

Answer to Question

Voting for Democracy is Forbidden

To: Abdur Rahman Al-Umari

(Translated)

Question:

Assalam Alaikum Wa Rahmatullah Wa Barakatuh

It is known that voting for democracy is forbidden, but there is many evidence that people think that it is permissible to vote for the following reasons:

1- The lesser of two evils

2- The law of the people before us.

3- Necessity permits prohibitions.

4- One of the purposes (Maqasid) of Shariah law is to protect the religion, life, and property of Muslims.

Are these rules valid for obtaining the Shariah ruling that voting is permissible or obligatory for the benefit of the Ummah?

May Allah reward you and bless you

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh

My brother, we have answered these issues in previous questions. I will cite the following from the previous answers:

1- Answer to the Question on 29/8/2010, on the principle of "The Lesser of Two Evils or Lesser of Two Harms" it stated:

[the Principle: "The Lesser of Two Evils or Lesser of the Two Harms"]

This is a Shariah principle adopted by many jurists. And according to scholars who adopt it, it has one meaning which is the permissibility to carry out one of two prohibited actions, which is the lesser prohibited action of the two **if the person assigned by Allah (Al-Mukalaf) has no choice but to carry out one of the two prohibited actions and he cannot abstain from both of them, because it is out of his ability in every way.**

Allah (swt) says: ﴿لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا﴾ **"Allah does not charge a soul except [with that within] its capacity"** [Al-Baqara: 286]. Allah (swt) says: ﴿فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ﴾ **"So fear Allah as much as you are able"** [At-Taghabun: 16].

That is, this principle, according to those who adopted it, is only applied if there is no way out of committing one of the two prohibitions, when you cannot get rid of both prohibited actions except by committing a bigger prohibited action, then the lesser of the two evils is taken. These scholars also do not define the lesser of the two evils according to the whims, but rather according to the Shariah rules.

Examples mentioned by these scholars in the application of this principle include:

- If a woman faces danger in labour and it becomes difficult to save both mother and baby and a quick decision is needed: either to save the mother which leads to the death of

the baby, or to save the baby which means the death of the mother, and if the situation is left and one of the two is sacrificed to save the other or one is saved by the death of the other, this could lead to the death of both. In this situation, we can use “the lesser of two evils, or two prohibitions, or two harms, which is to carry out the action of saving the one required in this case, which is the mother, even if this same action kills the second one...etc

It is not among the application of the principle that a person is presented with two prohibited matters and he chooses the lesser one when he is capable of abstaining from both of them, such as saying those who say elect so-and-so, even if he is a secular kaffir or a transgressor, or to support so-and-so and do not support the other, because the first helps us and the second does not help us, or anything like that, but what is said here: The two issues presented before us are prohibited, so it is not permissible to elect a secular person and it is not permissible to delegate him to represent a Muslim in opinion, because he does not adhere to Islam, and because he performs forbidden actions that are not permissible for the delegate to carry out like legislation and approving prohibited projects, and calling for forbidden things, accepting them and following them, i.e. he forbids what is good and enjoins the evil. Therefore, neither of them should be elected; because electing either of them is forbidden. And refraining from the election of either of them is within one’s ability...] End

The entire answer is in the “Answer to a Question” mentioned above, and you can refer back to it.

2- As for the law of those before us, it is not our law, we explained that in the Answer to a Question dated 3/5/2014 CE; it stated:

Answer: Yes, some government scholars (uluma’ alsalatin) speak of this rhetoric. They do not base what they say on evidences; because the ruling by what Allah has revealed is based on clear and explicit definite texts with definite meaning; there is no difference of opinion between scholars regarding this.

Ruling by what Allah (swt) has revealed is an obligation; Allah (swt) says, ﴿فَاحْكُم بَيْنَهُم بِمَا أَنْزَلَ﴾ **“So judge between them by what Allah has revealed and do not follow their inclinations away from what has come to you of the truth.”** [Al-Ma’ida: 48] And He (swt) says: ﴿وَأَنْ احْكُم بَيْنَهُم بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَاحْذَرْهُمْ أَنْ يَفْتِنُوكَ عَنْ بَعْضِ مَا﴾ **“And judge, [O Muhammad], between them by what Allah has revealed and do not follow their inclinations and beware of them, lest they tempt you away from some of what Allah has revealed to you”** [Al-Ma’ida: 49]

There are numerous texts carrying similar meaning.

Ruling by other than what Allah has revealed and resorting to ruling by man-made laws is Kufr if the rulers believes in them; it is oppression (thulm) or transgression (fisuq) if the ruler does not believe in them. This is mentioned in the saying of Allah (swt), ﴿وَمَنْ لَمْ يَحْكَمْ بِمَا﴾ **“And whoever does not judge by what Allah has revealed - then it is those who are the disbelievers”** [Al-Ma’ida: 44] And His (swt) saying: ﴿وَمَنْ لَمْ يَحْكَمْ بِمَا﴾ **“And whoever does not judge by what Allah has revealed - then it is those who are the wrongdoers”** [Al-Ma’ida: 45] And His (swt) saying: ﴿وَمَنْ لَمْ يَحْكَمْ بِمَا﴾ **“And whoever does not judge by what Allah has revealed - then it is those who are the defiantly disobedient”** [al-Ma’ida: 47]

What the government scholars quote as evidences has no basis, as we have said.

As for considering the benefit (almaslaha) as evidence, and a proof, it is also misapplied; we will review it as follows:

There are among the scholars of the fiqh those who say that the benefit is evidence, but they stipulated that it should not be in the commanded or forbidden in the Shariah. However, if a command or prohibition is mentioned in it, then the ruling of the benefit is not taken into

account, but rather what is stated in the Shariah is taken into account. None of the reputable scholars of usul said that the texts brought by revelation were invalidated on the pretext that the benefit required it.

Usury is forbidden. Shariah forbids it through texts brought by revelation. If the benefit requires it, then Shariah rejects and forbids it. If some so-called scholars issue a fatwa on it, then their fatwa will be rejected, and it conflicts with the Shariah brought by revelation.

The issue of ruling by other than what Allah has revealed is absolutely forbidden, just like the prohibition of usury, because the texts from the revelation stated that. There remains no place for arbitration of the benefit, for where the Shariah is, there lies the benefit and not the other way around.

In our discussion, we are in line with the scholars of usul who were lenient and called for "Masalih Mursala." Even according to the opinion of these people, there is no place for the benefit as evidence. Although the truth is that the "Masalih Mursala" does not exist, they do exist in the view of those who said that Shariah left some matters without commanding or forbidding them, and they said that they use the benefit in this area. The truth is that Shariah did not leave some matters without clarifying their rulings, but rather it clarified the rulings on everything. ﴿مَا فَرَطْنَا فِي الْكِتَابِ مِنْ شَيْءٍ﴾ "as clarification for all things" [Al-Nahl: 89] ﴿الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ﴾ "We have not neglected in the Register¹ a thing." [Al-An'am: 38] ﴿وَأَتَمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيْتُ لَكُمُ الْإِسْلَامَ دِينًا﴾ "This day I have perfected for you your religion and completed My favor upon you and have approved for you Islām as religion" [Al-Ma'idah: 3]

- In conclusion is that participating in systems of disbelief and ruling by other than what Allah has revealed is kuffr if the ruler who rules by other than what Allah has revealed believes in this ruling, and it is injustice and transgression if the ruler who rules by other than what Allah has revealed does not believe in this ruling, as in the noble verses: ﴿وَمَنْ لَمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ﴾ "by what Allah has revealed - then it is those who are the disbelievers" [Al-Ma'idah: 44] ﴿وَمَنْ لَمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ﴾ "And whoever does not judge by what Allah has revealed - then it is those who are the wrongdoers" [Al-Ma'idah: 45] ﴿وَمَنْ لَمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ﴾ "And whoever does not judge by what Allah has revealed - then it is those who are the defiantly disobedient" [al-Ma'idah: 47]

Those who say that it is permissible for a Muslim to participate in ruling by other than what Allah has revealed have neither evidence nor sub-evidence, because the texts prohibiting that are definitive in text and meaning.

I hope that the answer is clear, sufficient and satisfactory, Allah willing

The fourth of Rajab 1435 AH - 3/5/2014 CE] End.

The matter is fully detailed in the "Answer to a Question", and it contains the subject of Yusuf (as), and the subject of the Negus, upon whom the Messenger (saw) prayed Salat ul-Gha'ib. You can refer to it. It is clear from it that it does not apply to the permissibility of democratic elections and their tasks in human legislation and trust in the rule of disbelief... etc

For your information, some of the purposes (Maqasid) of the Shariah that you asked about are interpreted by some to mean that it achieves benefit... and they make it a reason (I'la) for the rulings. If there is a benefit in a matter according to their estimation, then this matter is permissible, and this is not true... for the purposes (Maqasid) of Allah (swt) from the rulings, which He made clear His purpose in legislating them. It is Allah's wisdom regarding these rulings, and they are not reasons (I'la) for them. Therefore, it cannot be measured against it, nor can it be measured according to the meanings in which it came. It is specific to each specific ruling and does not go beyond it. It

may or may not occur. It has no relation to Shariah reasons or analogy. Rather, it is Allah's wisdom regarding the ruling.

This discussion was detailed in the book "The Islamic Personality", Volume III - the chapter on "the Objectives of Shariah – bringing benefits and warding off harms", where it was stated

(...As for the first group, which considered "bringing benefits and warding off harms" as a Shar'i reason (I'la) for Islamic law as a whole, and a Shar'i reason (I'la) for every specific Shariah ruling, and stipulated in each specific ruling that the Shariah evidence indicates the benefit. As for this group, the answer to it is that considering "bringing benefits and warding off harm" a reason (I'ia), it is indicated by mind reasoning, or by Shariah law. If the mind reasoning indicates it, it has no value and no consideration is given to its indication.

Accordingly, considering "bringing benefits and warding off harms" as a reason (I'la) indicated by the mind reasoning is invalid and has no value. It is considered a reason from the point of view of Sharia law, not from the point of view of mind reasoning, especially since the reason is only the Shariah reason (I'la), and not an absolute reason (I'la)

As for their argument that "bringing benefits and warding off harms" is a reason (I'la) from the Qur'an, Hadith, and consensus, this is also false. As for the Qur'an and the Hadith, the verses they cited do not indicate I'la neither in the wording, nor in reality. They cited the Allah's (swt) saying: ﴿وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ﴾ **"And We have not sent you, [O Muḥammad], except as a mercy to the worlds"** [Al-Anbiya: 107] And His saying (swt): ﴿وَرَحْمَتِي وَسِعَتْ كُلَّ شَيْءٍ﴾ **"My mercy encompasses all things"** [Al-A'raf: 156] And the saying of the Prophet (saw): «لَا ضَرَرَ وَلَا ضِرَارَ» **"There is no injury nor return of injury."** Al-Hakim narrated it, and this has no evidence of their claim.

It does not indicate that "bringing benefits and warding off harms" is a reason for the Shariah rulings. Rather, the most that it indicates is the negation of harms from the Islamic Shariah as a whole. It does not mean a reason (I'la) neither for the Shariah law, nor for any specific ruling from it. Because it does not indicate a reason (I'la) for this negation of harm alone, so it is not the reason (I'la) for Shariah legislation as a whole, nor is it the reason for any specific Shariah ruling.

Accordingly, the texts of the Qur'an and the Hadith, although they indicate that the result that comes from Shariah law is to "bring benefits and ward off harms", they do not indicate that "bringing benefits and warding off harms" is a reason (I'la) for Shariah legislation, nor a reason (I'la) for every specific Shariah ruling. Therefore, using them as evidence is invalid.

As for the consensus that they claim, they say that it is the consensus of the imams of jurisprudence, and this has no value. Because the consensus that is considered legal evidence is the consensus of the Companions and nothing else. Therefore, the consensus they cite is not considered as evidence.

Accordingly, there is no benefit indicated that is considered by the entire Shariah in a comprehensive manner, nor with comprehensive texts, nor with a set of texts, nor with the entirety of the Shariah. Considering the benefit as a Shariah reason (I'la) is essentially invalid, as in Shariah law there is no benefit that is considered a reason (I'la) for legislation, neither a legal or illegal benefit ...)

The full discussion is found in the "Islamic Personality" Volume III, so if you want more detail, refer to it...

3- As for necessities that permit prohibited or forbidden things, we previously answered that on 26/1/2016, and it was stated in it

(Some scholars have adopted the principle: "the forbidden is permitted due to necessities" and the evidence they provide for this is the verse from the Qur'an: ﴿إِنَّمَا حَرَّمَ عَلَيْكُمُ ۖ﴾ **"He has only**

forbidden to you dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah. But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], there is no sin upon him. Indeed, Allah is Forgiving and Merciful” [Al-Baqara: 173] And the Almighty’s saying: ﴿فَمَنْ اضْطُرَّ فِي مَخْمَصَةٍ غَيْرٍ مُتَجَانِفٍ لِإِثْمٍ﴾ “But whoever is forced by severe hunger with no inclination to sin - then indeed, Allah is Forgiving and Merciful.” [Al- Ma’ida: 3] And His (swt) Saying: ﴿إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالْدَّمَ وَلَحْمَ الْخَنزِيرِ وَمَا أُهْلَ لِغَيْرِ اللَّهِ بِهِ فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ﴾ “He has only forbidden to you dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah. But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit] - then indeed, Allah is Forgiving and Merciful” [An-Nahl: 115]

One who views this principle will find that it is incorrect:

The evidence put forward by the proponents of this principle is not appropriate for what they use it for, but it means that in necessity it is permitted to eat the dead animal and the like because of hunger: ﴿فَمَنْ اضْطُرَّ فِي مَخْمَصَةٍ﴾ “But whoever is forced by severe hunger” [Al- Ma’ida: 3]

“Makhmasa” is hunger and starvation that is near death, it is permitted in such a situation to eat from what is forbidden... and “necessity” as it is clear in the verse is restricted to famine and does not go beyond it, the wording is not general or absolute, to go beyond its meaning, but it is restricted to famine...

Therefore, it is incorrect to make this principle as general, as made by its proponents, and what is correct is that the evidences they use are licenses for a Muslim to eat or drink what Allah (swt) has forbidden of food prohibited in the case of necessity, and they do not indicate otherwise. The license in necessity for other cases need other evidences.

It is worth noting that this principle has become in our time as pretext for the legalization of all forbidden by making the word “general” that encompasses many matters according to their interpretation of “necessity” which led to committing forbidden actions under the name of “necessity” 16 Rabi’ Al-Akhar 1437 AH- 26/1/2016 CE]

The matter is fully detailed in the Answer to Question... so you can refer to it... and it is clear from it that it does not apply to the permissibility of current democratic elections and their tasks in human legislation and trust in the rule of disbelief, etc.

4- We also answered on 3/2/2016 and on 19/6/2022 about the ruling on participating in the elections in detail. You can refer to the aforementioned answers, as they are sufficient, and Allah Knows Best and is the Most Wise.

Your Brother,
Ata Bin Khalil Abu Al-Rashtah
18 Dhul Qi’dah 1445 AH
26/5/2024 CE

Link to the answers on the Amir’s Facebook page:

<https://www.facebook.com/AtaabuAlrashtah.HT/posts/298610709988101>