Ahl aṯh-Ṭhāhir and the Excuse of Ignorance

According to the Ṭhāhiriyyah (not only them, but this point is merely to show what their opinion is), a Muslim is not sinful for any act, nor is the label for that sin placed on them, until its forbiddance has been proven to them with Evidence from the Revelation. They do not hold that the Fiṭrah, the ‘Aql or the Mīthāq are proof

Ibn Ḥazm stated: “A cardinal proof about which there is no dispute: And it is that all of the Ummah is in agreement without any dispute from anyone amongst them; and it is that anyone who replaces a Verse from the Qur’ān intentionally, while knowing that it is contrary to this in the Maṣāḥif, and he removes a word intentionally as well, or he adds a word into it intentionally, then he is a kāfir according to the consensus of all of the Ummah. Then, a person may make a mistake when reciting, in that he adds a word and removes another, and replaces its words out of ignorance, believing that he is correct. And he stubbornly insists on that and debates before the truth is made known to him. And he would not be a kāfir according to anyone from amongst the Ummah, nor a fāsiq nor sinful. Then, if he comes across the Maṣāḥif or is informed by someone from amongst the Qurrā’ (i.e. reciters), the likes of whom the Ḥujjah would be established through his informing; then if he indulges in his mistake, then, due to that, he is undoubtedly a disbeliever according to all of the Ummah. And this is the ruling implemented in all matters of the religion.” [1]

He also mentioned the following Ḥadīth:

أَنَّ النَّبِيَّ صلى الله عليه وسلم بَعَثَ أَبَا جَهْمِ بْنَ حُذَيْفَةَ مُصَدِّقًا فَلاَجَّهُ رَجُلٌ فِي صَدَقَتِهِ فَضَرَبَهُ أَبُو جَهْمٍ فَشَجَّهُ فَأَتَوُا النَّبِيَّ صلى الله عليه وسلم فَقَالُوا" :الْقَوَدَ يَا رَسُولَ اللَّهِ ".فَقَالَ النَّبِيُّ صلى الله عليه وسلم :"لَكُمْ كَذَا وَكَذَا". فَلَمْ يَرْضَوْا .فَقَالَ" :لَكُمْ كَذَا وَكَذَا." فَلَمْ يَرْضَوْا .فَقَالَ: لَكُمْ كَذَا وَكَذَا ".فَرَضُوا .فَقَالَ النَّبِيُّ صلى الله عليه وسلم" :إِنِّي خَاطِبٌ الْعَشِيَّةَ عَلَى النَّاسِ وَمُخْبِرُهُمْ بِرِضَاكُمْ ".فَقَالُوا" :نَعَمْ ".فَخَطَبَ رَسُولُ اللَّهِ صلى الله عليه وسلم فَقَالَ" :إِنَّ هَؤُلاَءِ اللَّيْثِيِّينَ أَتَوْنِي يُرِيدُونَ الْقَوَدَ فَعَرَضْتُ عَلَيْهِمْ كَذَا وَكَذَا فَرَضُوا .أَرَضِيتُمْ؟ "قَالُوا" :لاَ ".فَهَمَّ الْمُهَاجِرُونَ بِهِمْ فَأَمَرَهُمْ رَسُولُ اللَّهِ صلى الله عليه وسلم أَنْ يَكُفُّوا عَنْهُمْ فَكَفُّوا .ثُمَّ دَعَاهُمْ فَزَادَهُمْ فَقَالَ" :أَرَضِيتُمْ ".فَقَالُوا" :نَعَمْ ".قَالَ: إِنِّي خَاطِبٌ عَلَى النَّاسِ وَمُخْبِرُهُمْ بِرِضَاكُمْ ".قَالُوا" :نَعَمْ ".فَخَطَبَ النَّبِيُّ صلى الله عليه وسلم فَقَالَ" :أَرَضِيتُمْ؟ "قَالُوا" :نَعَمْ."

The Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, sent Abū Jahm Ibn Ḥuthayfah as a collector of Zakāt. A man quarreled with him about his Ṣadaqah (i.e. Zakāt), and Abū Jahm struck him and wounded his head. His people came to the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, and said: “Revenge, O Messenger of Allāh.” The Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, said: “You may have so much and so much.” But they did not agree. He (then) said: “You may have so much and so much.” But they did not agree. He (again) said: “You may have so much and so much.” So they agreed. The Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, said: “I am going to address the people in the afternoon and tell them about your consent.” They said: “Yes.” The Messenger of Allāh, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, addressed (the people), saying: “These Laythiyyīn came to me asking for revenge. I presented them with so much and so much and they agreed. Did you agree?” They said: “No.” So, the Muhājirūn intended (to take

revenge) on them. But the Messenger of Allāh, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, commanded them to refrain and they refrained. He then called them and increased (the amount), and asked: “Do you agree?” They replied: Yes. He said: I am going to address the people and tell them about your consent. They said: Yes. The Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, addressed and said: Do you agree? They said: “Yes.” [2]

Then he said: “And in this narration, there is the excuse of the ignorant one, and that he does not leave Islām with the likes of which, had one who had knowledge (and) who the Ḥujjah had been established upon, he would be a kāfir. (This is) because those Laythiyyīn declared the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, to be a liar. And declaring him to be a liar is kufr in and of itself, without any disagreement. However, due to their ignorance and their Bedouin nature, they were excused due to ignorance, so they did not disbelieve.” [3]

And much more can be found from him related to the excuse of ignorance related to all matters of the Religion in his discussions on the Verse:

إِذْ قَالَ الْحَوَارِيُّونَ يَا عِيسَى ابْنَ مَرْيَمَ هَلْ يَسْتَطِيعُ رَبُّكَ أَن يُنَزِّلَ عَلَيْنَا مَائِدَةً مِّنَ السَّمَاءِ ۖ قَالَ اتَّقُوا اللَّهَ إِن كُنتُم مُّؤْمِنِينَ

And when the disciples said: "O ʿĪsā Son of Maryam, is your Lord able to send down to us a table [spread with food] from the heaven? He [ʿĪsā] said: “Fear Allāh if you are Believers.” Sūrat al-Mā’idah, 112

As well as his discussions on the Ḥadīth of Abū Hurayrah from the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ:

كَانَ رَجُلٌ يُسْرِفُ عَلَى نَفْسِهِ .فَلَمَّا حَضَرَهُ الْمَوْتُ قَالَ لِبَنِيهِ :إِذَا أَنَا مُتُّ فَأَحْرِقُونِي ثُمَّ اطْحَنُونِي ثُمَّ ذَرُّونِي فِي الرِّيحِ .فَوَاللَّهِ لَئِنْ قَدَرَ عَلَيَّ" رَبِّي لَيُعَذِّبَنِّي عَذَابًا مَا عَذَّبَهُ أَحَداً. فَلَمَّا مَاتَ فُعِلَ بِهِ ذَلِكَ .فَأَمَرَ اللَّهُ الأَرْضَ فَقَالَ :اجْمَعِي مَا فِيكِ مِنْهُ. فَفَعَلَتْ فَإِذَا هُوَ قَائِمٌ .فَقَالَ :مَا حَمَلَكَ ."عَلَى مَا صَنَعْتَ؟ قَالَ :يَا رَبِّ خَشْيَتُكَ .فَغَفَرَ لَهُ "وَقَالَ غَيْرُهُ" :مَخَافَتُكَ يَا رَبِّ

“A man used to do sinful deeds, and when death came to him, he said to his sons: ‘After my death, burn me and then crush me, and scatter me into the wind, for by Allāh, if Allāh had the ability over me, He will punish me with a punishment the likes of which He has never punished anyone (with).’ When he died, his sons did accordingly. Allāh ordered the Earth saying: ‘Collect what you hold of him.’ It did so, and there he was standing. So, He Asked him: ‘What made you do what you did?’ He said: ‘O, my Lord, I was afraid of You.’ So, He forgave him.” Someone else (i.e. another narrator) said: “Fear of You, O Lord!” [4]

Also, in his refutations of the Mu’tazilah and other misguided groups in general who claim that Taklīf (Accountability) can take place through Fiṭrah, ‘Aql and means other than the Revelation of Allāh.

And Allāh Knows Best

Haytham Āl Sayfaddīn

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[1] “Al-Faṣlu Fil-Milali Wal-Ahwā’i Wan-Niḥal” by Ibn Ḥazm, 3/142

[2] Collected by ‘Abdur-Razzāq in “Al-Muṣannaf” (18032), Aḥmad in “Al-Musnad” (26485), Ibn Mājah in “As-Sunan” (2638), Abū Dāwūd in “As-Sunan” (4534) and An-Nasā’ī in “As-Sunan al-Kubrā” (6954)

[3] “Al-Muḥallā Fī Sharḥ al-Mujallā Bil-Ḥujaji Wal-Āthār” by Ibn Ḥazm 10/410-411

[4] Collected by Mālik in “Al-Muwaṭṭa’” (645), Al-Bukhārī in his “Ṣaḥīḥ” (7506), Muslim in his “Ṣaḥīḥ” (7080) and An-Nasā’ī in “As-Sunan al-Kubrā” (11825).