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VOTING – PARTICIPATING IN KUFR POLITICS

OUR RESPONSE TO A MUFTI'S OPINION

Question

Please peruse the fatwa of a Mufti on the issue of voting and provide the correct. The Fatwa is by one Mufti Muin Hassem is as follows:

Our way is Khilafah and Shariah, but does that make voting haraam?

مصليا و حامدا.....

1. Our way is that of Khilafah and Shariah. There is an obligation on the Ummah to unite under one leader, and those who fail to do so whilst having the ability to do so are guilty of sin. Khilafah and Shariah as Islam's political and judicial systems are matters of Ijma and thus there is no scope at all for any ijtiḥad - as some individuals would argue. To invent a new system "more suited to the times" is not allowed. Ijtiḥad in matters of ijma is not permissible.

Even if the historical precedent mostly lacks this, this doesn't disqualify the ideological legitimacy and consensus. *(We have not understood this penultimate statement of this paragraph –The Majlis)*

2. As Muslims, living in Darul Harb we have to realise that a serious question of Hijrah to Muslim lands and living under more Islamic laws needs to be asked by ourselves. Whilst this might not be wajib for everyone, depending on ability to do so. Most of the problems concerning the dedicated Muslim is solved by moving.

3. Nevertheless, is the fact that Democracy is not our political system make voting impermissible? ***(Most certainly it renders the system of Taaghoot haraam. –The Majlis)*** Those sincere brothers who hold this view rely primarily on one point, in addition to some others - that in the democratic system power belongs to the people and thus by voting the voter is "empowering" the politician to rule and legislate according to other than what Allah Taala revealed (which we agree to be haraam) and voting is therefore totally impermissible, regardless of circumstances.

(Our comment: The Mufti's conclusion is incorrect. We do not rely on the point he has imagined. The point of reliance is simply the Qur'aanic prohibition to follow or to adopt the system of Taaghoot. –The Majlis)

However, this kayfiyyah/status given to voting has a fundamental problem: in Islam, power belongs to Allah alone, and not to the people. ***(In the context of our discussion, this averment is superfluous. It is precisely on this very basis that we say that voting is haraam and even kufr. It never was the idea of those who prohibit kuffaar politics that the people have the power of formulating law. This is the prerogative of Allah Azza Wa Jal. His Law is the Shariah. Anything in contravention is the law of Taaghjoot. –The Majlis)*** So for this to be accurate, and voting be declared unreservedly impermissible - that will mean an acceptance of "power belongs to the people". ***(Again this is erroneous because the Prohibition is not structured on the premises the Mufti has imagined and mistakenly attributed to us. –The Majlis)*** But if we don't accept that, which no Muslim can; then this status given to voting - that voting is delegating your power to the politician and thus haraam - is not valid. ***(The argument of Haqq is not what the Mufti has understood. It is only one factor, and that is: Voting is Taaghooti politics which are haraam. –The Majlis)***

Therefore either: power does belong to the people, so voting is haram. Or power belongs to Allah Taala alone and voting is not a delegation of power in the view of Shariah, and therefore voting is not intrinsically haraam. ***(The Mufti is in error. Voting being the system of Taaghoot is intrinsically haraam just as pork and khamr are intrinsically haraam. The factor of dire need (dhuroorah) should not be introduced. This factor of need does not cancel the inherent and instrinsic nature of Taaghjooti villainy.- The Majlis)*** The hukm thus depends on external circumstances, and weighing pros and cons. ***(The current pros and cons confirm the Hurmat of voting. It is a hurmat which may not be minimized. The shaitaani consequences of indulgence in kufr politics are disastrous for the community. Both Imaan and Akhlaaq are deracinated by subservience to Taaghopot. –The Majlis).....***

5. To argue on the impermissibly of voting on the basis of causality/تسبب can be countered by the fact that there are different levels of causality, and far causes do not carry the same legal standing. ***(The Mufti should understand that he is not teaching a subject to Madrasah students. He deals with a community trapped in practical fisq, fujoor and kufr. He should restrict his technical arguments for the proper audience and proper venue. Indulgence in technicalities especially in a non-existent scenario, is unbecoming of a Mufti. The Majlis)***

8. Mere participation in systems of kufr does not necessitate kufr. Ill explain this with two examples: you have a democratic country, the two leading politicians are A- who is pro-Islam, and supportive if Muslims and B- who is an Islamaphobe. Would it be permissible to vote for A?

Another example: a Muslim brother is arrested for supporting the Deen. Is it allowed for a Muslim lawyer to participate in the judicial system to support and free him?

9. Nevertheless, THERE IS A GREAT FEAR that the unfettered encouragement of voting by Ulama leads to the legitimization of voting and democracy ideologically amongst Muslims. THEREFORE IT IS IMPERATIVE THAT ANY LOBBYING OF MUSLIMS TO VOTE MUST BE ACCOMPANIED BY A REMINDER THAT OUR WAY IS THAT OF SHARIAH AND KHILAFAH. There are already many Muslims who believe that Democracy is valid as a political system and voting is almost like fardh. And that is a very dangerous slippery slope. ***(This is the***

danger whose gateway has been opened by mercenary muftis and muftis who portray knowledge with technical discussions when such advertising of knowledge is totally unnecessary and in fact, inimical for the masses. –The Majlis

10. Lastly, we need to know and understand that no amount of voting will bring about the Shariah system, the Shariah system cannot be implemented from within a system antithetic to itself. Also, for Muslims to pollute themselves by becoming members of political parties and starting political parties - IN MY OPINION, and obviously others can differ: is not a sound way to secure our interests. We will ourselves be the ones to drown in the mud pit of politics. And recent South African politics are enough proof for this. External lobbying and leveraging is the best approach, in my humble opinion.

أعلم الله و

OUR FURTHER COMMENT

(1) Hijrat

Regarding Hijrah - relocating to a Muslim country where Muslims may practise the Deen freely, the reality on the ground has to be incumbently taken into consideration.

Question

A Muslim living in a kaafir country in this age, contemplating *hijrat* asks: ***To which country can I migrate to?***

Answer

If you are a citizen of a Muslim country where people are allowed to practise Islam, then it is Waajib for you to migrate to your home country. In today's world it will be Waajib for Pakistanis, Bangladeshis, Afghaanis, Somaalis and perhaps some other nationalities to emigrate from the kuffaar countries and to return to their homelands where they are free to practise Islam.

It is not permissible for them to remain in the lands of the kuffaar merely for the same of making money. Their Rizq will reach them in their home countries. Although their home countries are also governed by the law of Taaghoot, nevertheless, in Pakistan, Afghanistan, etc., individuals are free to practise the Shariah and the Sunnah. This freedom still exists for individuals.

However, other nations such as Indians, Chinese, Moroccans, Algerians, Tunisians, Egyptians, etc., etc. have no place to migrate. Their homelands are worse – more oppressive, more brutal and more anti-Islam than the western countries in which they are residing.

(2) VOTING

While the Mufti's argument in his paragraph 8 has some validity, its presentation in the current South African context is incorrect. The issue is of practical import. It is not a mere technical/academic argument for Madrasah students. We are dealing with the situation on the ground.

Voting in the South African context as well as in all kuffaar countries, in fact also in all Muslim countries, in the current state of affairs is haraam. Voters are liable for a host of haraam acts necessitated by voting.

Furthermore, the benefit mentioned in No.8 is hallucination in the current scenario in South Africa. All candidates are pure RUBBISH, even the so-called 'Muslim' ones. In fact. The 'Muslim' ones are worse than the kuffaar politicians. The kaafir politician does not have the problem of bootlicking anyone whereas Muslim politicians are without exception bootlickers of the kuffaar politicians and the political parties to whom they are aligned.

Experience has demonstrated and proven that Muslims in parliament are more harmful for the community than kuffaar candidates who crave for even Muslim votes. We can name such Muslim bootlicking politicians in South Africa. However, we shall refrain from this at this stage. It suffices to say that from the numerous 'Muslims' in the different tiers of government, there is not a single one who is pro-Islam. On the contrary, they lick the boots of the kuffaar to the degree of spying on Muslims and reporting Muslims to the authorities despite their awareness that the 'crimes' of Muslims are the commands of the Shariah.

The function of a Mufti is to guide the Muslim community. He should not embroil himself publicly in technicalities which are meant for students in the classroom. The Mufti should look at the facts on the ground, and issue such fatwas which will steer the community away from fisq, fujoor and kufr.

Voting involves the Muslim community in all sorts of fisq, fujoor and kufr. The technicalities on the basis of which the Mufti believes voting is permissible are not applicable to our circumstances. When the dire need to consume pork ever afflicts us, the fatwa of permissibility shall then be forthcoming. But to argue permissibility of pork on the basis of *Dhuroorah* when no such circumstance exists is puerile to say the very least.

In the final analysis, Muslims must understand and remember that succour is only from Allah Ta'ala: "*There is no help but from Allah, The Almighty, The Wise.*" (*Qur'aan*). Muslims should not seek aid from phantoms, shadows and reflections.

In his paragraph No.10, the Mufti says: "*IN MY OPINION,is not a sound way to secure our interests. We will ourselves be the ones to drown in the mud pit of politics. And recent South African politics are enough proof for this.*"

In this real rotten scenario, it is most unwise to proffer the slightest leeway of permissibility for participation in kufr politics in any sphere whatsoever.