



Problems of Satellite Fatwa and Treatment Methods

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Abstract :

Fatwa is: clarifying the legal ruling based on evidence for those who ask about it.

This includes asking about events and other matters, Fatwa is necessary in the life of the Muslim community because the Muslim's goal is to complete his entire life according to the path of Allah - the Almighty - by applying His law, life is a movement that results in new incidents that require knowledge of Allah's ruling on them, Therefore, there must be referendum and Fatwa, otherwise incidents will be devoid of the ruling of the Shari'a, which is unimaginable in a law that is valid for all times and all places, and this is something that no Muslim disputes.

The research addresses the problems of space fatwa and treatment methods.

Keywords: Satellite Fatwa - Problems - Media – Incidents

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Praise be to Allah, Lord of the Worlds, and prayers and peace be upon the most honorable of prophets and messengers,

The world today lives in an era in which scientific and technological progress has reached a great level in various fields, including the field of media and communication in all its branches. It has become possible to conduct conversations between individuals and groups and deals between merchants without bodies meeting or distances being close.

Muslims, like others, have taken advantage of this scientific development, so they have taken the initiative to spread the religion and call to it through the means of communication, they have also taken advantage of these means to bring Muslims closer together in different parts of the world.

One of the benefits that Muslims have reaped from this development in the media is facilitating fatwas and bringing them closer to the general public among Muslims, after they had remained confined to Imam of the neighborhood or village, It has become possible for any person to contact any spot in the world, and any scholar to give him a fatwa on his issue, and to explain to him what is unclear to him.

However, this amazing spread of media of all kinds has produced many and varied problems that are increasing day after day, although these problems do not rise to the level of canceling fatwas through the media, they urgently call for controlling fatwas in a way that achieves the legal purpose of them and prevents tampering with them.

Given the importance and status of this subject , I have addressed it in the topic.

Introduction.

The topic: Fatwa problems and their treatment, which includes two requirements:

Requirement one : Problems of satellite fatwas:

1- Differences in jurisprudential schools.

- 2- Differences in dialects.
- 3- Differences in customs and traditions.
- 4- Poor portrayal of the issue that is the subject of the fatwa as it really is.
- 5- Issuing fatwas orally.
- 6- The Mufti retracting his fatwa.

Requirement Two: Ways to address the problems of satellite fatwas:

- 1- Commitment in general matters to the ruling issued by the scholars of the nation or country.
- 2- Commitment to what was issued by the people of the jurisprudence who are unanimously agreed upon for their trustworthiness and leadership.
- 3- Knowing the customs of the questioner's environment and the norms of his country.
- 4- Beware of politicization and following political and governmental trends.
- 5- Staying away from what provokes souls and generates conflict.

Conclusion of the research

Topic : Fatwa problems and their treatment

Requirement One

Problems of Satellite Fatwas

First: Differences in jurisprudential schools:

The questioner may ask Imam in his country and he will give him a fatwa according to his school of thought, then he will ask another Mufti from another country either to confirm the answer or out of curiosity, or simply to ask.

This other mufti may give him Fatwa according to his school of thought, so the ruling will differ for him, and it will seem to him that the two answers are contradictory, so he will fall into confusion and bewilderment.

Although this mistake was made by the questioner, it could have been avoided by the Mufti explaining to the questioner that his answer is according to a specific school of thought, and that the ruling may differ for other schools of thought, or by referring the questioner to the Mufti of his country.

Although scholars answer according to their schools of thought in similar situations, such as their Fatwas when visiting different countries, as well as during the seasons of gathering of Muslims from all over the world; such as the seasons of Hajj and Umrah, and these Fatwas that they issue may contradict the school of thought of the questioner, nevertheless, the satellite Fatwa remains more exposed to being described as a problem; and this is due to the lack of full opportunity for discussion and inquiry by the questioner, and sometimes the limited time of the episode may be a contributor to the problem.

Second: Differences in dialects:

This may result in not understanding the question due to the use of terms with a special custom, without stating what is meant by them.

A single word may be used with one meaning by the people of a village or tribe, and used by others with another meaning that may be completely far from the first meaning, and Mufti cannot know all sides.

This problem, although it rarely occurs due to the interest of satellite media in conveying the intended question and the desired Fatwa through experienced and skilled broadcasters in knowing the dialects and their meaning, and conveying the intended meaning to the person who is being asked about the legal issue, and the rare case has no ruling, but the difference in dialects remains its influential position in the

existence of the problem through satellite Fatwa, as not all satellite media take into account the aspect of knowing the dialects, especially with their spread, and the diversity of their religious programs, including those related to fatwa.

Third: Differences in customs:

Many of sharia rulings are based on valid prevailing customs that Mufti should take into account. If a question of this kind is posed to him, he should ask about the custom before answering and answer according to it, otherwise, he should refer the questioner to Mufti of his country, because he is more knowledgeable about the customs of the country, in fact, customs differ from one country to another, as is the case in countries with large areas and different tribes, traditions, and customs.

Fourth: Poor portrayal of the issue of the subject of Fatwa in its true form:

A person may be presented with an issue that he wants to ask Fatwa about it, but he is unable to portray it in its true form, either because he is unable to express it correctly, or because of a poor voice, or other reasons, so Mufti answers according to what he understood from the questioner, even though the answer may be different.

Here, the questioner has taken an answer that is not his real answer and acts upon it.

Fifth: Issuing Fatwas orally:

Writing is record, but extemporaneous speech does not achieve its purpose, especially in the subject of Fatwa, where Mufti uses special legal terms that the questioner may not understand or gives a quick answer that does not allow the Fatwa to be understood properly.

Taking into account that issuing Fatwas orally has existed since the time of scholars, ancient and modern, and yet it has not affected the understanding of the Fatwa, its outcome and its fruit, writing the question and answer leads to verifying the validity of Fatwa and seeking diligence in the issue, demonstrating evidence, and returning to the main books on that issue, due to the abundance of time and the opportunity and period to consider the legal ruling on the issue being asked about, unlike issuing Fatwas orally via satellite media.

Sixth: Mufti retracting his Fatwa:

The Mufti's retraction of his fatwa is one of the biggest problems that arise in the subject of Fatwa through the media; this is because the person asking for Fatwa may not usually resort to following the episode of Fatwa through the media unless he has a purpose in it. If his purpose is over and he obtains his Fatwa, he does not return to it except to obtain a new Fatwa.

The matter is further complicated by the Mufti's ignorance of the identity of his Fatwa, as he is not asked when contacting him except for his name or nickname and his city or country.

If it becomes clear to that Mufti made a mistake in his Fatwa, he must at least state this in the media outlet in which he issued the Fatwa, and it is better for him to publish it as much as he can, as a precaution for the Sharia of Allah Almighty. However, this does not guarantee that the correction will reach the person asking for Fatwa.

As for the questioner, if he did not act upon the first Fatwa, he is obligated to correct it whenever it reaches him, and if he did act upon it, if Fatwa contradicts the text of a book or a sound Sunnah that has no opposition or contradicts the consensus or clear analogy, then the questioner is obligated to reduce what he did according to that Fatwa. If it was a sale, he should cancel it, and if it was money, he should return it to its owner, and so on.

But if his Fatwa was based on Ijtihad and then the mufti's Ijtihad changed, then the questioner is not obligated to cancel what he did (¹).

To avoid these problems, there are matters that should be taken into consideration by those who issue Fatwas, especially direct Fatwas (²).

Requirement Two

Ways of treating the problems of satellite fatwas

First, treatment methods here do not mean conditions, prescriptions and etiquette." mentioned in the books of jurisprudence, its principles, and Fatwas, as these are requirements that a person must obtain as a reason for qualifying to issue Fatwas, and they are scientific specifications in the first place.

What is meant by the means here is what is required of the one who is "qualified to issue Fatwas" of matters that he must take into account when he wants to look into an issue and issue a ruling for it.

Another thing is that the means of treatment are multi-faceted, some of which are related to the channel, some of which are related to the questioner (the questioner), and other means that are specific to the "Mufti".

Since the focus of the reasons for the problems of issuing Fatwas on satellite channels is often the Mufti, the discussion here will focus on him, and then the treatment methods related to both the channel and the questioner will be indicated.

First: Commitment in general matters to the issued ruling by the scholars of the nation or country:

Mufti should not rush to answer, but rather wait and review and study other respected scholars, and not announce his initial opinion on it.

If the issue presented is at the level of a certain country, and Mufti is not from the country of the questioner, and does not know the ruling of the scholars of that country, then he should not answer, but rather refer the questioner to the scholars of his country.

It is imperative by Sharia that Mufti adhere to the ruling announced by the masses of scholars and accepted by the majority of the nation, since violating it generates a rift and division that in turn weakens the nation, and this is not what the Sharia intends, so it is not permissible and does not need clarification or evidence for it.

Fatwa on general issues must be collective, and this is what the great bearers of the Sharia, both at present and past. (³).

The objective justification for this rule is that the ruling announced by the majority of scholars of the nation or country represents an agreement or something similar to it, so it contains unity of word and unification of positions, and thus brings together the nation as a whole, and this is a lofty legal goal and purpose; because it is one of the necessities, the highest of which is preserving the religion, which can only be achieved by preserving the nation, its existence and its sovereign entity; because the religion cannot exist in reality unless it has bearers.

¹ See: Issues of renewal, change and refutation of ijtihad in: Al-Mustasfa by Al-Ghazali 454/2 and after, Al-Mahsul by Al-Razzai 64/6 and after, Bayan Al-Mukhtasar by Al-Isfahani 326/3 and after, Sharh Al-Kawkab Al-Munir by Al-Futuhi 509/4 and after, Taysir Al-Tahrir by Amir Badshah 231/4 and after.

² See: Contemporary Fatwas by Yusuf Al-Qaradawi/18 and after.

³ See: Al-Faqih and Al-Mutafaqih by Al-Baghdadi 390/2, Adab Al-Fatwa by Al-Nawawi /48, Sifat Al-Fatwa by Ibn Hamdan /58, Al-Wajeez fi Usul Al-Fiqh by Al-Zuhayli 378/2, Islamic Fiqh Council affiliated with the Organization of the Islamic Conference Resolution No. / (17/2). 153

Ibn Ashour - may God have mercy on him - says (There is no room left for doubt to cross the mind of the observer that the most important purpose of the Sharia is to regulate the affairs of the nation and bring good to it and repel harm and corruption from it) and he put a title: (The purpose of the Sharia from the system of the nation is for it to be strong, feared and reassured) (⁴).

Second: The commitment of satellite Fatwa to what was issued by the people of jurisprudence who agree on their leadership and following:

I mean by this the four schools of thought specifically; Because they are clear and complete jurisprudential approaches, whether in terms of the principles of Ijtihad and deduction, or the rules of Fatwa in each of them, or the methods of weighing between the statements of scholars and choosing from them, they are precise and verified.

The rulings in these four schools of thought are known in terms of the mechanism and methodology by which the Imam arrived at them.

So that one who looks into the books of each school of thought can understand this ruling and compare it with the ruling in the other school of thought, while this matter is not available for the statements of scholars from outside the four schools of thought, as he may not know their origins or legislative plans, and thus does not know how this jurist arrived at the ruling through a text or a general principle?

This is not a disparagement of any scholar, rather they are people of virtue and precedence, but in the position of knowledge and jurisprudence we search for the understandings of the rulings, and the statements of the predecessors from those scholars, which Imams of ijtihad realized and looked into, so if one of them relied on them and they agreed with what he arrived at, then that is good, but if none of the four schools of thought relied on any of those statements, then Mufti, especially on satellite channels, should not issue Fatwa based on those statements; for this scientific reasoning.

This is one aspect of the statement and explanation, and another aspect is that the first rule - the commitment to what most scholars are upon - was founded and built on the most important objective meaning: "achieving the order of the nation's affairs and for it to be feared and reassured" in the words of Ibn Ashur, so this second rule reinforces and strengthens that; because the goal is to get rid of chaos, contradiction and laxity.

This is not an innovation in speech and opinion, as there are those who said this from the early objective fundamentalists, such as Imam al-Haramayn al-Juwayni - may God have mercy on him .(⁵).

In short, this rule has an effective role in reducing leniency, severity, contradiction and laxity, and closing the door to the bold and those with whims, and it is a legal duty to curb these people, and this rule is the protective brake, as the fundamental and logical rule states: (Whatever duty is not fulfilled with it is a duty).

Third: Knowing the customs of the questioner's environment and the norms of his country:

The spread of satellite communication has made it easy for Moroccans to ask an Eastern scholar and vice versa, so it is necessary for Mufti to know the customs of the country of the questioner in terms of dialect and behavior, otherwise how would understand the issue and visualize it comprehensively? This is a logical matter, and if the people of Fatwa in the past said this despite the difficulty of communication at that time, it is more appropriate and necessary in our time; especially if we notice the transfer of customs and the overlapping of ideas and the speed of influence and the change of natures.

It was far-sighted by the bearers of the Sharia that they made custom a topic in the principles of jurisprudence, and a major main rule of the rules of jurisprudence that is agreed upon, which is the rule

⁴ (4) Maqasid Al-Shari'a Al-Islamiyyah by Ibn Ashur /134.

⁵ See: Ghiyath al-Umam by al-Juwayni, paragraph 597, and his book al-Burhan fi Usul al-Fiqh, paragraph 1535.

(Habit is tight) (⁶), and the jurists of Sharia, Fatwas and the judiciary have elaborated on it, resulting in many solid rules in controlling the rulings of Fatwas and the judiciary (⁷).

That is why Imam Ahmad - may Allah have mercy on him - required that the Mufti should know the people (⁸).

This is what al-Shatibi calls the consequences of the Fatwa (⁹).

The satellite Mufti without this rule will fall into error, as the questioner's words have a role and effect on the ruling, and consequently his Fatwa will result in a dispute between the recipient of Fatwa and the people of his town, and perhaps Mufti will present the ruling based on what is common in his country (¹⁰).

The religious justification for this rule is that Allah is the Creator of people as nations and tribes, and He knows their differences in nature, according to place and time, and they are constantly changing, so this was a permissible matter by nature and must be taken into account in understanding the religion and its legislation.

As for the objective justification - which explains the religious meaning - it is that the Sharia did not come to change what people have reached by virtue of their experiences and life expertise - during their pursuit of achieving the interests of their livelihood, managing their transactions and facilitating their affairs - and to remove them from it, unless corruption appears in it.

From here came the jurisprudential rule: (It is not denied that rulings change with the change of times) (¹¹).

The scholar Alaa al-Din al-Bukhari says: (Indeed, Allah the Almighty tested His servants with these rulings to distinguish the bad from the good, and the test may differ with the difference of times due to the difference of people's conditions) (¹²).

Perhaps what branches off and is connected to this rule and one before it is that Mufti should know the doctrine of the person asking Fatwa and the doctrine of his region, as this helps him to be correct by reducing the gap of disagreement, especially if the subject of doctrine unit is taken into consideration, as previously mentioned when speaking about the negatives.

Fourth: Beware of politicization and following political or governmental trends:

The new developments and incidents in jurisprudence, and the expansion of Ijtihad in light of international changes and the reality of politics and its modern system, all of this has led to many

⁶ See: books on the principles of jurisprudence in general, such as: al-Furuq by al-Qarafi, al-Ashbah wa al-Naza'ir by al-Suyuti, al-Ashbah wa al-Naza'ir by Ibn Nujaym, and Sharh al-Qawa'id al-Fiqhiyyah by al-Zarqa /241/ 219-.

⁷ See about this rule and what branches from it: The rule of custom is a ruling by Yaqub al-Bahusein.

⁸ See: Tabaqat al-Hanabilah by Ibn Abi Ya'la 57/2.

⁹ See: al-Muwafaqat 140/4 and after.

¹⁰ See: al-Fatwa wa-Tak'id al-Thawabat by Khalid al-Mazini, a research presented to the Fatwa Controls Conference at the Islamic Fiqh Council in Makkah al-Mukarramah 1429 AH.

¹¹ See: Maqasid al-Shari'ah al-Islamiyyah by Ibn Ashur/101-89, al-Madkhal al-Fiqhi al-Aam by al-Zarqa 925 /2and after.

¹² Kashf al-Asrar by al-Bukhari 63/4.

disturbances in the paths of Fatwa, so Mufti must have a degree of intelligence, so that he is not exploited for a trend or a party at the expense of religion and knowledge, the presenter of the program or the questioner may deliberately raise a matter or issue in order to lure Mufti to employ his Fatwa for a governmental or political purpose for a party, as hoping to get share, and more dangerous than that is to satisfy their whims and what they desire, so he has sold his religion for the worldly life of others (¹³).

This matter is no less important than the rest, but it is more dangerous; because it relates to the general issues of the nation or country and is connected to its vital and fateful interests, so neglecting it or underestimating it certainly leads to chaos and confusion in society, as reality has witnessed in the past and present.

The above does not mean at all and should not be understood at all that the Mufti is not permitted to issue Fatwa on matters related to politics, but rather the purpose of the speech is not to slip in his Fatwa to please this or that at the expense of the truth and the general scientific trust in issuing rulings, so Mufti must declare the Sharia ruling on the issue in question, whether it is political, ritualistic or transactional; because there is no difference in the Sharia of Allah and Islamic jurisprudence between the issue of selling or praying and another in economics and politics.

Mufti with this rule is a faithful guardian of truth and justice, protecting society and preserving the security of people from their rights being wasted and assaulted in the name of religion and under the pretext of imaginary interests stemming from desires or dependencies.

Fifth: Avoiding what provokes and generates conflict:

Mufti must consider before issuing an answer what may result from it that is not praiseworthy and not acceptable to normal people, which is known as considering the consequences; as this is evidence of prudence and the ability to know the benefits and harms, and then the extent of keenness on the stability of individuals and the group, and among those matters:

- What is a rumor and has not been proven or proven to have happened in reality, as this may lead to people attacking others in their lives and money.
- Exposure to people and judging them, as any question about a specific person is not answered, but rather is satisfied with some general guidance and advice, as perhaps the questioner is not trustworthy in transmitting, or did not understand what was attributed to that person, or there is enmity between them and he wants to use Fatwa for his own personal purpose.
- Discussing Fatwas of other Muftis, the Mufti should elevate himself above this, even if he sees the error of that Fatwa, so as not to confuse the listener, and so that the matter is not interpreted as settling scores and grudges between the Muftis, especially if Fatwa is from Mufti who is not from his country.

This rule can be proven by the generality of the Almighty's saying: (And do not dispute and [thus] lose courage and your strength departs) (¹⁴)

Conclusion

Fatwas through the media are something that should be given attention, as they play a role in informing Muslims of the rulings of their religion and solving their problems.

It is necessary to differentiate between direct and indirect Fatwas, as indirect fatwas are not as dangerous if the legal controls are observed, but rather they connect Muslims to their religion, strengthen the relationship between them and Imams of Muslims, and contribute to spreading awareness of the rulings

¹³ See: Direct Fatwas in the Media by Ali Al-Qaradaghi, a research published on the Islam Online website.

¹⁴ From verse 46 of Surat Al-Anfal.

of Sharia, so that the questioner and others from the general public, students of Islamic knowledge, and others benefit from these benefits.

After researching the phenomenon of satellite Fatwas, its problems and ways to treat them, it is appropriate to shed light on the most important results that have been reached, which are as follows:

First: Satellite channels are a phenomenon that is a problem that emerged and spread throughout Muslim countries without the attention of sincere decision-makers and scholars, so they were more skilled in spreading the disease than in describing the disease.

Second: The position on satellite Fatwas is initially to accept it in general, not in general; Because of its undeniable positives, the most important of which is facilitating the obtaining of Fatwa to know the legal ruling, which led to the spread of Islamic knowledge and culture by identifying differences and their justifications, reducing the spirit of fanaticism and narrow regionalism, and communicating with scholars and preachers from all over the world, and these are all legitimate objectives.

Third: The problems of satellite Fatwas revolve around creating confusion in people's concepts and conflict in their behavior with each other due to the large number of Fatwas on the same issue and their contradiction, and this results in either fanaticism or chaos, and thus the lack of soundness and stability of coexistence, which contradicts the message of Fatwas, and even contradicts the objectives of Sharia.

Fourth: The causes of problems in satellite Fatwas are related to the channel's motives, the presented topics, and the personality of Mufti, but the most important of them is related to Mufti; Because he is the active element in making Fatwa, which is related to his scientific and cultural formation, and what is related to his personal affiliation and loyalty, negative Fatwas are issued by those whose scientific and intellectual formation is shallow, or those who ride their religion for the sake of their whims.

Fifth: The treatment for the problems of satellite Fatwas is in establishing binding controls for satellite Fatwas that the scientifically and culturally qualified Mufti must take into account, including:

- Commitment in general matters to the ruling issued by the scholars of the nation or country.
- Commitment to the legal rulings issued by the four schools of thought specifically; because they are clear jurisprudential approaches with complete structures.
- Knowing the customs of the questioner's environment and the customs of his country.
- Stay away from anything that provokes people and creates conflict..

Research Recommendations

First: The necessity of addressing the effective governmental, scientific and private bodies to work seriously to oblige the official and private channels in their countries to adhere to the controls approved by the reliable and respected scientific bodies, and that this be by a decision that imposes legal responsibility on the channel that does not adhere.

Second: Work to make (Fatwa) a subject of study in the Sharia colleges at the university level and above as independent academic scientific specializations.

Third: Hold an Islamic conference on (Strengthening Sectarian Commitment) for its impact in preventing laxity and creating contradictions and conflict.

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