

FATAWA MISCELLANIOUS 2003

Christmas Parties

From: Monzer Kahf [monzer@kahf.com]
Sent: Wednesday, December 03, 2003 5:09 PM
To: mimi
Subject: Christmas Parties

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Sr. Mimi

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

It is absolutely forbidden for Muslims to celebrate Christmas or any other religious feast/celebration of any other religion. The Only religious celebrations Muslims may enjoy are Eid al Fitr and Eid al Adha. There is no disagreement among all Muslim scholars on this and there is no disagreement also that participation of Muslims in celebrating religious festivals of other religion amount to accepting their FALSE gods and FALSE worships.

HOWEVER, visiting a non-Muslim, on the occasion of her/his religious celebration is not a contribution to the celebration or a participation in it. So is congratulating her/him on such an occasion as long as you do not say or do any thing of their worship or religious practices. In fact this is a form of kindness to people from other religion that is covered by the general Islamic guidance that we, Muslims, should always be kind to other people; this is more so if such persons are friends or relatives as in-laws. Hence, visiting, sending cards of congratulation that do not carry Christmas symbols even if you mention inside the card "on the occasion of Christmas," attending their evening of celebration without participating in any of their rituals (such as carrying candles), sharing food with them, and sending them food; all these are permissible in our religion, This is the view of the Majority of Muslim scholars. Remember, there is a minority that prohibits these actions on the claim that they are participation in their religious practices but this is incorrect as long as one makes one's position clear and remains keen to avoid any action that has a religious connotation.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,
Dr. Monzer Kahf

Question:

From: mimi

Sent: Wednesday, December 03, 2003 3:53 PM

To: Monzer Kahf

Subject: Christmas Parties

Salamu Alaikum Dr. Kahf:

this is sr. Mimi , I would like to ask you if it is ok to go for Christmas party for my work , or if I get invitation from non Muslims friends. I use to go to all the parties I can go to never say no, but now I have to know the Islamic way , it just about time and pass it to my kids and other Muslims they do not know.

My daughter's in laws are non Muslim, can she and her husband visit his family in Christmas and exchange gifts too.??

Your answer very much appreciated,

Gazak Allah Khair..

Mimi

Establishing a Shari'ah-Compliant Credit Union

From: Monzer Kahf

Sent: Tuesday, December 02, 2003 10:49 PM

To: ibahim

Subject: Shari'ah Credit Union

Dear Br. Ibrahim

Assalamu Alaykum wa Rahmatullahi wa Barakatuh,

I think your consultant does not get the point. Giving security is permissible and has no problem from Shari'ah point of view.

I certainly need more details about this "vendor take back mortgage" what is it? How it works? Give me a detailed example. The way I understand it is the following: 1) a Muslim buyer gets self financing from the vendor (the contractor who built the house) so that the price of the house is inflated by the amount of interest wanted as a return [if this contract is done as principal plus interest it is not permissible but if it is done as higher sale price, it is permissible]. 2) vendor turns back to the CU and sells it these future monthly payments at a discounted price which is presumably the principal of the financing [this transaction does not

mean anything to the Muslim buyer because she/he has nothing to do with it. But if the CU is Muslim, it cannot do that because it is a sale of future debt for a present value that is less than its face value, it is not permissible being interest, if the credit union is not Muslim this is none of our concern]. In this case we do not need a Muslim credit union. All we need is the vendor to accept the contract be written without interest (although the future payments are calculated on the basis of interest) and the Ottawa Credit Union to cover the vendor.

Please correct me if I am wrong and give me details to discuss.

Also do we have to hang up on Credit Unions, why not approach banks with our lease/purchase and our Murabahah sale?

Wassalam

Sincerely,

Monzer Kahf

Question:

From: Ibrahim

Sent: Tuesday, December 02, 2003 10:33 PM

To: Dr. Monzer Kahf

Subject: Shari'ah Credit Union

As Salam Alaikum, Dr. Kahf,

Jazakallah Khairan for your previous email. Here is something that may interest to you. FSCO is the regulator in Ontario.

Salam,

Ibrahim

From: Geoffrey

Date: Tue, 2 Dec 2003 15:45:06 -0500

LEGAL ADVICE - PRIVILEGED AND CONFIDENTIAL

I had a long conversation with John Harper at FSCO this afternoon. FSCO has NOT received any submission from any other group on the issue of Shari'ah compliant mortgages. However, John also noted that FSCO is not likely to even entertain the submission of any concept that would involve the Credit Union becoming owner of the residential properties. In his opinion, the very low limit on the real estate holdings a credit union can have [Regulation 76/95, s. 66(2): "The total book value of all investments by the credit union and its investments in improved real estate in Canada must not exceed 10 per cent of the credit union's regulatory capital and deposits."] makes the concept impractical for a credit union if it wishes to make more than a few Shari'ah "loans". The value of each home financed in this fashion would have been considered part of the credit union's portfolio of investments in improved real estate.

On the other hand, John seemed interested in my alternative concept of having the credit union purchase, as an investment, at a discount [to arrive at the full price the vendor wanted on closing anyway], a vendor take back mortgage for the balance of the purchase price [inflated to include imputed "return" for the deferred payments]. The credit union would not receive interest, but it would retain profit from the difference between the discounted price it paid for the stream of payments under the mortgage and the present value of those payments over time.

He thinks this could be workable. I did not receive from you a definitive answer as to why this approach might not be acceptable to your Shari'ah scholars, but I speculate that some of your Shari'ah scholars take the position that it is not acceptable for a Muslim to give security for his payment obligations. The vendor take back mortgage would indeed involve the purchaser giving security. Please advise if this is the case, or if this is not a consensus opinion among your scholars. It seems to me that I would be wasting your time and money preceding with the submission as originally contemplated if the alternative is ultimately acceptable to your scholars.

Geoffrey

Question:

From: Ibrahim

Sent: Monday, November 03, 2003 7:39 AM

To: gcauchi

Cc: jebsary@yourcu.com

Subject: Shari'ah Credit Union

I hope you are well. Your assistance would be beneficial in drafting the submission. The submission would NOT be crafted as a financial lease to avoid the real vs personal property issue you noted, but most likely in the original structure outlined by our Shari'ah scholar. You offered to draft certain questions to pose to the regulator. It would be beneficial to return this line of thinking as soon as we can.

Thanks,

Regards,

Ibrahim

Products Made Without a License of the Firm and Pirated Software

From: Monzer Kahf

Sent: Thursday, August 28, 2003 9:31 AM

To: Islam on Line

Subject: RE: 4. A Product Made Without the License of the Firm

My Answer:

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. Jawahir

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

1. It is not permissible to sell product with false trademark because this is cheating.
2. If you specifically know what you are given as a price (of an item or man-hours you sell) is itself is stolen (as an example) you must not accept it because it belongs to another person. The owner can take it from you without compensating you. You deal in Halal exchanges (like sale of labor or of things) with any person or company without asking or even caring where does it get its money from, that is not of your business.

Wa Allahu A'lam
Wa Alhamdu li Allah Rabbi al 'Alamin
Wassalam
Sincerely,
Dr. Monzer Kahf

Question:

From: Islam on Line
Sent: Wednesday, August 27, 2003 8:27 AM
To: Monzer Kahf
Subject: 4. A Product Made Without the License of the Firm
Name of Questioner Jawahir Gender Male Age 21-30
Education Graduate Date Submitted 8/21/2003
country of Origin Albania User Ref. No. QFDPNG Country of Res.
Question

1. If a product is made without the license of the firm, and the product has the sign of the firm, for example false adidas produced in china or Turkey. May you work or help such a firm the imports such products. 2. How long does the "chain" of controlling the Halal and Haram goes. For example, do you have to control if a firm has the money from a bank that is with interests or you should rely on the fact that the firm doesn't sell Haram products? Notice: You don't need to give long answers. Thank you in forward.

From: Monzer Kahf
Sent: Saturday, August 02, 2003 6:35 AM
To: Islam on Line
Subject: RE: Buying pirated software

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. Zoab

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

I'm not Shaikh Yusuf al Qaradawi and if you want his opinion send your question again and insist on his opinion. My answer to this question is the same I gave recently to another person who asked a similar question:

intellectual rights are respected in the Shari'ah and pirating software is not permissible. At the same time, charging monopolistic prices is also forbidden. What is worse is the effect of such monopolistic prices on users of software in the poor countries that means keeping them poor and unable to use modern arts of education and development.

Although I do not atone pirating other people's intellectual property I cannot tolerate exploiting the poor who cannot work toward improving their economic stand because of such exhortative prices of software produced by companies that practically exercise monopolistic powers.

Remember that making a copy for your own use is like making a Xerox paper copy of a book for personal use that is not forbidden by laws of intellectual properties and that when you buy a pirated copy it is the seller who violated the rights of producers not you.

Wa Allahu A'lam
Wa Alhamdu li Allah Rabbi al 'Alamin
Wassalam
Sincerely,
Dr. Monzer Kahf

Question:

From: Islam on Line
Sent: Saturday, August 02, 2003 1:03 AM
To: Monzer Kahf
Subject: Buying pirated software
Name of Questioner Zoab Gender Male Age 15-20
Education High school Date Submitted 7/24/2003
country of Origin User Ref. No. K6989J Country of Res.

Question

Assalam o Alaikum, I would like to ask this question from Sheikh Yusuf Al-Qaradawi: Is buying pirated software prohibited in all circumstances? What about a situation in which the software is extremely expensive buying it is necessary for education, or if we want to buy it only for learning it for future and we cannot find it anywhere around us because most of the people buy pirated software? I have a big stock of pirated software and I do not want to buy anymore because it is un-Islamic, but what should I do with the existing software?? I want to refer you to a fatwa in our own fatwa bank in which it was deemed permissible to buy them if for educational purposes or if it is too expensive. Please answer soon!

From: Monzer Kahf
Sent: Tuesday, July 22, 2003 6:52 AM
To: Islam on Line
Subject: RE: Can I Use that Copied Software?

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. reza

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
intellectual rights are respected in the Shari'ah and pirating software is not
permissible. At the same time, charging monopolistic prices is also forbidden.
What is worse is the effect of such monopolistic prices on users of software in the
poor countries that means keeping them poor and unable to use modern arts of
education and development.

Although I do not atone pirating other people's intellectual property I cannot
tolerate exploiting the poor who cannot work toward improving their economic
stand because of such exhortative prices of software produced by companies that
practically exercise monopolistic powers.

Remember that making a copy for your own use is like making a Xerox paper
copy of a book for personal use that is not forbidden by laws of intellectual
properties and that when you buy a pirated copy it is the seller who violated the
rights of producers not you.

Wa Allahu A'lam
Wa Alhamdu li Allah Rabbi al 'Alamin
Wassalam
Sincerely,
Dr. Monzer Kahf

Question:

From: Islam on Line
Sent: Tuesday, July 22, 2003 12:27 AM
To: Monzer Kahf
Subject: Can I Use that Copied Software?
Name of Questioner reza Gender Male Age 15-20
Education Post Graduate Date Submitted 7/14/2003
country of Origin Canada User Ref. No. ER57TG Country of Res. Iran
Question

Assalamu Alaikum I have found this program very helpful to me and am very
grateful, may Allah be pleased with your efforts. I had a question about property

rights which has bothered my mind for a while. 1)I had paid for a copy of a software that I cannot afford to buy because to buy the original is too expensive for its worth. my argument was that this particular company which I will not name charges in usury. (the company also destroys competition so the price doesn't come down).please clarify if it is lawful to use it or if not what to do with it now that I have paid for it. Thank u very much

Abusing the Welfare/Pension System

From: Monzer Kahf
Sent: Thursday, October 23, 2003 7:21 AM
To: Islam on line
Subject: RE: Is the Medical pension Haram?

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. Usama

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

Are you asking, dear brother, or giving a Fatwa. Where did you get it from " that is illegal and Haram for him"? If your father gets the money as a result of a court order through a legal procedure that is in accordance with the law of the land, he is still entitled for the regular payment unless the court decision itself specifies that he should be subjected to a medical inspection at a given time. If your father got the money as a result of a medical condition proven in the court he is entitled to it unless the evidence he then presented are untrue. You don't have to continue to be ill to deserve a compensation for a work-caused illness. The money he gets may be Haram if he either provided false evidence to get the first court decision or he is required to subject himself to a medical exam and he bribed the physician who examines him and gets untrue results. Otherwise the money he gets is not Haram even if he is able to work now as long as it is in accordance with the law of the land and without cheating or false evidence.

The other general question that may arise from your query is what a person does if the person is financed from the person's father and she/he knows for sure that it is from Haram? If the person is not minor and able to work or has income of his/her own, he/she must not accept this money and must spend from his/her own earning or wealth. If the person is a minor she/he may take the minimum needed for sustenance. The point here is that such money is still owned and deserved to

be returned to the payer. (Although it may have to be given away to charity in the case it was given to the father in exchange for certain benefit because the payer has already gotten what he/she paid that money for).

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question:

From: Islam on line

Sent: Thursday, October 23, 2003 1:52 AM

To: monzer@kahf.net

Subject: Is the Money Haram?

Name of Questioner Usama

Gender

Age

Education

Date Submitted 10/15/2003

country of Origin

User Ref. No. 6HKWP5

Country of

Res.

Question

ASSALAMU ALAIKUM. My father has got special money that he gets with his lawyer because he was depressed and he could not work. But now, he isn't with the depression anymore and he's still getting that money, that is illegal and Haram for him. He is paying my studies and sustaining me, but if this he's paying with that money that is Haram, are my studies "Haram" and what I buy with the money?

From: Monzer Kahf

Sent: Wednesday, July 30, 2003 11:14 AM

To: Islam on Line

Subject: RE: abusing the welfare system

My Answer:

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Br. Mohammad

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

It is evident that you know the answer to your question, let me put it in my words:

1- It is forbidden to provide false information on whose basis welfare money is taken from the government.

2- A divorce made in a Western court or clerk is considered divorce in Shari'ah and unless reversed if it is not the third time any husband/wife relation between the divorcees is certainly Haram and it comes under the act of Adultery (Zina).

3- For those Muslims who really qualify for the welfare payment it is certainly permissible in Shari'ah to take according to law.

4- Imams and leaders of Muslim communities must speak out on these issues and make it clear that the most Halal food you get is that which you earn yourself, laziness, dependency and taking government assistance without proper justification/procedure are forbidden in our religion.

5- You are not required, and you better not, to poke your nose in other persons' affairs unless you are asked to testify in a court of law and then you only tell what you know as the truth. You really do not know who deserves and who does not. such knowledge requires more than general observations. This means you must not tell authorities or any person about any other person unless you are asked to testify and then you must only tell what you know for sure without any speculation or guesses.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question:

From: Islam on Line

Sent: Tuesday, July 29, 2003 11:36 PM

To: Monzer Kahf

Subject: Muslims and Benefit Systems

Name of Questioner Mohammad Gender Male Age 31-45

Education Graduate Date Submitted 7/24/2003

country of Origin U K User Ref. No. 691UKD Country of Res. U K

Question

Subject : Halal Earnings Dear Scholars, Here in the U.K, like most of the western world, there are state benefits such as unemployment benefit, low income benefit, housing benefit, etc. These are designed to help poor and needy families so that they do not lose their home and so that they and their children do not go hungry. The Governments provide reasonable payments for bills, mortgages, food, clothing etc until the head of the house finds work. These systems originate from the 2 World Wars so that poor families would never go hungry or become homeless. In some regards it is like the Zakah system of Islam. Unfortunately, there are quite a lot of Muslim people that I know of who are taking advantage of the benefit system to get personal financial gains. There are some who are claiming unemployment benefit when they are perfectly capable of going out to work and earn money but do not do so due to laziness. Some claim unemployment benefits but secretly work during the day or nights so that they are not caught. And, regrettably, some claim housing benefit stating that they are poor when they already have a few houses and earn good income from renting out their houses. I have been most disturbed by those Muslims who have claimed "separation" or claim to be "divorced" under the English legal system but continue to live secretly as husband and wife because they state that they are still

married as they did not divorce in the Islamic manner. They only "divorced" so that each partner can claim more money individually from the state. Please shed some light on what Islam says about these wrongful activities, especially the latter as that is harming the good-character of Islam. As a husband and father, I go out to work in order to earn Halal earnings for my family and sometimes it is very difficult for me to accept my fellow Muslims taking advantage of a system designed for the poor and needy people. I am more than grateful to Allah for the work that I have but sometimes I get depressed and angry when I see that the people who claim benefits (falsely) appear to be better off than me. 25% of my Halal earnings go to the TAX man in the UK and no-doubt some of my income is providing for the Muslims who are dishonestly claiming benefits. I would like to inform our local council about the activities of such Muslims because these activities are wrong and go against the teachings of Islam but I do not wish the small children of these Muslims to suffer because of the conduct of their parents. Neither do I want to be cursed by these people when I have exposed their dealings. Do I allow things to continue as is, because ultimately they will be held to account by Allah for obtaining money illegally, or should I report them to the authorities because Islam advises people to do well and do all things necessary to discourage bad deeds. Salaam to you all.

From: Monzer Kahf
Sent: Saturday, June 21, 2003 6:00 AM
To: Islam on Line
Subject: RE: Obtaining a Welfare System in Canada Illegally

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. sumia

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

Giving false information or making false written declaration to the government to get welfare is not permissible in the Shari'ah as repeatedly mentioned in the Qur'an. besides, this is lying and the Prophet, pbuh, said that a believer does not lie. lying is one of the gravest sins in the Shari'ah, we don't lie to any one. The welfare money obtained by lying is not permissible too and must be returned to its source. But getting welfare you are entitled to by law is permissible even if you may think you are not qualified because the legal definition of qualification may be different than yours.

On the other hand, avoiding providing information or evading questions is not the same as lying and may be permissible under certain circumstances.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin
Wassalam
Sincerely,
Dr. Monzer Kahf

Question:

From: Islam on Line
Sent: Friday, June 20, 2003 11:31 PM
To: Monzer Kahf
Subject: Obtaining a Welfare System in Canada Illegally
Name of Questioner sumia Gender Female Age 31-45
Education Graduate Date Submitted 6/9/2003
country of Origin Canada User Ref. No. WCNTBJ Country of Res. Canada
Question

I have question as here in Canada Govt has welfare system as if you lost your job you can apply for assistance and Govt give you money just to live hand to mouth , Govt also allow you to work a little bit for extra money but here some people work on cash so Gove does not know about that money they also receive welfare(assistance) and getting extra money so they are not paying taxes , I want to know that Govt is paying money and the people also getting cash money to save to visit their family in back home or any other reason so they don't have to use credit card to stay off the interest. is this extra earned money Halal or not please tell me if you don't understand my question

Notes

To avoid interest free cards earn money and hiding from the govt ,and getting welfare money is this Halal

Hajj from Daughter's Money

From: Monzer Kahf
Sent: Wednesday, July 30, 2003 10:41 AM
To: Islam on Line
Subject: RE: Hajj from Daughter's Money

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. Shahid

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

The daughter's money (both income and savings) are hers. She can do anything she likes with it and she is under no obligation -even pure moral- to give either of her parents any money unless they are in need to satisfy basic living expenses and live comfortably like their daughter if she lives out of her own resources (but if she lives out of her husband's resources the comparison with her style of living does not apply and she cannot give her family from her husband's resources without his approval).

If a son or daughter - on free will - gives any of his/her parents any money out of his/her income and wealth she/he would certainly please them and this brings great reward from God InShaAllah. It makes no difference whether the giving is for Hajj or any other purpose. This gift from children to parents is certainly Halal for the recipients.

It should be noted, however, that if a parent does not own sufficient funds to make the trip for Hajj she/he is not required to make Hajj (Hajj does not become obligatory for her/him) and if any of their children (or even other persons) provides for the trip it's fine and well and Hajj becomes permissible and it fulfills the fourth Pillar of Islam but still Hajj out of gift does not become obligatory because you are not obligated to accept a gift from your child or from any other person.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question:

From: Islam on Line

Sent: Tuesday, July 29, 2003 1:09 AM

To: Monzer Kahf

Subject: Hajj from Daughter's Money

Name of Questioner Shahid Ref No HVZ5F Age 31-45

Education Post Graduate Date Submitted 7/22/2003

Country of Origin USA Gender Male Country of Res. Pakistan

Question

Can parents demand money from their daughter for performing Hajj/Umrah. Daughter has good job but not enough savings. Correct I if I am wrong father can't perform hajj with daughter's earning. Father and mother both are in sound health and currently working. Daughter is already giving money to her parents for regular house expenses and also for the cars driven by the family members.

Bribery

From: Monzer Kahf
Sent: Tuesday, July 22, 2003 7:22 AM
To: Islam on Line
Subject: RE: Bribery

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. ahmed

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

I did not understand where the bribery you are talking about is. What is the agreement between the college and your company and what is the part that the college does not fulfill? Could it be that you were expecting something but you found something else that is within the contractual relationship between your company and the college? what is wrong in helping finding reasonable housing and paying 15% of the fees? Please explain to me what the problem in details is before I can give an opinion on it.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question:

From: Islam on Line

Sent: Tuesday, July 22, 2003 12:23 AM

To: Monzer Kahf

Subject: Bribery

Name of Questioner ahmed Gender Male Age 46-60

Education High school Date Submitted 7/17/2003

country of Origin Egypt User Ref. No. D28HMK Country of Res. Egypt

Question

I am asking a very important question connecting with bribery as I have been sent to the UK by my Arab company but I have discovered that this collage deals with bribery trying to convince trainees that they want to help them in housing as it is very expensive here and they help paying about 15% of the course fees and in return of this they pay nothing for specification training , they only give them English lessons joining them with full classes from deferent nationalities the thing which does not cost them apart from a minor sum of money and this is not the agreement most of students accept this in order to get more money from there

allowance. I really refused that totally as it IS (HARAM) AND WROTE TO MY COMPANY INFORMING THEM ABOUT THIS BUT I FOUND OUT SOME OF THEM KNEW THAT BEFORE AND DONT WANT TO DO ANY THING TO AVOID WHAT I CALL IT SHAMBLE AS THIS WILL DESTROY THE COMPANY IN FUTURE. THEY THREATEND ME IF I WRITE TO HIGHER RESPONSIBLE THAT I WILL LOOSE MY JOB AND ALL OF THEM WOULD BE OFFENDED OF ME IREALLY FEEL THAT I CAN SACRIFICE EVERY THING TO PREVENT THE COMPANY FROM THIS CORROPTION. AND I DONT CARE ABOUT THAT BUT I DONT WANT TO MAKE (HARAM) by hurting my self so I am really in complete dilemma and not knowing what to do exactly please do your best to help me giving me the best solution (Jazakum Allah kolla Khair) wa Assalamu alaykum Rahmatu Allah

Boycotting American and Israeli Products

From: Monzer Kahf
Sent: Tuesday, July 22, 2003 6:29 AM
To: Islam on Line
Subject: RE: Further Questions on the Boycott Campaign

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. Noaman

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

The intention of the Boycott Fatwa is to give a message to the makers of American foreign policy that their unjust, unbalanced and aggression-based policies toward the Muslim countries is harmful even to the corporate America that they think they are serving. Therefore this Fatwa applies to all American (and obviously Israeli) products whether they are goods or services, financial or physical. You must notice that the American foreign policy has taken, over the past few years a very bullish anti-Muslim world position. The Fatwa does not intend to hurt the interest of individual Muslims or non-Muslim, American or non-American.

The Fatwa also applies to working in American companies if this can be avoided without harming the interest of any Muslim.

The Fatwa came as a result of the American foreign policy unprecedented support of the atrocities of occupation forces in Palestine. There are several other countries whose governments have taken certain stands against the Muslim world but there are no other country that has taken such a sweeping support of immoral atrocities as the USA did. The Fatwa does not apply as of today to other countries because of their mixed positions on issues related to the Muslim countries. But certainly things may change as policies may change.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question:

From: Islam on Line

Sent: Tuesday, July 22, 2003 12:28 AM

To: Monzer Kahf

Subject: Further Questions on the Boycott Campaign

Name of Questioner Noaman Gender Male Age 21-30

Education Post Graduate Date Submitted 7/15/2003

country of Origin Pakistan User Ref. No. B2151E Country of Res. Pakistan

Question

Dear Sheikh Assalam alaykum. I am a Pakistani Muslim. I read the fatwa on your website regarding the prohibition of using American products by Muslims. I forwarded it to some friends and there are further 3 questions related to it that came up. They are: 1) If consuming American products are Haram then what is the fatwa on working for companies that produce and sell these products.

Unfortunately such companies provide safe and successful careers to Muslims of today. 2) Is Islamic financial products by American banks also Haram. Especially given that all other Islamic banks in the country have rejected a person's application. There is another fear that if we boycott Islamic products of American banks then it might result in the destruction of Islamic banking industry. 3) Are countries like England, Australia, India and Spain included in such fatwa as well as these countries have also shown their contempt towards Muslims openly. May Allah reward all of you for your efforts. Wassalam Noaman

From: Monzer Kahf

Sent: Sunday, May 04, 2003 8:24 AM

To: Islam on Line

Subject: RE: Importing Towels from Disney Company

My Answer:

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. Muslim

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

You got me confused. From where are you importing and to where? Because if you are importing to Egypt, there is the issue of boycott in addition to the issue of trademark. Please explain your question in details before I can give you my answer.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question:

From: Islam on Line

Sent: Saturday, May 03, 2003 12:05 AM

To: Monzer Kahf

Subject: Importing Towels from Disney Company

Name of Questioner Muslim Gender Male

Age 31-45

Education Graduate

Date Submitted 4/24/2003

country of Origin Egypt

User Ref. No. C4ABD6

Country of Res. USA

Question

salaam alaykum w... dear sheik:\ I'm importer of textiles goods such as towels and I'm importing a towels has cartoon picture on it and .I don't have any license to sale this goods from the Disney company. meaning that I copy their product with out their perdition .. can u tell me is it Haram to import these goods.. and if it Haram ..what shall I do with the money I gain from it. best regards

Doubtful Income and Spending From it

From: Monzer Kahf

Sent: Thursday, July 17, 2003 6:25 AM

To: Islam on Line

Subject: RE: work activities

My Answer:

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Sr. Kawtar

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

Let me begin from the last question. If the father works in a job that involves him in Haram activity for all his work, the children and wife have to advise him politely but it is still permissible for them to eat and use the money he gives to/spends on them. He is required to spend and he gets his money for the work he provides. On the other hand, if the father gets money from theft or bribery, it is forbidden for any body to consume/use it because it belongs to its true owner and must be returned to the owner.

Your other questions are a lot easier. 1) it is permissible for your father to receive the mission from the world bank and to show the land they want to make a project on. What is wrong with that. In fact it is most likely very beneficial to your country. The world bank gives assistance as grants and gives interest-based loans. In either case it is none of the business of the person who shows them the land how are they going to finance the project. Showing a land for sale to any person is permissible, even if you know that this person is going to finance his purchase through Riba-based loans because showing a land and selling it is different from financing it by the buyer, each act is separate from the other.

Also making a study on how to help a company avoid bankruptcy is permissible because it is helping avoiding a financial harm to its owners and other people who deal with it. IT is permissible even if the company is an interest-based bank because bankruptcy brings a lot of harm too many innocent persons such as depositors, customers, creditors and even owners. Remember that in the case of Riba (interest) the Qur'an did not call for the loss of capital (which is normally the least result of bankruptcy) of Riba dealers. The Qur'an in fact says that their capital must be given back to them but the increment that is Riba is not to be given (the Qur'an 2: 279).

If other work activities of your father are also Halal, InShaAllah all his work, and consequently income, is Halal including these two things you are asking about. Remember, Sister that the Qur'an says : " ولا تزر وازرة وزر أخرى " which means that no action can be judged by the judgment of another action. For instance, theft is prohibited but if help a thief from drowning in a river you have a great reward because you are saving a life and your action cannot be judged by the action of the person you saved from drowning.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question:

From: Islam on Line

Sent: Thursday, July 17, 2003 4:24 AM

To: dr. Monzer

Subject: Islam online financial 4

Name of Questioner Kawtar

Gender Female

Age 21-30

Education Diploma

Date Submitted 7/8/2003

country of Origin Morocco

User Ref. No. AUH1LD

Country of Res. Morocco

Question

Salam o alaykum; Please I would like to ask you about a particular thing in the work of my father. All his work is Halal except two things that we don't know if it's Halal or not and don't know what to do. First, his boss told him once to receive a committee from the world bank that came to see a land to invest on it. So was it Halal to receive them and to watch them this land? second, he was told that he must find a way to help a company that is going bankrupt. The problem is that this company is dealing with Ribawi loans. So what must he do ?is his all money from his work Haram knowing that this is just about 1% of all his work ? Must he leave his work? and from what shall we eat? Thank you.

Notes

I would like to know if the father earns from Haram sources are we (children and wife) responsible about his money that we use. Help me please I don't know what to do.

From: Monzer Kahf

Sent: Wednesday, June 11, 2003 6:18 AM

To: Islam on Line

Subject: RE: awards on performance to workers in a store that sells alcohol

My Answer:

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. Usman

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

As long as your work in the store does not include any handling of alcohol whatever compensation, including special awards like this one, is Halal for you and you can keep. It is forbidden in the Shari'ah to handle alcohol. this prohibition includes carrying it to the customer, ringing it on the register of sale and packaging it in the shopping bags. Certainly if you surely know that the bag has alcohol in it. Any compensation for a prohibited work is not Halal for you but you do not return it to the payer, as the payer is required to compensate for the work she received. Therefore you must give it to Muslim charity as money that is deserved by no body, not as a Sadaqah on your part!

This is based on several rules of Shari'ah that came explicitly in the Qur'an and the Sunnah: 1 - the Prophet, pbuh, prohibited any handling of alcohol and said that the Wrath of God is on ten persons related to alcohol handling and he counted the brewer, producer carrier, seller, drinker, receiver, etc. 2 - The rule of Original innocence/permissibility applies on all non-prohibited actions and sources of income. The Qur'an mentions that prohibition applies to bad things "al Khaba'ith" and the prophet mentions that things not mentioned in the orders of do or do not do are not left out or forgotten by God but are kept out of prohibition as a mercy from God. 3 - Certain incomes earned for prohibited actions are mentioned as prohibited in the Sayings: the compensation of a prostitute, the grant to future readers and the price of dogs (that are prohibited to keep), similar incomes are taken by analogy. 4 - income paid for compensation of work cannot be returned to payers because payers must not take that work free, even though the work is Haram. Allowing a recipient of prohibited work to take for free defeats the purpose of prohibition (in fact the principle is that such a payer deserves punishment instead of getting such work for free) therefore the rules of money deserved by no one applies on it, thus giving it to Muslim charity. It is not Haram for the poor who takes it because he did not provide a prohibited work.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question:

From: Islam on Line

Sent: Wednesday, June 11, 2003 1:17 AM

To: Monzer Kahf

Subject: Is It Halal to Keep This Money?

Name of Questioner Usman

Gender Male

Age 21-30

Education

Date Submitted 6/7/2003

country of Origin

User Ref. No. BHU5T2

Country of Res. U K

Question

Assalam Alaikum Scholars. I work part-time at a supermarket to help me through University. Recently my store gave each member of staff a £40 cash gift, because our store had the highest sale of alcohol in the area. The letter with the cash said: " Thank you for all your support and commitment over the Christmas period. Especially for the drive to win the record breakers on wines and spirits. As a thank you, there is £40 enclosed " Is it Halal for me to keep the money? If not, what should I do with it? Please could you provide some Qur'anic/Hadith references in your answer? Jazakum Allah

From: Monzer Kahf

Sent: Wednesday, May 07, 2003 6:14 AM

To: Islam on Line

Subject: RE: Money Gained from Winning Prizes

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. Kamal

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

Prize bonds are interest bonds' They represent loans that gives a benefit (the chance to win a prize and the prize itself). The OIC Fiqh Academy in 1412 (1992) ruled that prize bonds are forbidden on the ground of interest.

Consequently, money gained by prize winners is interest that must be disposed of like any other interest procured from institutions that deal with Riba. To begin with, Issuance of these bonds is prohibited in Shari'ah and the government of Pakistan has several other alternatives that are Shari'ah compliance such as utility bonds and lease bonds but I really wonder why it selects the route of what is forbidden in Shari'ah. Also buying such bonds is prohibited in Shari'ah unless there is necessity. In Pakistan such necessity does not exist because there are several Islamic banks (private sector) that can satisfy the safety needs of deposits as they offer several kinds of deposits with and without return that all are in line with the Shari'ah requirement.

If it happens that any Muslim buys such bonds (the prize bonds) she/he must repent, make Istighfar, sell the bond back to get her/his principal and any won prizes must be given to Muslim charities or the poor and needy with clear keenness of not allowing such "dirty" money to be mingled with one's own Halal money

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question:

From: Islam on Line

Sent: Tuesday, May 06, 2003 2:35 AM

To: Monzer Kahf

Subject: Money Gained from Winning Prizes

Name of Questioner Kamal Gender Male Age 31-45

Education Post Graduate Date Submitted 4/29/2003

country of Origin Pakistan User Ref. No. VZKPK6 Country of Res. Pakistan

Question

Is it fair to receive money as a result of winning prize on a prize bond issued by a government approved bank?

Notes

In Pakistan, State Bank offers prize bonds. Purchase price of the bond remains same and it can be sold back to the bank on the same price. After a certain period, there is a lucky draw and some holders of bonds receive prize money. Some people think that it is not forbidden in Islam as the invested amount is safe and can not be lost and therefore it is not gambling. Is it correct?

Buying the Pentagon Playing Cards

From: Monzer Kahf
Sent: Saturday, May 24, 2003 9:12 AM
To: Islam on Line
Subject: RE: Buying the Pentagon Playing Cards

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. reuben

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

I think these cards should be in the Smithsonian collection because they are part of the history of the present administration. They represent the mentality of Mr. Rumsfeld and the Gang around him. They are very typical of the law moral standards and lack of respect of human beings this administration will go in the history characterized with. Of course the names on the cards are names of persons who behaved with extreme atrocity and brutality against the people of Iraq especially during the period when they were befriended by the American government, when Mr. Ramsfeld visited the dictator of Iraq and shook hand with him! Go ahead and buy the set of card and let the boss who order the purchase place it as one of the representation of this administration, you may ask him to place beside it pictures of looting the Baghdad museum with American soldiers protecting only the oil ministry! or pictures of Iraqi children killed by the American bombs with the famous quote Mr. Ramsfeld about "collateral damage"!

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

profit seeking is not permissible, the third view is that insurance is permissible regardless of the provider as long as it does not have interest in its contract. I go along with the third view and I argue that warranties purchased separately are permissible.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question:

From: Islam on Line

Sent: Thursday, October 23, 2003 1:48 AM

To: monzer@kahf.net

Subject: Purchasing a Warranty for a Product

Name of Questioner

Gender

Age

Education

Date Submitted 10/15/2003

country of Origin

User Ref. No. CLLNLF

Country of Res.

Question

Assalamu Alaikum. Is it permissible to purchase a warranty for a product? This is basically paying extra insurance so that if anything happens to it, the seller will replace it or bear the cost. Wa Alaikum Assalamu.

Bankruptcy

From: Monzer Kahf

Sent: Wednesday, August 20, 2003 8:16 AM

To: Islam on Line

Subject: RE: Question on Bankruptcy

Br. Muhammad, please discard the previous answer and send this instead because one point was missing in the previous answer.

My Answer:

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Br. Syed

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

Take these principles and see how do they apply to your questions:

1. Debts do not evaporate from a religious point of view (in contrast with judicial not in contrast with secular law of the land). they remain as obligations on the debtor and must be paid whenever she/he can do that even after bankruptcy, court restriction order on the debtor, and distribution of assets in settlement. Unless voluntarily forsaken by the creditor, the religious position is that a debt must be paid in full.
2. Debts owed to natural persons are exactly the same as debts owed to legal entities (companies).
3. Declaration of bankruptcy by a court followed by distribution of assets to creditors in proportion to their respective debts, as normally the case would be, releases the debtor from a judiciary (in contrast with religious) point of view from all balances of debts. This means that creditors cannot sue again for these balances unless bankruptcy is proven fraudulent.
4. Hajj is a religious obligation and determination of financial ability to go for Hajj must follow a religious standard Which is: a debtor of future debts (not mature yet) who has sufficient money to go for Hajj and believes that when these debts become due she/he will be able to pay them from future flow of money, she is required to go for Hajj, i. e., Hajj becomes obligatory in this case. On the other hand, due payment of debts must has priority over going for Hajj even if creditors do not demand payment unless in the case of creditor absenteeism with ability to pay when they appear.
5. It doesn't make a difference whether a creditor responds to debtor or to a court request, if a person knows she owes a debt she is required to pay it and the cost of payment if any is hers not the creditor's.
6. The prophet, pbuh, was not at all easy on matters of debts, and he, pbuh, ruled on the distribution of present assets to creditors in case of bankruptcy.
7. Principal in interest-based loan is considered like any other debt, as above. Contracted interest is not due, from a religious point of view because because Riba is forbidden. But if a Muslim commits the sin of entering into an interest-based borrowing contract, she/he is required to fulfill it in order to avoid any harm or damage to his assets and/or reputation; this includes the payment of interest. Certainly she is required to make repentance and Istighfar (ask God for forgiveness) and do good deeds and charity because God Said what means "Surely, good actions wipe out bad actions."

Wa Allahu A'lam
Wa Alhamdu li Allah Rabbi al 'Alamin
Wassalam
Sincerely,
Dr. Monzer Kahf

Question:

From: Islam on Line
Sent: Monday, August 18, 2003 2:04 AM
To: Monzer Kahf
Subject: Question on Bankruptcy

Name of Questioner Syed Gender Male Age 31-45
Education Graduate Date Submitted 8/10/2003
country of Origin India User Ref. No. 2ZFH2H Country of Res. India

Question

If a person is bankrupt and has placed an insolvency petition in the court with the list of individuals and companies whom he cannot pay and when the creditors did not respond to the court notice and the case was closed without declaring the person as insolvent. The Question is: 1. Does the person still needs to pay to the individual? 2. Does the person needs to pay to the companies 3.Can he performs hajj 4.What was the concept at the time of prophet. SAS 5.Pls.note though some individuals and companies did not respond , the money was paid to theme 6.There are few companies from whom it the money was taken on interest Thanks for clarification

Joint Venture Partnerships

From: Monzer Kahf
Sent: Saturday, September 20, 2003 7:12 AM
To: 'Islam on Line'
Subject: RE: joint venture partnerships

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. Silajdzic

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

When you ask a general question I can only give a general answer. Joint venture can be taking either of two forms: capital and entrepreneurship from both parties; and all capital from one side and entrepreneurship from the other. In both forms net profit can be distributed in proportions different than capital contribution provided that a party who contribute both capital and entrepreneurship together is not assigned any percentage that is less than the percentage of her/his capital to total capital. In both forms losses must always be distributed in proportion of capital.

In the second form (that is BTW called Mudarabah) expenses that are chargeable to the partnership venture varies according to the nature of the venture, the principle is that any expense that replaces the responsibility of the entrepreneur must be charged to the entrepreneur alone not to the collective venture.

If you describe to me a specific joint venture contract and the nature of business and expenses I will be able to explain to you what items of expenses can be chargeable to the joint venture.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question:

From: Islam on Line

Sent: Saturday, September 20, 2003 4:36 AM

To: monzer@kahf.net

Subject: joint venture based on Islamic principles

Name of Questioner Silajdzic Gender Male Age 46-60

Education Graduate Date Submitted 9/13/2003

Country of Origin Bosnia User Ref. No. YEAN53 Country of Res. Bosnia

Question

AsSalaamu Alaikum, I would like to ask you for some information about joint venture based on Islamic principles. For example what is or not involved as expenditure on side which receive the capital and how to share profit at the end which will be based on which issues. Almighty Allah knows best.
