,” *Middle East Quarterly* [Summer 1991]:434.