

UQAB

Magazine

PRESS RELEASE

We Salute You On
Eid Ul-Adha

NEWS AND COMMENTS

August 9 Elections:
An Exercise In Futility

ARTICLE

The Reality Of
Democratic Elections
And Islamic Ruling On It

ANSWER TO QUESTION

Is Al-Basmala part of
Surah Al-Fatiha?



DEMOCRATIC ELECTIONS
ARE LIKE MIRAGES, THE
ONE WHO IS THIRSTY
ASSUMES IT IS WATER

Press Release

We Salute You On Eid Ul-Adha

Hizb ut Tahrir / Kenya would like to extend the warmest greetings on the blessed Eid ul-Adha to the Muslims in Kenya and the whole world in general. We convey our congratulations to the men and women working tirelessly toward reestablishment the second Khilafah (Caliphate) upon the method of Prophethood. We would like also convey our warm greetings to the Ameer of Hizb ut Tahrir the eminent scholar Ata Bin Khalil Abu al-Rashtah and to all Muslims on this blessed Eid.

This blessed Eid comes while the inflation rate has picked up to 7.9% as the cost of food products has risen sharply. Ironically as citizens suffer, politicians from all political divides are engrossed in campaign for August Polls unveiling their manifestos to deceive the naïve that change is through the ballot. The Inflation is an artificial crisis under Capitalism with its Fiat system. Capitalist ideology with its secular creed has rejected divine ideology of Islam, the lives of humanity will be ever miserable.

As we celebrate this blessed Eid, let's remind ourselves the immense test for Ibrahim (as) and his great willingness to sacrifice. Today the advocates of the Khilafah face outright torture from the oppressive regime across the globe. We are indeed in the season of sacrifice; we must call to Islam as an alternative to the failed ideology of Capitalism hence the only solution to the world's misery will bear a great result.

Finally we pray to Allah (swt) to accept our righteous deeds and guide us to next year's Eid while we are under the shade of the Khilafah Rashidah (righteous Caliphate) upon the methodology of the Prophethood, that will unite all Muslim lands in the world under the flag of 'Laa ilaha illa Allah Muhammad Rasul Allah'.

Shabani Mwalimu

Media Representative of Hizb ut Tahrir in Kenya

The Reality Of Democratic Elections And Islamic Ruling On It

With just few days to go before the election on 9th August, politicians under the brand of bringing change, are roaming across every corner of country in their vote hunt mission. The race for state house indeed has taken the center stage of conversions in restaurants, streets and gardens among the common citizens whom majority are destitute. The main question being who among the presidential candidates will emerge victorious. Money has an enormous role to hoodwink the electorates as political campaign rallies are characterized with lies, hatred and insults! Regrettably, is to see Muslims highly engaged in these polls as if it is their vital issue in this world. Scholars are quoting ayat and ahadith issuing fat-was urging Muslims to participate in the democratic elections.

In this article, I do not want to engage myself into the fatwas issued by the government scholars, but I would like to draw a line between what is right and what is wrong, what is lawful and what is unlawful. In order to know the legal judgment in the matter of Democratic elections, first of all, it is important to determine what is known in the Usul; tahqiqil – manat, (the subject of the matter) either essence of elections in Democratic system. This is so important before we arrive to the divine ruling on any action. In other words, here we have to explain the reality of elections and what Democracy means and then give us the Islamic ruling on it

Election is all about representation where one elects and delegates someone to perform an act on his/her behalf. For instance, the believers in a Mosque can use voting to delegate one of the three or four people to fill the vacancy of Imam. When a position of Imam in a Mosque becomes vacant.

Prophet Yunus AS: When the Ship he boarded and faced with a big storm, the people decided to vote three times to throw one person to the sea... Yunus AS was chosen and eventually thrown to the sea. Allah says:

فَسَاهَمَ فَكَانَ مِنَ الْمُدْحَضِينَ

And he drew lots and was among the losers.

[Swafat: 141]

Prophet Zakaria AS:

ذَلِكَ مِنْ أَنْبَاءِ الْغَيْبِ نُوحِيهِ إِلَيْكَ وَمَا كُنْتَ لَدَيْهِمْ إِذْ يَقُولُونَ أَفَلَمَلَهُمْ آيَاتُهُمْ يَكْفُلْ
مَرْيَمَ.

That is the news from the unseen which we reveal to you Oh Muhammad and you were not with them when they cast their pens as to which of them should be responsible for Maryam [Al-Imran: 43]

Our Beloved Messenger of Allah Muhammad (Sa.w):

As narrated by Imam Bukhari and Imam Muslim that 'Aa'ishah (may Allah be pleased with her) said: When the Messenger of Allah (blessings and peace of Allah be upon him) wanted to travel, he would cast lots among his wives, and whichever one's name was picked, he would take her with him.

Discussing meaning of elections in Democracy, it is important to understand that Democracy is ruling system and not voting. Democracy comes from two Greek words Demos 'People and Kratos 'rule' meaning the rule of the people. This rule means that people have an absolute and supreme authority (sovereignty) to legislate rules that are deemed supreme than the laws of Allah swt. Therefore, In Democracy; Parliament or the senate, representatives or Congress are all rule-making institutions. Democracy takes the method of elections every 5 or 4 years for the people to elect their representatives to make laws on their behalf. Conclusively, Democratic elections are tied in a legislative act which is totally against Islam.

In Islam, the right of making laws is resided to non-other than Allah swt. He Allah SWT is absolute ruler and He is Law- Giver hence any law set by human being is inconsistent and invalid even if it is in line with that of Allah. The fact is the act of making laws is rested to non-other than Allah SWT and not to human being. Islam has made it obligatory to follow and submit to the laws of Allah swt. Allah swt says:

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِيْٓ أَنْفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا

But no, by your Lord, they do not believe until they make you a judge of that which has become a matter of disagreement between them and then they do not find any discomfort in their hearts as to what you have decided, and submit in full submission. [An-Nisai: 65]

This is the reality of the election, so what makes the election illegal or legal is not the election itself, but the action that is tied to it. Conclusively, Democratic elections violate Islamic sharia, and therefore it is haram for Muslims to campaign, support the Democratic parties and participate in its elections.

Shaban Mwalimu

Writer and Media Representative of Hizb ut-Tahrir Kenya

DEMOCRATIC ELECTIONS ARE LIKE MIRAGES, THE ONE WHO IS THIRSTY ASSUMES IT IS WATER.

9th August will be elections day in Kenya, these will be 6th elections under multi-party since the return of multi-party Democracy in 1992. 82 parties will participate in these elections, besides having independent candidates. Those who have shown interest in contesting for the presidency are 47 but just 4 were certified by the Independent Electoral and Boundaries Commission (IEBC). Out of them is Raila Odinga of ODM (Azimio Coalition) or William Ruto (Kenya Kwanza Coalition) who are hopeful of winning these elections. As usual these coalitions have tribal organized themselves and already their incitements have been exposed very early in their campaigns to an extent of raising fear among local and international analysts on the security of the nation during and after the elections period.

These elections will take place in a period of where the citizens are in desperate situation especially on the issues of economy and security despite the fact that this situation keeps increasing every year. These two issues, have become extreme with no hope of being tackled very fast and soon, instead it has become an agenda taken advantaged by the presidential contestants with motives of drawing the voters on their sides. On the economic issue, every electioneering year, it is witnessed that the economy declines to lower levels compared to previous years before the elections. The economic growth deteriorated in the years 2002, 2007, 2012 and 2017 at 0.2%, 0.5%, 3.8% and 3.8% respectively and it is expected that this year it will wane further. Among the things that contribute to the declining of the economy include: First- Inflation has made basic goods including food especially maize to raise to the level of Ksh250 per packet of 2kg. Two- Military conflict between Russia and Ukraine has caused shortage in wheat and fertilizer in the country, since Kenya imports 90% of wheat and fertilizer from the two countries! Third- Local and international companies, businesspersons and investors are drowning in anxiety on the aftermath of the elections. These reasons are mentioned by politicians for being the root cause of the hard life being witnessed currently, but the truth remains that the imperial economic system prioritizes the interests of the wealthy elites who own the means of production and distribution of resources. Indeed, every deep thinker will realize that because inflation was there before even the war in Ukraine! However, the fear is based on the competition between the haves 'dynasties' and have nots 'hustlers' and has led to the shortage in circulation of money in the market and even reducing the foreign currency reserve in the Central Bank especially the American Dollar.

On the security issue, already citizens are feeling threats to their lives especially due to provocative utterances from the politicians. Amongst the utterances are 'we do not want spots, if it will be bad let it bad.' Such utterances together with emergence of groups and gangs alleged to be bankrolled and used by politicians to harass and attack political opponents and their supporters. In addition, Kenya currently is facing an educational crisis as a result of the hurriedly implementation of the new educational curriculum, CBC since the infrastructure and resources are not ready, and therefore risking the future of 1.4 million children's lives who are supposed to join JSS.

Oh Muslims, politicians and their manifestos have succeeded in deceiving the citizens in to believing them that solution to their problems will be achieved via elections. Surprisingly, five elections have passed while the problems intensify, and is openly clear that these manifestos are just writings only with no implementation and the evidences for these are numerous.

Indeed, democratic elections are mirages to the thirsty one who assume it is water while it is not. Since, all political parties have discriminated Islam and nothing guarantees genuine solution. These elections in reality are used to legitimize the exercise of voting and they are not a source of solution to problems. For instance, presidential candidates are promising a lot. Ruto has promised to trickle down the resources in order to raise the status of the paupers together with allocation of Sh200 billion for giving out loans at lower interest rates to small scale businesspersons. On the other hand, Raila has promised to give Sh6,000 per month to 8 million Kenyans who are poor together with free education from primary to the university! Those are empty promises especially if we consider the status of Kenya's economy cannot afford such promises due to heavy debts taken both within and without the country that stands at 8.2 trillion!

Consequently, the time has come for people to open their eyes and recognize that democratic elections are day time dreams that are anchored on guesswork. Since, their politicians exploit the citizens' suffering in order to use them like ladders to ascend into power. Later, ignore them until the next season of elections after 5 years. The most important undertaking is to work day and night to resume the Islamic way of life in partnership with the Islamic movement of Hizb ut Tahrir. A movement

Cont... page 5

that does not care about being blamed or castigated by lovers of democracy and their secular capitalist ideology. In order, to liberate ourselves from the political, socio-economic and educational nooses or shackles; there is no option than reestablishing the Islamic governance of Khilafah (Caliphate) in a country that has met the factors and conditions for consideration.

وَالَّذِينَ كَفَرُوا أَعْمَلُهُمْ كَسَرَابٍ بِقِيَعَةٍ يَحْسَبُهُ الظَّمْآنُ مَاءً حَتَّىٰ إِذَا جَاءَهُ لَمْ يَجِدْهُ شَيْئًا

“But those who disbelieved – their deeds are like a mirage in a lowland which a thirsty one thinks it is water until, when he comes to it, he finds it is nothing.” [24. An-Nur: 39]

Hizb ut-Tahrir Kenya

29/07/2022 M

30th Dhul Hijjah 1443 H



NEWS & COMMENTS

August 9 Elections: An Exercise In Futility

News:

Kenyans will go to an election on 9 August, 2022. Kenya's neighbours are following the elections keenly, since Kenya is the economic hub of East and Central Africa. This is anticipated to be the most competitive elections pitting the Kenya Kwanza coalition led by Ruto and Azimio la Umoja coalition led by Raila.

Comment:

Constitutionally Kenya is recognized as a sovereign nation, but in reality it remains a colonial farm. So, the occupiers of the apex office in Kenya exist to retain and strengthen the colonial ties. Hence, democratic politics features prominently in offering promises and captivating manifestos as political ladders to deceive the masses that the future is bright. However, the moment the new leadership ascends to power, they implement what serves them, their allies and especially their colonial master's interests.

Once again Kenyans are at crossroads not knowing either to vote in the Kenya Kwanza coalition or Azimio la Umoja presidential contender. Being at crossroads is informed by the fact that they have swallowed a fallacious bait anchored on the democratic politics. The bait involves engaging in elections after every five-year term based on myopic hope in mirages 'politicians' that will solve their problems. Alas! Nothing gets solved by elections, instead things get tougher as time goes despite having a new leadership.

Since the false flag independence in 1963, Kenyans continues to suffer from inconceivable socio-economic and political challenges such as monopolizing public resources by foreign companies, poverty and western-influence political elites. No regime since then has ever tackled the said challenges because they are part of the problem that needs to be solved radically.

The solution lies in removing the democratic system of governance that was shoved in our throats by the western colonialists. A system that thrives in perpetuating gaps and filthiness in all spheres of life. It is a system anchored on and promotes guesswork in the management of peoples' affairs. ONLY by removing it will offer an opportunity for Kenyans, Africa and the world to finally breath political and socio-economical.

Removing it and in its place to be taken by an Islamic governance system of Khilafah (Caliphate). The Khilafah will prioritize easing the lives of people and NOT tightening the political and socio-economic nooses on



their necks, like what is happening currently in Kenya and across the globe. No wonder the regimes use all means at their disposal to ensure that ballot boxes and papers are delivered in remotes areas. However, the same regimes will fail to deliver crucial basic services in the same remote areas!

Political tensions and uncertainties are higher because the system itself is a result of political violence between the ordinary people and the thinkers on one hand against the rulers 'kings' and bishops in Europe. As for Kenya the democratic politics is based on tribal affiliations and numbers. Hence, Kenyans are watchful of whatever their leaders' political statements and directions.

Participating in the elections is alleged to be exercising a democratic right, but in truth you are legitimizing the corruption being committed on land. The primary corruption is to rule people with mental fabrications and not revelation from Allah (swt). **إِنَّا نَحْكُمُ إِلَّا بِاللَّهِ** "Legislation is not but for Allah." [12. Yusuf: 40]. Therefore, every

Cont... page 7

election cycle we see the same so-called leaders making empty promises but offer nothing in reality. In addition, if they are to fast-track a project, the purpose is not to improve citizens' lives. But, their main goal is to engage in receiving kickbacks through white elephant projects and privatizing public resources.

Indeed, August 9 elections are nothing but an exercise in futility that will deliver more chaos and pain to those who participated and those who did not. The history on democratic elections across the world offers a clear picture of dysfunctional regimes and desperate humanity drowning in sorrow. A good example is the recent American elections that confirmed to all and sundry that democratic elections are exercises in futility and that there is no hope of tranquility and prosperity via them. America the so-called beacon of democracy officially confirmed that the democratic god has total failed!

In conclusion, we should not waste time in guesswork, instead we should start working for the resumption of the Islamic way of life via the reestablishment of the Khilafah on the method of Prophethood. **“وَيَوْمَئِذٍ يَفْرَحُ الْمُؤْمِنُونَ. **And that day the believers will rejoice.**”** [30. Ar-Rum: 4].

**Written for the Central Media Office of
Hizb ut Tahrir by**

**Ali Nassoro Ali
Member of the Central Media Office of Hizb ut Tahrir**

NEWS & COMMENTS

Party's Manifestos: Status-Quo Will Remain Largely Unchanged Since Islam Has Been Excluded

Written for the Central Media Office of Hizb ut Tahrir by

Shabani Mwalimu

Media Representative of Hizb ut Tahrir in Kenya

News:

The race for Kenya's next president has intensified, with presidential candidates that have been cleared by the country's electoral body launching manifestos to win more votes of the Aug.9 general election. Raila Odinga who is running the Presidency at the fifth time has unveiled his party's manifesto early June which is basically on of a revolution of the economy through the distribution of the manufacturing industry. Building at least one new productive industry in the 47 counties has a fairly wider economic ripple effect. His key opponent Deputy President William Ruto who runs for top seat for the first time has done the same on June 30th 2022. Rutos' manifesto is founded on five major pillars: revival of the country's economy, lower the cost of living and improving welfare of the youth. Professor Wajackoya has captured nationwide attention when he promised when he pledged to legalize marijuana!

Comment:

Manifestos are an old tradition where political parties establish 'contracts' with the electorate. Like in many other previous manifestos, the plan did not have freshness in ideology. Democratic politicians or parties have the tendency to give promises that are vague and full of the same old issues that the past regimes failed to fulfil. The outgoing ruling Jubilee Party promised to create 1.3 million jobs annually to the unemployed youths but did nothing to fulfill the promises. The reality is Democratic campaigns are financially sponsored by the wealthy capitalists who pour money into the electorates to hoodwink them in order to get puppets elected who will secure their interests.

On legalizing marijuana, this shows how a secular creed has produced politicians who glorify evils and thuggish thoughts. By detaching Religion from the realm of life, Secularism has on board politicians driven by whims and not the Sharia of Allah (swt).

Whoever wins in this election will not drastically and radically change the current harsh situation of the common man. This is due to the fact that leadership in Democracy is just a fallacy and ambition and not a trust of taking care of public interests. The next government will only be bound to corrupt colonialist capitalist policies of exploitation. Democratic elections reveal the façade of Democratic fallacy by giving empty promises in confining progress, reform and the future in the ballot box. Since all manifestos have excluded Islam from the agenda for change, this means the status quo will remain largely unchanged. Islam has a lot to offer but needs to be implemented comprehensively to bring radical change which the whole world should work for it.



ANSWER TO QUESTION

Is Al-Basmala part of Surah Al-Fatiha?



Question:

Assalam Alaikum wa Rahmatullahi wa Baraktuh wa Maghfiratuh. I ask Allah (swt) to grant you success in all that is good. He (swt) is the Guardian of that.

My question is: If the scholars are unanimously agreed that the one who denies that the basmalah is a verse of Al-Fatihah is not a disbeliever because it is proven in hadeeth Ahaad and not in Mutawatir. How can it be a number in some of the Qur'an at the beginning of Al-Fatihah today?! And when did it enter as a verse on Al-Fatihah?! Is Al-Fatihah 7 verses or 6 without the basmalah? Does this conflict with Allah's preservation of the Noble Qur'an?! And what is the position of the coming Islamic state, Allah willing, regarding the presence of something that is not Mutawatir in the Qur'an, such as the basmalah and supplication at the end of the Qur'an?!

May Allah (swt) bless you.

Answer:

Walaikum Assalam wa Rahmatullahi wa Barakatuh,

We have previously answered a question about the basmalah on Rabi' al-Akhir 21, 1432 AH corresponding to 26 March 2011 CE, and it stated the following:

[As regarding the Basmalah, it is from the Quraan as part of the verse of Surah An-Naml (The Ants):

“It is from Solomon and it is Bismillah ir-Rahman ir-Rahim.”

But at the beginning of Al-Fatihah or the beginning of the chapters, it is subject to difference in terms of being a verse of the surah/chapter or it just separates between the surahs/chapters. This difference does not harm, because both sides admit it is from the Qur'an in the Surat of An-Naml, and the difference is over its place at the beginning of the surahs, except surah of At-Tawbah. In other words: Is it a verse at the beginning of the surahs, or is it a verse at the beginning of the Fatihah; or it is not a verse, neither at the beginning of the surahs and nor at the beginning of the Fatihah? As long as everyone acknowledges it as a verse from the Quraan in Surat An-Naml, then the difference over it at the beginning of the Surahs has no effect except in whether it is read or not in the prayer, at the beginning of the Fatihah or at the beginning of the surahs, openly or secretly, according to the Islamic rules deduced by mujtahideen.] End of Quote

To add to the clarification, and to answer the rest of the issues in your question, I would mention the following:

1. In the Shaksiya book, The Islamic Personality Volume I - pages 159-160 (Arabic version and in the translated

Cont... page 10

version pages 116 and 117) the following is mentioned: [Jibreel (as) would recite all of what had been revealed to the Messenger (saw) from the Qur'an once every year. And in the year in which the Messenger of Allah (saw) died, Jibreel (as) recited the whole of the Qur'an twice to the Messenger (saw). It has been narrated by 'Aisha (ra) on the authority of Fatimah (ra) that:

أَسْرَ إِلَيَّ النَّبِيُّ ﷺ إِنَّ جِبْرِيلَ كَانَ يُعَارِضُنِي الْقُرْآنَ كُلَّ سَنَةٍ مَرَّةً وَإِنَّهُ عَارِضُنِي الْعَامَ مَرَّتَيْنِ وَلَا أَرَاهُ إِلَّا حَضَرَ أَجْلِي

“The Prophet, may Allah bless him and grant him peace, confided to me, 'Jibril used to review the Qur'an with me every year, but this year he reviewed it with me twice. I only think that my time is approaching” [Reported by Bukhari].

It has been narrated about Abu Hurairah (ra) that he said:

كَانَ يَعْزُضُ عَلَيَّ النَّبِيُّ ﷺ الْقُرْآنَ كُلَّ عَامٍ مَرَّةً فَعَرَضَ عَلَيَّ مَرَّتَيْنِ فِي الْعَامِ الَّذِي «قُبِضَ فِيهِ»

“Jibreel used to present the Qur'an to the Prophet once a year, but he presented it twice in the year he (saw) died”. Jibreel's presentation of the Qur'an to the Messenger (saw) every year means that he presented the arrangement of its verses in relation to other verses and the arrangement of its verses in their respective chapters because presenting the book means to present its sentences, words and arrangement. He presented it to him twice in the year in which the Messenger (saw) died. This means that the arrangement of the verses in relation to each other was presented and as well as the arrangement of the verses in their respective Suras. Similarly, it is possible to understand the hadith to mean that the Sura arrangement in relation to each other was presented. However, there are other ahadith which explicitly mention the arrangement of the verses. They state the arrangement of the verses in relation to each other and the arrangement of verses in their respective chapters: **“Place these verses in such and such sura after such and such ayah”**, **“Place those verses in the Sura that mentioned such and such thing”**. A Sura would end and another Sura would begin as commanded by Allah (swt) through Jibreel (as). It has been reported that Ibn 'Abbas (ra) said:

“The Prophet (saw) would not know the ending of a sura until 'bismillah I-rahman al-raheem' was revealed” And in another narration; in The Islamic Personality Vol.1 117

فَإِذَا نَزَلَتْ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ عَلِمُوا أَنَّ السُّورَةَ قَدْ انْقَضَتْ

“When 'bismillah I-rahman al-raheem' is revealed then they would know that the sura has come to an end” [Sunan Bayhaqi & Abu Dawud]. All of this definitely indicates

that the arrangement of ayat in their Suras and the form of the Suras in terms of the number of verses and their places; all of that is determined by Allah (swt). The Ummah transmitted it in this form from her Prophet (saw) and that is proven by tawaatur (recurrent reports)...]

2. When the Companions, may Allah be pleased with them, adopted the Qur'an of Othman, they affirmed the basmalah in it at the beginning of Al-Fatihah and at the beginning of the rest of the surahs, with the exception of Surat Bara'ah, but it was not clear if this meant that the basmalah is a verse from each of the surahs in which they established the basmalah at the beginning, i.e. al-Fatihah and the rest of the surahs except for Bara'ah, or that the basmalah is for separating the surahs, and therefore there was a difference between the scholars in the fact that the basmalah is a verse from al-Fatihah and in being a verse from the rest of the surahs. Despite this difference, all of them acknowledge that the basmalah is inscribed in writing in the Qur'an on which the honorable Companions unanimously agreed at the beginning of Al-Fatihah and at the beginning of all other surahs except Surat Bara'ah; hence, the basmalah was not entered by Muslims later in the beginning of the surah or at the beginning of the Fatiha. Rather, it is established in the Qur'an of Othman at the beginning of the Fatiha and at the beginning of the surah, except for Bara'a, with the unanimity and agreement of the Companions, may Allah be pleased with them all.

3. It was stated in Al-Suyuti's book (Al-Itqan fi Ulum Al-Qur'an 1/234):

[Al-Fatihah: According to the audience, it is seven, so the Kufi and the Meccan numbered the basmalah without

أَنْعَمْتَ عَلَيْهِمْ “You have blessed them” and the rest suggested the opposite. And Al-Hasan said: He numbered them eight, and some of them were six which he did not count, and another nine, which he counted both. إِيَّاكَ نَعْبُدُ. “You Alone we worship”. The first narration is strengthened by what was narrated by Ahmad, Abu Dawid, Al-Tirmidhi, the son of Khuzaimah, Al-Hakam, and Al-Darqati, and others narrated by Um Salama that the Prophet (saw) was reciting:

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ * الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ * الرَّحْمَنُ الرَّحِيمُ * مَالِكِ يَوْمِ الدِّينِ * إِيَّاكَ نَعْبُدُ وَإِيَّاكَ نَسْتَعِينُ * اهْدِنَا الصِّرَاطَ الْمُسْتَقِيمَ * صِرَاطَ الَّذِينَ أَنْعَمْتَ عَلَيْهِمْ غَيْرِ الْمَغْضُوبِ عَلَيْهِمْ وَلَا الضَّالِّينَ

“In the Name of Allah—the Most Compassionate, Most Merciful. All praise is for Allah—Lord of all worlds, the Most Compassionate, Most Merciful, Master of the Day of Judgment You ‘alone’ we worship and You ‘alone’ we ask for help. Guide us along the Straight Path, The Path of those You have blessed—not those You are displeased with, or those who are astray.” [TMQ Al-Fatiha: 1-7]. So he cut it out verse by verse, and he counted it as the nomadic

Arabs, and he counted: بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ “In the name of Allah the Most Compassionate the Most Merciful” as a verse and he didn’t count: عَلَيْهِمْ “upon them”. Al-Darqutni narrated it with an authentic chain of narrators on the authority of Abd Khair, who said: Ali was asked about the Seven Mathani (Al-Fatiha), and he said: الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ “All praise is for Allah - Lord of all worlds.” It was said to him that they are only six verses. He said: بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ “In the name of Allah the Most Compassionate the Most Merciful” is a verse.] End of Quote.

This means that the difference in the subject of the basmalah in terms of its being a verse...etc. falls under the section of ijtiḥad with valid evidence for the mujtahids, and the followers of the esteemed mujtahids, is a legitimate matter.

4. What was inserted into the Qur’an of dots, vowel marks, placing stopping signs and rulings on recitation... etc, or what was placed in some of the Qur’an at the end of supplications or on the margins of interpretation and explanations. All of this does not affect the mixing of the Qur’an with others, for the Muslims paid great attention to the Quran and millions of them have memorized it, and its texts have become frequent (tawatur-recurrent), so it is not possible to mix with others and confuse people. Therefore, hundreds of years ago, Muslims introduced to the Qur’an some matters that help in reading the Qur’an, such as dots, vowel marks, and others, and this did not affect the text of the Holy Qur’an. Therefore, the Khilafah (Caliphate) State does not prevent the presence of these marks and stopping signs in the Qur’an.

In conclusion: the occurrence of a difference in ijtiḥad with regard to the basmalah is that it is a verse of Al-Fatihah or is not a verse, or that Al-Fatihah has the number of its verses 6 or 7, or that it is read in secret or out loud. All of this does not affect Allah Almighty’s preservation of the Holy Qur’an, for it is a verse from the Qur’an in Surat An-Naml, and the Qur’an is collected in one Mushaf since the time of the Rightly-Guided Caliphs, may Allah be pleased with them, as it was written in the presence of the Messenger, peace be upon him, and as they recited from the Messenger of Allah, peace be upon him, and Allah Almighty spoke the truth when he said:

إِنَّا نَحْنُ نَزَّلْنَا الذِّكْرَ وَإِنَّا لَهُ لَحَافِظُونَ “It is certainly We Who have revealed the Reminder, and it is certainly We Who will preserve it.” [TMQ Al-Hijr: 9]

I hope this is sufficient and Allah Knows Best.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

**26 Dhul Qi’dah 1443 AH
25/6/2022 CE**

Hizb ut Tahrir Kenya activists distributing an article on the topic "Democratic Elections Are Like Mirages, The One Who Is Thirsty Assumes It Is Water" after Friday prayers on 29th July 2022.

