

The effect of different places on changing the fatwa Residence in Western countries as a model

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Abstract:

One of the most salient features of Islamic Sharia is its dynamic equilibrium of flexibility and constancy, endowing it with perennial relevance and applicability across all epochs and locales. Such a trait could not be sustained without the intrinsic capacity for evolution, underscoring its adaptability, and facilitating its alignment with the varying conditions and exigencies of the individuals bound by its directives.

This transformative aspect is pertinent to the juridical decrees that are contingent upon change, recognizing that while certain tenets in Sharia remain immutable, steadfast against the tides of time and space, others are amenable to modification in response to shifting circumstances.

KEYWORDS: Fatwa; Migration; Location; the Characteristics of Islamic Sharia; Flexibility.

1. Introduction

All praise is due to Allah, who has alleviated the burdens and hardships for His creation, considering their state in His decrees with compassion and mercy. He appointed His messenger Muhammad as a beacon of guidance and mercy to all beings, upon whom be blessings and peace at every instance and observation, as well as upon his kin

and companions who embraced his path with unwavering faith and certainty.

It is incontrovertibly established that Islamic Sharia represents the culmination of divine legislation, through which Allah consummated His religion. As Allah proclaims, *"Prohibited to you are dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allāh, and [those animals] killed by strangling or by a violent blow or by a head-long fall or by the goring of horns, and those from which a wild animal has eaten, except what you [are able to] slaughter [before its death], and those which are sacrificed on stone altars, and [prohibited is] that you seek decision through divining arrows. That is grave disobedience. This day those who disbelieve have despaired of [defeating] your religion; so fear them not, but fear Me. This day I have perfected for you your religion and completed My favor upon you and have approved for you Islām as religion. But whoever is forced by severe hunger with no inclination to sin - then indeed, Allāh is Forgiving and Merciful."* (Al-Ma'idah 3).

This divine completion signifies that Islamic Sharia is universally applicable, accommodating the varied conditions and exigencies of those it governs, thereby mitigating difficulties and adversities.

In the realm of Islamic jurisprudence and the principles of legal reasoning, pivotal considerations include the dynamics influencing the issuance of fatwas (Islamic legal opinions). It is a consensus among scholars of Islamic jurisprudence that Sharia takes into account the conditions and circumstances of its adherents across all locales, epochs, and situations, rendering it a versatile and enduring legal framework.

Critical to the discourse on the evolution of fatwas are the considerations pertinent to Muslims residing in diaspora; what is deemed suitable in terms of fatwas within Islamic nations may not be directly translatable to the context of foreign territories. The evolution of many fatwas is attributable to their pertinence to these overseas environments and the specific challenges faced by Muslims therein.

Thus, this article aims, God willing, to illuminate the nuances of how fatwas evolve in response to changes in geographical contexts, with a particular focus on migration as a case study. This exploration employs an inductive-analytical approach to elucidate the nexus between migration and the consequent evolution of fatwas.

Study Objectives:

- _ To demonstrate the impact of place on the change in fatwas.

– The relationship between emigration and the change in fatwas.

Study Importance:

The importance of the article lies in demonstrating that Islamic Sharia is suitable for every place, whether in Muslim or non-Muslim countries, as the general purpose of legislation is to consider the interests of the people.

Structure of the Study:

The article is divided into: an introduction, four sections each containing three demands, and a conclusion.

Research plan:

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2. The Fatwa.

2.1. First Demand: Definition of Fatwa.

2.1.1. Linguistically

The terms "fatwa" and "ifta" are both derived from the verb "afta," meaning clarification and manifestation in Arabic speech. Ibn Mandur mentioned, "He clarified the matter to him when giving a fatwa." The term applies when a person issues a ruling in a matter or when one seeks a ruling and receives a fatwa. "Fatya" and "fatwa" are

nouns used in place of issuing a fatwa. (Mandur, 1414, p. 15/147) It is said, "I interpreted a dream for someone (aftaytu lahu ru'ya) if I explained it to him," and "I issued a fatwa in his matter (aftaytuhu fi mas'alatihi) if I answered his question." (al-Qazwini al-Razi, 1979, p. 4/474)

Another root is "iftiya," meaning to issue a fatwa by a jurist in a matter, clarifying its ruling. This is referenced in the Quranic verse, *"They ask you for a ruling. Say, 'Allah gives you a ruling concerning the indirect heirs...'"* (An-Nisa 176), implying the issuance of fatwa and iftiya. Al-Fayoumi stated that "fatwa" (with an 'o' sound) and "futiya" (with an 'ee' sound) are derived from issuing a ruling by a scholar, indicating the origin from the word "fata," meaning a young, strong man, with the plural being "fatawi" (softening the 'o' to 'a' for ease). (Ali al-Fayyumi al-Hamwi, n y, p. 2/462)

2.1.2. Technically:

Technically, "fatwa" closely aligns with its linguistic meaning, differing mainly in scope; the linguistic meaning is broader than the technical one. Jurists and scholars have defined fatwa as pertaining to two types of rulings: doctrinal and practical, whether established or newly arising.

Dr. Abd EL-Karim Zaidan said, "The technical meaning of issuing a fatwa retains the linguistic essence, encompassing the questioner, the mufti, the act of issuing, and the fatwa itself, with the caveat that the issue in question is religious, seeking a Sharia ruling." (Zidan, 2001, p. 130)

Imam Al-Qarafi defined it as "informing about Allah's command in terms of obligation or permissibility," (al-Qarafi, 1994, p. 10/121) likening the mufti's role to that of a translator for a judge, conveying the divine ruling through various means. (Idris al-Qarafi, n y, p. 4/53)

A fatwa, thus, clarifies the Sharia ruling based on evidence for those seeking guidance on specific issues or confused about religious decrees, elevating the mufti to a status akin to prophethood, as Imam Al-Shatibi stated, "The mufti stands in the nation's place as the Prophet, peace be upon him." (ben Musa al-Shatibi, 1997, p. 5/253)

2.2. Conditions for Issuing a Fatwa

No one is permitted to issue a fatwa in religious matters unless they are thoroughly knowledgeable of Allah's Book, understanding its abrogating and abrogated verses, decisive and allegorical aspects, interpretations, revelations, Meccan and Medinan surahs, and the intended meanings.

Furthermore, they must be well-versed in the Prophet's hadiths, recognizing the abrogating and abrogated, and as knowledgeable in hadith as in the Quran, proficient in the language, poetry, and other necessities for understanding the Sunnah and the Quran.

This must be coupled with fairness, awareness of the scholarly differences across regions, and an insightful understanding. Only then is one qualified to discuss and issue fatwas on lawful and unlawful matters. Without such qualifications, one should not issue fatwas. (al-Jawziyya, 1991, p. 1/37)

Ali ben Shaiq said, "It was asked of Ibn Al-Mubarak: When should a man issue a fatwa? He replied: When he is knowledgeable of the tradition and has insight into opinion." Yahya ben Aktham was asked: When is it obligatory for a man to issue a fatwa? He said: When he is insightful in opinion and tradition. (al-Jawziyya, 1991, p. 1/37)

Imam Al-Haramain stated, "One of the conditions for a mufti is to be knowledgeable in fiqh (Islamic jurisprudence), both fundamentally and in detail, in disagreements and jurisprudential schools, and to be fully equipped with evidence for ijtihad (independent reasoning), knowing what is needed to deduce rulings and interpret verses related to them." (al-Juwayni, n y, p. 14)

Ibn Al-Salah outlined his methodology in composing a book on fatwa from the treasures of books, elucidating the conditions, characteristics, and rulings of a mufti, the nature of the questioner and their rulings, and the manner of issuing and seeking fatwas, encompassing the precious elements gathered from the hidden corners of narratives and critical matters acknowledged by leading jurists. (Ibn al-Salah, 1986, p. 70)

2.3. The Seriousness of Issuing Fatwa in Islam:

The Prophet Muhammad, peace be upon him, initially bore the responsibility of issuing fatwas, followed by the companions, may Allah be pleased with them, and then the scholars, who are the heirs of the prophets after him. Scholars have recognized the gravity of issuing fatwas, showing extreme caution and fear when clarifying the divine commands.

Fatwas in Islam hold significant importance as they convey rulings from Allah or His Messenger, stating what is permitted or forbidden, for speaking about Allah without knowledge is tantamount to lying about Him.

Allah Almighty says, *"Say, My Lord has only forbidden immoralities - what is apparent of them and what is concealed - and*

sin, and oppression without right, and that you associate with Allāh that for which He has not sent down authority, and that you say about Allāh that which you do not know" (Al-A'raf 33).

Allah also states, *"And do not pursue that of which you have no knowledge. Indeed, the hearing, the sight and the heart - about all those [one] will be questioned"* (Al-Isra 36).

Ibn Kathir commented, "What they mentioned implies that Allah has forbidden speaking without knowledge, instead based on mere assumptions and imagination. (Ibn Kathir, 1414, p. 5/69)" Ubaidullah ben Abi Ja'far reported the Prophet, peace be upon him, said, "The boldest of you in issuing fatwas are the boldest to the fire." (al-Darimi, 2000, p. 1/158)

These references sternly discourage overstepping in judicial matters, urging the necessity of caution and not declaring anything permissible or impermissible without thorough understanding and certainty. Those uncertain should fear Allah and remain silent.

Ibn Al-Munkadir stated, "The mufti intervenes between Allah and His creation; he should be cautious in his actions due to the immense risk involved." Ibn Umar, when asked, would say, "Go to the ruler who has taken charge of the people's affairs, place the responsibility on him," implying that some sought to make scholars a bridge to pass over to hell.

Thus, whoever is asked for a fatwa should remain silent and defer it to someone more knowledgeable or tasked with it, following the predecessors' way. Ibn Mas'ud remarked, "Anyone who issues fatwas on everything asked about is insane." (al-Manawi, 1356, p. 1/159)

This cautionary approach led to a situation where one would defer a question to another, creating a cycle of deferment back to the original questioner. Ibn Al-Qasim said, "By Allah, I would prefer my tongue to be cut off rather than to speak of what I do not know." (Ibn al-Salah, 1986, p. 75)

3. Migration

3.1. Definition of Migration

3.1.1. Linguistically: The verb "hajara" means to sever or cut off, and "hijr" is the opposite of connection. To abandon, neglect, or turn away from something is also denoted by "hijr." (al-Zabidi, 2001, p. 14/396)

The term also refers to moving from one country to another, where "hijra" (migration) implies leaving one's country for another. If it is for the sake of Allah, it is considered "hijra" in the religious sense,

derived from the act of migrating ("hijra"). (Ali al-Fayyumi al-Hamwi, n y, p. 2/634)

It signifies leaving, ignoring, or turning away, (Mandur, 1414, p. 5/251) as in the verse: "And be patient over what they say and avoid them with gracious avoidance" (Al-Muzzammil 10).

3.1.2. Technically.

Migration, in the technical sense, can be a moral migration, like abandoning sins, or a physical migration, like moving from one country to another. An example is the Prophet Muhammad's migration from Mecca to Medina. Our focus here is on physical migration.

Based on this, some definitions are as follows:

Migration is said to be leaving the homeland among non-believers and moving to the land of Islam. (al-Sharif al-Jurjani, 1983, p. 256)

Imam al-Qurtubi stated, "Migration, which is the departure from the land of war to the land of Islam, was obligatory during the Prophet Muhammad's time and remains obligatory until the Day of Judgment." (al-Qurtubi, 1964, p. 5/350)

It is also said that migration is the movement of individuals from one place to another for permanent or temporary settlement. The United Nations adopts a definition of migration as the permanent or enduring relocation to a place far enough from the original homeland. (The Migrants, , n y, p. 18)

3.2. Reasons for Migration

Since ancient times, humanity has been in a state of movement and transition. Some people migrate from their original countries in search of work, while others migrate to join family members or pursue education, as is the case now. Others move to escape wars or human rights violations, among other reasons that lead to living in foreign lands. There are two types of reasons:

_ Compulsory reasons: These are the reasons that force a person to migrate from his homeland to another country, not out of his own will, but due to social, economic, and political pressures in his original country, making him leave reluctantly.

_ Voluntary reasons: These are the reasons chosen by an individual of his own free will, without coercion or pressure from any party, and this migration often brings benefits to the individual, such as pursuing education or leisure activities.

3.3. The Relationship between Fatwa and Migration

Living in exile is one of the reasons for changing fatwas, considering the location. Many fatwas have significantly changed due

to the place, as the customs, laws, habits, and traditions of the diaspora countries differ from those of the Muslim lands.

Therefore, it was necessary for fatwas to change to accommodate their interests, provided they comply with the rules and conditions of issuing fatwas. Islamic jurisprudence scholars have paid great attention to the jurisprudence of migration, both anciently and recently. Upon examining the ancient jurisprudential books, one finds discussions on migration and its related rulings and fatwas, whether in the context of jihad or travel.

They have elaborated on various issues related to the diaspora, including the ruling on residing in non-Muslim lands, especially regarding the obligation of migration from the lands of disbelief to the lands of Islam. They also discussed marriages conducted with non-believers, the rulings on contracts with them, the prohibition of adjudicating to non-Muslims, among other issues.

Islamic jurisprudence scholars have established general principles and rules that can be applied to any new situations that arise for Muslims, regardless of the differences in places and times, especially for Muslims living in non-Islamic lands, provided they can safeguard their religion and publicly practice Islamic rituals.

In conclusion, the jurisprudence of migration aims to solve the various problems faced by minorities in diaspora countries, offering effective solutions to these issues in light of contemporary Islamic jurisprudence. It adopts a method of jurisprudence that prioritizes the interests of minorities and prevents harm through a gradual, flexible, and facilitating approach, addressing a range of questions and issues that concern migrants in diaspora lands.

4. The Change in Fatwa

4.1. The Meaning of Change in Fatwa

The concept of change in fatwa refers to its variation over time, place, and person, depending on different circumstances, situations, and contexts. Observing the reality of Islamic jurisprudence reveals that all these factors are significant and influential in determining fatwas, which vary with time, place, and the condition of the questioner, as well as differing customs and traditions across regions and even within a single country.

Ibn Al-Qayyim stated, "This is a highly beneficial section, where ignorance has led to serious errors against the Sharia, causing hardship and imposing what is unattainable, something known to be contrary to the illustrious Sharia, which ranks highest in serving interests.

The foundation of Sharia is based on justice and the welfare of people in this life and the hereafter, embodying justice, mercy, benefits, and wisdom in its entirety. Any issue deviating from justice to injustice, mercy to its opposite, benefit to corruption, and wisdom to frivolity, is not part of Sharia, even if interpreted into it; thus, Sharia is Allah's justice among His servants, His mercy among His creation, His shade on His earth, and His wisdom indicating Him and affirming the truthfulness of His Messenger in the most complete and honest manner." (al-Jawziyya, 1991, p. 4/41)

A fatwa represents the application of the divine command to reality. It is known that Allah has not made humans equal in their realities, circumstances, traditions, and environmental conditions, along with the differences in time. Each period has its nature, circumstances, and demands, meaning that what changes is the application of divine rulings to reality, not the rulings themselves.

It is essential to understand that Sharia rulings based on the Quran and Sunnah are immutable, regardless of time and place. Prohibitions like alcohol, fornication, usury, and disrespecting parents remain unchanged, as these are established by revelation and are definitive texts not subject to change. What may change are matters related to branches and new issues that arise among people. This principle is known among jurists and scholars as the stability and flexibility of Islamic Sharia. (Malawi, ny, p. 5)

Dr. Muhammad Mustafa Al-Zuhayli noted, "The foundation of Sharia is the constancy of rulings. The basic, fixed rulings in the Quran and Sunnah, which Sharia established with its original texts—both commandments and prohibitions, such as the prohibition of injustice, fornication, usury, alcohol consumption, theft, the obligation of mutual consent in contracts, the duty to suppress crimes, and the protection of rights—do not change with time.

These are principles brought by Sharia to reform time and generations, and only the means to achieve these may change. Similarly, the pillars of Islam and what is known in the religion by necessity remain unchanged and constant as they were in the early era, as they do not accept alteration or change." (al-Zuhayli, 2006, p. 1/361)

4.2. The Basis for the Change in Fatwa:

It is well-known in religion that Islam is founded on principles of realism, understanding the reality of the obligated, facilitating their lives, and alleviating hardship. Those who study and analyze Islamic

texts will see a consistent emphasis on easing and relieving burden and hardship for the obligated.

It is evident that facilitation and alleviation of hardship are significant principles in Islamic jurisprudence, freeing the obligated from doubt and undue hardship. This principle is supported by evidence from the Quran, the Sunnah, and the statements of scholars. Here are some of these evidences:

Allah says, *"The month of Ramadhan [is that] in which was revealed the Qur'an, a guidance for the people and clear proofs of guidance and criterion. So whoever sights [the new moon of] the month, let him fast it; and whoever is ill or on a journey - then an equal number of other days. Allah intends for you ease and does not intend for you hardship and [wants] for you to complete the period and to glorify Allah for that [to] which He has guided you; and perhaps you will be grateful"* (Al-Baqarah 185).

Also, *"Allah burdens no soul beyond its capacity. To its credit is what it earns, and against it is what it commits. "Our Lord, do not condemn us if we forget or make a mistake. Our Lord, do not burden us as You have burdened those before us. Our Lord, do not impose on us more than we have the strength to bear; and pardon us, and forgive us, and have mercy on us. You are our Master, so help us against the disbelieving people"* (Al-Baqarah 286).

And, *"And if you are on a journey and cannot find a scribe, then a security deposit [should be] taken. And if one of you entrusts another, then let him who is entrusted discharge his trust [faithfully] and let him fear Allah, his Lord. And do not conceal testimony, for whoever conceals it - his heart is indeed sinful, and Allah is Knowing of what you do."* (Al-Baqarah 283).

Furthermore, *"And strive for Allah with the striving due to Him. He has chosen you and has not placed upon you in the religion any difficulty. [It is] the religion of your father, Abraham. Allah named you "Muslims" before [in former scriptures] and in this [revelation] that the Messenger may be a witness over you and you may be witnesses over the people. So establish prayer and give zakah and hold fast to Allah. He is your protector; and excellent is the protector, and excellent is the helper."* (Al-Hajj 78).

From the Sunnah, as narrated by Abu Huraira, the Prophet Muhammad, peace be upon him, said, *"The religion is ease, and no one overburdens himself in the religion but he will be overcome by it. So fulfill your duties as best as you can, and rejoice, and seek help [in performing religious duties] through performing them in the morning,*

afternoons, and during the last hours of the nights. " (Ibn Ismail al-Bukhari, 1993, p. 1/23)

This indicates that Islam, unlike other heavenly religions, is characterized by the ease of its laws, which do not exceed human capacity and are aligned with human nature, free from burdensome obligations. The capacity to perform is a condition in all its legal obligations (Qasim, 1990, p. 1/122), validating the Prophet's statement, "When I command you to do something, do of it as much as you can." (Ibn Ismail al-Bukhari, 1993, p. 6/2658) (al-Naysabur, 1955, p. 2/957)

This also includes the concessions and exceptional rulings legislated for this Ummah, considering their circumstances, such as shortening prayers and breaking the fast during travel or illness.

Ibn Hajar stated, "The religion of Islam is ease, or the religion was named ease in an exaggerated sense compared to the previous religions because Allah has lifted from this Ummah the burden that was on those before them. One of the clearest examples is that their repentance was through killing themselves, whereas the repentance of this Ummah is through stopping the sin and resolving not to return to it, and feeling remorse." (Ibn Hajar al-Asqalani, 2005, p. 1/330)

Therefore, the principle "Hardship begets ease" is one of the major rules upon which jurisprudence revolves. Under this principle falls a number of other rules, some of which are synonymous or similar to it like "Necessities permit the prohibited," and "When matters become tight, they are made broad."

Some are restrictive to it, such as "Necessity is assessed with its proper measure," and "Necessity does not invalidate the right of others." These are foundational principles of jurisprudential reasoning.

4.3. The Impact of Sharia Fatwa on the Reality of the Islamic Society

It is established that when a fatwa is issued based on legitimate evidence, clearly understood from the authentic texts of the noble Sharia, avoiding abnormal or weak opinions and views, and aimed solely for the sake of Allah, it significantly influences the reality of the Ummah. This includes:

- Educating people about Sharia rulings: A fatwa, being a question and answer session, serves as an academic discourse where the questioner learns about the rulings of their religion.
- Correcting the course of individuals and society: A sound fatwa guides people to understand the wise legislator's intent, preventing

them from straying, contributing to the rectitude of individuals and the integrity of society.

➤ Strengthening the bond between the community and its scholars: A correct fatwa strengthens the ties between the community and its scholars, linking them to the authorities in religious matters, which is crucial for the unity leading the community with the most honorable message.

6. The Impact of Location Change on Fatwa

Islamic Sharia has considered the change of location as a significant factor in the change of fatwa, acknowledging the differences in circumstances of those residing in various places. What may be appropriate for individuals in certain areas may not suit those in other areas. Therefore, it is essential to understand the concept of location change, the principles governing the change of fatwa due to location change, and to cite examples from Islamic jurisprudence on this matter. The discussion in this section will proceed as follows:

6.1. The Concept of Change of Location:

The Creator has made the Earth vast and diverse, with each part having its unique environment and conditions. Thus, Sharia rulings cannot be uniformly applied across different environments due to their variability.

The concept of location change refers to the difference from one place to another, either between Muslim countries or between the abode of Islam and non-Islam. Living within a Muslim community, a Muslim is expected to adhere to Sharia rulings, as the nature of such a community aids in fulfilling Islamic laws. This contrasts with living in a non-Muslim land, where fatwas based on specific locations change with the change of place, considering the fatwa change guidelines and the interest of the person seeking the fatwa.

6.2. Principles Governing the Change of Fatwa Due to Location Change

Issuing a fatwa is of immense importance and carries great responsibility; it is rich in virtue since the mufti is considered an heir to the prophets, peace be upon them, fulfilling a collective duty. However, the mufti is prone to error, which is why it is said that the mufti speaks on behalf of Allah, the Almighty. (al-Nawawi, 1988, p. 14)

Therefore, it is essential to recognize that the change of place significantly affects the variation of fatwas, accompanied by a set of Islamic guidelines that must be firmly understood. This ensures that

the change of place is validly influential in altering the fatwa. These guidelines include:

_ The mufti must be evidently pious and renowned for visible faith and integrity. Imam Malik, may Allah have mercy on him, acted upon things not required of others and said, "One cannot be a scholar unless he applies to himself what is not mandatory for others, which if left, would not be sinful." (al-Nawawi, 1988, p. 18)

_ The mufti must understand that it is the fatwa that changes, not the divine command, as the divine command is constant, whether it comes from Allah, the Most High, or His Prophet, peace be upon him.

_ The basis for changing the initial fatwa should consider the environmental conditions and customs specific to that place.

_ The foundation for varying the fatwa due to different locations should be the consideration of the divine intentions in the matter of the fatwa, taking into account the interest of the questioner and understanding their situation.

_ The ruling should be applied to the scenario inquired about after ensuring the accuracy of the changing reality.

6.3. Examples of Fatwa Changes Due to Location Changes:

The impact of location change on fatwa variation is evident in many examples scattered across books and travels, both ancient and modern. Here are some examples to illustrate this point, without limitation:

• Residing in a Non-Muslim Land:

Islamic jurists have differed in their opinions on the ruling of a Muslim residing in non-Muslim territories; if they can openly practice their religion there, it is based on two main views:

The Shafi'i (Al-Mawardi, 1999, p. 14/269) and Hanbali (Ibn Qudamah, 1968, p. 9/294) scholars argue that if a Muslim can practice his religion in a non-Muslim land without fearing for his faith, then there is no harm in residing there. Migration, in this case, becomes non-obligatory but is still recommended to prevent the increase of non-Muslim dominance.

Imam Shafi'i mentioned, "The Sunnah of the Prophet, peace be upon him, indicates that the obligation of migration for those who can undertake it applies only to those who are forced to abandon their religion in the country they reside in.

For instance, the Prophet allowed some individuals in Mecca to stay after their conversion to Islam, such as Abbas ibn Abdul Muttalib and others, as they did not fear for their faith. He also instructed his armies to tell those who converted to Islam that if they migrated, they

would have what the migrants have, and if they stayed, they would be like the Bedouins, offering them a choice only in what was permissible for them." (al-Shafi'i, 1983, p. 4/169)

Imam al-Wansharisi in his discourse on the obligation of migration, cited verses indicating the prohibition of allying with non-believers and residing in their lands, stating: "Whoever permits such residence is deemed an apostate from the religion and separated from the Muslim community.

The repeated verses on this subject in the Quran and the consistent and firm nature of these verses reinforce the prohibition, eliminating any doubt. Thus, these Quranic verses, prophetic traditions, and unanimous agreements emphatically prohibit residing and allying with non-believers.

Anyone who contravenes this now, or seeks to dispute this among those living with them and relying on them, endorsing such residence and trivializing its matter, is indeed an apostate from the religion and estranged from the Muslim community, with no defense available to a Muslim, preceded by a consensus that cannot be contravened or breached." (Al-Wansharisi, 1986, p. 30)

- **The Ruling on Marrying a Woman of the Book:**

The Quran legitimizes the marriage of a Muslim man to a 'Kitabiyya' and considers it lawful. Allah says, "*This day [all] good foods have been made lawful, and the food of those who were given the Scripture is lawful for you and your food is lawful for them. And [lawful in marriage are] chaste women from among the believers and chaste women from among those who were given the Scripture before you, when you have given them their due compensation, desiring chastity, not unlawful sexual intercourse or taking [secret] lovers. And whoever denies the faith - his work has become worthless, and he, in the Hereafter, will be among the losers.*" (Al-Ma'idah 5).

The principle is permissibility, not prohibition through doubt or assumption. However, marriage to them is disliked due to the fear that they might dominate the children, possibly leading them to disbelief, which presents a risk of significant corruption. This disapproval intensifies if the Muslim man marries among them, as it is likely that the non-Muslim wife will influence the children's faith, just as Islamic law prioritizes Islam when one of the parents converts to Islam or when a Muslim marries a non-Muslim woman. If a Muslim man purchases a slave woman from them, he should not consummate the marriage in their land to prevent the possibility of the children being

dominated by them and led to disbelief. (Ibn Qudamah,, 1968, p. 9/293)

Moreover, a 'Kitabiyya' wife might have the right to the custody of her children according to the law of her country, which can influence the children's religion and potentially lead the man to follow her faith.

- **Assessment of Expenses and Expiations:**

It is known that each society has its resources and means of livelihood, which differ from one community to another, affecting the standards and classes of living. Therefore, the estimation of expenses varies from one society to another, considering the economic level of wealth and poverty.

Accordingly, the assessment of sustenance changes from one community to another. Similarly, the amount of expiation varies from place to place, taking into account the average food consumed by the people of each community and their average clothing. This is in accordance with the command of Allah: *"Indeed, those who disbelieve after their belief and then increase in disbelief - never will their [claimed] repentance be accepted, and they are the ones astray"* (Ali 'imran 90). This difference in fatwa arises from the difference in locations.

7. Conclusion

Praise be to Allah, by whose grace good deeds are completed, and prayers and peace be upon the noblest of prophets and the master of messengers, his family, his companions, and those who follow his guidance until the Day of Judgment.

To conclude this article, I can mention the findings I have reached:

- _ Allah has endowed Islamic Sharia with the means to endure until He inherits the earth and whoever is upon it, making it suitable for every time and place.
- _ The place, such as the diaspora, has a significant impact on the change of fatwa, so it aligns with the conditions experienced by Muslims in the lands of emigration.
- _ Changing a fatwa is not a simple matter; it requires adherence to principles and foundations upon which the mufti bases his fatwas.
- _ Muslims, both in the past and present, have taken great care in understanding the jurisprudence of migration.

Recommendations that can be made include:

- _ Holding conferences and seminars aimed at understanding the conditions of Muslims in diaspora lands and what they need in terms of their religion and worldly affairs.

Establishing special fatwa centers for Muslim communities in diaspora lands.

And Allah knows best. Our final call is that all praise belongs to Allah, Lord of the Worlds, and may Allah's prayers and peace be upon our Prophet Muhammad, his family, his companions, and those who follow his guidance until the Day of Judgment.

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