THE MUSLIM VOTER'S GUIDE SERIES

#SAELECTIONS2024

HOW SHOULD MUSLIM VOTERS DECIDE?

ISLAMICITY

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CONTENTS

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

<u>Introduction to the 'Muslim Voter's Guide' Series</u>

We are students of the Islamic tradition, and graduates of various Islamic seminary institutions and secular universities both locally and abroad. All of us are deeply invested in the conceptualization and development of truly Islamic societies, and we recognize the role that Muslim participation, political or otherwise, plays in making non-Muslim majority societies more hospitable to Muslims and better for all people. This participation, however, must always occur within the parameters set by the *Sharīʿah*, lest our community lose its identity rooted in the Islamic faith and the Divine law.

We therefore acknowledge the dire need within our community for Islamic discourse around the political situation in South Africa, and the necessity that this discourse be guided by experts in *Sharīʿah*, and those who understand the realities in the country.

As members of Islamic scholarly circles, community activists, and concerned citizens of South Africa, we present 'The Muslim Voter's Guide Series'. This instalment 'How Should Muslim Voters Decide?' is the first in the series and aims to give South Africans of all backgrounds a broad understanding of what Islam has to offer in terms of governance and political decision-making and provide the South African Muslim community with a decision-making framework based on the *Sharīʿah*. This document does not aim to make Muslim voters' choice for them, but rather equips them with those tools found within the *Sharīʿah* which may help them make a choice with noble intentions.

The second instalment of the series 'How Should Muslims Vote?' which is significantly more expansive than this first one, aims to advise the Muslim community in South Africa as to what selected political parties are offering voters, how credible each of these offerings are in terms of execution, and most importantly, how each of these parties scores on the basis of various Islamic

criteria. In short, this second paper aims to answer the question: "which parties are most likely to faithfully and consistently serve South African society, and do so in a manner which is either largely in accordance with, or at the very least amenable to Islamic values and principles?"

We proceed now with the paper titled 'How should Muslim Voters Decide?' Herein we will be building a framework and equip the Muslim voter with tools that we hope will serve him or her in the upcoming National and Provincial elections on the 29th of May 2024. Further, we hope to encourage dynamic Islamic thought about active citizenship in our country.

The Role of The Shariah in A Pluralistic Society

Many people conceive of the *Sharīʿah* as simply a corpus of legal rulings and restraints placed on Muslims by the *Qur'ān* and *Sunnah*. The notion of the *Sharīʿah* being the Divine law as conceived of by Muslims and interpreted by Islamic scholars is widespread. The *Sharīʿah*, however, constitutes more than just legal rulings and restraints placed on human interactions. The overarching maqṣad (higher objective) of the *Shariʿah* is to secure the greatest benefit while repelling the greatest harm (jalb al-maṣāliḥ wa dar' al-mafāsid). This principle should sound familiar to the non-Muslim reader, since legal theorists in the Western tradition identify this very same principle as the original objective of the rule of law. Many verses of the *Qur'ān* and *Aḥādīth* of the Prophet Muḥammad ﷺ emphasise the role of the Muslim community as witnesses over mankind, serving the people as an example of moral fortitude and justice:

"And thus, We have made you a median [i.e., just] community that you will bear witness over people and the Messenger will be a witness over you."
(Qur'an 2:143)

The role of the Muslim community as a community that strives to see justice triumph is also illustrated in the following verse:

"You are now the best people brought forth for (the guidance and reform of) mankind. You enjoin what is right and forbid what is wrong and believe in Allah"

(Qur'an 3:110)

From the traditions of the Prophet Muḥammad ﷺ, we see that the Muslim is encouraged to be a source of net-benefit to humanity:

Jabir ؓ reported: The Messenger of Allah, peace and blessings be upon him, said, "The believer is friendly and befriended, for there is no goodness in one who is neither friendly, nor befriended. The best of people are those who are most beneficial to people."

(Tabarani)

The societal benefits achieved by the application of the *Sharī'ah* are conferred upon Muslim and non-Muslim alike, not only by adoption of its principles and rulings on a governmental level, but by the adoption of its values in the personal lives and character of the individual. Muslims are encouraged by their divine texts to be of net-benefit to those around them, and in a modern, pluralistic society, this translates not only into good neighbourliness, but also into good citizenship. Imam Ibn al-Qayyim al-Jawziyyah, conceptualises the *Sharī'ah* in the following way:

"The Sharī'ah is built on the foundation of wisdom and benefit for the servants (humanity) in this worldly life and the Hereafter. All of it is justice, all of it is mercy. All of it is benefit, all of it is wisdom. Any matter that sees justice turn into oppression, mercy turn into its opposite, and benefit turn into harm, and wisdom turn into foolishness, then it is not from the Sharī'ah, even if it is inferred as being such."

("I'lam al-Muwaqqi'in 'an Rabb al-'Alamin")

From these proofs, it thus becomes clear that the *Sharī'ah* is aimed at serving all of humanity with justice, benefit, wisdom, and mercy in a manner not restricted to Muslims alone. The objectives of the *Sharī'ah* furthermore are not restricted to securing benefit for humanity in the life of this world, but it also strives to bestow upon them those things which will benefit the soul into eternity. For this reason, a pluralistic society stands only to gain from a Muslim committed to the principles

and values of the Sharīʿah, as such an individual is motivated to engage society in a moral and ethical manner, committed to benefitting and serving their fellow human beings and citizens.

A Tool for Rating Political Parties According to Islamic Values

We are inspired by the concept of *Islamicity*. We believe that this concept holds value as a means of rating systems, governments, and societies according to their proximity to Islam and Islamic values. It is the wish of every devoted Muslim to see the values and principles of their *Dīn* (way of life) reflected in the society around them. It is thus of paramount importance to illustrate to Muslims the degree to which political parties that they vote for reflect these values. Therefore, we present the Islamicity Index for voting in the South African national and provincial elections on the 29th of May 2024.

Core Elements of The Islamicity Index:

Justice (Al-ʿAdl)

According to Imam Al Raghib Al Isfahani, an 11th-century scholar of *Tafsir* (Qur'anic exegesis), the concept of justice in Islam is one that deals with both the quality of the soul and the quality of society. It is of three types: justice to God; justice to others and justice to oneself. Essentially, the concept of justice as understood by the classical scholars of the Islamic tradition can be expressed as the conferral of rights upon each individual to whom it is due, without deficiency or excess. This in turn is an expression of the divine order of the universe, by placing things in the place that God had commanded it to be, since He (exalted be He) knows what benefits the creation and what is most appropriate for each individual. Due to the importance of justice, Allah sent down Messengers in order to establish equity

among people, as illustrated by various verses of the Qur'an, such as:

"We have already sent Our messengers with clear evidence and sent down with them the Scripture and the balance that the people may maintain [their affairs] in justice..."
(Qur'an 57:25)

Injustice and oppression are among the most severe sins in Islam, and opposing injustice is a duty of the believer. This is illustrated by many Qur'ānic verses and aḥādīth of the Prophet Muḥammad ﷺ., Muslims are thus guided by the sentiment that the ultimate criterion for a government's credibility is justice (al-ʿadl). This sentiment is borne out by the *Qur'an* and *Sunnah*, and the writings of the classical ʿulamā. The *Qur'ān* also reminds believers of their duty to oppose the injustice of tyrannical rulers, lest they share the same fate as them. In describing the people of ʿĀd, to whom Hūd ﷽ was sent as a prophet, Allah says:

"And that was ʿĀd, who rejected the signs of their Lord and disobeyed His messengers and followed the order of every obstinate tyrant."
(Qur'an 11:59)

Demanding justice at the risk of suffering personal harm is among the most praiseworthy of deeds in Islam. The immense virtue of standing up to an unjust government in Islam is most appropriately demonstrated in the following *ḥadīth* of the Prophet Muhammad ﷺ:

Ṭāriq ibn Shihāb ﷺ narrates that a man asked the Prophet ﷺ when he had put his foot in the stirrup: "Which jihād is best?" The Prophet ﷺ said: "a word of truth in the face of an unjust ruler".
(Sunan an-Nasa'i)

Applying his brilliant juristic mind to a survey of evidence such as these mentioned above, the great Damascene jurist and polymath, *Sheikh al-Islām* Taqī al-Dīn Ahmad ibn Taymiyyah concluded that just rulership is of such great importance in Islam that it trumps the value of (nominal) Muslim rulership. This conclusion is encapsulated in his statement:

"Truly Allah will assist the just government, even if it be a disbelieving one."

(Risalah: al-Hisbah)

Of course, in an ideal world, Muslim governance and just governance should be synonymous, but we do not live in an ideal world. Sadly, we are confronted by the fact that the Muslim world plays host to a disproportionate share of corrupt and oppressive regimes. Hence the applicability of Sheikh Ibn Taymiyyah's formula, since the converse meaning of this statement also follows *"an unjust government will be bereft of divine assistance, even if it were run by believers."* Based on these proofs, is it not then prudent for a Muslim minority like South Africa, with a near guarantee of a non-Muslim government, to strive to ensure that the party governing their country is a party who is most likely to govern justly? Justice, then, is the first and the weightiest criterion by which we have assessed political parties in this study, and it must be afforded the highest weight as an individual criterion for the assessment of any political party.

Maqāṣid Al-Sharīʿah

We believe that the broadest and most accommodating framework for analysing any phenomenon's potential amenability to the *Sharīʿah* is by judging it in light of the overarching higher objectives of the *Sharīʿah (Maqāṣid al-Sharīʿah)*. This does not mean that we dispense, even in the slightest, with the universally accepted sources of Islamic jurisprudence; *Qur'ān, Sunnah (Prophetic Tradition),Ijmā (Consensus),* and *Qiyās (Juristic Analogy)*. Rather, we believe that all of these sources are subsumed under an overarching theme of an ultimate Divine teleological purpose for the *Sharīʿah* and are indispensable means of attaining this ultimate purpose. A core element of this study then, is to analyse how well different political parties fare when subjected to a test of conformity to the five *Maqāṣid*.

Islamic scholars have held various definitions for the *Maqāṣid*, all of them having some degree of overlap. In Western legal philosophy, there exists the notion of the 'spirit' of the law as distinct from – but also giving birth to – the 'letter' of the law. It is thus understood that the specific statutes, amendments, rulings, and precedents that make up the 'letter' of the law, should all be in conformity with some greater ideal, or 'spirit' of the law. For one not already familiar with the *Maqāṣid*, it could be

helpful to think of the Maqāṣid as the 'spirit' of Islamic law. The linguistic meaning of the Arabic word *'maqṣad' (pl. maqāṣid)*, is something which is intended, or an objective. This should already give the unfamiliar reader some idea of what the *Maqāṣid* are. However, in order to faithfully employ the *Maqāṣid* to analyse the Islamicity of political parties, it is useful to explore the definition given to the *Maqāṣid* by at least one prominent Islamic scholar who is an expert in this field. Sheikh Dr. Sharīf Ḥātim Al-ʿAwnī defines the science of *Maqāṣid* as:

"...the highest possible good for humanity, and the source of all chapters of Islamic legislation, the rationale behind its rulings, the aims of all its proofs be they concrete or disputable, that without which no Sharīʿah proof can be understood, because it coherently ties together all of the proofs of the Sharīʿah without any contradiction".
(Al-Nazr-al-Maqāṣidī)

Presenting the Maqāṣid al-Sharīʿah in relation to Muslim-specific and Nationwide Concerns:

1. Ḥifẓ al-Dīn (Conservation of Religion)

Consider: Our right as a community to practise Islam, to build Masajid, to run institutes of religious instruction, to hold public gatherings and counter Islamophobia.

Ask: 'How serious is a political party's willingness to engage with the Muslim community on areas of concern?' How committed is a political party to protecting the constitutional rights of Muslims as a religious community?'

2. Ḥifẓ al-Nafs (Conservation of Life)

Consider: Food security, healthcare policy, and safety and security.

Ask: 'What is a political party's stance regarding the sanctity of human life?'

3. Ḥifẓ al-'Aql (Conservation of Sound Intellect)

Consider: Access to quality public and private education and enforcement of laws against substance abuse.

Ask: 'What is a political party's stance regarding education and the regulation of potentially harmful substances?'

4. Ḥifẓ al-Nasl (Conservation of lineage)

Consider: The development of and recognition of Muslim personal law (marriage, divorce and inheritance, etc) by South African law in a Shari'ah compliant way.

Ask: 'What is a political party's stance regarding the status and value of the family unit and the recognition of marriage as an indispensable institution in human society?'

5. Ḥifẓ al-Māl (Conservation of wealth)

Consider: Corruption, job creation, land reform, and economic growth and development

Ask: 'What is a political party's stance towards the wealth and resources of the country and the individual's right to acquire and own wealth?'

In addition to justice (al-'adl), these five main objectives of the *Sharī'ah* featured above will serve as our guide to determine the best possible election choices in terms of benefit not only to the South African Muslim community, but all South Africans. This is achieved by scoring parties on the 'Islamicity Index Voters Scorecard'.

How Does The Islamicity Index Voter Scorecard Work?

The first index, in order of weight and importance, is justice. This will be judged by the parties' overall commitment to justice as a value. This is not limited to justice within the borders of South Africa but rather a broad commitment to justice everywhere and for all people. A party will receive a score out of ten (10) points for their commitment to justice. The index of justice will be measured at a higher overall score than the other indices, as justice is part of the ultimate objective of the *Sharī'ah*.

- 0 - 3 points: Poor Commitment to Justice.
- 4 - 6 points: Moderate Commitment to Justice.
- 7 - 8 points: Good Commitment to Justice.
- 9 - 10 points: Exceptional Commitment to Justice.

The remaining indices of the conservation of religion, life, sound intellect, lineage and wealth will be measured out of two (2) points for each index:

- 0 points: Poor Performance.
- 1 point: Moderate Performance.
- 2 points: Good Performance.

The total achievable score for all indices collectively will be twenty (20) points.

In part two of this study, 'How Should Muslims Vote?', we aim to utilise the input of independent political analysts in order to determine how the various political parties fare when tested according to the Islamicity framework outlined in this document. Below, you will find embedded links to the election manifestos of the political parties which we have analysed in part two of our study. We invite the reader to apply the Islamicity tools provided in this study to their existing knowledge and the information they gather from these manifestos. The reader can then score the various political parties on our 'Islamicity Index Voter Scorecard' found on page 11 of this study.

African National
Congress (ANC)

READ MORE →

Democratic
Alliance (DA)

READ MORE →

Economic Freedom
Fighters (EFF)

READ MORE →

ActionSA

READ MORE →

Good Party

READ MORE →

Rise Mzansi

READ MORE →

Al Jama-ah

READ MORE →

Patriotic Alliance

READ MORE →

Sizwe Ummah
Nation (SUN Party)

READ MORE →

Allied Movement
For Change (AM4C)

READ MORE →

South African National & Provincial Elections 2024
Islamicity Index Voter Scorecard

Political Parties:	African National Congress (ANC)	Democratic Alliance (DA)	Economic Freedom Fighters (EFF)	ActionSA	Good Party	Rise Mzansi	Patriotic Alliance	Al Jama-ah	Sizwe Ummah Nation (SUN Party)	Allied Movement For Change (AM4C)
Justice (Max 10 points):	/10	/10	/10	/10	/10	/10	/10	/10	/10	/10
Conservation of Religion (Max 2):	/2	/2	/2	/2	/2	/2	/2	/2	/2	/2
Conservation of Life (Max 2):	/2	/2	/2	/2	/2	/2	/2	/2	/2	/2
Conservation of Sound Intellect (Max 2):	/2	/2	/2	/2	/2	/2	/2	/2	/2	/2
Conservation of Lineage (Max 2):	/2	/2	/2	/2	/2	/2	/2	/2	/2	/2
Conservation of Property (Max 2):	/2	/2	/2	/2	/2	/2	/2	/2	/2	/2
Total (Max 20 points):	/20	/20	/20	/20	/20	/20	/20	/20	/20	/20

The Way Forward

The gravity of the upcoming South African national and provincial elections cannot be overemphasised when considering the future of our country and the type of lives its citizens will most likely enjoy or suffer if our country is not governed according to justice and a sensitivity to human struggles. Our study encourages the reader, regardless of faith and cultural background, to consider their vote as an extension of their boycott efforts.

As Muslims we hold a distinct position in society in the whole of human civilization. Wherever we may be, we are commanded to act as the moral exemplars in any and all areas of human endeavour. We carry the responsibility of the one who received the revelation of the word "Iqra' Bismi Rabbika al-Ladhī Khalaqa" to call to Allah, to enjoin what is good, and to forbid what is evil. This is an existential duty that is also actualised by engaging civil society and working towards establishing justice as active citizens before, during, and long after elections have taken place. It is therefore incumbent upon us as a faith-community to approach this important civil duty of voting with the preparation, foresight, and seriousness it deserves.

We place our ultimate trust in Allah and ask Him, Subḥānahu Wa Taʻālā, to purify and strengthen our hearts, guide our affairs as a community, unite us in our diversity, and grant us success in all our endeavours for His sake...Āmīn!

Please feel free to reach out and engage us with your completed Islamicity Index Voter Scorecard by emailing a screenshot of it to:

scorecard@islamicity.org.za ⊙

We will share selected scorecards anonymously on social media in the current build-up to the National and Provincial elections and in future studies.

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