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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الْجَوَابُ حَامِداً وَمُصَلِّياً
السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

Our response to your query dated 28/12/1444-17/07/2023 with regard to voting is as follows:

To begin with, a democratic system does not align with Islamic principles. In today's context, democracy is generally understood as a system where every adult, regardless of their level of education or knowledge, has the right to vote and even to stand as a candidate, and leaders are chosen based on the majority of these votes. However, in *Islam*, such a system has no precedent and can never be appealing to any person who has a sound mind.

It is common knowledge that the majority includes people who lack in basic knowledge, and they vote for a candidate who promises to satisfy their immediate desires, which are often driven by worldly interests rather than faith-based values. As a result, this electoral process leads to the emergence of unworthy leaders. It is not surprise when we land up having leaders who prioritize personal gain over the welfare of the public, focusing solely on enriching themselves and catering for their own interests

Those who are prominent critics of political leaders within democratic governments are part of this system where the criteria for eligibility have been disregarded in favour of sheer numbers and public opinion.

One of the core tenets of *Islam* is the belief in the sovereignty of *Allah* تَبَارَكَ وَتَعَالَى. In *Islam*, *Allah* تَبَارَكَ وَتَعَالَى is the ultimate authority, and His laws and commandments are above any human-made laws. Democracy, on the other hand, places sovereignty in the hands of the people, where the will of the majority prevails. This totally contradicts the Islamic principle of acknowledging *Allah's* تَبَارَكَ وَتَعَالَى absolute authority and following His guidance as outlined in the *Qur'an* and *Hadith*.

The governance of such a system is not based on evidence and principles, but rather on the majority. This means that decisions are made based on the prevailing public opinion. Therefore, if the majority's decision contradicts the *Qur'an* and *Hadith*, it will still prevail. The Holy *Quran* has warned against blindly following the majority:

﴿وَإِنْ تُطِيعُوا أَكْثَرَ مَنْ فِي الْأَرْضِ يُضِلُّوكَ عَنْ سَبِيلِ اللَّهِ إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنْ هُمْ إِلَّا يَخْرُصُونَ﴾ [الأنعام ١١٦]

If you follow the majority on earth (the Kuffaar) they will deviate you (mislead) from Allaah's path (from Islaam). They follow nothing but whims, (their own ideas and concepts) and lies (their beliefs have no substance) and they do nothing but make conjectures.

*Learn, Practice and Propagate Deen
and make others do the same*

Scholars, people of faith, and those with sound understanding are always in the minority.

It is important for us to constantly reflect and be saddened by the fact that, we find ourselves governed by a secular, anti-Islamic democratic government. As devout believers, our primary aim should always be to strive for the highest standards in practicing upon our *Deen*, and the ideal environment for this is an *Islamic state*, the possibility of fully practicing on *Deen* in a democratic system is nothing but wishful thinking.

Just as individuals don't settle for second best in their worldly pursuits, a true believer should never feel comfortable entrusting decisions with regard to his private or religious matters to non-Muslim authorities who do not hold any regard for *Islam*, let alone vouching for such incompetent people to become our leaders and handle matters of our *Deen* and our private affairs and glorify the process altogether. These authorities covertly aim to curb our ability to worship our Creator and seek His divine help. This is evident to anyone with a sound mind who deeply cares about their *Deen*. Countless cases of discriminatory laws and regulations targeting Muslims, often cloaked in the guise of "freedom" and other seemingly benign language, have consistently borne testimony to this unfortunate truth.

Allah تَبَارَكَ وَتَعَالَى describes such people in the *Quran*;

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَتَّخِذُوا بِطَانَةَ مِّن دُونِكُمْ لَا يَأْلُونَكُمْ خَبَالًا وَدُّوا مَا عَنِتُّمْ قَدْ بَدَتِ الْبَغْضَاءُ مِنْ أَفْوَاهِهِمْ وَمَا تُخْفِي صُدُورُهُمْ أَكْبَرُ قَدْ بَيَّنَّا لَكُمُ الْآيَاتِ إِن كُنْتُمْ تَعْقِلُونَ﴾ [آل عمران: ١١٨]

O you who have Imaan! Do not take as confidants (as intimate friends with whom you share secrets) those besides your own (Muslims). These people (non-Muslim) will spare no pains to ruin you (materially and spiritually). They wish for that which causes you suffering. Enmity (jealousy, hatred) has been made clear from their tongues, but what (enmity, malice, rage) their hearts conceal is far worse. Indeed We have made the Aayaat clear to you, if you will (attempt to) understand.

A plethora of principles within such a government can be detailed, and they fundamentally clash with the fundamental beliefs of our faith. Concepts like "freedom of religion", "freedom of expression", LGBTQ+ "rights", interfaith and gender equality are just a few examples that are enough to cause a devout follower to detest and abhor such a system let alone glorify it and regard it to be a sacred duty to be part and parcel of such an ungodly system.

Moreover, the idea of running political campaigns and seeking the approval of the general population through voting is a concept that is foreign to the Islamic system. In *Islam*, a leader is typically appointed through one of two methods. The first method involves the outgoing leader selecting the new leader based on their knowledge and assessment of the individual's competence to effectively take on the role and responsibilities. The second method entails consulting a group of knowledgeable and capable individuals who understand the requirements of the position and can identify the most suitable candidate to assume leadership.

Nabi ﷺ has stated that a person who actively seeks a position of authority or leadership will be left to themselves (without divine assistance and guidance); whereas, someone who is forced to take such a role without actively pursuing it will receive Allah's تَبَارَكَ وَتَعَالَى divine assistance to fulfil their leadership responsibilities. [i]

Indeed, this *Hadith* fundamentally challenges the practice of actively soliciting the public for votes by making deceptive claims and promises. These often remain unfulfilled once an individual assumes a position of authority while reducing their opposition to next to nothing through false accusations, derogatory remarks and many more "diplomatic" ways. This *Hadith* emphasizes the importance of appointing leaders based on their qualifications and merits rather than through self-promotion and empty rhetoric.

As such, voting cannot be viewed as a means to fulfil a sacred duty, as this "duty" clearly contradicts the commandments of *Allah* and His *Nabi* ﷺ? How can casting a vote in favour of a system that prioritizes human law over Divine Law and is based on godlessness, has no regard for *Islam*, promotes agendas and ideologies that are aimed at curbing *Muslims* to freely worship *Allah* تَبَارَكَ وَتَعَالَى, be regarded as a sacred duty? No mortal has been granted the authority to determine what constitutes a sacred duty based on their personal ideologies or their interpretation of foresight and the greater good. A sacred duty can only be one that aligns with the commands of *Allah* تَبَارَكَ وَتَعَالَى and the path of His *Nabi* ﷺ. The supposed benefits for the masses and worldly gains for *Muslims* cannot serve as justification when the obstacles to one's *Deen* far surpass these superficial advantages.

Voting for a municipal election in a democratic system is not a means towards fulfilment of a sacred duty. A *Muslim's* ambition should always be to establish the Law of *Allah* تَبَارَكَ وَتَعَالَى wherever he is on the earth. Democracy is in conflict with the Laws of *Allah* تَبَارَكَ وَتَعَالَى. Our sacred duty, for whatever reason, has been reduced to a dwindling desire. Hence, voting - in the mind of a *Muslim* - is presently on a journey from trying to take the best out of a bad situation to looking for a happy ending.

To award virtue to it puts a good face on it; in fact, it is the epitome of: "What you permit, you promote; what you allow, you encourage." On this backfoot, voting for a certain party can be for any of two optimisms or both: a worldly need will be fulfilled or a religious need will be achieved. Since these are genuine needs of the meagre land of our complacent downgraded attitude of having the personal right to practice our religion (as opposed to the greater outlook on prevalent politics vs Divine Law and its impact on mankind at large), we will say that it is a means for "controlling damage" as opposed to permanent solutions. "Sanctifying" the prevalent politics by invoking a call of "sacred duty" adds insult to injury; never mind quoting the Holy *Qur'an* for that. Adopting this type of attitude cements the rot that we find ourselves in; or rather, glorifies it.

It follows then that the *Istidlal* is not correct.

Nabi ﷺ has issued a stern warning against those who express opinions about the *Qur'an* without possessing the required knowledge to support their views. In one narration, *Nabi* ﷺ has emphasized that such individuals should be prepared to face the torment of *Jahannum* as their ultimate destination. [ii] Therefore, it is imperative to exercise great caution when offering an opinion on any verse of the *Qur'an*. *Islamic* scholars have established stringent criteria for individuals to meet before they are considered qualified to express opinions on *Quranic* matters. It is essential not to misuse the *Qur'an* for personal or ulterior motives, especially to advance one's own agenda or, even worse, to further the agendas of *Kuffar* and their political systems that are contrary to the commandments of *Allah* تَبَارَكَ وَتَعَالَى and the teachings of *Nabi* ﷺ. The *Qur'an* is a sacred and divine guidance for humanity, and it should be treated with the utmost respect, sincerity, and adherence to its true teachings and principles. Using it for personal gain or in ways that contradict its core message goes against the spirit of *Islam* and its ethical values.

The *Aayah* that has been quoted outlines the reasons why the *Ummah* of *Nabi* ﷺ is the best of nations. The distinguishing qualities that have been mentioned, are *Amar Bil Maroof* (enjoining what is good), *Nahi anil Munkar* (preventing what is evil) and unwavering *Imaan* in *Allah* تَبَارَكَ وَتَعَالَى.

The terms *Maroof* and *Munkar*, as mentioned by experts of the Arabic language means any good that *Shariah* or a Muslim person's common moral standards regard to be good or evil respectively. [iii] It goes without saying that what a person's moral standard regards to be good or evil cannot be against the commands of *Shariah*.

Hence, looking at the *Istidlal* that this person has made from this *Ayah*, firstly we have not found any expert in the field of *Tafseer* that has interpreted this *Ayah* in such a way.

Secondly, the meaning that this person has taken of *Maroof* in the broader sense that it includes all types of good, including voting, is not correct. This is because the meaning of *Maroof* has been mentioned by the experts of the Arabic language and voting is not in conformity with the teaching of *Shariah*.

Furthermore, if we must assess what constitutes righteousness within a democratic system – which includes laws allowing individuals to have only one spouse while permitting multiple romantic partners, recognizing interest and lending as the primary means for financially struggling individuals to improve their circumstances, treating all religions with equality, advocating for the rights of the LGBTQ+ minority, freedom of religion, freedom of expression, as well as permitting alcohol consumption and various other practices – would this person be prepared to endorse and regard these principles as virtuous and indispensable in accordance with the system they are encouraging us to endorse, which deems them as *Maroof* (good and acceptable)?

Is voting akin to giving a divine testimony?

Ulama hold varying opinions on the *Shar'ee* (Islamic jurisprudential) outlook on voting. It is not uncommon for scholars to have differing views on matters that are not explicitly addressed in the *Qur'an* and *Hadith*. In this case, *Mufti Shafee* رَحِمَهُ اللهُ has expressed the perspective that voting can be seen as a testimony (bearing witness) [iv], while *Hazrat Mufti Mahmood* رَحِمَهُ اللهُ has stated that no specific *Shar'ee* outlook can be placed on voting. [v]

Moulana Salman Mansoorpuri, on the other hand, has recorded in his *Fatawa* that *Mufti Shafee's* رَحِمَهُ اللهُ view may have relevance in a country like Pakistan, where *Mufti Shafee* رَحِمَهُ اللهُ resided, as the candidates standing in election in his country were mainly *Muslims*. However, he states that this *Shar'ee* outlook cannot be applied to democratic countries like India. [vi]

Expanding on *Hazrat Molana Salman's* statement, it becomes evident that voting within our community cannot be equated with providing a divine testimony. It is fundamental for any scholar to possess a basic understanding of the criteria that a testimony entails. For instance, it is well-known that the testimony of a person with a sinful lifestyle (*Fasiq*) is not accepted, and the testimony of a close relative in favour of their relative is not accepted either. Furthermore, the testimony of a non-Muslim is also not accepted, among other conditions. [vii]

If this particular scholar considers voting to be similar to giving a divine testimony, then it should logically follow that he openly proclaims that individuals with sinful lifestyles (*Fusaag*) should not participate in the voting process, as their votes would essentially be empty testimonies that hold no weight.

A careful examination of *Hazrat Mufti Shafee Saheb's* رَحْمَةُ اللَّهِ writings on the *Shar'ee* outlook of voting reveals that he has mentioned that if voting is considered a testimony, an intercession for the candidate, or an appointment of the proposed candidate as a representative on behalf of oneself and the entire community, then in each of these cases, the voter shares in the rewards and sins of the leader they have supported.

In our community, can anyone who seeks to uphold justice, champion truth, and holds their religious convictions dear, genuinely assert that we are willing to be complicit in the malevolent deeds of leaders?

Therefore, employing *Quranic* verses to substantiate nonsensical claims will be regarded as a distortion of the *Quran's* intended meaning and significance. Such an individual must genuinely repent for their errors and solemnly commit to *Allah* تَبَارَكَ وَتَعَالَى to never misapply the *Qur'an* to support such absurdities.

Any declaration made by a devout scholar who reveres *Allah* تَبَارَكَ وَتَعَالَى should manifest their apprehension about the day they shall stand in front of their Creator, the Deity Who bestowed this Sacred Scripture, and will be held accountable for every statement uttered.

May *Allah* تَبَارَكَ وَتَعَالَى bless us all with the correct understanding of His sacred *Deen*, protect us from misunderstanding or misinterpreting His Divine Book. May He empower us to emerge as champions of the true *Deen*, preserving it in its unblemished purity, devoid of any alteration or contamination.

And Allāh سُبْحَانَهُ وَتَعَالَى Alone in His Infinite Knowledge knows best

Answered by:

Muhammed Zakariyya Motala

Islamic Date: ٨ ربيع الأول ١٤٤٥

English Date: 24 September 2023

Checked and Approved by:

Mufti Muhammed Saeed Motara Saheb D.B.

Darul Ifta Azaadville

^١ صحيح البخاري (9 / 63)

٧١٤٦ - حَدَّثَنَا حَجَّاجُ بْنُ مِنْهَالٍ، حَدَّثَنَا جَرِيرُ بْنُ حَارِثٍ، عَنِ الْحَسَنِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَمُرَةَ، قَالَ: قَالَ لِي النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «يَا عَبْدَ الرَّحْمَنِ بْنَ سَمُرَةَ، لَا تَسْأَلِ الْإِمَارَةَ، فَإِنَّكَ إِنِ أُعْطِيتَهَا عَنْ مَسْأَلَةٍ وَكَلْتُ إِلَيْهَا، وَإِنْ أُعْطِيتَهَا عَنْ غَيْرِ مَسْأَلَةٍ أُعِنْتَ عَلَيْهَا، وَإِذَا حَلَفْتَ عَلَى يَمِينٍ، فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا فَكُفِّرْ عَنْ يَمِينِكَ، وَأَتِ الَّذِي هُوَ خَيْرٌ»

^٢ سنن أبي داود ت الأرئوط (5 / 495)

٣٦٥٢ / ١ - حَدَّثَنَا مُسَدَّدٌ، حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ عَبْدِ الْأَعْلَى، عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ، أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: "مَنْ قَالَ فِي الْقُرْآنِ مِنْ غَيْرِ عِلْمٍ، فَلْيَتَّبِعُوا مَقْعَدَهُ مِنَ النَّارِ"

سنن الترمذي ت شاكر (١٩٩ / ٥)

٢٩٥٠ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيْلَانَ قَالَ: حَدَّثَنَا بِشْرُ بْنُ السَّرِيِّ قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ عَبْدِ الْأَعْلَى، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ قَالَ فِي الْقُرْآنِ بِغَيْرِ عِلْمٍ فَلْيَتَّبِعُوا مَقْعَدَهُ مِنَ النَّارِ»: «هَذَا حَدِيثٌ حَسَنٌ»

^٣ الموجز في شرح مفردات القرآن الكريم (ص: ٤٦٨)

والمَعْرُوف: إِسْمٌ لِكُلِّ فِعْلٍ يُعْرَفُ بِالْعَقْلِ أَوْ الشَّرْعِ حُسْنُهُ، أَوْ مَا وَافَقَ الْكِتَابَ وَالسُّنَّةَ، وَقِيلَ هُوَ الْجُودُ، وَقِيلَ الْوَجْهُ لِأَنَّ الْإِنْسَانَ يُعْرَفُ بِهِ، وَالْمَعَارِفُ: الْوُجُوهُ. وَالْمُنْكَرُ: مَا يُنْكَرُ بِهِمَا.

المفردات للراغب الأصفهاني - المعرفة (ص: ۳۳۱)

والمعروف اسم لكل فعل يعرف بالعقل أو الشرع حسنه ، والمنكر ما ينكر بهما ، قال { يأمرون بالمعروف وينهون عن المنكر } وقال تعالى : { وأمر بالمعروف وانه عن المنكر }

^{iv} جواہر الفقہ ج ۵ ص ۵۳۲

^v ملفوظات فقہ الامت ج ۱ ص ۳۳

^{*} کتاب النوازل ج ۱۷ ص ۵۷

موجودہ دور میں ووٹ کی شرعی حیثیت کیا ہے؟

سوال (۱۰۶۰):- کیا فرماتے ہیں علماء دین و مفتیان شرع متین مسئلہ ذیل کے بارے میں کہ ووٹ کی شرعی حیثیت کیا ہے؟ موجودہ دور میں ووٹ دینا جائز ہے یا نہیں؟ جب کہ امیدوار سے اکثر حضرات ناواقف ہوتے ہیں، اور جیسا امیدوار ظاہر اور ثابت کرتا ہے اسی کو وہ صحیح سمجھتے ہیں، جب کہ اکثر ان کے اقوال فرضی ہوتے ہیں، اور بعض علماء اس کو شہادت کہتے ہیں، جیسا کہ حضرت مولانا مفتی محمد تقی عثمانی صاحب فقہی مقالات میں، اور مفتی شفیع صاحب جواہر الفقہ میں فرماتے ہیں، اور ایک مقولہ ان کے تقریباً بالکل متعارض، حضرت فقیہ الامت کا ملفوظات فقہ الامت قسط اول ص: ۳۴ میں مذکور ہے کہ ووٹ کو شرعی حیثیت حاصل نہیں، برائے کرم دفع تعارض فرمادیں، اور مفصل جواب عنایت فرمادیں عند اللہ ماجور ہوں گے۔ باسمہ سبحانہ تعالیٰ

الجواب وباللہ التوفیق:

ہمارے ملک ہندوستان میں ووٹ کی حیثیت زیادہ سے زیادہ ایک مشورہ کی ہے، یعنی جس آدمی کو ووٹ دینے والا ملک و قوم کے حق میں زیادہ بہتر سمجھتا ہے، اُس کے بارے میں اپنی رائے دیتا ہے، اور عموماً الیکشن میں کھڑے ہونے والے امیدوار یا تو غیر مسلم ہوتے ہیں یا بے عمل مسلمان ہوتے ہیں، اس لئے ان کے حق میں رائے دہی کوئی شرعی حیثیت نہیں رکھتی، اور نہ از روئے شریعت کسی امیدوار کے بارے میں حقیقی طور پر تائید کی بات کہی جاسکتی ہے؛ اس لئے کہ ممکن ہے کہ ایک امیدوار کسی شخص کی نظر میں مفید ہو اور دوسرے شخص کی نظر میں مفید نہ ہو، اسی اعتبار سے حضرت مفتی صاحب نور اللہ مرقدہ نے یہ فرمایا ہے کہ ووٹ کو شرعی حیثیت حاصل نہیں ہے، اور جن علماء نے اس کو شہادت کے درجہ میں رکھا ہے وہ مسلم ملکوں میں تو کسی حد تک درست ہو سکتا ہے، لیکن ہندوستان جیسے ممالک میں یہ بات علی الاطلاق نہیں کہی جاسکتی۔

(مستفاد: جدید فقہی مسائل ار ۴۵، کتاب الفتاویٰ ۲۵۶/۲ فقط واللہ تعالیٰ اعلم)

کتبہ: احقر محمد سلمان منصور پوری غفرلہ ۱۴۲۷/۶/۱۸ھ الجواب صحیح: شبیر احمد عفا اللہ عنہ

^۹ البناية شرح الهداية (150 / 9)

وكل فعل فيه ترك المروءة يوجب سقوط شهادته بلا خلاف بين الأئمة الأربعة، حتى لو مشى في السوق أو في مجامع الناس بسر اويل واحد لا تقبل شهادته، وكذا من يمدد رجله عند الناس ويكشف رأسه في موضع لا عادة فيه، وما أشبه ذلك مما تجتنبه أهل المروءات بلا خلاف، وفي أصحاب الصنائع الدنيئة كالكساح والزبال والكناس والحجام والحائل فيه وجهان.

قال بعض العلماء: لا تقبل شهادة أهل الصناعات، وبه قال الشافعي وأحمد - رحمهما الله - لكثرة خلفهم في الوعد، ودناءة صنعتهم في المدينة، وقال عامة العلماء: يجوز إذا كانوا عدولاً، وبه قال الشافعي - رحمه الله - في وجه وأحمد ومالك - رحمهما الله - وهو الأصح؛ لأنه قد تولاها كثير من الصالحين وأهل المروءة.