

The Muslim Vote's Guidance for Scholars and Imams Regarding the 2024 General Elections

Summary

- The Muslim Vote legal team has prepared the below guidance document for scholars and Imams to use during this 2024 general election period.
- It is vital Imams and scholars adhere to the law as contraventions can have serious implications for their organisation, masjid, or charity. We have already noted some outputs that are potentially problematic.
- Endorsements of candidates should be entirely avoided by charities.
- Endorsements of candidates should mostly be avoided by individual Imams/scholars as it can lead to the charge of "spiritual influence". This is in contravention of the law as it currently stands - risking appropriate punishment set out in law, and can be used to render the election result null and void should the endorsed candidate win.

Do's

1. Encourage Voter Registration and Participation: encourage community members to register to vote and participate in elections to have a voice.
2. Focus on Issues, Not Parties: focus on issues relevant to the charity's purposes and values. Every charity mosque should have a set of values they try to promote. By legislation you are allowed to campaign on things that align with those, such as religious freedom, diversity and inclusion, the rights of muslims etc. Educate the community on how various policies might impact the community and the charity's mission without promoting or opposing specific political parties or candidates. For example you can share how certain policies would affect muslim freedom of worship. But don't encourage voters to vote for or against any candidate.
3. Host Educational Events and Hustings: organise and host educational events, such as debates, hustings, forums, and discussions, where **all** candidates or their representatives are invited to speak about their policies. But ensure these events are balanced and offer equal opportunity for all viewpoints to be represented not just one group.

Don'ts

1. Do Not Endorse Candidates or Parties (mosques/charities): do not endorse or oppose any political party or candidate. This includes direct endorsements and any

activities that could be perceived as supporting or opposing a party or candidate. Mosques must be very careful with this.

2. Do Not Endorse Candidates or Parties (Individual Imams/scholars): Individual imams/scholars may endorse a candidate, however they should clarify that they are acting in their personal capacity - not in a religious capacity. Group endorsements from imams/scholars should be avoided unless it is a group endorsement of Muslim leaders (not just religious figures) from across the area. If an incorrect group endorsement is made - it will harm the endorsed candidate, and the endorsers legally.
3. Do Not Use Charity Resources for Political Campaigning: This includes prohibiting the use of charity premises for political fundraising or political campaigning - unless the masjid is routinely in the habit of renting out its space and gets paid for such rental by the political organisation.
4. Avoid Political Donations.

Further Analysis

- There have been some excellent guidance documents written for charities. One such piece is available [here](#) and we will not repeat the guidance.
- Our focus will be on the topic of “spiritual influence” which we believe many scholars and imams are unaware of.
- “Spiritual Influence” is a particular type of prohibition in law. It was famously last applied to Lutfur Rahman and rendered his election win null and void.
- An authoritative legal opinion by one of the foremost legal authorities (a KC and a high court judge) in the UK is accessible [here](#). Our approach is based upon this analysis plus additional precautions taken to take into account the findings of Richard Mawrey KC in his judgement for [Erlam v Rahman \[2015\] EWHC 1215 \(QB\)](#).
- We believe, like Martin Chamberlain KC, “Mr Mawrey’s decision in the Rahman case misstates and misapplies the prohibition on undue spiritual influence in s. 115 of the 1983 Act” however our prudential approach is based upon Mr Mawrey’s construction of the 1983 Act in order to err on the side of caution.

What is the offence?

Mr Mawrey construes the offence as expressed in the following two principles:

The first is that, while clergy of all religions are fully entitled, as are all citizens, to hold and to express political views and to argue for or against candidates at elections, there is a line which should not be crossed between the free expression of political views and the use of the power and influence of religious office to convince the faithful that it is their religious duty

to vote for or against a particular candidate. It does not matter whether the religious duty is expressed as a positive duty – ‘your allegiance to the faith demands that you vote for X’ – or a negative duty – ‘if you vote for Y you will be damned in this world and the next’ [158].

And:

“The second thing we get from the Irish cases is that the question of spiritual influence cannot be divorced from a consideration of the target audience. Time and again in the Irish cases it was stressed that the Catholic voters were men of simple faith, usually much less well educated than the clergy who were influencing them, and men whose natural instinct would be to obey the orders of their priests (even more their bishops). As with undue influence in the civil law sphere, it is the character of the person sought to be influenced that is key to whether influence has been applied [159].”

Put more practically, Mr Mawrey believes an offence may be committed if:

1. Members of a religious clergy;
2. Positively or negatively try to use their religious authority to convince the faithful that it is their religious duty to vote for or against a particular candidate; **and**
3. The target audience are relatively unsophisticated folks whose natural instinct would be to obey the orders of said clergy.

How The Muslim Vote “TMV” avoids offence

It is perhaps helpful for Imams and scholars to consider how The Muslim Vote has approached this issue:

- None of the endorsing organisations of TMV are religious organisations, charities, mosques, or imams.
- The endorsing organisations are businesses, civil society organisations, media companies, and umbrella groups.
- The website explicitly states:

This is not a religious campaign - it is a political one.

We are not religious scholars - we are not here to sermonise. We are here to talk about civil rights and policies and give advisory guidance in a non-judgemental way to our audience.

If you want to disagree with our advisory guidance - that’s also cool. It doesn’t make you any less Muslim. We do however always encourage you to engage in the political process. Muslims must be engaged across the political spectrum - not absent from it.

Of course, all of us are inspired by our Islamic faith in being good citizens and standing up for our community (Muslim and non-Muslim), but the TMV is simply a campaign to effect political change on issues that affect Muslims. We seek broad support from all allies - of all persuasions.

How Imams and scholars should avoid offence

- **Disclaimer:** Imams and scholars may individually endorse candidates however they must carry the following disclaimer when they do so: “I am speaking as a British citizen and not as a religious leader. This is not religious advice - and people are free to agree or disagree with me on this.”
- **No group endorsements:** Groups of imams and scholars should avoid making endorsements - as it is much more difficult to argue that there is not a religious persuasive angle to that endorsement. In fact, in the Lutfur Rahman case, a group endorsement by a large number of imams and scholars was one of the key issues that ultimately led the judge to find against Lutfur Rahman.
- **Broad Group endorsement only:** Group endorsements of Muslim civil society leadership (i.e. not just imams/scholars) is however acceptable, E.g. If there is a list of leading individuals including doctors, lawyers, community activists, councillors, mayors, and imams/scholars then that would be acceptable. This group endorsement is now a Muslim community voice, as opposed to a religious/spiritual guidance by religious leaders.

Final Note

At TMV, we believe that the spiritual influence offence is archaic, discriminatory, and should be struck from law. We are campaigning on this subject and the removal of this offence is one of our [campaign pledges](#).

So please do not consider this note in any way as support for the existing legal situation.

Yours,
The Muslim Vote Legal Team

Further Reading

1. Erlam & Anor v Rahman & Anor [2015] EWHC 1215 (QB) accessible [here](#)
2. Legal opinion on “undue spiritual influence” by Martin Chamberlain KC (2015) accessible [here](#)
3. Guidance on elections and political activity for charities accessible [here](#)
4. Government guidance for charities during the election period accessible [here](#)