

The Effects of Ignorance (not being informed) on the Orders of Shariah♦

The twenty eighth Fiqhi Seminar of the Islamic Fiqh Academy (India) was held at the renowned Islamic seminary Jamia Islamia Darul Uloom Muhammadia, Meel Kherla, Bharatpur, Rajasthan of the Mewat Region of India, from the 17th to 19th of November 2018, corresponding to 8th to 10th of Rabi Awwal 1440 Hijri, in which around 300 Islamic Scholars experts of Islamic jurisprudence-Muftis and Academicians from within the country and abroad took part. The suggestions that were passed unanimously on the conclusion of the three day seminar, in which four important topics which were discussed, deliberated upon and extensively debated, are as follow;

It is the duty of each Muslim to strive to gain information with regards to the orders of the Shariah and it is the duty of the Islamic Scholars to dispense such information to the general public at large. However, one of the reasons because of which one fails to comply with the orders of the Shariah, or fails to fully adhere to it or falls prey to distortions, is also often because of ignorance, which fundamentally are of the following types:

1. Regarding the ‘Firoyi Ahkaam’ – promotion orders, ignorance has been accepted conditionally as a valid excuse.
2. Pronouncing someone a ‘Kafir’ or a disbeliever is a very delicate issue. Therefore one should practice utmost restraint before pronouncing someone a disbeliever.
3. Regarding “Aiteqaad” or the belief system, matters pertaining to the belief in Islam as per Shariah that are not generally known by the public and due to ignorance people at large are not informed about them, then they should not be proclaimed disbelievers but rather means to educate them should be sought.
4. “Qateeyate Deen”, are those matters pertaining to which the evidences are found in the book of Allah or those that are continuous practice of the Messenger of Allah or those that are unanimously accepted.
5. Orders pertaining to “Qateeyate Deen” fall into two categories; one relates to those that are so commonly known that generally all the Muslims are aware of them. For example the fact that the Messenger of Allah is the last Prophet and therefore this is a requirement of the faith in the religion of which mere ignorance is not accepted as an excuse and no reasoning shall be accepted for any deviation whatsoever.
6. The other part constitutes the category of which things are not that famous and in such matters the general public is not so aware. In such circumstances if after one is offered logical and Islamic orders pertaining to them and he continues to insist on them, then he shall fall into the category of wilful refusal and hence ‘kufr’ or disbelief can be pronounced on him.
7. In the regions where such orders of Shariah have not been spread and there is no possibility of reaching out to them, the Muslims of these areas can be excused.

♦ 28th Fiqhi Seminar (Rajasthan) 17-19th November 2018

If due to mistake or ignorance “Mass-bis-Shahwat” (touching with lust) occurs and there is no evidence, then practice on the view of imams of other “Maslak” (schools of thought) can be accepted with regards to “Hurmate-Musaherat”(jurisprudence regarding for example; ones wife becoming illegitimate due to physical, intimate or sexual contact with someone who is an immediate relative father son etc.)