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# Grounding Political Engagement in Shariah Norms

**Imam Tom Facchine**

"الأراء في هذا البحث تعبر عن رأي الباحث وليس بالضرورة عن رأي أمجا"

Opinions in this research are solely those of the author and do not represent AMJA.



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## Introduction:

Muslim engagement in political processes and social activism in non-Muslim lands—particularly in liberal democracies such as the United States—has been a matter of discussion debate and hesitation within the Muslim community. While some of the concern arises from a desire to maintain purity of allegiance to Allah His Messenger and the community of believers other concerns reflect questions about legal categorization of territories the nature of modern governance and the theological and juridical ramifications of citizenship participation and cooperation with non-Muslim authorities.

This paper aims to demonstrate that political participation and social activism are not only permissible within a Shariah framework but in many contemporary contexts—including the United States—they can be viewed as necessary activities. Within the idiom of Islamic tradition such activities may be understood as expressions of divine vicegerency (khilāfah) the obligation to command good and forbid evil (al-amr bi-l-ma'rūf wa-n-nahy 'an al-munkar) and the Quranic imperative to bear witness for justice. Drawing from classical Islamic legal concepts scriptural principles and current socio-political realities this study shows that the very frameworks often cited to discourage political involvement—such as the rulings on territories or the concept of al-walā' wa-l-barā'—upon proper examination not only accommodate but in some cases require strategic civic engagement.

In particular the freedoms guaranteed under the U.S. Constitution—especially the First Amendment—offer a unique and historically rare opportunity for Muslims to practice and spread Islam in a way that was not often possible in previous epochs or under prior empires. These opportunities however are not guaranteed in perpetuity. They depend on active participation strategic mobilization and the intelligent assertion of rights within an evolving legal and political landscape. By rooting political action in Islamic values and legal theory this paper provides a principled framework for Muslims in the United States to navigate civic life while remaining committed to their religious obligations.

## Section 1: Guiding Frameworks

Political participation and social activism are easily grounded in established Shariah concepts and terminology. At a high level some of the Shariah framings that apply include: commanding good and forbidding evil mankind's general vicegerency witnessing for mankind and for justice. Many of the hesitations pertaining to Muslim political participation and social activism stem from Shariah framing such as rulings on territories and principles of allegiance and disavowal however this paper will endeavor to show that upon close scrutiny these frames also serve to ground political participation and social activism rather than discourage it.

### 1. Commanding good and forbidding evil

Commanding good and forbidding evil is a fundamental Shariah norm. Allah says

كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ وَلَوْ آمَنَ أَهْلُ الْكِتَابِ لَكَانَ خَيْرًا لَهُمْ مِّنْهُمْ الْمُؤْمِنُونَ وَأَكْثَرُهُمُ الْفَاسِقُونَ ﴿١١٣﴾

In this verse Allah establishes the criteria by which Muslims are the best nation brought forth from mankind. First among the criteria is the duty to command the good and forbid the evil. There is no indication in the Shariah evidence that this duty is specifically intended for the evil done within the Muslim community nor is there evidence to claim that performing this duty requires Muslims to be a majority in their land or to have political power. In fact as the Prophetic statement goes:

من رأى منكم منكراً فليغيره بيده، فإن لم يستطع فبلسانه، فإن لم يستطع فبقلبه وذلك أضعف الإيمان" ((رواه مسلم))

The language of the hadith indicates a generalized absolute command and that action is the preferred method. Reports from the Salaf indicate that they understood this hadith in a general way. Abu Bakr is reported to have said

أيها الناس ، إنكم تقرؤون هذه الآية : ( يا أيها الذين آمنوا عليكم أنفسكم لا يضركم من ضل إذا اهتديتم ) إلى آخر الآية ، وإنكم تضعونها على غير موضعها ، وإني سمعت رسول الله - صلى الله عليه وسلم - قال : " إن الناس إذا رأوا المنكر ولا يغيرونه أوشك الله ، عز وجل ، أن يعمهم بعقابه "

And in a narration:

إِنَّ النَّاسَ إِذَا رَأَوْا الظَّالِمَ فَلَمْ يَأْخُذُوا عَلَى يَدَيْهِ أَوْشَكَ أَنْ يَعْمَهُمُ اللَّهُ بِعِقَابٍ وَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ : مَا مِنْ قَوْمٍ يُعْمَلُ فِيهِمْ بِالْمَعَاصِي ، ثُمَّ يَقْدِرُونَ عَلَى أَنْ يُغَيِّرُوا ، ثُمَّ لَا يُغَيِّرُوا إِلَّا يَوْشِكُ أَنْ يَعْمَهُمُ اللَّهُ مِنْهُ بِعِقَابٍ

These narrations demonstrate that the Companions were well aware that the failure to forbid evil and command good could result in the general punishment of the entire group thus conveying the urgency to fulfill this duty and not leave open the possibility of being subjected to Allah's wrath.

There is no evidence limiting the duty of commanding good and forbidding evil to dar al-Islam nor to situations where the perpetrator of evil is a Muslim. However the considerations of place and perpetrator critically affect the manner in which the good is commanded and the evil is forbidden as alluded to in the above Prophetic tradition and explored further below. Furthermore commanding good and forbidding evil without proper Islamic grounding is a contradiction in terms if only because a proper definition of "good" and "evil" depends on an informed Islamic worldview in the first place. Regrettably the need for proper Islamic grounding can be used disingenuously by those who wish to impede the commanding of good and forbidding of evil with the suggestion being that spreading Islam should take priority over improving societal conditions. In reality both are not in competition nor do they form a zero-sum game in fact—as will be detailed below—certain societal conditions create the freedom and possibility for dawah to exist at all. Additionally Muslims have a variety of means at their disposal to command the good and forbid evil some of which are purely Islamic and others which are part of the pre-existing social and cultural norms at play. Just as the Prophet recognized the value of hilf al-fudul while calling people to Islam and building up an Islamic society Muslims in America can improve societal conditions via commonly recognized good while fundamentally pursuing justice ideals through Islam. This ethos is lent further warrant in the verse

خذ العفو وأمر بالعرف وأعرض عن الجاهلین

Within this context political engagement and social activism exist as socially warranted means of improving societal conditions towards the satisfaction of shariah objectives in a non-Muslim society such as the United States.

## 2. Khilafa

Allah created mankind to be His vicegerent on earth. Allah says

وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً

Al-Raghib al-Asfahani elaborates on the significance of khilafah as not only as a political office as leader of the Muslims but a call for all mankind to live according to Allah's dictates

on earth. According to al-Asfahani the entire Quran contains three purposes for human life: livelihood worship and stewardship/khilafah.<sup>1</sup> These three purposes are hierarchical with livelihood being something that even animals are concerned with then worship as the distinguishing characteristic of Muslims and finally stewardship being an activity of only the most elite worshipers. Within al-Asfahani's model worship is understood in the sense of personal devotion while stewardship/khilafah is used to describe the intentional human management of the world's affairs according to what pleases Allah. This grounds every human activity in theological significance and purpose as well as creating horizontal expectations and duties between Allah's servants and the rest of creation. Within this model each individual Muslim is responsible for establishing the Shariah and its objectives to the best of their ability in part or in whole. Establishing the Shariah therefore is not an all-or-nothing prospect but a gradient; however much one is able to establish that becomes the duty of man as general "khalifah." Political participation and social activism accordingly are valuable tools in accomplishing this objective especially in societies like the United States where Muslims make up an miniscule minority. Had Muslims been a majority or a plurality discussions about the overall system of government might be relevant. Within current circumstances the work as Allah's steward/khalifah is in dawah institution building community power-building and favorable legislation which protects the aforementioned efforts. Political participation and social activism are indispensable to those ends.

### 3. Wasatiyyah and Justice

Allah calls upon Muslims to be witnesses for truth justice and balance. Allah says

وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا لِتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ وَيَكُونَ الرَّسُولُ عَلَيْكُمْ شَهِيدًا

Allah also says

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَى أَنْفُسِكُمْ أَوِ الْوَالِدِينَ وَالْأَقْرَبِينَ

And further

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَا نُ قَوْمٍ عَلَى أَلَّا تَعْدِلُوا اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

These verses as well as others indicate the emphasis Allah places on Muslims being a force of justice and righteousness in the world. As a previously mentioned Prophetic tradition stated the first and preferred course of action is to change evil directly with one's own hands. It is only in circumstances where one is unable to change evil directly does one resort to other less direct means such as speaking out or merely condemning evil.

<sup>1</sup> Al-Raghib al-Asfahani, *Al-Dhari'a ila Makarim al-Shari'ah*, p84, (Dar El-Salam, Cair: 2010)

Political participation and social activism are two avenues which include many practices designed to change evil with one's hand and with one's speech especially in a representative democracy such as the United States where elected leaders decide on policies that significantly impact the level of evil permitted in society. By way of example in the last five years alone the legalization and proliferation of marijuana and sports betting as well as school curriculum on gender and sexuality have posed major challenges to wholesome living. Political participation and social activism are essential tools to rolling these initiatives back or preventing them from occurring in the first place.

#### 4. Rulings on Territories (*ahkaam al-diyaar*)

In the Islamic jurisprudential tradition territories are categorized in order to organize and inform Muslims of their rights and obligations within those territories especially vis a vis their respective rulers and governments. There are different ways of categorizing territories though the categorization of territories into the abode of Islam (dar al-Islam) and the abode of kufr (dar al-kufr) is ubiquitous. Some scholars add more nuance such as introducing (dar al-murakkab) as an abode between that of dar al-Islam and dar al-kufr. Other scholars add subcategories to the abode of kufr such as the abode of war (dar al-harb) and the abode of contract (dar al-ahd) in which dar al-harb describes a territory governed by an entity with which Muslim territories are engaged in warfare while dar al-ahd describes a territory governed by an entity with which Muslim territories have a treaty and/or its local Muslim population is allowed to live in peace and manifest their Islam.

This latter subcategory of dar al-ahd seems to best describe the reality of contemporary Muslim populations in the United States and also is the most relevant for grounding political participation and social activism within Shariah norms. If contemporary Muslim populations in the United States enjoy overall safety security and freedom to manifest Islam in exchange for fulfilling a social contract our analysis must probe further to discover the nature and terms of this social contract its explicit and implicit elements and their impact on political participation and social activism.<sup>2</sup>

The natural place to begin such an inquiry would be the concept of citizenship which structures the rights and obligations of a subject within a nation-state. In the United States there are two primary pathways to obtaining citizenship: birthright citizenship (jus soli) and naturalization. For those granted citizenship by birthright the elements of social contract between citizen and government are often overlooked since there is no formal pledge of allegiance required for this type of citizenship and because the subjects are usually infants when this type of citizenship is established. Naturalization provides a clearer window into the social contract stated and implied between Muslims and their governments since naturalized citizens take a formal oath in order to obtain citizenship. It may be safely assumed that birthright citizens are subject to the same expectations as naturalized citizens

<sup>2</sup> "The legal framework that governs the relationship with the hosting nations outside of the lands of Islam is the contract of security. This is what is stipulated in the official residency documents. Of its implications is the abidance by the laws and local regulations as long as it doesn't drive one to commit a sin or abandon an obligation. Fulfilling this contract is a necessity by sharee'ah and for the sake of da'wah." <https://www.amjaonline.org/declaration-articles/decisions-and-recommendations-of-amjas-sixth-annual-convention-canada>



despite the fact that the latter is not required to take an oath of allegiance. The text of the United States Oath of Allegiance recited by naturalized citizens is as follows:

"I hereby declare on oath that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince potentate state or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God."<sup>3</sup>

The United States Citizenship and Immigration Services website provides a bulleted summary of the elements of this oath:

"The principles embodied in the Oath are codified in Section 337(a) in the Immigration and Nationality Act (INA) which provides that all applicants shall take an oath that incorporates the substance of the following:

1. Support the Constitution;
  2. Renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince potentate state or sovereignty of whom or which the applicant was before a subject or citizen;
  3. Support and defend the Constitution and laws of the United States against all enemies foreign and domestic;
  4. Bear true faith and allegiance to the same; and
  5. Bear arms on behalf of the United States when required by the law; or
- A. Perform noncombatant service in the Armed Forces of the United States when required by the law; or
- B. Perform work of national importance under civilian direction when required by the law."<sup>4</sup>

Point two of the above list is of particular concern for devout Muslims who understand their ultimate allegiance to belong to Allah His Messenger and the community of believers.<sup>5</sup> This will be addressed thoroughly in the following section. Besides this point the remaining obligations that are relevant to our inquiry are as follows:

1. Support the Constitution;
2. Support and defend the Constitution and laws of the United States against all enemies foreign and domestic
3. Bear true faith and allegiance to the same

<sup>3</sup> <https://www.uscis.gov/citizenship/learn-about-citizenship/the-naturalization-interview-and-test/naturalization-oath-of-allegiance-to-the-united-states-of-america>

<sup>4</sup> <https://www.uscis.gov/citizenship/learn-about-citizenship/the-naturalization-interview-and-test/naturalization-oath-of-allegiance-to-the-united-states-of-america>

<sup>5</sup> Quran: Al-Ma'idah 55

While the exact practices of supporting and defending the constitution are left vague it is clear that upholding the constitution is central to the social contract of all citizens of the United States. The God-fearing Muslim must therefore seek to clarify whether or not upholding the constitution conflicts with his or her obligations and duties as a Muslim and even if such conflicts reach the level of necessitating hijrah.<sup>6</sup> It is immediately clear that the answer will rely heavily on an accurate understanding of the US constitution itself which will be discussed presently.

### **a. Does Upholding the US Constitution Contradict One's Islamic Obligations?**

The core of the United States constitution is the Bill of Rights contained within the first ten amendments. For the sake of brevity the content of the Bill of Rights is reproduced below in plain English:

- The first amendment prohibits Congress from making laws that would:
  - establish an official religion (this is known as the Establishment Clause) or prohibit the free exercise religion (this is known as the Free Exercise Clause)
  - abridge the freedom of speech press the right of the people peaceably to assemble and to petition the Government for a redress of grievances.
- The second amendment guarantees the right of citizens to keep and bear arms.
- The third amendment says that no soldier can be forced to live in a person's home during peacetime without their permission (known as quartering).
- The fourth amendment establishes the security of people (including their property and belongings) from unreasonable searches and seizures.
- The fifth amendment establishes the right to a Grand Jury indictment for serious crimes protects against double jeopardy (being tried twice for the same offense) and self-incrimination and establishes the right to due process and just compensation.
- The sixth amendment establishes the right to a speedy public trial by an impartial jury in which the accused is informed of the charges can compel the attendance of witnesses in his/her favor confront witnesses who testify against him/her and access a lawyer for his/her defense.
- The seventh amendment ensures that in certain civil cases individuals can have their case heard and decided by a jury of their peers and that the ruling cannot easily be overturned.
- The eighth amendment prohibits excessive bail excessive fines and cruel and unusual punishments.
- The ninth amendment asserts that people have rights beyond those enumerated in the Bill of Rights.

<sup>6</sup> "the ruling on residing outside the land of Islam differs according to the existing circumstances i.e. it is permissible for whoever is able to practice his religion openly and remain safe and ensure that whoever he is responsible for will not be tempted and affected in religion, it is obligatory upon those who reside in order to teach Islam, raise his children, refute doubts of opposing parties, and it is unlawful for those who know that he or the members of his family whom he is responsible for will have a high probability of being tempted in his religion and be unable to establish and practice his religion openly." <https://www.amjaonline.org/fatwa/en/77221/hijrah-migration>

- The tenth amendment asserts that any power not specifically given to the federal government in the Constitution and not prohibited to the states is reserved for those states or for the people.

Of particular interest to the social contract between Muslims and the United States is the first amendment which simultaneously prohibits the establishment of a state-religion and guarantees free religious practice. In fact since the majority of the Bill of Rights concerns juridical procedure and fair trial it could be argued that the first amendment is the cornerstone of the Bill of Rights and accordingly upholding the first amendment is the most integral part of the discussion of the social contract between citizens and the state.

Immediately apparent is the fact that the Establishment Clause of the first amendment prohibiting the establishment of a state religion conflicts with the Islamic normative belief that Allah's law is best that Allah has exclusive legislative authority and that whoever doesn't rule by Allah's law has transgressed.<sup>7</sup> While it is true that the Establishment Clause runs counter to how Muslims have organized and administered political rule in territories they control it is also true that the prohibition of an established religion is key to guaranteeing the free practice of religion within the context of Euro-American history and memory. This is because throughout European history which largely informed the sensibilities of the United States' founders the organizing theo-political doctrine was "*cuius regio eius religio*" (whose realm his religion) in which subjects were required to follow the religion of the political leader. This doctrine sharply contrasts with the Islamic concept of confessional plurality and even limited legal plurality achieved by *dhimmi* status in the Sharia. In other words within Western Christian history the establishment of an official state religion was and remains synonymous with the imposition of that religion upon all subjects of that territory and their coerced membership therein. Hence prohibiting the establishment of a state-religion is synonymous with allowing the free practice of multiple religions in the Western context one reason why the Establishment Clause is immediately followed by the Free Practice clause within the first amendment.

In this context it must be emphasized that despite being informed by a different historical sensibility and political theology than ones familiar or authoritative to Muslims the very possibility of Muslim presence in the United States—as well as the freedom to spread Islam—is enabled by these two clauses of the first amendment. Furthermore, it is precisely the strength of the first amendment in protecting the practice and freedom to spread Islam in the United States that causes the most bitter enemies of Islam and the Muslims to attempt to depict Islam not as a religion but as an ideology. In seeking to do so they hope to remove the practice and spread of Islam from the protections of the first amendment to legal ground with less protections.

There are other elements to the first amendment beyond the establishment and free practice clause; the first amendment also guarantees the right to free speech free press and free assembly. It should be pointed out that these provisions are also double-edged swords; the right to free speech is instrumental to spreading Islam and criticizing policies that are unjust towards Muslims but also legally protects those who insult Islam and the Prophet; the right to free press allows criticism of unjust government policies to reach a mass

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<sup>7</sup> Quran: 5:44-47

audience but also allows lies about Islam and Muslims to spread quickly and easily; the right to free assembly allows Muslims to engage in political rallies or demonstrations but also allows anti-Muslim rallies.

The dual nature of these provisions creates a political arrangement that assumes a high level of participation from its subjects. With both protagonists and antagonists of any particular cause participating and exercising their rights a balance is established where one side is not able to come to power and restrict the rights of the other side. If one side fails to participate they risk allowing their adversary to come to power and restrict their rights a phenomenon exacerbated by the “living” nature of US law including the constitution.

## **b. The U.S. Constitution and the Rule of Law: A Living System that Requires Shaping**

The Constitution is often referred to as a “living document” that is a governing document that evolves changes over time and adapts to new circumstances both with and without being formally amended. Proponents of the idea point to numerous examples from historic Supreme Court cases to support this understanding of the constitution; they also frequently cite former Chief Justice Charles Hughes who determined that the “Constitution is what the judges say it is.”<sup>8</sup> Critics can generally only point to the constitution’s framers and the country’s co-called “founders” who they would argue never said such a thing about the constitution.<sup>9</sup> But the majority of legal scholars over the centuries have treated the Constitution as a living document; indeed if they hadn’t we would have never developed our modern legal system which differs greatly from the country (and values) envisioned by those who wrote it. One constitutional scholar noted “Consistent with the notion of the Constitution as a living document definitions and applications of terms like “due process” “cruel and unusual punishment” and “unreasonable search and seizure” evolve over time. The specter of judges inserting content into these phrases is not an unfortunate or inevitable by-product of the framers’ poor drafting or lack of foresight; it is a critical part of the process of breathing life into a document originated by those long dead.”<sup>10</sup>

Such expanded interpretations newfound understanding and consequently new law is usually a result of long-term social action cultural shifts and strategic litigation. The 1954 landmark case *Brown v. Board of Education* is a prime example of what can result from sustained social justice action paired with strategic litigation. The Supreme Court decided *Brown* 5 years before President Eisenhower declared racial segregation immoral and 10 years before Congress passed the Civil Rights Act of 1964. The justices who decided the case acknowledged the role of society on their decision. Justice Robert Jackson observed in connection with *Brown* that segregation “has outlived whatever justification it may have had” and Justice Felix Frankfurter later noted that he would have voted to sustain school

<sup>8</sup>[https://repository.law.umich.edu/cgi/viewcontent.cgi?params=/context/articles/article/1850/&path\\_info=22JSupCtHist76.pdf](https://repository.law.umich.edu/cgi/viewcontent.cgi?params=/context/articles/article/1850/&path_info=22JSupCtHist76.pdf)

<sup>9</sup> Hickok, Eugene. *The Birth of The “Living” Constitution*. William & Mary School of Law, Colonial Lawyer Vol. 14, No. 1 (1985).

<sup>10</sup> Marshall, Lawrence. *Contempt of Congress: A Reply to the Critics of an Absolute Rule of Statutory Stare Decisis*, 88 Michigan Law review 2467, 2478 (1990)

segregation had it been challenged in the 1940s because “public opinion had not then crystallized against it.”<sup>11</sup>

In fact the previous example perfectly illustrates how historically changes in U.S. law have usually been achieved by a combination of the following:

1. Civil disobedience that results in the mobilization of popular will
2. Carefully formulated situations that call for legal challenges and action from the courts
3. “Court shopping:” engineering those situations in areas where the courts are interested in that topic to being with and might rule favorably
4. Lobbying including money

Of note here is that in reality courts are *compelled* to change laws or expand or restrict the interpretation of current laws in light of the above factors. In other words the law is not fixed and courts are not simply safeguarding rights but also *discovering* rights that previously did not exist or not recognized to exist.

This results in at least two crucial points:

First this dynamic necessitates legal action that cannot happen without a legal conflict first taking place. In other words there must first be a legal crisis for there to be an opportunity to offer a new ruling that will change a law or reinterpret old laws. In fact and more importantly the legal system was *designed* to function this way. Any political strategy therefore that ignores this reality and hopes to minimize or avoid legal conflict entirely is unlikely to achieve its aims.

Second changing public opinion on an issue is key to enacting corresponding legal changes. For the Muslim community and other groups that are in the extreme minority this does not necessarily involve creating large-scale change in social perceptions and public opinion alone. Oftentimes minority groups can instead exploit an ongoing shift in interpretation that was initiated by other groups such as the current reinterpretation of the free exercise of religion and the groundbreaking new laws resulting therefrom.

### **c. Case Study: The Shifting Terrain of America’s First Amendment**

As mentioned before the First Amendment of the Constitution has two clauses of particular interest for Muslims: the Establishment Clause and the Free Exercise Clause. The Establishment Clause prohibits the government from making any law “respecting an establishment of religion.” This clause not only forbids the government from establishing an official religion but also prohibits government actions that unduly favor one religion over another. It also prohibits the government from unduly preferring religion over non-religion or non-religion over religion.<sup>12</sup> Meanwhile The Free Exercise Clause reserves the right of individuals to practice any religious belief and engage in religious rituals they choose. The Clause protects not just religious beliefs but some actions made on behalf of those beliefs

<sup>11</sup> <https://www.yalelawjournal.org/forum/civil-rights-litigation-and-social-reform>

<sup>12</sup> [https://www.law.cornell.edu/wex/establishment\\_clause](https://www.law.cornell.edu/wex/establishment_clause)

"so long as the practice does not run afoul of 'public morals' or a 'compelling' governmental interest."<sup>13</sup>

Historically the Establishment Clause has taken precedence over the Free Exercise Clause. Courts historically used to view the Establishment Clause as precluding governmental endorsement of religious practice prioritizing secularism for the sake of governance. Generally this meant that if somebody's religious beliefs or practices were seen to "harm" others their religious practice became secondary to a "greater" secular good. It also meant that both state and federal government generally could not fund religious groups schools or other entities unless that funding was being granted to all such entities religious or nonreligious as a part of a bigger funding program (i.e. non-profit tax credits neighborhood beautification programs etc.).

However in recent years there has been a major shift at the Supreme Court level; the Court has increasingly decided in favor of religious plaintiffs ruling among other things that 1) a state must fund religious activity as a part of an education aid program (*Carson v. Makin*) 2) a public school teacher is allowed to pray publicly at school with his students (*Kennedy v. Bremerton School District*) 3) business owners may turn away customers who ask for products celebrating ways of life in conflict with religious practice (*Masterpiece Cakeshop v. Colorado Civil Rights Commission*) and 4) religious schools may turn away or fire teachers who do not adhere to the school's religious standards—and it would not qualify as discrimination on the basis of religion (*Guadalupe School v. Morrissey-Berru* and *St. James School v. Biel*). Additionally Muslims and other religious groups in Maryland recently had a historic win in *Mahmoud v. Taylor* the Montgomery County Schools case where parents fought to ensure that they could opt their kids out of certain educational materials which showed children a variety of sexual and gender deviations. In *Mahmoud* the Court held that the parents challenging the school district's practices were entitled to a preliminary injunction preventing the school board from discontinuing the opt out program. The Court determined that the parents had sufficiently shown that the district's actions may have impeded their constitutional right to freely practice their faith and teach it to their children. The current shift in the legal fabric of religious liberties presents a unique opportunity for Muslims to assert and solidify the practice of Islam in the public sphere. This would not only mean that Muslims have the chance to more comfortably practice and adhere to Islamic obligations in places like work and public schools but also increase Muslim presence influence and consequently dawah.

#### **d. The Shape of Participation: Direct Principled Strategic**

As laws on religious liberties and the socio-political fabric of the US shift it is critical that Muslims not be passive bystanders while these changes take place. Instead the longevity and strength of the Muslim community depends on our consistent and proactive involvement.

<sup>13</sup> [https://www.law.cornell.edu/wex/free\\_exercise\\_clause](https://www.law.cornell.edu/wex/free_exercise_clause)

In addition to simply participating that participation must be based on principles rather than parties and truth rather than political tribe. It is tempting to think that political change can happen simply by joining the winning “team” and proving our loyalty to the team we choose anticipating that our loyalty will be repaid once our team has “won.” While individual appointments and careers might sometimes function this way large-scale social change usually does not. Such change requires a politics that is less about allegiance and more about negotiation.

To give a concrete example someone who conceives of politics in a tribalistic way may see the aforementioned shift in First Amendment interpretation as one that solely benefits the Christian right and harms what conventional wisdom views as our “liberal allies.” However the lead up to *Mahmoud v. Taylor* revealed that when pushed the liberal left was just as willing to demonize and dehumanize Muslims; the Muslims involved in advocacy in front of the Montgomery School Board were accused of being homophobic bigots and extremists. Less than a year later in the wake of the genocide in Gaza the liberal Montgomery County Schools would target and punish any students and teachers who expressed any support for Palestine offer exclusive support for Jewish students and fail to address the clear rise in anti-Muslim bullying and violence in its schools. These are just a few examples of why ultimately Muslims do not and should not have a tribalistic political allegiance and should instead focus on pursuing and benefiting from laws and policies that strengthen the community’s ability to practice the faith.

For Muslim political participation to be strategic it must utilize the authority and talent of not just activists advocates and lawyers but also of muftis imams and other religious leaders. At the core of a Free Exercise Clause claim for example is the claim that a certain policy practice or rule actively prevents a person of faith from practicing their religious obligations (as long as their religious obligation is considered reasonable and not harmful). To persuasively make that argument in courts state houses or in any law-making Muslims need to be able to point to cohesive and accessible information about the Islamic obligations related to the issues being litigated. This can be as simple as articles by religious leaders on topics like BDS and support for Palestine prayer at school and work hijab and beard obligations media and literary consumption morality in business and customer service and beyond. Ideally such publications should be supported by rulings issued by recognized American religious leaders. Lawyers and advocates need to be able to point to substantial and legitimate religious opinions in reasonable consensus to support their religious practice claims on such issues.

The potential legal implications on such rulings should furthermore be taken into consideration during the formulation of those rulings themselves; ie. there might be a scenario in which a mufti provides a relatively lenient ruling that might provide relief for an individual *mustafti* but that might lead secular courts to view the normative Islamic position as too inconclusive to uphold in court depriving the Muslim community of tangible benefits.<sup>14</sup>

<sup>14</sup> For example, a lenient ruling on hijab, beard length, obligatory prayer, or Friday prayers might weaken a Muslim’s claim in court that such obligations are necessary to the “free exercise” of their religion as protected by the constitution. Conversely, if Muslim scholars came together upon the opinion that boycotting Israeli products and companies was a religious obligation, there is a scenario in which such practices could be protected as the free exercise of religion even despite state-level bans on BDS.

Ultimately any new religious liberties laws or shifts will not automatically apply to or benefit Muslims without strategic principled effort. If the Muslim community fails to actively pursue their rights in this shifting system they risk quietly standing by as the Christian right much of which is anti-Muslim gets stronger at our expense possibly even creating a scenario in which they would try to deprive Muslims of their existing constitutional rights. Therefore in these early stages of the religious liberties expansion it is critical that Muslim leaders support these efforts and encourage individuals to take concrete proactive steps towards pursuing and exercising these newfound religious rights.

### **e. Conclusion: Defending the US Constitution Makes Dawah Possible**

The social contract which guarantees the continued existence and flourishing of Muslims and Islam in the United States is based upon upholding the constitution which includes defending it from internal and external threats. It is not hyperbolic to assert that the most prominent threats to the United States constitution today are simultaneously the most prominent threats to Muslims worldwide: the ideologies of Zionism and Hindutva. Zionism and Hindutva have exploited the flexible nature of the United States political system in order to achieve support for their supremacist policies abroad. Since US support is a key component of their agendas Zionists and Hindutva figures have actively and aggressively sought to erode US constitutional rights or reinterpret them in order to silence and criminalize opposition to their plans.

Such a strategy includes exploiting existing workarounds to constitutionally protected rights as well as inventing new workarounds when necessary. An example of the former would be maximalist notions of "national security interests" such as that martialled by the government to justify Japanese internment camps during World War II (*Korematsu v. US*). This line of argument was given new life by the Zionist lobby in the context of the Global War on Terror to undermine pro-Palestinian solidarity. In the legal case brought against the Holy Land Foundation for example the defendants were denied the opportunity to mount a proper defense because the evidence against them was deemed confidential due to "national security" concerns. The infamous Patriot Act as well severely curtailed rights guaranteed by the constitution based on "national security" interests.

As for new workarounds none more significant currently exists than the term terrorism a legal category that first appeared in US statutory law in the Foreign Assistance Act of 1969 which uncoincidentally targeted the Palestine Liberation Army. Since then and especially within the Global War on Terror context anti-terror legislation has expanded while the definition of terrorism remains deliberately vague and incoherent to effectively undermine pro-Palestinian solidarity and anti-war efforts.

A system so prone to hijacking requires a high degree of participation and constant vigilance. For Muslims specifically political participation and social activism is essential to ensure the continuation of a Muslim presence and the spread of Islam in the United States as well as upholding the explicit terms of our social contract in *dar al-ahd* which is done by protecting the US constitution and the rights guaranteed therein from internal and external threats.



## 1. The principles of allegiance and disavowal (al-walaa' wa al-baraa')

Allah is abundantly clear that ultimate allegiance is due to Him alone

إِنَّمَا وَلِيُّكُمُ اللَّهُ وَرَسُولُهُ وَالَّذِينَ آمَنُوا الَّذِينَ يُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَهُمْ رَاكِعُونَ

Allah also explicitly forbids Muslims from taking Christians and Jews as protectors and close allies

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَالنَّصَارَى أَوْلِيَاءَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ وَمَنْ يَتَوَلَّهُمْ مِنْكُمْ فَإِنَّهُ مِنْهُمْ إِنَّ اللَّهَ لَا يَهْدِي الْقَوْمَ الظَّالِمِينَ

Due to these and similar verses many Muslims consider living in non-Muslim countries itself—let alone political participation and social activism therein—a betrayal of these principles. A full discussion on issues pertaining to Muslims living in non-Muslim lands is beyond the scope of this article but may be found within existing guidance provided by AMJA.<sup>15</sup> Herein we will focus on the explicit and implicit social contract contained within the Oath of Allegiance and the US constitution probing if any of their features necessarily contradict normative Islamic guidance on allegiance and disavowal.

At face value the text of the Oath of Allegiance might concern every conscientious Muslim particularly the promise to “renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince potentate state or sovereignty of whom or which the applicant was before a subject or citizen.” Does this include renouncing allegiance to the Ummah Allah’s law or *dar al-Islam*?

First note that the text of the oath specifies that it applies to governments particularly the government of the land from which you emigrated to the United States. This means that a Muslim’s allegiance to the Ummah or Allah’s law are not necessarily compromised by becoming a citizen of the United States. Besides there are other ready-made analogs to the Muslim situation of transcendent allegiances. Roman Catholics provide perhaps the closest resemblance having ultimate allegiance to the Pope fidelity to the “Universal Church” (all Catholics worldwide) and even organizing themselves according to the dictates of the Holy See which enjoys status as a sovereign juridical entity.<sup>16</sup> Other analogs include religious denominations such as the Quakers Jehova’s Witnesses and the Amish who explicitly hold allegiance to other than the United States and even engage in civil disobedience when their religious teachings contradict United States law. In fact the political traditions of civil disobedience protected by the first and even second amendment also point to the expectation that a genuinely democratic system requires opposition debate disagreement and even the potential of revolt albeit there has been an inconsistency in the commitment of the government to these values in practice.

<sup>15</sup> <https://www.amjaonline.org/fatwa/en/77223/getting-an-american-citizenship> , <https://www.amjaonline.org/declaration-articles/decisions-and-recommendations-of-amjas-sixth-annual-convention-canada>

<sup>16</sup> <https://www.state.gov/countries-areas/holy-see/>

Second It should be noted that despite the text of the oath the renunciation and abjuration of all other political allegiances and fidelities is not held up in practice since the United States allows dual and multiple citizenship as upheld and clarified at the Supreme Court in 1967 (*Afroyim v. Rusk*). In fact it seems that this part of the text is a relic from the first official formulation of the oath in 1929 when dual citizenship was not generally allowed.<sup>17</sup> This means that in the hypothetical scenario in which an Islamic nation even a proper Caliphate were to exist emigration from that nation to the US and naturalization therein would not necessarily contradict one's allegiance to that state in practice despite the outdated language of the oath.

Muslims should not rush to assume therefore that fulfilling their social contract in the context of the United States necessarily violates their required allegiance and fidelity to Allah as the ultimate sovereign His law and the community of believers worldwide. In fact there may be specific scenarios in which the practices of fulfilling one's social contract in the United States can simultaneously serve as practices of allegiance and fidelity to the ummah and to Allah's law such as in combating the American support of Zionism and Hindutva mentioned in the previous section. Even in less dramatic scenarios the Prophet's praise of *Hilf al-Fudul* establishes the general permissibility of supporting just initiatives and agreements even outside an explicit shariah legislation.<sup>18</sup>

## 2. Dawah

The general obligation to do Dawah is an important justification for Muslims living in non-Muslim lands. Indeed even at the time of the Sahabah and Tabi'een believers would spread into such lands to spread and establish Islam sometimes as conquerors but often as merchants as well. As the previous sections have shown establishing dawah in non-Muslim lands today significantly relies upon making inroads in the legal and legislative fabric of that country to build and strengthen the Muslim presence and carve out a protected space to freely give dawah. A stronger more prominent community has more influence and greater impact and political participation and social activism are two important tools to secure the freedom to give dawah and increase the efficacy of the dawah that Muslims engage in.

<sup>17</sup> <https://www.uscis.gov/citizenship/learn-about-citizenship/the-naturalization-interview-and-test/history-of-the-oath-of-allegiance>

<sup>18</sup> <https://yaqeeninstitute.org/read/paper/faithful-activism-a-sunnah-framework>

## Section 2: Ethical guidelines in political disputes

In the course of political participation and social activism disputes will inevitably occur between Muslims. A framework for understanding and navigating these disputes is therefore necessary to preserve the unity of the believers. It should be noted that unity does not equate to uniformity but rather unity of purpose and the preservation of group loyalty as indicated in the following verse and the corresponding exegetical commentary of Imam al-Qurtubi:

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ  
الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ<sup>19</sup>

And while disagreements are inevitable they should be avoided and minimized whenever possible to preserve not only the unity of the Muslims but also our collective political power. While many works exist covering different types of dispute and difference such as *The Ethics of Disagreement in Islam* by Taha Jabir al Alwani I have not come across a work that only focuses on political disagreements their causes their types and how to navigate them. The following is a suggested typology of purely political disagreement:

The first type of dispute is one resulting from affiliation and group identity. This would involve someone prioritizing another group identity and affiliation to that group over their identity as a believer and affiliation to the Muslim Ummah in situations where the interests of those group identities conflict. This could happen when one champions the interests of one's race or ethnicity gender or socioeconomic class in such a way that undermines and contradicts the interests of the Ummah or Islamic guidance. If one were to advocate for unrestricted abortion access on demand for example citing their identity as a woman this would fly in the face of Islamic guidance. Such differences are fundamental and flagrant rendering unity impossible and undesirable.

The second type of dispute results from a disagreement of principle. This could be an acceptable tolerable difference or an unacceptable blameworthy difference depending on the principle in question and its status as agreed upon or differed upon within Islamic law. For example if one were to make political decisions based on the principle of "the ends justifies the means" or assert that obtaining benefits took priority over averting harms these are unacceptable blameworthy positions to hold in light of Islamic guidance. The resulting disagreements from holding such principles would be considered insolvable with one side being right and the other wrong.

The third type of dispute results from disagreements in strategy. This is a matter of how to combine and apply strategies in light of political realities. Dialogue and persuasion should prevail over schism at this level with both parties resisting dogmatism and demonstrating the ability to unite against common enemies when necessary despite these differences. Additionally each party should adopt an empirical approach to observe which strategies deliver results and be willing to adapt accordingly.

The fourth type of dispute exists on the level of tactics. This is when two individuals or parties agree on principles and strategy but differ in the most suitable tactics to accomplish the strategy including how to weigh the competing harms and benefits of a particular tactic. There is most leeway for toleration in differences here though

<sup>19</sup>"أي قلوبهم متحدة في التواد والتحاب والتعاطف"

<https://quran.ksu.edu.sa/tafseer/qortobi/sura9-aya71.html#qortobi>

once again both parties should resist dogmatism and adopt an empirical approach to observe what delivers results and be willing to adapt accordingly.

After delineating the areas of acceptable and unacceptable difference on political issues the standard Islamic literature regarding the ethics of disagreement applies. Muslims should repel harm with that which is better<sup>20</sup> hold no grudges and keep the door open to forgiveness and redemption<sup>21</sup> and have the epistemic humility to not conflate their own reasoned opinions with “what Allah wants.”<sup>22</sup>

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<sup>20</sup> Quran 41:34

<sup>21</sup> Quran 5:8

<sup>22</sup> Quran 16:116

### Section 3: Balancing political engagement social activism and religious outreach.

Recent research has found that within American Muslim communities that religiosity positively correlates with civic activism but negatively correlates with political activism meaning that the more religious a Muslim appears to be—measured by things like mosque attendance—the more active in charity work and the less active in politics they are likely to be.<sup>23</sup> There are several possible causes for this including the proliferation and dominance of certain apolitical Islamic movements in online spaces apolitical discourses being preached within mosques and the fear and intimidation present in the post-9/11 world.

As indicated previously dawah and civic activism require a protected arena of legal justification buttressed by the regular exercising of one's rights in order for such practices to sustainably operate. Political rights are like the muscles of the body that might atrophy or be more susceptible to injury after prolonged periods of disuse.

As it stands Muslim Americans have proven to be engaged in civic activism efforts such as charity at above-average rates.<sup>24</sup> Muslim American dawah efforts are also robust and even though the forces threatening faith are multiple and compelling Islam remains the fastest growing religion in the world.<sup>25</sup> The real area where American Muslims punch below their weight at least relatively is in the political sphere with Muslims being underrepresented across virtually all levels of political office and regularly vilified by political elites.<sup>26</sup> In fact despite an increase in political participation such as voting candidates supposedly vying for Muslim support often assume the basic assumptions of such vilification.<sup>27</sup> This phenomenon is possible caused by the lack of *quality* political participation (ie. strategic) rather than quantity which will be unpacked in the following sections.

As for the issue of *quantity* it is apparent that mosques stand to play a key role in the political organization and mobilization of the Muslim American community. In addition to apolitical religious discourses elaborated upon above being amended to appropriately urge our communities to action there likely also needs to be a clarification of the legal permissions for mosques to engage in political engagement. Anecdotally I have noticed many mosques retreat from political engagement categorically citing the mosque's status as a 501c3 organization. While it is important to understand the limitations 501c3 status has on political engagement failure to understand the political possibilities of the 501c3 status will leave us as a religious community at a severe disadvantage compared to other American religious communities who leverage their religious organizations for political engagement whilst remaining well within the bounds of the law.

For example while 501c3s may not participate in a political campaign in a partisan way they may engage in advocacy and nonpartisan engagement such as voter registration and education. Advocacy includes lobbying and legislative activities and they are legally distinct from campaign activities. Mosques may therefore communicate with decision makers about existing legislation and urge a vote for or against.<sup>28</sup> The only caveat here is that lobbying must be considered "insubstantial" meaning not the main activity of the 501c3.<sup>29</sup> One useful tool designed to help 501c3s engage in political activities within the bounds of the law is <https://www.nonprofitvote.org/>. Given the urgency of Muslim political participation not only *can* mosques engage in such activities they *should*.

<sup>23</sup> Mohammad I. Abbasi, The Political Participation of American Muslims Before and After the War on Gaza, 2024

<sup>24</sup> <https://www.philanthropy.com/article/muslim-americans-are-more-generous-than-the-overall-u-s-population>

<sup>25</sup> <https://www.pewresearch.org/short-reads/2025/06/10/islam-was-the-worlds-fastest-growing-religion-from-2010-to-2020/>

<sup>26</sup> <https://www.cambridge.org/core/journals/ps-political-science-and-politics/article/abs/evaluating-muslim-american-representation/A867AD2DFA792113B29EA2D07AD15C77>

<sup>27</sup> From the article in the previous footnote: "Hilary Clinton characterized Muslims' utility as their ability to prevent terrorist attacks."

<sup>28</sup> <https://www.councilofnonprofits.org/running-nonprofit/governance-leadership/political-campaign-activities-risks-tax-exempt-status>

<sup>29</sup> <https://lawprofessors.typepad.com/nonprofit/2023/08/the-utter-futility-of-political-activity-restrictions.html>

## **Section 4: Challenges in selecting the most suitable candidates and dealing with elected officials.**

The inability to effectively prioritize between the various interests and threats that could potentially affect the Muslim community and the temptation to fall for token representation are among the main challenges in selecting suitable political candidates.

As for the latter phenomenon Muslims (and any other group) will naturally tend to favor candidates who appear like them culturally. The underlying logic behind this tendency is the assumption that the candidates most similar to us will more readily advocate for our interests and protect us from harm. The problem is that this can create a scenario where candidates of Muslim backgrounds can take Muslim electoral support for granted emboldening them to stray away from Muslim interests at the level of policy. This is even more likely in US politics where electoral campaigns rely on large amounts of money usually provided for by a party apparatus or otherwise by non-Muslim donors. As the saying goes “who funds you runs you”. This is exacerbated even further when Muslim voter turnout is low. The combination of low Muslim voter turnout and reluctance to finance political campaigns almost guarantees that even quality Muslim political candidates will be caught in a conflict of interests between their values and those of their support base. In a more cynical scenario one that is not uncommon candidates with a cultural Muslim background but only tenuous ties to Islam and the Muslim community will secure the support of the Muslim community while giving little in return.

To remedy this the Muslim community must be disciplined and reminded that common identity only means so much. In the Quran we have the examples of Qarun who was the first cousin of Musa as well as Nuh’s son and Lut’s wife. Neither their identities nor their proximity to righteous people guaranteed that they were actually living and embodying those values. Supporting one’s tribe unconditionally will lead to trouble as the story of Musa in Surah al-Qasas reminds us. Rather Muslim political support should be based on our values principles and interests.

This leads us to the second challenge which is effectively prioritizing between various interests. A myriad of issues are relevant to the Muslim community in the US including foreign policy health care prison reform police brutality and more. Some of these issues are individual policies others like First Amendment issues are about fundamental constitutional rights that cut across multiple individual policies and alter the very opportunities the Muslim community has to create political change. In many of the candidate questionnaires I have seen from Muslim political organizations there is no mechanism to weigh certain issues as more important than others resulting in and reflecting the current confusion of priorities within Muslim communities and therefore the lack of clear direction for how to engage politically.

There is a role for jurisprudential axioms (qawaid fiqhiyyah) and Shariah objectives (maqasid al-Shariah) to play here. We know that averting harm takes precedence over obtaining benefit. We also know that a threat to the absolute essentials (daruriyyat) takes precedence over a threat to needs (haajaat) or luxuries (tahseeniyaat). Using these tools it

is possible to weigh certain issues against others and develop a clear course of action regarding who to support or not.

As part of my work as founder and president of The Moral Vote a 501c4 organization dealing with local electoral politics in Lehigh County Pennsylvania I have developed a preliminary model for what such considerations might look like in real world examples. This model uses an equation to assign a numerical value to individual politicians to help determine which campaigns are most important and effective for Muslims to dedicate their time and energy towards. The equation involves multiplying the level of threat a given politician poses to the Muslim community by that politician's electoral vulnerability and then adding the resulting product to a value representing the Muslim's relative electoral strength in that district:

$([Threat \times Vulnerability] + Strength)$ .

Each of the three values—*threat*, *vulnerability* and *strength*—are determined by separate rubrics. *Threat* is a cumulative score of a given politician's funding sources statements and policies with policies being weighted most heavily then statements then funding. While still preliminary such initiatives are important to overcoming the challenges complicating candidate selection.

The foremost challenges in dealing with elected officials themselves include the failure to realize that such dealings are based on negotiation rather than loyalty and the failure to do the work that builds real leverage from which Muslim communities may effectively negotiate with politicians from a position of strength.

As mentioned in an earlier section many within the Muslim community imagine political engagement to be an exercise of joining the right team and proving one's loyalty to that team in hopes of favors in return. While this might result in individual appointments here and there this typically doesn't work for community empowerment because it creates an incentive system in which politicians and political parties compete to give the least amount possible to secure that loyalty. In practical terms this looks like photo ops symbolic visits and niceties (what would be criticized as "lip service") rather than actual policies. If a Muslim community can be appeased by such token gestures and their support secured there is no reason for a politician or a party to give anything more than that.

Instead political engagement is much more similar to bargaining at the souq/bazaar. Getting a politician to enact policies that are favorable to the Muslim community is similar to getting a good bargain. One must be willing to walk away from the table shop around and ultimately negotiate. Getting a good bargain is more dependent on having something that the seller needs not making moral appeals. This is essentially an exercise in leverage. In the souq a buyer has more leverage when there are many comparable sellers to choose from. Barring situations of collusion the sellers will compete with one another for the business of the buyer. The seller has more leverage when the buyer has no other option or is in a rush.

These same principles apply to political engagement. Rather than getting "one of our own" into office Muslim communities will likely have more influence when they organize at the grassroots level to be able to deliver a substantial number of votes as well as campaign donations. When this can be done in an efficient timely and strategic manner the Muslim

community will have the proper leverage over elected officials such that they can realistically negotiate for favorable policies. In a world where many mosques use cloud systems like MOHID for event registration and community outreach it is very easy for any 501c4 to take membership data and utilize it for outreach in support to build such leverage.



## Section 5: Guidelines for parliamentary engagement.

As expressed in the previous section Muslims in the United States must become more judicious in lending their real or perceived support to current or prospective elected officials and come to terms that all such political relationships should be ones of transaction and negotiation. The following list provides some guidelines that mosque-communities may use to transform their political engagement accordingly:

- Engage in power-mapping to properly identify the relevant political office and level of government needing engagement to achieve specific outcomes
- Create a list of Islamic values that will guide engagement with elected officials
- Create a list of issues properly scoped to the correct level of government that are of particular interest to the local Muslim community in question
- Prioritize the list of issues and come up with sequential steps to achieving them in order
- Plan diverse ways to build leverage with the appropriate political officers so that demands and requests remain credible
- Ensure that every act of political engagement reflects the list of Islamic values follows the plan of priorities and sequence and is addressing the proper level of government to achieve the desired outcome.

With these guidelines in mind all current activities that undermine the political leverage of the Muslim community should cease including “one-way” conversations from political officials and candidates wherein they are granted a platform to address the community in the mosque or at events for nothing tangible in return. Rather mosque-communities should hold regular town halls or candidate forums where there is ample opportunity for the community to “speak back” ask questions make demands and hold officials accountable to previous statements and actions.

There are other practices which should cease until there is a coherent political plan in place after which such practices may be brought back on a case-by-case basis as long as they are done in a strategic way that increases the leverage of the community. These practices include photo ops with political officials and invites to dinners galas and even interfaith events. While seemingly harmless such events serve as acts of political patronage that grant legitimacy to the officials or organizations who conduct them. The unfortunate reality is that many Muslim religious leaders accept or deny such invitations only according to the availability of their calendar without even vetting the individuals or organizations who invite them let alone measuring the impact attendance might have on community leverage and the pursuit of their strategic goals.

## Conclusions and Recommendations

The question of Muslim political participation and social activism in the United States is no longer an abstract matter—it is a practical urgent and unavoidable concern. As this paper has shown such engagement is not a departure from Islamic norms but a faithful application of them in a complex and dynamic context. The Shariah's emphasis on enjoining good forbidding evil seeking justice and fulfilling the trust of vicegerency demands that Muslims take seriously their role as moral agents within society even when that society is not governed by Islamic law.

Moreover the contemporary American legal system—particularly its First Amendment framework—is not a neutral backdrop. It is a terrain that is constantly shaped by litigation cultural pressure and political participation. The Constitution as a living document evolves through public engagement and judicial interpretation. If Muslims fail to contribute to this evolution they risk being sidelined marginalized or outright targeted by more powerful ideological forces—whether secular liberalism Christian nationalism Zionism or Hindutva.

Far from being a compromise of Islamic principles political participation can be a means of defending the rights necessary for Islam to survive and flourish in America. It can also be a way of fulfilling the duty of da'wah protecting the next generation's ability to practice their faith and resisting policies that undermine justice at home and abroad. But for this to happen participation must be principled not partisan; strategic not symbolic; and rooted in Shariah objectives rather than reactive sentiment.

The path forward requires not only the engagement of activists lawyers and community organizers but also the leadership of imams scholars and jurists who can articulate the theological rationale and ethical parameters of this work. With discipline unity and foresight Muslim political engagement can evolve from defensive posturing to proactive institution-building. And in doing so it can secure not only the rights of Muslims today but the space for Islam to grow and thrive for generations to come.

### 3. About the Author:

Tom Facchine is a Muslim intellectual political strategist and community organizer. He works at Yaqeen Institute as the Research Director of Islam and Society where his work focuses on Islamic political thought and deconstructing contemporary ideologies. He is also the founder and President of The Moral Vote a grassroots organization for local political engagement advocacy and mobilization. He is also a co-founder and Vice President of Tamkeen a youth-led organization dedicated to Islamic political activism education and mentorship. He also teaches Tafsir and Islamic History at Legacy International Online High School. He holds a BA in Political Science from Vassar College (2011) and studied in Madinah from 2015-2020 where he obtained a BA from the Faculty of Shariah at the Islamic University. You can find his content on Yaqeen Institute The Thinking Muslim and Blogging Theology.