

Gradualism in application of Islam

Dr. Mohammed Mamtaz Uddin Qaderi

Associate Professor
Department of Islamic Studies
University of Chittagong, Bangladesh.

Abstract: Islam is a complete code of life sent down by Allah the Almighty and the Sustainer, and demonstrated by His beloved prophet (PBUH). Every true Muslim dreams to see it applied in every sphere of life and it was gradually established and actually practiced in the life-time of our prophet (PBUH) which has been sustained for thirty years of his righteous khulafa. Afterward the preachers, the reformers, every true Muslim and a very few righteous rulers have been trying as their level best to re-establish it since its discontinuation. But they have not achieved their ultimate goal due to the lack of unity, an effective action-plan, true working strategies and suitable and sustainable policies along with the preventive measures against the conspiracies of the anti-Islamic forces. To re-establish the Shari'ah in every sphere of life, some scholars prescribe 'the principle of gradualism', the policy that is adopted by Allah, the almighty, His beloved Prophet (PBUH) and his companions coupled with their successors in their lives. On the other hand, some scholars stand against the principle terming it as 'innovation in Ad-Deen'. The article will focus on the topic in the light of holy Quran and Sunnah and give a clear legal & critical argument on the issue.

Key words: Shari'ah, application, gradualism, legislation, prohibition, exception, stability, venerability, abrogation and priority.

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I. INTRODUCTION

Islam is only divine religion. Allah (SWT) has revealed it upon His chosen people since the creation of Adam and Eve (PUH). This unique religion is called Islam and last knot in the prophecy chain of Islam is Muhammad (PUH). Allah (SWT) has revealed it upon the last prophet Muhammad (PBUH) bit by bit and step by step in duration of twenty-three years of his prophecy in consideration to the circumstances of its followers and invitees. Gradualism was followed in legislation as well as in its implementation in lifetime of prophet (PBUH) and afterward. Later on, in modern era some Islamic scholars have protested the legitimacy of gradualism in implementation of Islam.

II. DEFINITION OF GRADUALISM

The synonym of gradualism in Arabic is (Tadarruj) and it is derived from the word 'Darajah' means stair. It refers to apprenticeship; consecution; gradation; grading; gradual advancement or progress; graduating. Gradualism means a policy of gradual reform rather than sudden change or revolution.¹ Gradualism, from the Latin *gradus* ("step"), is a hypothesis, a theory or a tenet assuming that change comes about gradually or that variation is gradual in nature and happens over time as opposed to in large steps.² قال الراغب: "سنستدرجهم" معناه نأخذهم درجة فدرجة، وذلك إيدانهم من الشيء شيئاً فشيئاً، كالمراقى والمنازل في ارتقانها ونزولها Raghīb said: "سنستدرجهم" means: We shall gradually seize them (with punishment) and that is to get them closer to the thing little by little like the stairs for going up and coming down.³

In Islamic Shari'ah, gradual advancement of any ruling is called 'Tadarruj' and its procedure is known as 'Sunnatuj tadarruj'- 'principle of gradualism'. Its clear example is the ruling about wine. Allah (SWT) has made alcohol (wine) unlawful (Haram) in three stages.

¹ . link: Oxford languages and google

² . <https://en.wikipedia.org/wiki/Gradualism>

³ . Ar-Raghib Al-Asfahani, Abul Quasim Al-Husain b.Muhammad, Al-Mufradat Fi Gharibil Quran, Dar Al-Qalam, Damasque, Birut, 1412 Hijri, V. 1, p- 311.

III. LEGITIMACY OF GRADUALISM

Gradualism is a divine and natural principle as well as Sunnah of Shari'ah which has been followed in creation of the universes and all kinds of creations, legislation, prohibition, revelation of Shari'ah along with its application by Allah (SWT) and His prophet (PBUH) coupled with the righteous successors. But some scholars like late Shaikh Imam Abul Hasan⁴, "Abdullah Al-Andalusi⁵ and Shaikh 'Othaimin⁶ have stood against the gradualism terming it as an innovation in the Shari'ah (بدعة). We would like to discuss first the legitimacy of gradualism in the light of authentic and trustworthy evidences and then a critical argument on the evidences of anti-gradualist scholars will be delineated.

IV. THE EVIDENCES IN FAVOR OF THE GRADUALISM

4:1: Evidences from the holy Quran:

There are many proofs and evidences in favor of gradualism in the holy Quran. Some of them are mentioned here:

Allah (SWT) said: "So, fear Allah as much as you are able and listen and obey and spend (in the way of Allah) in charity⁷", The verse refers that what is beyond any body's capacity, he is not obliged to do it. So, duty will be imposed upon someone considering one's ability to do it.

- (i) "God does not burden any human being with more than he is well able to bear."⁸
- (ii) "And relieves them of their burden, and of the shackles that were upon them".⁹
- (iii) (O Prophet), call to the way of your Lord with wisdom and goodly exhortation, and reason with them in the best manner possible. Surely your Lord knows best who has strayed away from His path, and He also knows well those who are guided to the Right Way¹⁰.
- (iv) Say, "This is my way; I invite to God, based on clear knowledge-I and whosoever follows me. Glory be to God; and I am not of the polytheists."¹¹

The verse means that the campaigner and preacher should be foresighted and aware of what he campaigns. He has to know the pros and cons that he would like to convey to others. So, it will take time and cannot be learnt in a day. He has to learn step by step and convey to others bit by bit.

- (v) Gradual revelation of holy Quran is the clear evidence for application of Shari'ah step by step in accordance with circumstances and ability of the recipients.

The objectives of gradual revelation of the Quran are mentioned below:

- (a). To stabilize the mind of prophet (PBUH) and to strengthen the hearts of the believers. Allah revealed it in many stages over twenty-three years, according to events and circumstances, and whatever rulings were needed, as He says answering their question why this Qur'an was not sent down all at a time, like the previous Books, the Tawrah, Injil, Zabur and other Divine Books.

وَقَالَ الَّذِينَ كَفَرُوا لَوْلَا نُزِّلَ عَلَيْهِ الْقُرْآنُ جُمْلَةً وَّاحِدَةً كَذَلِكَ لِنُتَبِّئَ بِهِ فُؤَادَكَ وَرَتَّلْنَاهُ تَرْتِيلًا

And those who disbelieve say: "Why is not the Qur'an revealed to him all at once! thus, that We may strengthen your heart thereby. And We have revealed it to you gradually."¹²,

- (b). To ease it for memorization, understanding and practice.

وَقُرْآنًا فَرَقْنَاهُ لِتَقْرَأَهُ عَلَى النَّاسِ عَلَى مُكْتٍ وَنَزَّلْنَاهُ تَنْزِيلًا

"And (it is) a Qur'an which We have divided (into parts in order that you might recite it to men at intervals and we have revealed it by stages (23 years)"¹³

- (c) To enliven them to receive the revelation and apply that and they eagerly await the revelation especially in the case of slander against 'Aishah (May Allah be pleased with her) and Li'an.
- (d) Gradualism until the revelation is going on. When it is over, gradualism will no remain more. As it happened in legislating the wine.¹⁴ Our reply to this comment is discussed in the critical argument.
- (vi) "Allah has promised those of you who believe and do good deeds that He will certainly make them (His) vicegerents in the land, as He made those before them, and will certainly establish for them their religion which He has chosen for them, and will certainly give them peace in place of fear in which they were before;

⁴ He was a member of Hizbut Tahrir and an Imam of Masjid as- Sahabah at khartum, Sudan.

⁵ International Muslim Thinker, Speaker and Debater. <https://abdullahandalusi.com>

⁶ . A prominent khatib of Masjid Al-Haram.

⁷ . V. 64:16.

⁸ . V. 2:86.

⁹ . V. 7:157.

¹⁰ V. 16:125.

¹¹ . V. 12:108.

¹² . V. 25:32.

¹³ . V. 17: 106.

¹⁴ . Al- 'Othaimin Muhammad b. salih b.Muhammad, Tafsir Al-Fatiha wa Al—Baqarah, Dar Ibn Al- Jawzi, K.S.A. 1423Hijri.

(provided that) they worship Me, ascribing no partner to Me. And those who turn infidel after that are the transgressors.”¹⁵

In the verse, Allah (SWT) promised the Muslim Ummah about establishment of His chosen religion and He would empower them providing leadership of world certainly. This succession, empowerment, and the switching of security can only be done gradually in application, which has happened in the past with Muslims more than once, and also happens with others.

Moreover, the verse (2:2) “This is the Book whereof there is no doubt, a guidance for the Allah fearing people” (Al- Muttaqun). ‘Allamah Nasir uddin Baidawi classified ‘Taqwa’ into three kinds and they are (i) To safeguard oneself from punishment of hell keeping him away from Shirk i.e. polytheism it is meant in the following verse. “And firmly fastened to them the Word of ‘Taqwa’ (there is no god except Allah, and Muhammad is His Messenger, as it is the cause of righteousness)”¹⁶. (ii) To abstain from sinful deeds even minor one. It is called Taqwa’ in the Shari’ah. This is the meaning of Allah’s saying: “Verily, if the people of the towns had believed and had the Taqwa¹⁷.” and (iii) to save himself from everything which obstacles his mind from the truth and concentration to the truth completely, that is the real Taqwa that is meant in Allah’s saying: “O, you who believe! fear Allah as He deserves” and Allah’s saying: “the guidance for all Allah fearing people” is applicable for every rank mentioned above. The Quran guided its followers and led them from initial rank to final one gradually.¹⁸

4:2: Evidences from the Sunnah

There are many traditions which indicate the greatness and broadness of Islam, its facilitation, and the appreciated ease in its rulings. If we observe life-history of our beloved prophet (PBUH), we see that he has practiced the principles of gradualism in preaching and applying Shari’ah in all spheres of life, as like as it was revealed by Allah (SWT) gradually. Some evidences from Sunnah are mentioned herewith:

4:2:1: On the authority of `Aisha (May Allah be pleased with her): Whenever Allah's Apostle was given the choice of one of two matters, he would choose the easier of the two as long as it was not sinful to do so, but if it was sinful, he would not approach it. Allah's Apostle never took revenge over anybody for his own sake but (he did) only when Allah's legal bindings were outraged, in which case he would take revenge for Allah's sake.”¹⁹

The hadith says: prophet (PBUH) used to start any action from the easiest, easier and easy following the Sunnah of graduality to make the ruling smooth, easy and comfortable for the Muslims. He also used to choose the easiest one if there are more options.

4:2:2: Allah’s prophet (PBUH) said: “Verily, this religion is strong, So, penetrate deeply into it.”²⁰ That means the religion is strong and solid, follow it gently, politely and do not bear on your shoulder that you cannot bear; then you will leave working due to your inability. So, to know Islam and to apply will go ahead side-by-side, that’s why gradualism is a must for successful, stable and sustainable establishment of Islamic Shari’ah.

4:2:3: On the authority of Abu Hurairah reported that “He heard the Messenger of Allah (PBUH) saying, “What I have forbidden for you, avoid. What I have ordered you [to do], do as much of it as you can.”²¹

4:2:4: “‘Abdullah b. Zubair (May Allah be pleased with him) reported on the authority of his mother's sister (‘A’isha) saying that Allah's Messenger (May peace be upon him) said: 'A'isha, if your people had not been recently polytheists (and new converts to Islam), I would have demolished the Ka'ba, and would have brought it to the level of the ground and would have constructed two doors, one facing the east and the other one to the west, and would have added to it six cubits of area from Hijr, for the Quraish had reduced it when they rebuilt it.”²²

This is the clearest evidences of the graduality of the application, because the Prophet (PBUH) left this action, which he sees as the best deed for the corruption and misconduct that may occur from Muslims because of their close era in Islam, and their emotion that they have on building the house, so, the change will be shy and frightening for them a source of evil for their religion, and a spoiler in their religion, so that the prevention of corruption is a prelude to the achievement of an interest. It is called in Islamic jurisprudence ‘Fiqhul Maala فقہ (المالآت) that is to take the after effect i.e., reaction of any action in account in the time of giving rulings on any Shari’ah issue.

¹⁵ . V. 24:55.

¹⁶ . V. 48:26.

¹⁷ . V. 7:96.

¹⁸ Al-Baidawi, Nasir Uddin Abu Sa’yeed Abdullah b. ‘Omar b. Muhammad, Daru Ihyyit-Turathil-‘Arabi ,Birut,V. 1, p-35. Abridged.

¹⁹ . An- Nisapuri, Muslim b. Hajjaj Abul Hasn, Shahihu Muslim Hadith No.:2327. Shahil Bukhari, Hadith No.: 6786.

²⁰ . Al- Maruzi, Abu ‘Abdur Rahman ‘Abdullah b. Al-Mubarak, Maktabat Al-M’arif, Riad, 1407 Hijri, Hadith No.: 1334.

²¹ . Ibid, hadith No.:1377.

²² . An-Nisapuri, Mulim b. Hajjaj Shahihi Muslim, Daru Ihya it Turasir Arbi,

4:2:5: The following hadith clearly clarifies that advocacy should be step by step as prophet (PBUH) directed his spokesman and representative.

وعن ابن عباس -رضي الله عنه- أن رسول الله صلى الله عليه وسلم- لما بعث معاذاً إلى اليمن، قال له: " إنك تأتي قوماً من أهل الكتاب، فليكن أول ما تدعوهم إليه: شهادة أن لا إله إلا الله". فإن هم أطاعوك لذلك، وفي رواية أن يؤحدوه، فأعلمهم أن الله افترض عليهم خمس صلوات في كل يوم وليلة. فإن هم أطاعوك لذلك؛ فأعلمهم أن الله افترض عليهم صدقة تؤخذ من أغنيائهم فترد على فقرائهم. فإن هم أطاعوك لذلك؛ فليأكلن وكرائم أموالهم. واتق دعوة المظلوم؛ فإنه ليس بينها وبين الله حجاب"

Ibn ‘Abbās (May Allah be pleased with him) reported that the Messenger of Allah (May Allah's peace and blessings be upon him) sent Mu‘ādh to Yemen, he said to him: “You are going to meet people who received a Scripture. So, let the first thing to which you invite them be to testify that there is none worthy of worship except Allah. (According to another narration, he said: “until they admit the Oneness of Allah.”) If they obey you in this, then inform them that Allah has enjoined five prayers in every day and night upon them. If they obey you in this, then inform them that Allah has enjoined a charity, to be taken from the rich and given to the poor of them. If they obey you in this, then be careful not to take the most precious items of their property, and beware of the supplication of an oppressed person; for between it and Allah, there is no veil.²³

Shaiikh Al-Fawzan said in his comment on above mentioned hadith: one of the many indications of hadith is methodology of advocacy, a significant rule that is to follow gradualism in advocacy and start with the most important and then more important.²⁴

4:2:6: The narration of ‘Aishah (May Allah be pleased with her) that clarifies the importance of gradualism:

"عن عائشة -رضي الله عنها- قالت : إنما نزل أول ما نزل منه سورة من المفصل فيها ذكر الجنة والنار حتى إذا تاب الناس إلى الإسلام نزل الحلال والحرام، ولو نزل أول شيء لا تشربوا الخمر. لقالوا: لا ندع الخمر أبداً. ولو نزل، لا تزنا. لقالوا : لا ندع الزنا أبداً. لقد نزل بمكة على محمد صلى الله عليه وسلم - وإني لجارية ألعب {بل الساعة موعدهم والساعة أدهى وأمر} وما نزلت سورة البقرة والنساء إلا وأنا عنده. قال فأخرجت له المصحف فأملت عليه أي السور.

“(Be informed) that the first thing that was revealed thereof was a Sura from Al-Mufasssal, and in it was mentioned Paradise and the Fire. When the people embraced Islam, the Verses regarding legal and illegal things were revealed. If the first thing to be revealed was: 'Do not drink alcoholic drinks.' people would have said, 'We will never leave alcoholic drinks,' and if there had been revealed, 'Do not commit illegal sexual intercourse,' they would have said, 'We will never give up illegal sexual intercourse.' While I was a young girl of playing age, the following Verse was revealed in Mecca to Muhammad: 'Nay! But the Hour is their appointed time (for their full recompense), and the Hour will be more grievous and more bitter.' (54.46) Sura Al-Baqara (The Cow) and Surat An-Nisa (The Women) were revealed while I was with him." Then `Aisha took out the copy of the Qur'an for the man and dictated to him the Verses of the Suras (in their proper order)²⁵”

4:2:7: The following tradition refers sins also have a grading:

عبد الله ابن مسعود أنه سأل رسول الله صلى الله عليه وسلم - "أي الذنب أعظم؟ فقال: أن تجعل لله ندا وهو خلقك. قلت ثم أي؟ قال: أن تقتل ولدك خشية أن يطعم معك. قلت: ثم أي؟ قال: أن تزاني حليلة جارك." وهكذا يكون ترتيب الذنوب والمعاصي حسب التدرج من الأدنى إلى الأعلى، صفائر، ثم كبائر، ثم فواحش.

‘Abdullah b. Mas’ud (May Allah be pleased with him) reported that he asked prophet (PBUH) which guilt is greater? He replied, to make Allah a match although he created you. I said then which? He said: To kill your son for fear of being fed with you. I said then which? He said: "The adultery of your neighbor's suit"²⁶.

Thus, the order of sins according to the gradient from the low to the top is so little, then large, and then obscene.

V. EVIDENCES FOR GRADUALISTS FROM DIFFERENT SOURCES

Gradualism is a sunnah of nature and religion. It is followed by Allah the almighty in the creation of the world and revelation of the religion and practiced by our beloved prophet (SAW) in his prophetic life. The system is also followed by prophet’s companions and successors. Some examples of gradualism are mentioned here:

5:1: Gradualism in creation of the Universes:

²³ . Ibid, Hadith No.19.

²⁴ . Al-Fawzan, Salih b.Fawzan b. ‘Abduallah, I’anatul Mustafid BiSharhi Kitab At-Tawhid, Muassatur Risalah, 2002A.C. V.1 ,p-107.

²⁵ Bukhari, Abu ‘Abdullah Isma’il, Shahihu Al-Bukhari, Dar Tawq An-Najat,1422 Hijri,Hadith No.:4993.

²⁶ . An-Nasiri Muhammad Al-Makki, At-Tysir Fi Ahadith At-Tafsir, Dar Al-Garb Al-Islami, Birut, 1985A.C. V. 2, p-212.

The natural rule of creation is gradualism. Allah the Almighty has created everything gradually. He created the earth in two days, placed therein firm mountains and measured sustenance for its dwellers in four days as well as He completed creation of seven heavens in two days.

The following verses show that Allah (SWT) has created the heavens and earth in a period of time although He can create all universes by the single word “Be” in no time. Allah (SWT) said:

“Verily your lord is Allah who has created heavens and earth in six days”.²⁷

Say (O Muhammad (PBUH): “Do you verily disbelieve in Him who created the earth in two days? And you set up rivals (in worship) with Him? That is the lord of ‘Alamin (mankind Jinn and that exist). He placed therein (i.e., the earth) firm mountain from above it, and He blessed it, and measured therein its sustenance (for its dwellers) in four days equal in the length of time for all those who ask (about its creation). Then He rose over towards the heaven it smokes, and said to it and to the earth: “Come both of you willingly or unwillingly.” They both said: “We come willingly”. Then He completed and finished their creation(as) seven heavens in two days. And He made in each heaven its affair. And We adorned the nearest(lowest) heaven with lamps(stars) to be an adornment as well as to guard (from the devils by using them as missiles against the devils). Such is the decree of Almighty the All-Knower.”²⁸

5:2: Gradualism in creation of the mankind:

Allah (SWT) has created human being following His Sunnah of gradualism. As He said:

“And indeed, we created man (Adam)out of an extract of clay (water and earth). There after We made him (the offspring of Adam) as a Nutfah(mixed drop pf male and female sexual discharge and lodged it in safe lodging(womb of the woman). Then We made the Nutfa into a clot, then We made the clot into a little lump of flesh, then We made out of that little lump of flesh bones, then We clothed the bones with flesh, and then We brought it forth as another creation. Blessed is Allah, the best of creators.”²⁹

The abovementioned verses illustrate that system of creation of mankind was developed gradually, as Adam was created out of an extract of clay and Eve was created from Adam. Allah says: It is He who has created you from a single person (Adam)and (then) He has created from him his wife (Hawwa’).³⁰ Then Allah (SWT) started creating the mankind through a Nutfah. And Nutfah was also developed in the womb of mother following gradualism in various stages. Moreover, many properties and abilities were provided to it gradually. That’s why human being is familiarised with graduating in everywhere in his life. The human being can’t avoid the rule of nature – Sunnah of gradualism in every sphere of life.

5:3: Gradualism in education: It is very much clear that the principle of gradualism was applied by the prophet (PBUH)in the history of legislation and enforcement of Islamic ruling everywhere. As he taught his followers the creeds and manners in Makkah and Salat was enforced a little before of his migration to Madinah gradually, then other rituals and rulings came down gradually at Madinah. He used to teach his companions gradually, as he instructed Mu’adh b. Jabal (May Allah be pleased with him) while he was sending him to Yamen as governor and preacher to start the advocacy with the trust in Allah and his prophecy, then with the daily ‘Ibadah that is the bridge between Allah and His servants, the bed rock and main pillars of Islam, later on, to inform them about Zakat, the obligatory charity, sister concern of Salat in the Quran, the socio-economic tie among the Muslims and the bridge of Islam.

The gradualism has two wings: related to quantity and quality. The first one is to teach the students a suitable quantity of knowledge which goes with their ages and levels. A proverb goes: ‘grasp all, lose all’. So, if the teacher wants to teach the students a huge quantity of knowledge at a time, they will lose everything at once. Imam Ibni Shihab Az-Zuhri advised his student Yunus b. Zaid and said: “Do not learn the knowledge at once, because, who wanted to earn it at a time it will go away from him in no time but the thing after thing will come by days and nights”³¹. So, the teachers should teach the students according to their ages, maturity, levels, power of understanding as like as the preachers teach the fresh invitees starting from simple to complex, the easiest to easier and then easy. A large number of authors have designed their books following the ascending and descending chronology e.g., Imam Ghazali has written in Shaf’iee Jurisprudence Al- Wajiz (the short) Al- Wasit(the medium) and Al- Mabsut(the expanded) and Ibn al-Qudamah has written in Hanmbali Jurisprudence

²⁷ . V. 7:54

²⁸ . V. 41: 9-12.

²⁹ . V. 23: 12-14.

³⁰ . V.7:189.

³¹ . Al- Qurtubi, Abu ‘Omar Yusuf b. ‘Abdullah b. Muhammad, Jami’u Bayanil ‘Ilmi wa Fadhlihi, Dar Ibn Al-Jawzi, K.S.A. 1994 A.C. V. 1, p- 431.

in ascending method e.g., Al-‘Omdah (the best), Al-Muqni’(the satisfactory), Al- Kafi(the enough) and then Al- Mugni (the enricher).³²

5:4: Gradualism in advocacy: The policy of gradualism is also maintained in advocacy. Every prophet did not recommend complete and comprehensive code of life. It was completed upon Muhammad (PBUH), the last knot in prophecy chain. Previous prophets advocated their tribes to the Deen partially, and step by step it has been completed upon the last prophet (PBUH). As like as advocacy progression policy was adopted in preparing exponents and campaigners for it. Firstly, Allah (SWT) has started preparing his idea and intellect, which is the first thing to be taken care of, and the revelation comes to him with the first verse of the Qur'an saying to him: "Read in the name of your Lord who has created"³³. Secondly, He has prepared prophet's soul and mind to be a clean-minded and worshipping preacher of Islam saying: "O, you wrapped in garments stand all night, except a little- half of it, -a little less than that or a little more. And recite the Quran in a slow style."³⁴ Thirdly, He has prepared his beloved prophet to meet the challenges in the path of campaign with patience and to continue his mission coupled with to gain success. He says to him: "And be patient for the sake of your lord"³⁵ He says: the patience in Allah for the invitees is a virtue of the apostles of strong will, and He says to him, " Therefore be patient as did the apostles of strong will, and be in no hast about them."³⁶ Fourthly, He comes to upload the message without assigning him to the communication and invitation, telling him: "We will send down to you a weighty word"³⁷ and finally, He has assigned His apostle to report and call saying: " O, you enveloped in garments! Arise and warn."³⁸ Graduation also maintained in choosing invitees as Allah (SWT) has directed His prophet (PBUH) to begin campaign at keen relatives and to end it at all mankind. Ibn al-Qayyim says, " Advocacy has many ranks: (i): prophecy. (ii): the warning of his closest clan. (iii): the warning of his community. (iv): Warning the people that has not come any warner to them before him, and they are all Arabs. (v): Warning all those who have been called from the jinn and the man to the end of the age."³⁹

Graduation was followed in the volume of campaign in consideration to the conditions of the invitees. If they were freshers, total Islam was not imposed on them at a time. It was and should be imposed on them following the rules of priority (Fiqh Al- Aowlawiyat) beginning from the easiest to easier and from the most important to more important and then important. Even, if they are old Muslims but they were far from practicing Islam for long time, Islam was and should be imposed on them also gradually in accordance with their physio- mental conditions in an effective, real and human nature-friendly manner. As Allah's prophet (PBUH), the Master of preachers, ordered when Mo'az ibn Jabal (May Allah be pleased with him) was ordered to take care of the situation of the people to whom he was sent from the people of Yemen, and the Messenger of Allah (PBUH) said to him, what should he begin with? And what does it offer? And how does he report? "You will go to people of the Book, so let them testify that there is no God but Allah and that I am the Messenger of Allah, and in another report let it be the first thing that you will call them to the worship of Allah, the almighty , if they obey you for that, then let them know that Allah (SWT) has imposed five- times prayers on them every day and night, If they obey therefore, let them know that Allah has enforced a charity taken from the rich of them and that would be distributed in the poor of them. So if they obeyed, then, abstain yourself from their A-1 grade wealth, and fear their appeal to Allah because, there is no veil between Allah and him (the oppressed)⁴⁰.

5:5: Graduation in legislation:

The principle of gradualism is applied by Allah (SWT) in legislating lawful and unlawful in consideration to the events and circumstances of the recipients. Some of them are discussed below:

5:5:1: Gradualism in legislating Salah:

Every ritual (‘ibadah) was graduated to the present shape e.g., Salah, it has been graduated into the current shape following the stages below:

5:5:1:1: At very early stage of Islam Salat was Fard(obligatory) at night. Allah (SWT) said:

"O, you wrapped in garments (Muhammad (PBUH))! Stand (to pray) all night except a little."⁴¹

Then Allah (SWT) has abrogated this order saying in last verse of the same surah:

"He knows that you are unable to pray whole night. So, He has turned to you (in mercy). So, recite from the Quran as much as may be easy for you."⁴²

³² . Al- Qaradawi, Dr. Yusuf, Ar- Rasul Wal-Ilm, Matabah Wahbah, Cairo,2006 A.C. pp 135-137, abridged.

³³ . V. 96:1.

³⁴ . V. 73: 1-4.

³⁵ . V. 74:7.

³⁶ . V. 46:35.

³⁷ . V. 73: 5.

³⁸ . V. 74:1-2.

³⁹ Ibn Al-Qayyim al-jawziah, Muhammad b. Abu bakr b. Ayyub b.Sa'd Shamsuddin, Zad al-Ma'ad Fi Hadyi Khair Al-'Ibad, Muasasah Ar-Risalah, Birut, Matabah Al-Manar Al-Islamiah, Kuwait, 1994 A.C. V. 1, p-84 abridged.

⁴⁰ . Bukhari, Abu 'Abdullah Muhammad b.Isma'l, Sahih Al- Bukhari, Tawqun-Najat, 1422Hijri, V.2, hadith No.: 1496, p-128, V. 5, Hadith No.:4347, p-262.

⁴¹ . V. 73:1,2.

This verse has abrogated the obligation of prayers at night for general Muslim but it remained lawful for the prophet (PBUH).⁴³

5:5:1:2: The Salah was legislated as Fard (personal obligatory duty) in early time of Islam twice daily; (i) in the morning two Rak'ah and (ii) in the afternoon two Rak'ah as Allah (SWT) said: "And keep yourself (O Muhammad) patiently with those who call on their lord morning and afternoon, seeking His face; and let not your eyes overlook them, desiring the pomp and glitter of the life of the world."⁴⁴

5:5:1:3: Three times in a day: in the second stage Allah the almighty legislated Salah as Fard three times in a day: in the morning, in the afternoon and at night. Allah (SWT) says: "And perform As-Salat at the two ends of the day and in some hours of the night. Verily, the good deeds remove the evil deeds, that is a reminder for the mindful".⁴⁵

5:5:1:4: Five times in a day: In third and final stage As-Salat has been raised to five times daily in the night of Isra'. Allah (SWT) said in this regard:

"Perform As-Salat from mid-day till the darkness of the night (i.e., the Zuhr, 'Asr, Magrib, 'Isha prayers) and recite the Quran in early dawn (i.e., The morning-Fajr prayer)".⁴⁶

Sunnah of graduation is followed not only in legislating quantity of daily prayers but also in determination of the amount of Rak'ah in prayers. It is reported on the authority of Ibn Shihab he said: 'Orwah bin Az- Zubair reported me that 'Aishah (May Allah be pleased with her) said: "When Allah(SWT) imposed As-Salat, imposed it two Rak'ah, then, He raised it into four for non- travelers and it remained unchanged as it was imposed for the first time (two rak'ah) for the journey".⁴⁷

5:5:2: Gradualism in legislation of Fasting:

Sunnah of graduation was also followed in legislating fasting in three stages:

5:5:2:1: Stage of Options: in this stage Allah (SWT) has ordained us to fast giving options either to fast or to give ransom (to feed a Miskin, a needy person for every day. Allah (SWT) says: "And as for those who can fast with difficulty, to feed a Miskin."⁴⁸

5:5:2:2: Stage of Compulsion: In this stage Allah (SWT) has made fasting obligatory for us giving no option saying:

The month of Ramadan in which was revealed the Qura'n, a guidance for mankind and clear proofs for the guidance and the criterion. So, whoever of you sights (the crescent of) month (of Ramadan) he must observe Saum(fasting) that month.⁴⁹

The provision given in verse 2:184 has been abrogated by the next verse (2:185) according to opinion of maximum scholars with few exceptions, i.e., very old person, or pregnancy, but some scholars opined that the verse is not abrogated it was special with the person too old to fast and pregnant.⁵⁰ It is reported on the authority of Salamah bin al- Akwa' he said: when this verse ("And as for those who can fast with difficulty, to feed a Miskin.") (V. 2:184) revealed, who wants to leave fasting used to leave it paying ransom until the next verse (V.2:185) came down and abrogated the option. The text of hadith as follows:

عن سلمة بن الأكوع قال : "لما نزلت هذه الآية : "وعلى الذين يطيقونه فدية طعام مسكين"، كان من أراد منا أن يفطر ويفتدي، حتى نزلت الآية التي بعدها فنسخته".⁵¹

5:5:2:3: Stage of Tysir (Facilitation):

In the 2nd stage to have sexual relation with wife was unlawful and illegal as well as if anybody sleeps after 'Isha prayer he can't have any food or drink until sunset of next day. It was very hard for fasting people. So, Allah, the kind and the legislative authority has made relaxed giving provision of sexual relation and having food and drinks at night till the dawn saying:

"It is made lawful for you to have sexual intercourse with your wives on the night of fasting. They are cover, or screen for you and you are the same for them. Allah knows that you used to deceive yourselves. So, he turned to you and forgave you. So, now have sexual relations with them and seek that what Allah has ordained for you(offspring) and eat and drink until the white thread of dawn appears to you distinct from the black thread".⁵²

5:5:3: Graduation in legislating Zakat:

Zakat also legislated in many stages and they are:

⁴² . V. 73: 20.

⁴³ . As-Sabuni, Muhammad 'Ali, Mukhtasar Tafsir-e- Ibn Kathir, Dar al- Quran al-Karim, Beirut, Lebanon, edition: 1981 A.C. V. 2, p- 564.

⁴⁴ V.18:28.

⁴⁵ . V.11:114.

⁴⁶ . V. 17:78.

⁴⁷ . An- Nisapuri, Muslim b. Hajjaj Abul Hasan al-Qushari, Sahihu Muslim, Darut – Turathil 'Arabi, Beirut, Hadith.No.: 685, V. 1, p- 478.

⁴⁸ . V.2:184.

⁴⁹ . V. 2: 185

⁵⁰ . As-Shawkani, Muhammad bin 'Ali b. Muhammad b. 'Abdullah, Fathu al- Quadir, Daru Ibn Kathir, Beirut, edition 1st, 1414 Hijri, V.1, p- 208.

⁵¹ . As-Sajistani, Abu Dawood Sulaiman b. Ash'ath, Sunani Abi Dawood, Dar Ar-Risalah Al-'Alamiah, 2009 A.C. Hadith No.: 2315.

⁵² . V. 2:187.

5:5:3: 1: Stage of inspiration for poverty elevation and general charity:

From very early beginning of last and final version of Islam. Allah (SWT) has inspired Muslims to help poverty-victim people in Makkah phase in various names like: “To spend from Allah- given wealth”, “To give the right of begging one and deprived one and right of Miskins and travelers”. Sometimes Allah has termed it as “payment of Zakat”. Allah (SWT) inspired to feed the needy people saying: “What has caused you to enter Hell”? They will say: “We were not of those who used to offer the Salat, Nor we used to feed Al-Miskin(the needy).⁵³ Allah(SWT) said notifying the people about massive punishment in life hereafter: “Verily, he used not to believe in Allah, the most great and urged not on the feeding of the needy.”⁵⁴ And Allah(SWT) has threatened people for not feeding and not inspiring other for feeding the needy in Surah Al-Fajr, V.18,19, Surah Ma’un V.2,3,and V. 4-7. On the other hand, He expresses the virtues of people who deserve heaven in afterworld: “And those in whose wealth there is a recognized right for the beggar who asks, and for the unlucky who has lost his property and wealth.”⁵⁵

The verses related to Zakat that were revealed before migration to Madinah are not imperative, almost all of those verses are assertive sentences.⁵⁶i.e. Surah Naml V:1-3, surah Luqman V:3,4: Surah Mu’minun V:4, Surah Al-‘A’raf V:156, 157, surah Fussilat V:6-7, and Surah Al-a’la 14, all these expressions don’t represent obligation of Zakat but they denote it as a fundamental virtue of a quality, Allah fearing and believing people and He certified zakat- paying people as successful,⁵⁷ and not paying zakat as characteristics of a polytheist.⁵⁸

To pay zakat is one of the fundamental virtues of a successful believer and not to pay zakat is one of bed characters of polytheist. It denotes obligation of paying zakat, because, to be ornamented with virtues of a believer and to be free from bed character of a polytheist is a unanimous obligatory duty of every Muslim. So, fundamental zakat was imposed in Makkah generally without mentioning its quantity, origin, sending collectors and distributors of zakat as well as the government was not responsible for its management. It was entrusted to the persons’ beliefs and their feelings to responsibilities and duties towards their Muslim needy brothers. The quantity of charity will depend on their feeling, mentality, capacity, accountability and wants of needy people. Allah says in this regard: But pay the due thereof (its zakat according to Allah’s order) on the day of its harvest.⁵⁹

5:5:3:2: Zakat in Madinah:

Zakat was legislated at Madinah in the 2nd year after migration to it with imperative words and direct order saying: “Establish As-Salat and pay Az-Zakat”.⁶⁰ Allah has revealed various rulings of zakat and scopes for its distribution at Madinah. There are many verses in the holy Quran that was revealed after emigration signifying legislation of zakat as obligatory charity at Madinah. Collectors and distributors were sent to the different provinces and a department was framed and some officers were appointed for management of zakat. The process took ten years to prepare the kind hearted mentality to needy people and design as well as establish a sustainable zakat system.

Then, how anti-graduation scholars want to establish total Islam in a day or over a night? It is humanly impossible and illogical. Graduation makes every project, policy, plan and system a success. There is a proverb goes: Slow and steady wins the race.

5:6: Graduation in prohibition of the wine:

Allah (SWT) has prohibited the wine in four stages. They are:

5:6:1: Phase of vilification: Allah and His prophet are the final legislating authority. Allah (SWT) has prohibited the wine in four stages in consideration to social status of wine in the then ‘Arabs and to prepare the followers creating awareness against wine informing them it’s harms, soul harrowing effects on the mind and body and inspiring them to give up drinking it as soon as Allah ordered them. In this stage Allah (SWT) condemned drinking wine saying: “And from the fruits of date palms and grapes, you derive strong and a goodly provision. Verily, therein is indeed a sign for a people who have wisdom.”⁶¹

⁵³ . V.74: 42,43.

⁵⁴ . V.69:33,34.

⁵⁵ . V. 70: 24,25.

⁵⁶ . Except V.73:20 (So, recite as much of the Qura’n as may be easy for you and perform As-Salat and give Zakat. Because, some scholars consider the verse as Makki and some other scholars reviewed it as Madani Surah.)

⁵⁷ . V.30:38.

⁵⁸ . V.41:7.

⁵⁹ . V. 6: 141.

⁶⁰ . V. 2:11.

⁶¹ V. 16:67.

5:6:2: Phase of exhalation: “They ask you (O Muhammad) concerning alcoholic drink and gambling. Say: “In them is a great sin, and (some) benefits for men, but the sin of them is greater than their benefit.”

5:6: :3: Phase of partial prohibition:

In this phase Allah (SWT) has forbidden drinking wine in the time of performing prayers to reduce their addiction to wine narrowing the time and chance to drink and to give them a message that the wine is not good at all and is going to be banned within short time. He says: “O you who believe! Approach not As-Salat when you are in drunken state until you know (the meaning) of what you utter”.

5:6 :4: Phase of total prohibition:

Preparing the Muslim Ummah’s mentality and Iman enough strong to give up drinking wine, a long-time habit as soon as Allah (SWT) commands them to give up it, they will obey the order spontaneously. Then Allah (SWT) has delivered an order banning wine saying:

“O you who believe! intoxicants (all kinds of alcoholic drinks) and gambling and Al-Ansab (animals that slaughtered for the Idols) and Al-Azlam (arrows for seeking luck or decision) are abominations of Shaitan’s handworks. So, avoid that in order that you may be successful. Shaitan wants only to excite enmity and hatred between you and intoxicants and gambling, and hinder you from the remembrance of Allah and from As-Salat. So, will you not then abstain?⁶²

After revelation of abovementioned verses all companions of prophet (PBUH) poured down their wine-pots on the streets of Madinah and its lane by-lanes even. It became possible due to effective divine directions through gradual development of revelation. If Allah (SWT) says “Do not drink the wine” in early stage and at a time, then would say:” We will never leave drinking wine”. ‘Aisha (May Allah be pleased with her) said: “Some lengthy chapters from the holy Quran were revealed in the early stage, wherein Allah discussed hell and heaven and when the people came back to Islam then revelation sent down about halal and haram. If it revealed for the first time “Do not drink wine, they would say: we will never leave drinking wine, if He says: Do not commit adultery, then they would say: we will never leave adultery.”⁶³

5:7: Gradualism in prohibition of usury (Riba):

Gradualism also was followed in prohibition of usury (Riba). The phases are mentioned below:

5:7:1: Phase of rebuke: Allah (SWT) rebuked interest and praised the zakat in Makkah before legislating zakat as an obligatory duty of an able Muslim. Allah (SWT) said in this regard: “And that which you give gift in order that it may increase (your wealth by expecting to get a better one in return) from other people’s property, has no increase with Allah; but that which you give in Zakat seeking Allah’s Countenance, then those they shall have manifold increase.”⁶⁴

5:7: 2: Phase of preparation and ground work: In this phase Allah (SWT) criticized Jews in the holy Quran for taking usury being it forbidden for them and devouring other’s wealth wrongfully and has threatened them of a painful punishment. This threat was a nod and ground work for banning usury for Muslims. Allah (SWT) said: “For the wrongdoing of the Jews, we made unlawful for them certain good foods which have been lawful for them- and for hindering many from Allah’s way. And their taking of Riba though they were forbidden from taking it and devouring of man’s substance wrongfully. And we have prepared for the disbelievers among them a painful punishment.”⁶⁵

5:7:3: Phase of prohibition without threats: Allah (SWT) prohibited Riba (usury) in this stage without mentioning threats of severe punishment as like as mentioned in the last and final stage. Allah (SWT) said: “O you who believe! Eat not usury doubled or multiplied, but fear Allah that you may be successful. And fear the fire, which is prepared for disbelievers.”⁶⁶

5:7:4: Declaration of war against usurers: in this phase Allah (SWT) has declared abolishment of Riba and everlasting punishment of Fire for usurers coupled with declaration of a war against them. Side by side, He gave announcement of pleasant awards for right doers, performers of Salat and Zakat payers in Verses: 2:75- 279. Declaring a war against usurers Allah the almighty says: “O you who believe! Be afraid of Allah and give up what remains from Riba(from now onward), if you are (really) believers. And if you do not do it, then take a notice of war from Allah and His Messenger (PBUH).”⁶⁷

⁶² . V. 5:90-91.

⁶³ . Bukhari, Abu ‘ Abdillah Muhammad b. Isma’ il, Sahihul Bukhari, Daru Tawqin- Najat, edition:1, 1422 Hijri, part: 6, p-185.

⁶⁴ . V. 30: 39.

⁶⁵ .V. 4:160, 161.

⁶⁶ . V. 3: 130,131.

⁶⁷ . V.2:278,279.

5: 8: Gradualism in penal code of adultery:

Adultery was massively spread crime in the age of darkness. Islam, the religion of nature, logic, humanity, dignity, peace and tranquility wanted to remove it from the society in accordance with Sunnah of gradualism, the Sunnah of nature and the creation considering their involvement with the crime for long time, Allah (SWT) has not forbidden it at once. But when their minds have been prepared for receiving punishment of adultery, Allah (SWT) has imposed it gradually in many levels and they are:

5:8:1: To be chided and threatened:

The penalty for adultery was initially to be reprimanded. The punishment of adultery in the first stage was to be chided and threatened. Allah (SWT) says: “And the two persons among you who commit illegal sexual intercourse, hurt them both. And if they repent and do righteous good deeds, leave them alone. Surely Allah Ever All-Forgiving.”⁶⁸

5:8:2: Imprison in their houses until death:

To be confined to their houses until death: Then penalty of fornication is gradualized to be restricted in their houses until death. Allah (SWT) said: ‘And those of your women who commit illegal sexual intercourse, take the evidence of four witnesses from amongst them; and if they testify, confine them to houses until death comes to them or Allah ordains for them some way.’⁶⁹

5:8:3: Lashing for the unmarried and stoning for the married:

In this stage Allah (SWT) enacted other way for them and that is lashing for the unmarried and stoning to death for the married, when four witnesses testify the crime. Allah (SWT) said; The fornicatress and the fornicator flog each of them with a hundred stripes, let not pity withhold you in their case, in a punishment prescribed by Allah.⁷⁰

The provision of confining to their houses has been abrogated by the verse of Surat an-Nur (V.24:2). And stoning is verified by the verse of holy Quran that words are abrogated but ruling is remaining. It is reported on authority of ‘Obada b, Samit (May Allah be pleased with him) Allah’s apostle (PBUH) said: “Take from me; Allah has ordained another way for them; unmarried with unmarried to be lashed hundred stripes and one year exile and married with married hundred stripes and stoning to death.”⁷¹

5:9: Gradualism in constituting Jihad:

Inbn al-Qaiyim Al-Jawzi said: there are four stages of Jihad and they are:

- (a). Jihad against oneself: Self-jihad has four levels: learning knowledge, working with it, teaching those who do not know it (advocacy), and patience for the hardships of advocacy and the harm of creation.
- (b). Jihad against shaitan: It has two ranks: his Jihad to repulse doubts and suspicions that harms our belief and Jihad of lust.
- (c). Jihad against disbelievers and hypocrites: It has four stages, they are: Jihad with heart, tongue, money and soul. Jihad of disbelievers especially by hand, and jihad of hypocrites especially by tongue.

Jihad against oppression and evils: It has three ranks:

- (a). By hands if he is able to do.
- (b). If he is unable to do by hands he will do by tongue and
- (c). If he is unable to do by tongue, he will struggle with his heart.

5:9:1: Stages of the Qital:

Qital(war) has neither legitimated in Makkah nor legalized at a time. it also indorsed gradually in three stages. They are:

5:9:1:1: Preparatory phase: In this phase Allah has ordained Muslims for preparing them for war against the enemy. Allah (SWT) said:” permission to fight (against disbelievers) is given to those(believers) who are fought against, because they have been wronged; Surely, Allah able to give them victory- Those who have been expelled from their homes unjustly only because they said: “Our lord is Allah”. For had it not been that Allah checks one set of people by means of another, monasteries, churches, synagogues, and mosques, where is the name of Allah is mentioned much, would surely have been pulled down. Verily Allah will help those who help his (cause). Truly, Allah is all-Strong, All-Mighty.”⁷²

5:9:1:2: Fight against fighters: In this stage Allah (SWT) has forced Muslims to fight against those who fight them except who did not fight them, and it was forbidden, then authorized and ordered to fight against those who started them fighting, and then, it was instructed for all polytheists.⁷³ Allah (SWT) said in this regard:

⁶⁸ . V.4:16.

⁶⁹ . V. 4:15.

⁷⁰ . V. 24:2.

⁷¹ . An-Nisapuri, Muslim b. Hajjaj abul Hasan, Sahihu Muslim, Tahqiq: Mohammad Fu’ad ‘Abdul Buaqi, Daru Ihyait -Turathil ‘Arabi, Birut, V;3 p-316.

⁷² . V. 22:39,40.

⁷³ An- Najdi, Muhammad b. ‘Abdul Wahhab, Mukhtasar Zad Al-Ma’ ad, Dar Ar-Rayyan, Cairo, 1978A.C. V:1, p-120.

“And fight in the way of Allah those who fight you, but transgress not the limits. Truly, Allah likes not the transgressors.”⁷⁴

This rank was the defensive one for their positions, honors, religion, lands and lives.

5:9:1:3: Fight against all polytheist: The V. 2:190 was the first one that was revealed in connection with Jihad, but it was supplemented by the following Verse: “And fight against the Musrikun (polytheists, pagans, idolators and disbelievers in the oneness of Allah) collectively as they fight against you collectively.”⁷⁵ In the second stage the fight was specified with those who participated in fighting against Muslims, then it was generalized with all Musrikun by the following verse: “When the sacred months have passed, then kill the Musrikun wherever you find them, and capture them and besiege them, and lie in wait for them in every ambush.”⁷⁶

Moreover, the principle of gradualism has also been maintained in order to select the avenues and venues for the fighting.

“Allah then clarified some of the rules of jihad, before ordering the fight of all enemies, as a gradual step in legislation in the early stage of Islam. The first of these rules is that the mujahedeen begin fighting against the nearest and then nearer, then move to the farther and then the farthest, and the Prophet (PBUH) applied this plan and strategy. So, he began to fight his people in Makkah, then fought the rest of the Arabs, afterward, moved to fight the Romans in Syria, and then the companions entered into Iraq.”⁷⁷

5:10: Gradualism in giving punishment:

Allah (SWT) has tested the earlier nations to whom He sent Prophets giving them ailments, the poverty and then prosperity gradually, as Allah said:

“And We sent no Prophet unto any town (and they denied him), but We seized its people with Ba'sa' and Darra', so that they might humble themselves (to Allah). Then We changed evil for good, until they multiplied and said: 'Our fathers were indeed touched by misfortune and adversity.' So, We seized them suddenly while they were unaware.”⁷⁸

The word Ba'sa' mentioned above, refers to the physical sicknesses and ailments that they suffered, while the word Darra', refers to the poverty and humiliation that they experienced, لَعَلَّهُمْ يَضْرَعُونَ (so that they might humble themselves) supplicate, humble themselves and invoke Allah, that He might remove the afflictions that they suffered from.

This Ayah indicates that Allah sent down severe afflictions to them so that they might invoke Him, but they did not do what He ordered them. Therefore, He changed the affliction into prosperity to test them.

5:11: Gradualism in the abolishment of slavery:

Being a complete code of life, Islam left no significant issue untold. The then slavery was a wide-spread system all over the world. Dr. Yusuf Al-Qaradawi Said in this regard:

“ولعل رعاية الإسلام للتدرج، هي التي جعلته يُبقى على نظام الرق الذي كان سائدا في العالم كله عند ظهور الإسلام. وكان إلغاءه يؤدي إلى زلزلة في الحياة الاجتماعية والاقتصادية، فكانت الحكمة في تضييق روافده بل في ردمها كلها ما وجد إلى ذلك سبيلا، وتوسيع مصارفه إلى أقصى حد، فكان ذلك بمنزلة إلغاء للرق بطريق التدرج.”

“Perhaps it was Islam's sponsorship of gradualism that kept it to the system of slavery that prevailed throughout the world at the time of the advent of Islam. Its abolition led to a decline in social and economic life, and the wisdom was to narrow its tributaries to fill them all, which found a way to do so and to expand its exit ways to the fullest extent, that was in the form of a gradual abolition of slavery.”⁷⁹

Islam also played an important role in taking drastic measures to uproot the slavery, a deep-rooted custom applying the concept of gradualism. These are:

1. Firstly, prophet (PBUH) inspired his followers to soften their behaviors with slaves and warned them against torture upon the slaves. simultaneously, he encouraged them for buying slaves and free them.
2. Secondly emancipation of slave is not only encouraged by the prophet (PBUH) and his beloved companions but also had freed an amount of 39237 slaves in their life time and Muhammad (PBUH) himself released 63 slaves coupled with his wife ‘Aishah (May Allah be pleased with her) 67 slaves personally.⁸⁰
3. Islam made the freedom from slavery an extended field for spending money of Zakat, and financial penalty of breaking oaths,⁸¹ wrong killing⁸² and intentional killing along with the penalty of zihar⁸³ (the saying of husband to his wife: You are to me like of back of my mother i.e., unlawful for me to approach).

⁷⁴ . V. 2: 190.

⁷⁵ . V. 9:36.

⁷⁶ . V. 9:5.

⁷⁷ . Az-Zuhaili, Dr. Wahbah b. Mustafa, At-Tafsir Al- Wasit Liz- Zuhali, Dar Al- Fikr, Damascus, 1922 Hijri, V. 1, p- 931.

⁷⁸ . V. 7:94,95.

⁷⁹ . Al-Qaradawi, Dr. Yusuf ‘Abdullah, Al-Khashaish Al-‘Ammah, Maktabah Wahbah, Cairo, 2003A.C. p-168.

⁸⁰ . <https://ar.wikipedia.org/>

⁸¹ . V. 5: 89.

⁸² . V. 4:92.

Human rights are given to the slaves, even he did not forget them just prior to his death and the last word that he uttered 'As-Salat As-Salat Wa ma malakat Aimakum' i.e., the prayers and the slaves.⁸⁴

VI. GRADUALISM IN IMPLEMENTATION OF ISLAMIC SHARI'AH

It refers to two things, and they are:

(a) To explain the rulings of Islam little by little to be well and complete known to them, to understand its reality, and to graduate them starting from the easiest to easier and then easier to hard and close to their mind to far one. so, then they will be engaged in following laws of Islam, and will be convinced to establish its provisions in thought and behavior, and this is the duty of scholars and preachers in particular, and the duty of every Muslim in general.

(b) To make rules and regulations of Shari'ah to move with the Ummah, Society and the state from man-made regulations that are practically exercised in the society as well as in the state to rules and regulations of the Quran and Sunnah. And it is not possible in a day. Sharia'h should not be applied suddenly or at once, but the steps should be taken in order to do it and this must be developed to ensure the success first, and to continue the next. This is the duty of sharia specialists, skilled in organizing and preparing the projects and the duty of the rulers.

6:1:1: The requirements of legislating of gradualism:

There are some requirements for legislating gradualism as lawful. They are:

6:1:1:1: To believe that Implementation of Shari'ah is an obligatory responsibility for Muslim Ummah and it's applicable in every sphere of life.

6:1:1:2: To intend application of Shari'ah truly not looking for opportunity to neglect it.

6:1:1:3: Inability should be trustworthy and bona fide, no lame excuses to be considered in this regard.

Dr. Yusuf Al-Qaradawi said in this regard: "We don't mean here by the gradualism only delaying the application of Shari'ah and to use the word 'gradualism' as a strut for abolition of so strong national spirit for establishment of the Shari'ah rather we mean to define an aim and a target, to make an action plan coupled with ranking the stage along with forwarding it to the next stage of the plan and journey of the gradual application will end confirming the settlement of complete Shari'ah."⁸⁵

6:1:1:4: An action plan should be available for application of Shari'ah.

6:1:1:5: Not to await the complete application of Shari'ah for those rulings that are applicable instantly without gradualism. Allah (SWT) said in this regard: "So, keep your duty to Allah as much as you can"⁸⁶ and His apostle (PBUH) said: "فإذا أمرتكم بشيء فأتوا منه ما استطعتم وإذا نهيتكم عن شيء فدعوه"⁸⁷
"If I order you something, you do it as much as you can, and if I prohibit something, give up it".⁸⁷

6:2: Wisdom and philosophy in gradualism:

6:2:1: It is reasonable and logical, because, enforcement of a huge responsibilities at once makes the performance difficult. So, graduation is a field-proven truth and reality. The history of our prophet (PBUH) and his companions' (May Allah be pleased with them) advocacy is burning evidence of the success. He has adopted graduation policy in every level of his prophetic activity, framing Islamic society, preparing his companions, the ever-best generation of the world and his reforms. So, he has prepared a group of virtuous, righteous and golden personalities and established a sustainable politico- socio-economic system and a welfare state within short time in uncultured Bedouin society.

6:2:2: It is a natural policy: Allah (SWT) has graduated in every stage of His creation even, in creation of mankind. "Man is gradual in his action and movements, because the things he goes to become clear to him little by little."⁸⁸ So, gradualism is a human- friendly by nature and it is an effective work- policy that is adopted by Allah, the creator, His prophet (PBUH) and his companions coupled with their successors.

⁸³ . V. 4:58.

⁸⁴ . Ibn Majah, Abu 'Abdillah Muhammad b. Yazid, Sunani Ibn Majah, Dar Ihya'il kutubil 'Arabiah, Hadith No.: 1625.

⁸⁵ . Al-Qaradawi, Dr. Yusuf b. "Abdullah, Fi- Fiqhil Awlawiat, Maktabah Wahabah, Cairo, 2008, p-79. abridged.

⁸⁶ . V. 64:16.

⁸⁷ . Al-Qushairi, Muslim b. Al-Hajjaj, Shahihu Muslim, Daru Ihya'il- Turathil-'Arabi, Beirut, V. 2. P-975.

⁸⁸ . Al-Mahmud, 'Abdur Rahman b. Salih b.Salih, Mawqifu Ibni Taymiah Min Al-Asha'irah, Maktabatu Ar-Rusd, Riad,1995 A.C. V. 1, p-382.

6:2:3: It is a strategy of facilitation: It makes the rulings and provisions of Shari'ah with secretes easy to understand and removes embarrassment at the time of imposition. Then, man can lead himself and the others and carry out the responsibilities step by step. A proverb goes: "A man can do no more than he can".

6:2:4: To take the merits and demerits in account: The policy has been adopted in consideration to merits and demerits. To ensure the merits and to firm removal of the demerits, gradualism should be applied and it is considered as a jurisprudential rule: "To protect a demerit better than ensure a merit."

6:2:5: To change the habits: "Black takes no other hue" is a well-spread proverb. It refers to change the human habit of rough and tough matter; it takes huge times. So, we cannot change that at a time or in a day. It deserves the gradualism. "Necessity knows no law" it stands for "Necessities permit prohibitions", a fundamental rule of Islamic jurisprudence. On the basis of this rule the implementation of any rule may be postponed or stopped due to necessity. e.g., penalty of thief can be stopped in the days of hunger as 'Omar (May Allah be pleased with him), the second khalifah did.⁸⁹

6:2:6: Abrogation also one kind of graduations: Allah (SWT) has revealed Shri'ah in consideration to the conditions of the addressees and recipients. For example; Allah (SWT) has graduated the penalty of adultery in many ranks considering their long and reckless involvement with the crime. So, application of Islamic Shari'ah in the society suddenly or at once is unthinkable and quite impossible. Especially in the age of rocket, and drone science coupled with fake Islamophobia and super power- backed tremendous international propogandas against Islam and Muslims. The present conditions of the world are not better than those of the days of darkness. That's why the preachers should adopt in their Da'wah activities the principle of gradualism as Allah (SWT) did the policy of abrogation in other words; the policy of gradualism to make the ruling convenient to them. So, reasonably we can say: gradualism is legislated by Allah, the prime authority of legislation like abrogation.

6:2:7: Gradualism is a theory of perpetuity in practice:⁹⁰ It makes the exercise of any ruling or policy permanent and perpetuated. Shaikh Sa'di (May Allah bestow His mercy on him) said: "What comes in short never last long"⁹¹. A proverb goes: "Slow and steady wins the race".

6:2:8: 'Short term gain means long term pain': It refers to short term gain will result in long term pain. Gradualism is a must to establish a stable and sustainable society or state. Radical change of a society or state overnight lawfully is not imaginable and conceivable as well as not practical.

6:2:9: Categories of the society:

The circumstances of society or state need to be categorized for implementation of Sari'ah. There are mainly two categories:

6:2:9:1: The state in preparatory or training phase: At this stage, the prophet (PBUH) focused on the discourse of hearts, the education of conscience, and the preparation of the preachers in a manner that guarantees stability, continuity and survival, to complete the journey in revelation and application. Allah (SWT) has trained Muhammad (PBUH) for a long time to prepare him as a pioneer Muslim leader and preacher that does not slip down to the most difficult positions and does not hesitate in truth.

6:2:9:2: The stage of vulnerability: In the stage of vulnerability, the Muslim community has suffered from many types of oppressions that do not suffer from other stages of empowerment, So, the Muslim in the vulnerable situations need what helps them survive and strengthen their positions, and help them to continue their campaigns, they are allowed to overcome their weakness with some concessions, which do not affect the truth of faith, and assure some progress in the way of advocacy. Allah (SWT) has guided the believer in the event of vulnerability and pressure to utter the word of disbelief – without embarrassment if he did not say really, and he is exempted from God's anger and torment, and He says in this regard:, "Whoever disbelieves in Allah after his belief, except who is forced thereto and whose heart is at rest with faith; but such as open their breasts to disbelief, on them is wrath of Allah, and theirs will be a great torment."⁹² Sometimes the preachers may be forced to deal with some tyrants and autocrats, as not to eradicate the campaign and eliminate its campaigners, or to lighten the impact of injustice on the members of the Ummah. As the prophet Yusuf (PBUH) did not deny to participate the tyrant and ignorant ruler in order to remove the injustice, or minimize it, or spread a certain degree of justice, or find a chance to promote the right. in some of these cases the Muslim are permitted to acknowledge or commit something, unable to deny or protest it by hand and tongue, and may carry

⁸⁹ . Al-Qaradawi, Dr. Yusuf b. 'Abdullah, Madkhalu Li Dirasah Ash-Shar'iah Al- Islamiah, Maktabah Wahbah, Cairo, 2005 A.C. p-221.

⁹⁰ . William lloid Garrison, link: azquotes.com

⁹¹ . Link: sufinama, sufi Kahawat.

⁹² V. 16:106.

out some of the actions of tyrants and conduct them for the necessity of advocacy, no in recognition of guilt and sin. Yusuf (PBUH) neither accepted it, nor did it to satisfy the tyrant, but in order to remove the excessive corruption replacing the normal one, and take away the most severe problem substituting the lightest one. So, he could establish the Shari'ah due to applying the policy of gradualism, if he denied to participate with the oppressor for the first time, he wouldn't get the chance to be towering personality of the state as well as prime governor of the same.

In the stage of vulnerability, adversity and distress Muslim community are permitted to commit something that are forbidden originally.

Imam 'izz b. 'Abdus Salam said: "The unjust Governor has no mandate at all, yet he opines that his actions should be carried out for the necessity of the nationals, so, the first priority should be given to the need for advocacy.", and the two great Imams As-Shafe'iee and Al-Awza'iee have said: "Muslims give infidels nothing, but when they are afraid of oppressions, because of the large number of enemies and their small number, or for a suffering that has inclined to them."

6:2:10: Partial application of Shari'ah leads to comprehensive application:

If implementation of Shari'ah in totality is in any time or place impossible, partial application is reasonable therein, because, something is better than nothing. partial establishment and practice of Islamic shari'ah will encourage the Muslim community to complete shari'ah gradually.e.g., establishment of Islamic banking in Bangladesh. A proverb goes: 'Half loaf is better than no bread.'

Sheikh Mustafa al-Zarqa, (May Allah rest his soul) says about the shari'ah penalty codes, for example: "If it is noted that the application of the four penalty codes has become impossible in a time or place, it is possible to apply another punishment, and this does not mean to leave the whole shari'ah."⁹³

6:2:11: Exception: Every rule of Shari'ah has an exception even in grammatical rule. Events and circumstances of the society are not similar. So, in consideration to their variety, the preachers of Islam have applied policy of exception to make easy and to ease the implementation of Shari'ah and lighten embarrassment. Exception has been categorized into: (1) Exception of person, (2) Exception of state/circumstances, (3) Exception of regions and (4) Exception of group.

6:2: 11:1 Exception of person: Preachers may be forced to accept some of those who submit to Islam, with ultimate love, with their deficiencies, diseases and sins, and they are not allowed to refuse who come to Islam for their deficiencies, diseases and sins. To refuse them refers sending them back to Kufr. There is no permission for the preachers to hesitate of accepting them, because, Shaitan welcomes them day and night. They should not push them to kufr, whoever comes to Islam and disobeys Allah saying: go back and come back being pure from the sin. Especially, in the case of powerful leader of the tribe the principle of exception should be applied preferably. e.g., If a political leader or a leader of the tribe give condition to the preachers for embracing Islam, that he cannot give up drinking hard drinks, and we can expect embracement of Islam by rest of the people related to his tribe due to his Islam. Then, Penalty of the wine will be graduated and delayed applying principle of exception. Because, a refusal to him will back him to kufr and if we accept him for Islam and exclude him from applying penalty of wine as long as he accepts Islam and became a cultured, well-mannered and Allah fearing man. Then, necessity of penalty will remain no more.

6:2: 11:2: Exception of circumstances: It is prominent principle of jurisprudence that: the ruling will be changed in case of change in circumstances, places, times and customs. "So, preachers and jurists would take care of these factors when they provide rulings. e.g., Islam has forbidden application of penalties during war, because, it weakens righteousness in the heart of transgressors and mislead them to the enemies. Allah's apostle (PBUH) said: "The hands be not cut off in the invasion."⁹⁴and the scholars saw that the penalty should not be applied in the invasion in the presence of the enemy, if the imam came out of the land of war, and returned to Dar al-Islam, he set up the penalty on those who committed crime. 'Omar ibn al-Khattab wrote to the people:

A commander of army and detachment should not lash a Muslim when he is fighting, until he cuts the path coming back to home, lest the devil's zeal makes him excited and joins the infidels"⁹⁵

'Alqamah (May Allah be pleased with him) said: ""We were in an army in the land of the Romans, and Hudhaifa ibn al-Yaman was with us and al-waleed bin 'Uqba was our leader, he drank wine, so we wanted to punish him" then, Hudhaifa said: "Do you punish your leader although you have come nearer to your enemies and your enemy will covet you?"⁹⁶

⁹³ . Az-Zarqaa, Shaikh Mustafa, Al-Madkhal Al-'Aam, V.1, p-51.

⁹⁴ . At-Tirmidhi, Muhammad b. 'Isa, Abu 'Isa, Sunan At- Tirmidhi, Dar Al-Garb Al- Islamiyah, Birut, 1998A.c., Hadith No.: 1450, V. 3, p-105.

⁹⁵ . Al-Khurasani, Abu 'Othman Sa'yeed b.Mansur, Sunan Sa'yeed b. Mansur, Ad-Dar As-Salafiah, India, Hadith No.:2500, V. 2, p- 235.

⁹⁶ . Ibid, Hadith No.: 2501.

6:2: 11:3: Exception of a group:

It is very necessary to exclude a group of people in some of the obligations of religion and the orders of Islam gradually to ensure quality Islam, some of the people who entered Islam catches him dignity and self-respect that abstain them from Islam. This is the matter of 'Banu Thaqif' that happened with prophet (PBUH). He knew when he migrated to them and they gave the worst response to him they had the matter of dignity that causes to kill 'Orwah b. Mas'wood (May Allah be pleased with him) being the most beloved to them, yet, when he informs them of his religion, they threw Spear to him from every direction and killed him. When they came at Madinah, Allah's prophet (PBUH) entertained them at his Mosque in order to deal with them very softly. Then, they have given to the prophet (PBUH) five conditions for accepting Islam, and they are: 1. Not to break their idols with their own hands 2. Not to be assigned to jihad and war, 3. Not to be forced to pay Zakat and charity, 4. Governor not to be appointed from outsiders, and 5. Not to be forced to pray (Salat). The Prophet (PBUH) agreed to the first four conditions, and took the slightest commitment from them regarding prayer he said to them: "You may not be gathered for the fighting and also not be imposed Salat and the governor will not be appointed from outsiders, and there is no good in a religion in which there is no kneeling."⁹⁷

6:2: 11:4: exception of the provinces: To force anyone for accepting Islam is not lawful any more after revelation of the verse; "There is no compulsion in religion. Verily the right path has become distinct from the wrong path."⁹⁸ And in another verse He (SWT) said: "Will you (O Muhammad (PBUH)) then compel mankind, until they become believers."⁹⁹

So, the campaigners and preachers coupled with the highest authority should take in account the early conditions of the receivers or invitees and exclude them from application of Shar'ah in total following the principle of exception. We have cited some evidences from golden time of Islam herewith:

This is a letter written by 'Omar (May Allah be pleased with him) to the people of Aelia (Baitul Maqdis/ Jerusalem). The letter shows that Omar, the leader of the believers has given people of Aelia safety of life and wealth along with freedom of religion even once he performed Salah in their Church. The letter is quoted here:

"In the name of Allah the kind, the merciful, this is Allah's servant 'Omar, leader of believers, gave the people of Aelia safety : he gave them safety for their lives and wealth, their churches and crucifixions, the sick and the healthy and all its sects, and their churches are neither unhabituated, nor destroyed, and nor reduced from them, nor from their space, nor from the their cross or anything from their wealth, and they will not be forced about their religion, and none of them will be harmed."¹⁰⁰

A letter written by Hudhaifah b. Al-Yaman to the people of Mahdinar:

In The letter of Hudhaifah ibn al-Yaman for the people of Mah dinar: "In the name of Allah, the kind the most merciful, this is what Hudhaifa ibn al-Yaman gave the people of Mah Dinar, who gave them safety on their lives and wealth, and their land, their sect will not be changed and there will not any barrier between them and their canons"¹⁰¹.

This kind of consideration draws their soft and lovely attention to rulers' religion, then, they accept Islam and it is what happened in the history of Islam.

Finally, the comment of Dr, Yusuf Al-Qaradawi in this regard is mentionable here:

"إذا أردنا أن نقيم "مجتمعا إسلاميا حقيقيا" فلانتموهم أن ذلك يتحقق بجرة قلم أو بقرار يصدر من ملك أو رئيس أو قيادة أو برلمان، إنما يتحقق ذلك بطريق التدرج، أعني بالإعداد والتهيئة الفكرية والنفسية والأخلاقية والاجتماعية."¹⁰²

If we want to establish a "true Islamic society", we are not to be under the illusion that this is achieved with the stroke of a pen or by a decision of a king, president, leadership or parliament, but this will be achieved through gradualism I mean through intellectual, psychological, moral and social preparation¹⁰²."

6:3: Examples from the righteous ancestors in favor of gradualism:

At first, I would like to post here what happened between righteous khalifah 'Omar b.'Adul 'Aziz and pious son 'Abdul malik:

6:3:1: It reported by 'Omar b.'Abdu 'Aziz: verily his son 'Abdul Malik, the best son, said once to him: O my beloved father, what is wrong with you that you do not execute the matters? By Allah, I do not care if the fire of reaction boils me and you. The Allah fearing excited young man wants from his father, Allah has given him leadership of the believers to take measures against oppressions and impact of corruption at a time without waiting and delay and let it be happening what happen afterward. Then, what was the answer from pious father, righteous Khalifah and Mujtahid jurist? 'Omar said: Do not hurry O my beloved son, because, Allah has

⁹⁷ As-Shaibani, Abu 'Abdillah Ahmad b. Muhammad b. Hanbal, Musnad Ahmad, Muassastu Ar-Risalah, 2001 A.C. Hadith No. 17913, V.29, p- 438.

⁹⁸ . V. 2:256.

⁹⁹ . V. 10:99.

¹⁰⁰ . At-Tabari, Muhammad b. Jarir b. Yazid b. Kathir Abu Ja'far, Tarikh Ar-Rusl wal Muluk, Dar At-Turath, Birut, 1387 A.C. V.3, p- 609.

¹⁰¹ . Ibid, V.4, p-137.

¹⁰² . Al-Qaradawi, Dr. Yusuf, Al-khasais Al- 'Ammah Lil-Islam. Maktabatu Wahbah, Cairo, p- 168.

insulted the wine in the Quran twice, and has forbidden it in third time. Verily, I am afraid of up loading the truth upon the people at a time then they will refuse it at once, then that will be tribulation.¹⁰³

6:3:2: Ibn al-Jawzi reported that ‘Abdul Malik.b. ‘Omar Ibn. ‘Abdul Aziz entered his father, the leader of the believers, the fifth righteous caliph, at the time of his nap, rushing to return the grievances to oppressors, and ‘Omar said to him: “My son, that my soul is my ride and if I am not soft and mild to it, then it will not reach me (to my destination). If I make tired myself and my associates, we shall fell down together. I count the remunerations in my sleep what I count in my wake. If Allah wanted to reveal the Qur'an at a time, He would do it but he sent down one verse and two verses until faith was deep-rooted in their hearts.

6:3:3: Once again, his enthusiastic and zealous son entered to him blaming him softly or being offended :O leader the believer, what will you say to your lord tomorrow, when He will ask you and say: “You have seen an innovation (established in the society) then, you have not mortified it or you have seen a Sunnah(abolished) but you have not enlivened it”? Then, his father replied:” “May Allah bestow His mercy upon you and reward you a good son. O my beloved son, your nation has tied the trouble knotting and looping it gradually, and when I want to argue with them to seize what is in their hands, I will be unsafe from their ripping that causes massive bloodshed. By Allah, the demise of the world is easier to me than to be shaded a cup of blood due to me. Wouldn't you like that your father will not meet a day from days of the world but he abolishes an innovation (Bid'ah) therein and revives a Sunnah?¹⁰⁴”.

6:3:4: The ruling of Omar in the year of famine: Omar Ibn Khattab, the 2nd Calipha has declared two significant orders/rulings in the year of famine. These are as follow:

6:3:4: 1: To delay is allowed in collection of Zakat of Animals till the famine goes away; rain start falling and grass will be available. Abu ‘Obaid reported from Ibn Abu Dear and he said that verily Hazrat ‘Omar delayed the collection of zakat during the year of famine; when the rain begins to fall, I was sent to collect the zakat of the animals for a couple of years and ordered me to distribute the Zakat of one year among them and bring the rest of zakat to him. It is the wisdom of Hazrat ‘Omar that he didn't waive the ruling of Islam so that it wasn't intolerable to lead the life of the poor and simultaneously the rich couldn't dare to grasp a lion portion of wealth.

6:3:4: 2: Ward off cutting the hands of thief in the year of famine: Abu Obaid reported from Ibn Abu Dear and he said that verily Hazrat ‘Omar warded off the cutting of the hand of thief in the year of famine.

Hazrat Omar postponed the ruling of zakat usually paid to the individuals for taming to the light of Islam during the reign of Hazrat Mohammad (PBUM) & Hazrat Abu Bakr in consideration to social atmosphere and condition having no demand to pay the Zakt in this field.

6:3:5: Hazrat ‘Omar (May Allah be pleased with him) changed the ruling prevailed in the reign of Hazrat Mohammad (PBUM) & Hazrat Abu Bakr regarding the distribution of Ganimah among the winners of battle. A group of companions along with Belal opined against Calipha arguing that prophet (PBUM) distributed the land of Khaibar after the conquest. So, distributing the land of Syria among the fighters was justified. In addition to that there is Quranic verse in support of their opinion. As Allah says: “And know that whatever of war booty that you may gain, verily, one-fifth (1/5) of it is assigned to Allah, and to messenger, and to the near relatives, orphans, the needy and traveler”.¹⁰⁵ But ‘Omar along with other companions preferred to remain the land to the owner by the payment of Taxes and nationalized the land for sake of the next and future generation. Hazrat Omar said, “If there remain no next generations in future, I will distribute the land of Syria as distributed the land of Khaibar by Mohammad (PBUM)”. Making the land of Syria nationalized, Hazrat Omar kept a remarkable thought to the next generations that the distribution of Ganimah among the conquerors of battle is not a fix course of action; rather it may be changeable considering the circumstances of society and state¹⁰⁶.

VII. A CRITICAL ARGUMENT OF ANTI-GRADUALISTS' COMMENTS AND QUESTIONS TO GRADUALISTS:

Question: Late Shaikh Imam Abul Hasan (May Allah bless him) and ‘Abdullah al- Andalusí and some other modern Islamic thinkers say, Gradualism is not from Islamic Shari'ah. It is a misunderstanding of the gradualist's Islamic thinkers. They misunderstood the legislation procedure of wine due to misinterpretation of the procedure. They said: drinking wine was prohibited in two stages in the first stage that was halal, and finally it has been forbidden for all the time. The procedure shows and proves that in the first stage the wine was halal and the final stage it became haram, there are two things: 1. Abrogated (Halal/Mubah) 2. Abrogating (Haram) nothing in between. Then where is the gradualism? The gradualists relate the following verse

“O, you, who believe, approach not prayers with a mind befogged until you understand all of you say.”

¹⁰³ . As-Satibi, Ibrahim b. Muhammad b. Musa, Al-Muafiqat, Daru Ibni ‘Affan, 1997 A.C. v.2, p-148.

¹⁰⁴ . Al-Qaradawi, Dr. Yusuf b. ‘Abdullah, Fatawa Mu'asara, Dar Al-Wafa, Egypt, V. :2, p 718.

¹⁰⁵ . V. 8:41.

¹⁰⁶ . Al Qardawi, Yousuf b. ‘Abdullah, Madkhal Lidirastish Shari'ah Al-Islamiah, Maktabtu wahbah, Cairo, 2005, A.C. pp-218-221 abridged.

With the wine, although it is related with Salah and there is no any ruling in this verse about wine. The wine was halal until the day of final forbidding. It is very clearly understood when 'Omar ibn al- Khattab asked Allah the almighty saying: Give us a clear ruling about wine. Is it Haram? Allah (SWT) has revealed final ruling on the wine in order to reply 'Omar (May Allah be satisfied with him). The anti- gradualism scholars also said: the understanding of pro- gradualism thinkers is not right. And they have also raised another question to the gradualists: If any one embraces Islam today, will you tell him the wine to be haram gradually for you? If answer is no, then where is the gradualism?

Anti-gradualism scholars also present the following verse as evidence:

This day I have completed your religion for you and perfected my favor unto you and have chosen Islam as religion for you.¹⁰⁷

After revelation of the verse every Muslim is obliged to apply the whole of Islam in his life, none of them is allowed to exercise Islam gradually.

The anti- gradualism scholars also use the following verse as evidence:

Do you believe in part of scripture and disbelieve in part thereof? And what is the reward of those who do so save ignominy in life of the world and on day of Resurrection they will be consigned to the most grievous doom.¹⁰⁸

They say the verse guides us to accept and implement the whole of Islam comprehensively. Who doesn't accept and implement whole of Islam will be insulted in worldly life and on the day of resurrection he will be punished grievously? So, gradualism is not a rule of Shari'ah.

Gradualism leads to utilise Ummah's energy in feeble causes and give them a feeling that real change will happen. However, the reality is that these changes never come to bear fruit and the Ummah get disheartened as they think we tries and we still failed.

Observation: I think Sheikh Abul Hasan misunderstood gradualism. In fact, gradualism is a paving and ground work leading to the ultimate goal. Allah (S.W.T) has graduated the ruling related to wine by creating awareness of benefits and harms of alcohol. Then he has forbidden them to perform Salah when they are befogged and finally prohibited the wine and declared it as Haram. It is called gradualism. It refers to the journey of starting from one point with ending to its last point. The procedure is followed by Allah (S.W.T) in legislating Alcoholic drinks as Haram in final stage. If it is not gradualism, then I would like to make a question towards the anti-gradualist scholars then, what is gradualism?

Sheikh Abul Hasan also misinterpreted the verse (5:3). Because completion of Deen does not mean that it would be implemented in a day or overnight. As the Shariah is revealed by Allah (SWT) during 23 years of prophecy time, how can it be implemented in a day? It is truly illogical and impossible in nature. As Allah (S.W.T) says: "Allah does not charge a soul except [with that within] its capacity"¹⁰⁹. A new Muslim is not obliged to exercise Islam in total in his/her first day of embracing Islam due to lack of his/her knowledge or the pressure of environment. He will implement the Deen gradually learning its rituals, rules and regulations step by step. To learn the pros and cons of Deen/Shariah overnight is beyond of human capacity/limit. So, his implementation will depend on his learning. And both of them will be continued on the basis of gradualism. Muslim community is compelled to obey the tyrant rulers when they are not strong enough to protest the rebel by hands. As Allah's apostle has rightly said: Who has seen any evil among you, he/she must protest it by his/her hands; if they are unable to do so, they have to protest it with their tongues; and if they don't dare to do so, they have to hate it truly by their hearts, which is the weakest of having Iman. This temporary obedience to the tyrant rulers is not compromising with them. Rather it is a strategy of campaign adopted by the Prophets and their followers during the centuries after centuries.

"لا بأس بانتهاز الفرصة لإثبات الحق والصدق والبراءة، فقد تريت يوسف وتمهل عن إجابة طلب الملك له."

"It is okay to take the opportunity to prove truth, honesty and innocence, Joseph has waited and slowed down the answer to the king's request for him."¹¹⁰

Question: It is very well-known fact that, if Shari'ah is not applicable until the field is okayed socio-politico-economically and culturally for it, the people will be compelled to carry-out and practice the local acts and customs. The practice will make them accustomed to the traditional regulations and customs which lead them to be habituated with them and involved with criminal offenses that ruin their mentality and positive attitudes towards Islam and make them too polluted to welcome Islamic Shari'ah into their society. Then how do they achieve their goal of establishment of Shari'ah?

¹⁰⁷ . V. 5:3.

¹⁰⁸ . V. 2:85

¹⁰⁹ . V. 2:286.

¹¹⁰ . Az- Zuhaili, Dr. Wahbah b.Mustafa, Dar Al-Fikr, Damasque, 1422 Hijri, V. 1, p-931.

Observation: A true Muslim does not obey and shouldn't obey any non-Islamic rule spontaneously, but he carries it out with hatred in mind awaiting its abolition and replacement by Islam all the time. That's why, their temporary involvement does not make them accustomed to the man-made regulations. The history of Islam showed us how Shari'ah established gradually in the life-time of prophet (PBUH).

Question: If the gradualists say: they will prepare the field first as good socio-politico-economically and culturally then, Shari'ah will be implemented. If society is prepared then what is the necessity of Islamic Shari'ah therein?

Observation: To pave the streets for the car driving does not mean the car is running on the street rather it means the street is ready for driving a car. Similarly, establishment of Islamic Shari'ah requires paving the field for it and it is not possible in a day. It demands graduation in order to prepare the field. As Allah (SWT) has declared some requirements to gain guidance of the holy Quran: "This is the book `whereof there is no doubt, a guidance to those who are Al-Muttaqun, who believe in the unseen. And perform As-Salat and spent out what we have provided for them and who believe in that has been sent down to you and in which was sent down before you and they believe with certainty in the Hereafter".¹¹¹

The verses have showed us that to achieve the bounty of guidance of the Quran requires a qualified mind with the virtues mentioned in the verses. Equally, a fertile field is requisite for re-establishment or establishment of Shari'ah.

The question of Shaikh 'Othaimin

Question: The Quran revealed to the then Arabs gradually at the beginning because they were disbelievers and they were habituated to various customs and they have been grown up on them. That's why gradualism was reasonable for them, and we are not be compared to them because, we have born on Islam, all praises to be Allah, then, for what reason the gradualism would be applied in Muslim society that has been created on monotheism?

Question: I ask again is it proved that the prophet (PBUH) after revelation of the verses related to prohibition treated with newly embracing people in consideration to the principle of gradualism, e.g. after complete prohibition of the wine has prophet (PBUH) graduated the ruling for new Muslims? The answer is "no", because as soon as the ruling has sent down and heard it would be implemented and obeyed. For, there is no scope for research against the divine proofs. Then, we are servants of Allah in His earth under His heavens, we have had sustenance provided by Him. So, no ruling is suitable in every sphere of our lives except Islam. Imam Abul Hassan also had asked the same question.

Observation: I would like to mention my observation herewith:

A new Muslim is naturally facilitated to apply the Shari'ah gradually. Because, enforcement of Shari'ah upon him depends on two conditions: (1) knowledge and (2) ability. He is not obliged to apply complete Shari'ah due to lack of knowledge as well as ability. So, getting knowledge and its application will go ahead side-by-side gradually. To know the pros and cons of Islam overnight is humanly impossible. That's why, implementation of total Islam from early day of embracing is unjustified and unreasonable. In this regard, the comment of Imam Ibn Taymiah (May Allah bestow His mercy on him) deserves to be quoted here;

"The wise man sometimes may delay the statement and communication of the things until the time of ability as Allah has delayed the revelation of the verses and statement of the rulings till the prophet (PBUH) has been enabled to state it. In fact, Allah says: "We do not torture until we sent a messenger". The argument against the servants will be established by two things: 1. In condition to be able to know what Allah has revealed, 2. The capacity of its application. So, neither order nor prohibition is applicable for the mad (unable to learn) or the disable (unable to do). It is stern reality that, Prophet (PBUH) did not convey anything but what is possible to know and to be exercised, because Islam has not revealed at a time. There is a saying: "When you want to be obeyed, ordain what can be carried out", as well as the reformers of the Deen and revivers of the Sunnah only convey what they can know and work on. Similarly, the fresher in Islam is not able to know the pros and cons of it and not to be ordained for its application in total overnight. As like as none of the repentant of sins, the student and the advice seeker would be ordered with total Shari'ah and to be educated on complete Shari'ah. He is quite unable to do that, and who is unable to do something is not obliged to do it at present. When it is not obligatory for him, the preacher and leader is not allowed to make it obligatory for him at early stage rather he will forgo him from application of dos and don'ts what are beyond of his ability until he will be able. As prophet (PBUH) did. And it will not be considered as recognition of forbidden things and disobedience to orders related with duties, Because, the dos and don'ts are legalized in condition to ability and knowledge."¹¹²

¹¹¹ . V. 2: 2-4.

¹¹² . Ibn Taymiah, Taqi Uddin Abul 'Abbas Amamad b. 'Abdul Halim, Majmu'ul Fatawa, Majma'u Malik Fahad Litaba'ati Muhaf Ash-Sharif, Madinah Munawwarah, K.S.A. 1995 A.C. V. 20, pp-59 61. abridged.

Question: Man-maid rulings are implemented at a time without gradualism, then why not Islamic one, although it deserves priority?

Observation: The question is not an actual one, because, the fact is different. Conventional laws are also made, enacted and developed gradually and it will continue forever. The law makers are men of limited knowledge. So, whatever they make in the morning it may be cancelled in the evening. Making laws, enforcement, postponement, amendment and abrogation are going on side-by-side simultaneously.

Question: Imam Abul Hassan said again: Islam of Muhammad (PBUH) is only considered as ‘Al-Islam’ as Allah said: “Verily, the religion with Allah is Islam.¹¹³” the Shari’ahs of previous prophets are not Shari’ah for us. So, participation of prophet Yusuf (PBUH) with tyrant ruler is not evidence for us, because, Al-Islam has abrogated all of previous Shari’ah. Moreover, the gradualism is a new concept, taken from capitalism that is built a compromise between the clergy and the intellectuals.

Observation: Islam is only divine religion which has been started through Adam (PBUH) and gradually completed upon the last and final messenger Muhammad (PBUH). The last and final version of Islam has abrogated the previous versions except some common aspects. That’s why Allah has described the Quran as a testifying book for all of the previous divine books¹¹⁴. It is He Who has sent down the (the Quran) to you Muhammad (PBUH) with truth, confirming what came before it. And He sent down the Tawrat and the Injil.¹¹⁵ So, the principle ‘Shar’u Man Qablana laisa Shar’un lana’ is applicable for abrogated ones neither for testified ones and nor for which do not contradict with the final version of Islam.

“أَنَّ شَرْعَ مَنْ قَبْلَنَا هَلْ هُوَ شَرْعٌ لَنَا أَمْ لَا؟ وَالنِّزَاجُ فِي ذَلِكَ مَشْهُورٌ. لَكِنَّ الَّذِي عَلَيْهِ الْأَيْمَةُ وَأَكْثَرُ الْعُلَمَاءِ أَنَّهُ شَرْعٌ لَنَا مَا لَمْ يَرِدْ شَرْعًا بِخِلَافِهِ”

“Verily, Shari’ah of previous prophets whether is it Shari’ah for us or not? And the controversy on the issue is well- known, but what the Imams and most of the scholars opined that certainly that is Shari’ah for us unless our Shari’ah did not provide the ruling contradictory to that.”¹¹⁶

I would like to say in reply to other part of his question; “It is new concept in Islam taken from Capitalism”: It is not reality because, we see in the life of our beloved prophet (PBUH) that he has maintained Sunnah of gradualism where it needed. Allah Himself taught him in this way and revealed the Quran during 23 years.

“فهذا هو سبيلهم من أولهم إلى خاتمهم صلى الله عليه وسلم- الذي أنزل عليه قوله تعالى: قُلْ هَذِهِ سَبِيلِي أَدْعُو إِلَى اللَّهِ عَلَى بَصِيرَةٍ أَنَا وَمَنِ اتَّبَعَنِي ... وأنزل عليه قول تعالى: أُولَئِكَ الَّذِينَ هَدَى اللَّهُ فَبِهِدَاهُمْ أَقْتَدَهُ .”

This is the way of all prophets from the 1st one to the last one (PBUH) on whom the following saying of Allah (SWT) was revealed:

Say, O Muhammad (PBUH), “This is my way I invite to Allah with sure knowledge I and whosoever follows me,”¹¹⁷ and also was revealed the saying of Allah: “Allah they are those who Allah had guided. So, follow their guidance.”¹¹⁸

Outcomes:

Islam is complete and comprehensive code of life. The findings of research are given below.

1. Islam is applicable for all irrespective of ages and places
2. The application of Islamic Shari’ah is an obligatory duty for every Muslim in consideration to their ability and social status.
3. To apply the Shariah rulings in the individual, family, society & state, the principles of gradualism have been practiced in the life of prophets specially in the life of last and final Prophet Muhammad (PBUH), the companions and their successors. Now-a-days the principle is prescribed by most of the scholars.
4. The principle of gradualism has been proved as an effective strategy to implement any policy in the society particularly Shar’ah ruling.
5. Gradualism which leads to delay and ignore Shari’ah rulings is not permissible and it requires some terms and conditions to be fulfilled as stated above.

¹¹³ . V. 3:19.

¹¹⁴ . 2: 41,91,97, 3:3, 4:47,5: 46,48, 35:31, 46:30, 61:6.

¹¹⁵ . V. 3:3.

¹¹⁶ . Ibn Taymiah, Majmu’ul Fatawa, V. 1, p-257.

¹¹⁷ . V. 12:108.

¹¹⁸ . A group of researchers under supervision of ‘Alawi b. ‘Adul Quadir, Al- Mawsu’atul ‘Aqdiah, V.8, p- 184 and dorar.net

6. Gradualism should be applied in accordance with ‘Umar Ibn Abdul Aziz, the fifth Caliph of Islam, who had a pragmatic dream with a view to enlivening a dead Sunnah and removing a Bid’ah (Innovation) every day following the principle “Today should be better than the previous day”.
7. Gradualism should be applied following the principles of Fiqhul Auwlaabiat (Principle of priority), Fiqhul Waq’i (Principle of events and reality) and Faqhu Maalat (Principle of aftereffect) coupled with the principle of exception.
8. An effective work plan should be designed with a diagram showing a fixed schedule of time for application of Shariah based on the principle of priority t as a government makes its short term & long-term plan.
9. The principle of gradualism makes the policy smooth to be implemented and sustainable. As Shaikh Sa’di said: Whatever comes in short never lasts long.
10. Gradualism is merely a strategy for achieving the goal; not the goal itself. Its aim is to establish or reestablish the Shariah rulings in every sphere of life in a planned way.
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