

Gradual Implementation of Islamic Shariah Rulings

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(Translated)

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The concept of gradualism in the implementation of Islam is a dangerous concept against Islam. It dampens the resolve of those who work for Islam, and distances them from the Shariah determinants in their stances and actions. The call for gradualism in the implementation of Islam means that the countries currently existing in Muslim lands are considered “Islamic” countries that only need reform. In reality they are countries that implement kufr systems that must be uprooted, instead of calling for gradualism in the implementation of Islam, which only prolongs their life. It is no secret to us that the Dawah for gradualism came as a reaction to what its advocates perceive as the difficulty of implementing all the Shariah rulings of Islam at once, in light of the control of the kafir West, and its agents among the rulers over the necks of Muslims.

Given the importance of this topic, many have spoken and written about it. However, I would like to mention some points that I consider important:

Firstly: The term gradualism is used to mean arriving at the desired Shariah ruling in stages, not all at once. Therefore, it is also expressed as “gradualism.” This is when a Muslim first applies a non-Shariah ruling that is close to the Shariah ruling, in his view. Then he gradually applies what is close to the Shariah, until he arrives at the desired Shariah ruling. For example, a Muslim woman wears clothing that reaches just below her knees until she applies the desired Shariah ruling at a later stage. It is important to note that gradualism is not restricted to a fixed number of stages. A single Shariah ruling may take one, two, or even more, stages. Gradualism is dependent on the circumstances and conditions, that govern the number of stages.

Secondly: The evidencing used by advocates of gradualism does not follow the correct method of istinbat (Shariah juristic deduction). They did not deduce from the Shariah evidencing that gradualism is permissible in Shariah. Instead, they first decided that gradualism was necessary. Then, they began to search for evidence to justify its permissibility. This is clear from their erroneous deduction of some noble Quranic verses:

A- Quranic verses related to riba (interest): From the Quranic verses on riba, they said that Allah (swt) did not prohibit riba, all at once. Instead, its prohibition was revealed in stages, as riba was permitted initially, according to them. Allah (swt) said, ﴿وَمَا آتَيْتُمْ مِنْ رِبَاً لِيَرْبُوا﴾ **“And that which you gave in gift to others, in order that it may increase by a reciprocal gift, has no increase with Allah. However, that which you give in zakah seeking Allah’s Countenance then its givers shall have manifold increase.”** [TMQ Surah Ar-Rum:39].

Then they speak of the prohibition of eating compounded interest, but not simple interest. Allah (swt) said, ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا الرِّبَا أَضْعَافاً مُضَاعَفَةً وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ﴾ **“O believers! Do not eat Riba (usury) compounded, doubled and multiplied. Be mindful of Allah, so you may be successful.”** [TMQ Surah Aali Imran:130].

Finally, they say that Allah (swt) forbade riba by saying, ﴿وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا﴾ **“Allah has permitted trading and forbidden interest.”** [TMQ Surah Al-Baqarah 2:175].

In response to this claim about Riba: We say that interest is in origin prohibited by the Allah (swt) saying, ﴿وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا﴾ “Allah has permitted trading and forbidden interest.” [TMQ Surah al-Baqarah 2:175]. Since Surah Al-Baqarah is the surah in which the prohibition of riba was revealed, and it was the first surah revealed in Madinah, as stated by the mufasiroon (Quranic commentators), there is nothing to indicate that it was prohibited in stages.

As for the multiple cited Shariah texts on the subject, they were for specific incidents. There is nothing in them to indicate a gradual progression.

So, Allah (swt) said, ﴿وَمَا آتَيْتُمْ مِنْ رَبًّا لِيَرْبُوًا فِي أَمْوَالِ النَّاسِ فَلَا يَرْبُوا عِنْدَ اللَّهِ وَمَا آتَيْتُمْ مِنْ زَكَاةٍ تُرِيدُونَ وَجْهَ اللَّهِ﴾ ﴿فَأُولَئِكَ هُمُ الْمُضْغَفُونَ﴾ “And that which you gave in gift to others, in order that it may increase by a reciprocal gift, has no increase with Allah. However, that which you give in zakah seeking Allah’s Countenance then its givers shall have manifold increase.” [TMQ Surah Ar-Rum 39]. This verse has nothing to do with riba. It means that if someone gives a gift or present and wants reciprocation, or to take it back later, then there is no reward for it from Allah (swt). This was mentioned by Al-Qurtubi and Ibn Kathir on the authority of Ibn Abbas, Mujahid, Ad-Dahhak, Qatadah, Ikrimah, Muhammad ibn Ka’b, and Ash-Sha’bi.

So, Allah (swt) said, ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا الرِّبَا أَضْعَافًا مُضَاعَفَةً وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ﴾ “O believers! Do not eat Riba (usury) compounded, doubled and multiplied Be mindful of Allah, so you may be successful.” [TMQ Surah Aali Imran:130]. They also have no evidencing in this ayah for their view. The Quranic verse was revealed prohibiting the consumption of compound interest, in light of what the people of ignorance were accustomed to, when dealing with interest. There is nothing in the verse indicating that the prohibition of interest is restricted to compound interest, excluding simple interest.

B. Quranic verses related to alcohol: From all of these Quranic verses, those who believe in gradualism understand that wine was permissible at first, as evidenced by the Saying of Allah (swt), ﴿يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنْفَعٌ لِلنَّاسِ وَإِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا﴾ “They ask you O Prophet about alcohol and gambling. Say, “There is great evil in both, as well as some benefit for people. However, the evil outweighs the benefit.” [TMQ Surah al-Baqarah 2:219]. Then the restriction of permissibility was revealed by the Allah (swt), saying, ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَارَى حَتَّى تَعْلَمُوا مَا تَقُولُونَ﴾ “O believers! Do not approach Salah (Shariah prayer) while drunk, until you are aware of what you say” [TMQ Surah An-Nisaa 43].

Then Allah (swt) prohibited alcohol altogether, after this restriction. Allah (swt) said, ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رَجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ * إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمْ الْعَدَاةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصْنَعُ بَيْنَكُمْ عُتَاةً وَأَنْتُمْ مُنْتَهُونَ﴾ “O believers! Alcohol, gambling, idols, and drawing lots for decisions are all evil of Satan’s handiwork. So shun them so you may be successful * Satan’s plan is to stir up hostility and hatred between you with alcohol and gambling and to prevent you from remembering Allah and praying. Will you not then abstain?” [TMQ Surah Al-Baqarah 2:90-91].

In response to this stance: We say that these Quranic verses do not indicate a gradual prohibition of alcohol. Alcohol was not prohibited gradually. Alcohol was left in its original state of blamelessness until the revelation of ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رَجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ * إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمْ الْعَدَاةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصْنَعُ بَيْنَكُمْ عُتَاةً وَأَنْتُمْ مُنْتَهُونَ﴾ “O believers! Alcohol, gambling, idols, and drawing lots for decisions are all evil of Satan’s handiwork. So shun them so you may be successful * Satan’s plan is to stir up hostility and hatred between you with alcohol and gambling and to prevent you from remembering Allah and praying. Will you not then abstain?” [TMQ Surah al-Baqarah 2:90-91].

And the one who scrutinizes carefully the Saying of Allah (swt), ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَارَىٰ حَتَّىٰ تَعْلَمُوا مَا تَقُولُونَ﴾ **“O believers! Do not approach Salah (Shariah prayer) while drunk, until you are aware of what you say”** [TMQ Surah An-Nisaa:43]. It can be seen that the ayah did not forbid Muslims from approaching Salah (Shariah prayer), while they were drinking alcohol. Instead, the ayah prohibited performing Salah while drunk, inebriated and intoxicated. This is so as to ensure Muslims would know what they recite. If, after the revelation of this verse, the Muslim has effects of alcohol, while he is making Salah, but only to an extent that does not make him lose his reasoning faculty, then there is no blame upon him.

However, no one permitted drinking alcohol in any way after it was made forbidden (Haram), not during the time of the Messenger (saw), nor during the time of the Companions (ra), nor during the time of the Tabioun, and the Taba' tabieen. The Shariah ruling on the prohibition of alcohol will remain thus until Allah (swt) inherits the earth and those on it.

Thirdly: The Prophet (saw) would convey the new Shariah legislation as soon as it was revealed, and would command the abiding of the Shariah. He (saw) would not take any gradual steps in implementing what was revealed to him (saw), nor would he (saw) allow what was forbidden (Haram), after it had been forbidden, nor would he implement what was abrogated, after it had been abrogated. There is no Shariah evidence, or Shariah evidencing, that the Messenger (saw) postponed the implementation of some Shariah rulings, or that he asked his Companions (ra) to implement some Shariah rulings, whilst allowing them to postpone others, so that it could be understood from that that he (swt) was gradually implementing. On the contrary, we find from his fragrant Seerah that he (saw) rejected the calls of the Quraysh leaders to give up even a few of the Shariah rulings. The Messenger of Allah (saw) refused participation in the kufr ruling, when the Quraysh offered that to him. We also consider his stance towards Banu Amir ibn Sa'sa'ah when they asked that the authority be in their hands after him, despite his great need for someone to grant Nussrah for the Dawah at that time. However, he (saw) said to them, **“الأمر إلى الله يضعه حيث يشاء”** **“Authority is up to Allah (swt). He confers it wherever He wills.”** We also consider his (saw) stance towards Banu Shaiban when they came to him and said, يا محمد إن عندنا رجالاً كالنمر ومالاً كالتراب، وعزيمة وبأساً كالجبال، ننصرك على العرب ولا ننصرك على الفرس والروم **“O Muhammad, we have men in multitude, wealth in abundance, and determination and strength like mountains. We will grant Nussrah to you against the Arabs, but we will not grant Nussrah to you against the Persians and the Romans.”** So the Messenger of Allah (saw) said to them, **«وإن دين الله تعالى لن يتصره إلا من أحاطه من جميع جوانبه»** **“The Deen of Allah (swt) is not to be granted Nussrah except from those who will protect it from all fronts.”**

As for the Prophet's (saw) stance towards Banu Thaqif, as narrated by Ibn Hisham in his Seerah, when a delegation from Thaqif came to negotiate with the Messenger of Allah (saw), they asked him to leave their idol, namely Al-Lat, alone for three years. The Messenger of Allah (saw) refused. They continued to then ask him for a year. He refused. They continued until they asked for one month, after their embracing Islam. He refused to leave the idol for any specified period. This is what the Khulafaa Rashidoon (ra), who came after him, followed in implementing the Shariah rulings of Islam in the newly conquered lands. They (ra) implemented the Shariah rulings all at once, without delay, procrastination, or gradualism.

Fourthly: Looking at the reality on the ground, we find that the conception of the gradual implementation of Islam has brought us nothing but evil. The examples of this are numerous. For example, in Egypt, the Muslim Brotherhood came to power. What was the result?! They were unable to establish the Deen. As for Sudan, the country is divided, and its people suffer from poverty and deprivation. Turkey, which many consider a model of governance, is in reality a hotbed of secularism, and subservience to the West. As for Jordan, their greatest concern is changing the electoral law to allow the largest possible number of them to enter parliament. In Tunisia, the situation has reached the point of violating definitive (qat'i) Islamic Shariah rulings in the Noble Quran, such as laws mandating equal inheritance between men and women, and criminalizing polygyny. Today, in Syria, we find that Hayat Tahrir al-Sham

has reached the end of its path, which was only to overthrow the regime. They are now in power, but they have neglected establishing the Shariah governance of Allah (swt), after they sold themselves off, by throwing themselves into the arms of other powers. All Muslim countries have let down the mujahideen in Gaza and even conspired against them, even though they call themselves Muslim or even “Islamic” countries.

Finally: We have always said, and continue to say, that the Islamic Ummah is a noble Ummah that is full of goodness. It is an Ummah that yearns to implement Islam. We have also always said and that true change will only come about through a radical, comprehensive, and complete change. This will only happen under the Khilafah Rashidah (rightly-guided Caliphate) that implements Islam as a system and constitution for life.

Hizb ut Tahrir works day and night amongst, and with, the Ummah. It has prepared for the Khilafah, including a complete blueprint of the state, in the shape of a draft constitution of the Khilafah State, which contains the Shariah rulings of the state, based on istinbaat (Shariah deduction) from the Book of Allah (swt) and the Sunnah of His Messenger (saw), and with the strength of evidence. We ask Allah (swt) that we be among the witnesses of a restored Khilafah, and amongst its soldiers.

﴿وَعَدَ اللَّهُ الَّذِينَ آمَنُوا مِنْكُمْ وَعَمِلُوا الصَّالِحَاتِ لَيَسْتَخْلِفَنَّهُمْ فِي الْأَرْضِ كَمَا اسْتَخْلَفَ الَّذِينَ مِنْ قَبْلِهِمْ وَلَيُمَكِّنَنَّ لَهُمْ دِينَهُمُ الَّذِي ارْتَضَى لَهُمْ وَلَيُبَدِّلَنَّهُمْ مِنْ بَعْدِ خَوْفِهِمْ أَمْنًا يَعْبُدُونَنِي لَا يُشْرِكُونَ بِي شَيْئًا وَمَنْ كَفَرَ بَعْدَ ذَلِكَ فَأُولَئِكَ هُمُ الْفَاسِقُونَ﴾

“Allah has promised those of you who believe and do good that He will certainly make them successors to authority in the land, as He did with those before them. He (swt) will surely establish for them their Deen which He has chosen for them. He (swt) will indeed change their fear into security provided that they worship Me, associating nothing with Me. However, whoever disbelieves after this promise, it is they who will be the rebellious.” [TMQ Surah An-Nur 55]