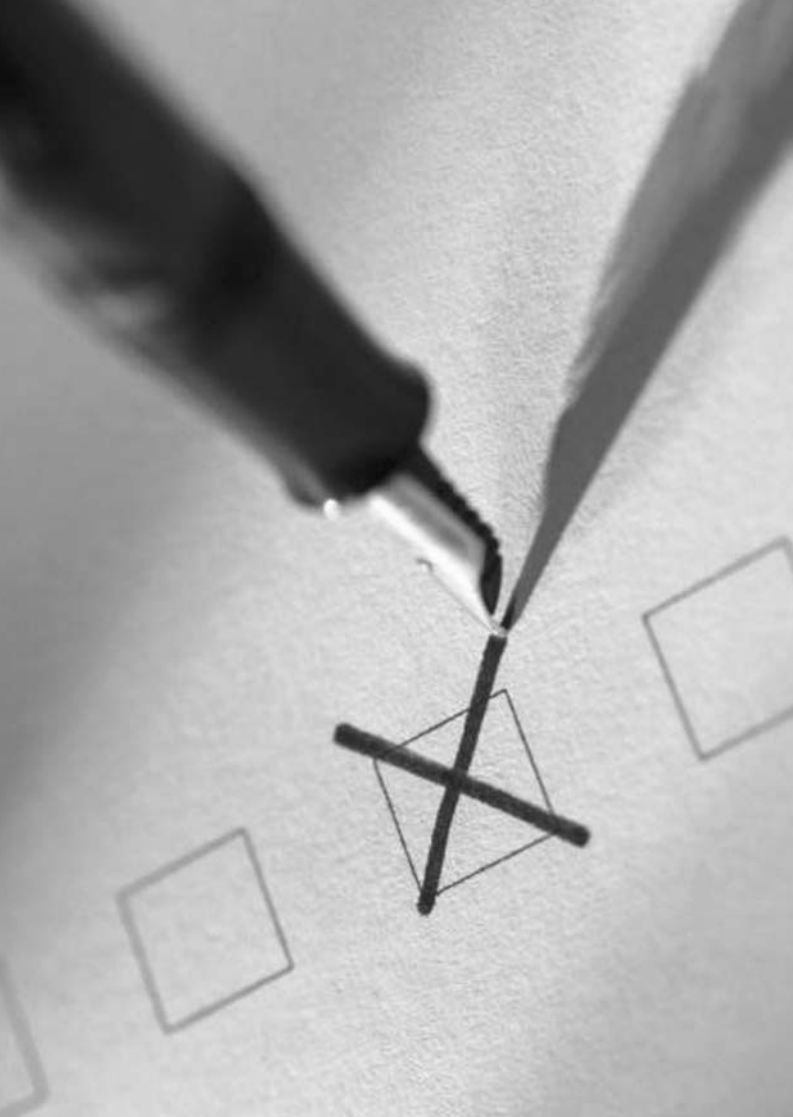


VOTING IN ISLAM

GUIDANCE TO MUSLIMS IN BRITAIN
FROM THE SCHOLARS OF ISLAM





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SUMMARY

Issues relating to the Halal and Haram, Iman (belief) and Kufr (disbelief) are some of the most serious of matters. They are not to be treated lightly and best dealt by those who are qualified and are renowned for their understanding of the Islamic Sciences.

As Muslims living in Britain we are required by our faith to be active participants in the political process. This requirement is rooted completely in the undisputed sources of the Islamic Shari'a, i.e., the Qur'an and Hadith, derived by the 'Ulama (scholars) from all Schools of Thought. The fatwa (verdict) issued by the European Council for Research and Fatwa asserts: 'Muslim participation in elections is a national duty; it falls under co-operation on that which is good and righteous for the society and warding off harms from it'. The Qur'an commands the believers to co-operate for righteousness and piety. [Al-Ma'idah Verse 2]

This booklet addresses questions such as:

***Is voting in the British General Elections
forbidden (haram) and an act of disbelief (kufr)?***

***Is voting for a non-Muslim party/candidate
accepting their disbelief?***

***Is voting a harmful waste of Muslim resources
bearing no benefits?***

1. IS VOTING IN THE BRITISH GENERAL ELECTION HARAM AND AN ACT OF DISBELIEF (KUFR)?

THOSE who say voting is haram and kufr do so on the understanding that voting is participating in a democratic system that upholds the sovereignty of man over Allah.

The above conclusion is based on a misunderstanding. Shaykh Haytham Al-Haddad (Imam, Al-Muntada al-Islami, London) clarifies that if Muslims were to advocate and help establish a system in which people are free to legislate against Islam, then this would certainly be an act of Kufr, for Allah says, 'Legislation is for none but Allah. He has commanded that you worship none but Him.' [Qur'an, 12:41] and He says, 'And whosoever does not judge by what Allah has revealed, such are the Kafirun (disbelievers).' [Qur'an, 5:44]

But voting and participating in the electoral process is not tantamount to legislate against Islam. Dr Azzam Tamimi (Director, Institute of Islamic Political Thought) says that those "who treat the questions of democracy or power-sharing as matters of 'aqidah (faith), usually have no specialised or adequate knowledge

in the humanities, and are indoctrinated with some shallow Islamic literature. They tend to define things with extreme simplicity. For instance, they understand Islamic government to mean 'God's rule' and democracy to mean 'people's rule'.

Not only are issues of politics too complex to be simplified in this manner, but the conception of God's rule is totally misunderstood". Moreover, Sahib Mustaqim Bleher (formerly of the Islamic Party of Britain) asserts that the belief that politics amounts to kufr is in itself a wrong assumption, because it assumes that parliament is the actual power base of modern society. In reality 'parliament is only a stage-managed debating club ratifying what has been decided elsewhere'.

For the sake of Maslaha (public interest)

Our situation in Britain today is quite different. The dominant political system has been derived by the majority over decades. In this system we are faced with two choices – either to vote for one of a number of

candidates/parties or not to vote at all. In such circumstances it is necessary for the Muslim community to work to safeguard itself from harm and to secure its interests, known as *maslaha* (public interest), which dates back to Maliki School, later developed by Imam Al-Shafi'i.

The great Andalusian scholar Imam Al-Shatibi (d.790/1388) developed the *maslaha* further into the doctrine of *Maqasid al-Shari'a* (objectives of the *Shari'a*) which the *'ulama* turn to when dealing with the extendibility of Islamic Law to changing circumstances. It provides a general framework for Muslims, to tackle their respective problems in changing conditions, which is in conformity with the Qur'an i.e. Allah does not wish hardship on His servants (Qur'an 2:173; 21:107; 5:6; 2:179 & 2:233). Al-Qardawi reiterates that all that which is in the Qur'an and the Traditions of the Prophet is, per se, in accordance with human interest, at large. (*Al-Ijtihad al-Mu'asir Bayna al-Indibat wal-Infirat*).

The world renowned scholar from Bahrain, Shaykh Nizam Ya'qubi states: "In the matter of elections and voting we must look at what is in the best interest of the whole community (*maslaha*) and what is lesser of the two

evils (*Akhaf ad-Dararayn*)". Shaykh Salman Al-'Audah, a reform critic of the Saudi state imprisoned for speaking out against corruption within the Kingdom, issued a fatwa saying participation in the political process can be a vehicle to 'reducing suffering' of Muslims. "I believe participating in elections will, in any way, reduce evil and be a forum for countering bad policies and exposing their deficiencies, as well as being an opportunity to present proposals of a different kind that may help people," added the Shaykh.

Dr Jamal Badawi of Canada illustrates the above point further: "Suppose you have two candidates. It may be that both of them are unsympathetic to Muslim causes. However, one of them may be more detrimental to Muslim interests than the other. If the Muslim community were to collectively abstain from voting, then the candidate more detrimental to Muslim interests might win and pursue policies such as closing down mosques, Islamic schools and work towards banning the hijab. In such a situation the rule of *Shari'a* stipulates that it is obligatory for Muslims to vote for the lesser evil. Merely sitting on the sidelines criticizing while doing nothing about it is contrary to the *Shari'a*".

As Muslims we also have a duty to wider society. Working for everyone's welfare through civic participation and electoral politics serves our Islamic duty to seek the common good, and enjoy good.

Lesser of the two evils

Shaykh al-Islam Imâm Ibn Taymiyyah, (1263-1328) said, "the Shari'a has been revealed to obtain all possible benefits and to prevent as much harm as possible and reduce it. Its aim is to produce the best possible scenario from two good options if both cannot be achieved together, and to ward off the worst of two evils if both evils cannot be prevented."

Imâm Ibn al-Qayyim Al-Jawziyyah, (fourteenth century scholar) said, "the Prophet (sallallâhu'alayhi wa sallam) saw the greatest of evils in Makkah and he was unable to change them. Then Allah gave him the victory and the Muslims entered Makkah and it became the land of Islam. The Prophet Muhammad was determined to extend the Ka'bah and return it back to the original foundations of Ibrâhîm. However, he prevented anyone from doing so even though he had the power and authority. He feared that a greater evil would occur with the Quraysh failing to appreciate

such a move given their very recent conversion to Islam from disbelief."

Imam Ibn Hajr Al Asqalani (renowned Hadith commentator) also commented that from the benefits of the aforementioned narration is, "...to leave forbidding a certain evil fearing that one will be afflicted by a greater evil."

From the above it can be clearly seen that the principle in Shari'a known as, 'Warding off the greater of two evils even if it involves performing the lesser evil (Akhaf ad-Dararayn)' is an obvious and agreed upon tool to help Muslims live while being loyal to their tradition and heritage.

Shaykh Muhammad al-Kawthari (Dar al-Iftah – UK), stated that at times voting becomes necessary, substantiating this point with a hadith in which the Messenger of Allah said: 'If people see an oppressor and don't prevent him, then it is very likely that Allah will include all of them in the punishment.' (at-Tirmidhi, Abu Dawud). Therefore, if you see open oppression and transgression, and despite having the capability of preventing this oppression by giving your vote you don't do so, then in the light of this Hadith you will be sinful.

2. IS VOTING FOR A NON-MUSLIM PARTY ACCEPTING THEIR DISBELIEF?

IT IS INCORRECT to argue that voting for a candidate means accepting all that s/he stands for which may include disbelief, as this would be prohibited by the Qur'anic verse: 'And incline not to those who do wrong, or the fire will seize you; and ye have no protectors other than Allah, nor shall ye be helped.' (11:113)

It is crucial to understand that voting for a candidate does not necessitate accepting all that s/he stands for. If this had been the case the verse in question would prohibit all types of co-operation with non-believers. "Inclination" here means the acceptance and support of the disbeliever's actions. The classical commentator on the Qur'an, At-Tabari, explains inclination as returning to disbelief, being loyal to disbelievers, and accepting their behaviour.

In this regard Shaykh Taha Jabar al-Alwani (President, Fiqh Council of North America) comments, "I don't see any of these actions in political participation. They differ significantly from co-operating with non-Muslims

for the sake of safeguarding our rights and protecting ourselves and our fellow Muslims from the injustices, and from taking actions that may help non-Muslims find the right path."

Shaykh Muhammad al-Munajjid (Saudi Arabia) said, "No one should imagine that anyone who says that it is alright to vote is thereby expressing approval or support for kufr. It is done in the interests of the Muslims, not out of love for kufr and its people. The Muslims rejoiced when the Romans defeated the Persians, as did the Muslims in Abyssinia (Ethiopia) when the Negus defeated those who had challenged his authority. This is well known from history."

Prophet Muhammad: an active participant in his time

Let us reflect on a few examples from the legacy of our noble Prophet which support participation rather than separation from the political process:

THE FUJJAR WAR: This war was waged against some Arab tribes who violated the sacredness of the Holy Precinct in the sacred months. Hence, the Makkans had to defend the holy

sanctuary; this was a good custom they inherited from the upright religion of Prophet Ibrahim. This fight lasted four years, and the Prophet's age at that time was around 15-19 years. He participated in this war side-by-side with his uncles. That is, he would defend his uncles against the enemies' attack. The Prophet did so out of his immense sense of justice and hate of aggression, he further felt the need to defend his homeland.

HILF AL-FUDHUL: While he was young Prophet Muhammad (sallallahu 'alayhi wa sallam) helped establish a covenant among various clans of the Quraysh. This was known as the Hilf al-Fudhul – ("The Alliance of Virtue") - to help people who had suffered injustice. Later, long after his call to Prophethood, he said: 'I attended the forming of a covenant, which I would not exchange for any material gain. If now after Islam I am called upon to honour it, I would certainly do so.' Dr Tariq Ramadan (an expert on minority fiqh - Switzerland), cites this as further proof that Muslims may enter into treaties and pacts with other states, or in the case of this discussion, participate and engage within non-Muslim governments.

ABU TALIB: Prophet Muhammad valued the help and protection of his uncle Abu Talib against the attacks of the disbelieving Quraysh who subjected the small community of Muslims to persecution and a terrible boycott and famine. It is significant that Abu Talib was not a Muslim and he died without any public declaration of faith.

THE PROPHET MUHAMMAD

sent groups of Muslims - including members of his own family - to Abyssinia, a land ruled by Christians, to seek refuge there. They were grateful for the support of the Christian ruler - the Negus - who later became a Muslim himself.

TA'IF: After the traumatic experience at Ta'if, the Prophet sought help and got protection from a non-Muslim tribal leader who escorted the Prophet to re-enter Makkah with safety.

COVENANT WITH JEWS: In Madinah, Prophet Muhammad signed a covenant with the Jews and other groups in the city according to which they were committed - as common citizens of the state - to join in the defence of the city should it be exposed to outside aggression. Both Muslims and non-Muslims

were obliged to join in the actual defence of the city and to contribute towards its costs.

AN-NAJASHI: In the Musnad of Imam Ahmad on the authority of Umm Salamah, Mother of the Believers (may Allah be pleased with her), who was among those who migrated to Abyssinia that when An-Najashi's nephew rebelled against him and tried to elbow him out, the Muslim migrants in Abyssinia did not stand as onlookers. They were not idle because An-Najashi was a Christian and so was the enemy. Rather they made du'a (supplication to Allah) that Allah give An-Najashi victory over his enemy. They also sent a man from among them to collect information about the battle, and if they had anything more to do, they would have willingly offered it.

The European Council for Fatwa and Research led by eminent scholars like Shaykh Yusuf al-Qaradawi (Qatar), Shaykh Abdullah Bin Bayyah (Mauritania) and Mufti Muhammad Taqi Usmani (Pakistan) released a fatwa stating, 'We deduce from these aspects that the early Muslims managed to cooperate with people of other religions, living together in the same society of Madinah, in fighting

against anyone who tried to bring about sedition among people. Thus, they maintained peaceful co-existence within the same society. This form of Al-Walaa (Loyalty) comes under what we term 'Al-Walaa in worldly affairs'. It states that citizens can live together in the same society in spite of their different faiths and religious orientations.'

At the European level, Dr. Mustafa Ceric (Grand Mufti of Bosnia) said Muslims should "fully and unequivocally committed to the European Constitution, to the rule of law, to the principles of tolerance, to the values of democracy and human rights, and to the belief that each and every human being has the right to five essential values: the value of life (nafs), the value of faith (din), the value of freedom (aql), the value of property (mal), and the value of dignity (ird)."

There are some critics who in citing the sirah (biography) of the Prophet, claim that he rejected power when it was offered to him in Makkah, because if he accepted the offer it would have meant continuing the jahili (pre-Islamic) and polytheistic traditions. Moreover, they use this point to argue against participation in

non-Islamic governments. Dr Tariq Ramadan responds to this by pointing out that the real reason for the Prophet's rejection of the offer of power was more to do with the condition attached to it and its implications. The condition stipulating that the Prophet stop propagating Islam was unacceptable to him and hence he refused the offer. British Muslims are not in the same position; we can propagate our faith more freely in Britain than in some Muslim countries.

Lessons from Prophet Yusuf

Dr Ramadan highlights two important points from Prophet Yusuf, which according to him are easily missed in discussions. First, Prophet Yusuf accepted the offer to work in the Pharaoh's government while he was free and not under persecution. Prophet Yusuf agreed 'to work under the authority of a king who was not from the People of the Book (Ahlul-Kitab)'. Secondly, Prophet Yusuf, whose family, as stated in the Qur'an settled in Egypt and 'came as a foreigner as did his family; they all decided to stay in a polytheist environment, to remain steadfast in their devotion to the One God'.

The Tunisian exile in Britain, Shaykh

Rashid Al-Ghanushi explains that in Prophet Yusuf's effective participation in administrating the affairs of the people, he was calling 'for Islam and admonishing the people to reform their lives and renounce evil.' Shaykh Muhammad Ash-Shanqiti from the USA points out that 'this shows that Prophet Yusuf did not pay heed to the fact that the king was a disbeliever or despotic. His main concern was the general welfare of the people and their need for a man as knowledgeable and clever as he was to care for them.'

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3. IS VOTING A HARMFUL WASTE OF MUSLIM RESOURCES BEARING NO BENEFITS?

Answering this question, Shaykh Muhammad al-Hanooti (North American Fiqh Council) argues, “60% of our welfare and interests are run through a polling system. Schooling, sanitation, zoning, social services, police, court, medication, finance, business, sports, recreation, etc. are run by people that are elected to office. If you have a vote power, you have the legitimacy to reach and accomplish anything of your needs or goals. Without it, you are a dead battery. Can you tell me where in the Qur’an or hadith does it say, ‘Don’t take help for these affairs?’ Are you going to tell me that I am loyal or giving allegiance to the kuffar (non-Muslims) because I want to lead myself in the way that can get a school for my children, good sanitation for my neighborhood or good cooperation with the police to protect me? When it comes to making a law by congressman, senators, or any other politician, I should try my best to oppose anything contradictory to Shari’a. In Fiqh and principles of Fiqh, we know that it is a big step in the

right direction to lessen evildoings. They say in Fiqh, ‘Removal of an evildoing is much better than gaining any welfare.’”

Benefits of Voting

Shaykh Abu Eesa Niamatullah states, “as for the tangible benefits, then we can summarise them as the following:

1. Voting out people who we find advocating policies that we do not agree will send out a message of our sincerity and willingness to take such people to account.
2. Those who promote an anti-war stances and ethical foreign policy will obviously benefit the Muslims. The saving and preserving of even one innocent life is an almost unimaginably virtuous action.
3. Those who promote a call to truth and clarity as part of policy and via the media will only pave the way for a better understanding and promotion of the peaceful and perfect way of Islam.
4. Those who promote local causes, especially supporting the ethnic minorities in their overall needs whether

financial, spiritual and religious, will lead to a more confident and peaceful progression of multicultural community-building which Britain thrives on.

5. Strategically ensuring that extremist parties such as the previously underrated British National Party (BNP) do not get hold of power, especially in areas with large Muslim populations.

One can keep listing the benefits, but we must also remember that all of these perceived benefits come at a price. Either the elected party will go back on its promises, and/or suffers from the larger more serious problem of moral and religious corruption particularly with regard to legislation. So if the Muslims cannot have their cake and eat it, what does the Shari'a tell us to do?

Making use of the vote

Effective action is always the objective and this can only be achieved by constant contact with the 'ulamâ as previously mentioned. Finally, the following action is advised:

■ We must use our vote and the votes of all family members who are eligible. We should encourage our elderly women who rarely use this legal right, actually do so. It is incumbent upon us to ward off the greater evils which will be realised by our apathy at this time of need.

■ One should consult the people of knowledge and political expertise in their local areas before making a decision on whom to vote for. There are natural advantages and disadvantages to be found in all the parties which is why we have explained the principle of accepting the lesser of the two evils in such detail.

■ One should consider carefully who has been supporting their Islamic rights most and is promising the most benefit for Muslims on the whole and society at large irrespective of colour or creed.

■ Consider the very real threat of pure aggressive enemies of the Muslims taking power such as the BNP and other extremist parties.

■ Cast your votes whilst maintaining disapproval of the kufr involved in the democratic system.

Who should we vote for?

The answer to such a question requires a deep and meticulous understanding of the political arena. In this respect, Shaykh Abdul-Qayyum (Imam, East London Mosque) said unity among Muslims is obligatory. Among the many evidences for this is what Allah says in

the Qur'an [3:103] "And hold fast, all of you together, to the Rope of Allah (i.e. this Qur'an or the guidance of Allah), and be not divided among yourselves)," and the statement of the Prophet, peace be upon him, "Adhere to the jama'ah (community), and avoid division, for the Satan is closer to the lone individual and is far from a group. Whoever seeks the expanse of Paradise should stick to the jama'ah." (al-Tirmidhi).

This unity in light of the current situation is a cohesion based upon 'strategic decision making' in order to have the greatest impact for the Muslim community. Such a uniform opinion regarding the elections cannot be attained unless the Muslim masses listen to and follow the informed advice given by experienced mainstream Muslim organisations.

The Muslim Council of Britain (MCB) is the UK's representative umbrella body with over 400 affiliated national, regional and local organisations, mosques, charities and schools. We should support the MCB and use its election guidelines to help us choose the candidates we should vote for. It is a local choice based on informed local and national issues. Ultimately, the candidate one chooses should be

based with the aim of securing the maslaha, the public interest. The Muslim Council of Britain has launched a Vote Card highlighting ten key issues for the General Election. The Card and further background information can be viewed at www.mcb.org.uk/vote2005.

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IFE's stance on the Election

In view of the overwhelming verdict of Muslim scholars, the Islamic Forum Europe (IFE) does not give preferential support to any political party for the General Election. IFE is as a non-political, non-partisan organisation, but it nevertheless encourages British Muslims to exercise their freedom of choice in the forthcoming elections, to use this opportunity to vote for the candidate that best reflects their concerns and needs.

The Islamic Forum Europe is a voluntary community organisation, working for the benefit of the Muslim community, and the wider society at large. IFE has an active community engagement programme and is committed to a multi-faith society at ease with itself. Voting and taking part in the political system is only one way of voicing our concerns and meeting our needs. We must actively engage in other fields if we are to create a better society.

In short, who to vote for will depend on whether candidates:

1. Best serve the interests of Muslims and the wider society
2. Support legislation to make incitement to religious hatred and discrimination illegal
3. Promote ethical foreign policy and are against unjust wars
4. Oppose draconian anti-terror laws which mostly affect Muslims
5. Have sound solutions to local & national issues: education, employment, housing, social exclusion and deprivation

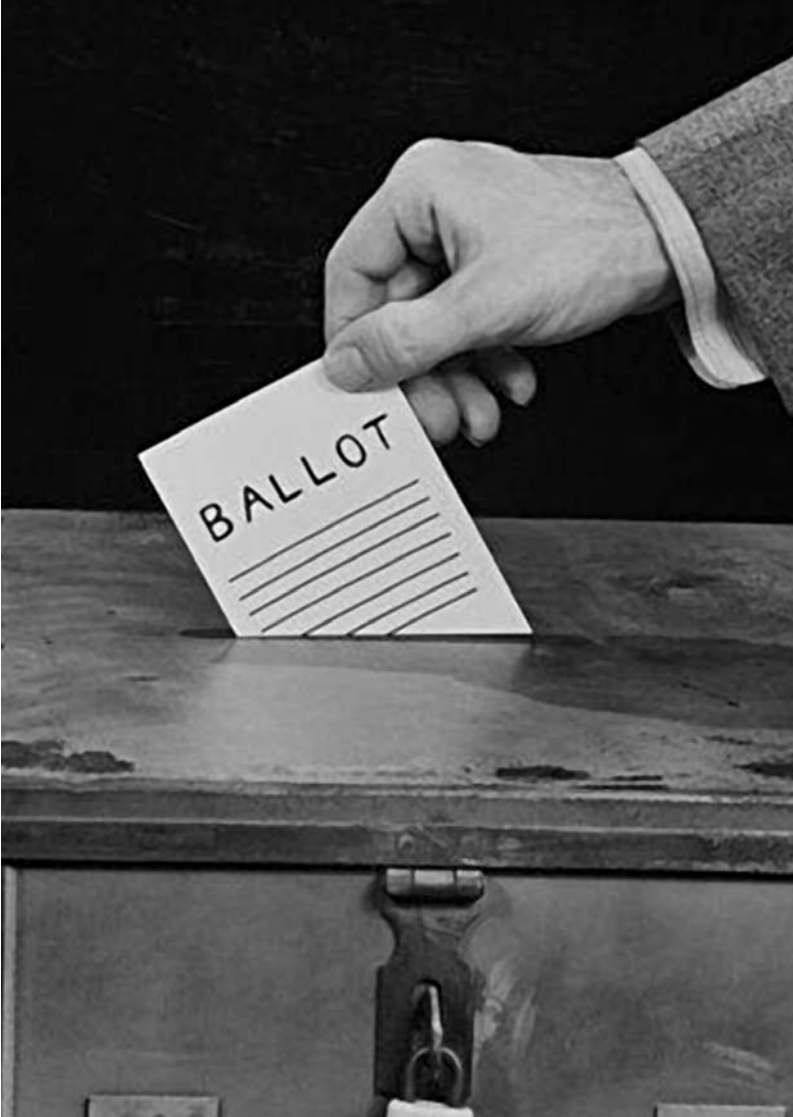
To read the above with full references as well as other scholarly works on this issue please visit www.islamicforumeurope.com



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BALLOT



"The Shari'a is all Justice, Common Good and Wisdom. Any rule that departs from justice to injustice... or departs from public interest (maslaha) to harm (mafsada)... is not part of Shari'a, even if it is arrived at by ta'wil [literal interpretation]."

**– IMAM IBN QAYYIM,
*I'lam Al-Muwaqqi'in***