

Fatawa General 2004

Renting a Property to a Bank or business that includes some non-permissible activities

SUBJECT: Renting Muslim's Property to Banks

From: Islam on line

Sent: Sunday, August 01, 2004 12:37 AM

Name of Questioner Adil Gender Male Age 31-45

country of Origin India country of Residence India

Question

Assalamalikum Is it correct to rent Muslim's property to Banks.

Jazakum Allahu Khairan for your constant help

My Answer,

Bismi Allahi al Rahmani al Rahim,

Al Hamdu li Allahi Rabbi al 'Alamin, wa al Salatu wa al Salamu 'Ala Sayyidina

Muhammad wa 'Ala 'Alihi wa Sahbihi 'Ajma'in,

Dear Br. Adel

Assalamu Alaikum wa Rahmatu Allahi wa Barakatuh

I used to say it is permissible because the bank has several permissible activities. But now I hesitate to give that opinion on the ground that the main activity of conventional bank is to give financing and receive deposits on interest basis and we normally count on the majority. This is not like working in a bank in jobs that do not make you a writer of interest an being in IT department, because the activity you will then be doing is permissible although the bank's revenues are mostly from Riba; but this fact may not hurt since it is permissible to sell goods and services to people whose earnings are from Haram.

Wa Allahu A'lam,

Wa al Hamdu li Allahi Rabbi al 'Alamin,

Wa Assalam,

Sincerely,

Dr. Monzer Kahf

SUBJECT: Renting a Gas Station to run it with Lottery Machine

From: Islam on line

Sent: Saturday, May 29, 2004 11:50 PM

To: Monzer Kahf

Name of Questioner wahid Gender Male Age 31-45

Education Post Graduate

country of Origin United States

Question

salam aleikom my brther in canada just rented a gas station that has lottery machine.he is concerned about Halal and Haram.his understanding is that the profits are distributed to charity by the government after the winner gets the money.if he doesn't supply this service his business would be affected since customers would go to another place to get their needs from one place only. I told to keep the machine and give the profits he gets from selling lottery to charities. would like your opinion in this matter. thank you very much for giving us a chance to be able to get help and advice from Islam on line.
Jazakum Allahu Khairan for your constant help

My Answer,

Bismi Allahi al Rahmani al Rahim,

Al Hamdu li Allahi Rabbi al 'Alamin, wa al Salatu wa al Salamu 'Ala Sayyidina

Muhammad wa 'Ala 'Alihi wa Sahbihi 'Ajma'in,

Dear Br. Wahid

Assalamu Alaikum wa Rahmatu Allahi wa Barakatuh

Lottery is prohibited because it crates a distribution of wealth on the basis of a false reason (mere chance) and the Maysir that is mentioned in the Qur'an had charitable purposes as the unbeliever Makkans used to practice it at the time of the prophet, pbuh. It is incorrect and unacceptable to claim that business becomes unprofitable without a lottery machine! There are many gas stations that don't have such machines. Besides, if it unprofitable for your brother he should take another kind of business. It is forbidden to sell lottery tickets, even though the government uses the net proceeds for good causes and it is prohibited to have a lottery machine on a Muslims property or within his/her business. Giving the profit generated by the machine to charity does not change the prohibition and the only way acceptable in Shari'ah is to remove it.

Wa Allahu A'lam,

Wa al Hamdu li Allahi Rabbi al 'Alamin,

Wa Assalam,

Sincerely,

Dr. Monzer Kahf

Scholarships/gifts from Companies Dealing with Haram

SUBJECT: Scholarship from a Cigarette Company

From: Islam on line

Sent: Wednesday, March 03, 2004 11:13 PM

Name of Questioner zaki

Gender Male

Age 15-20

Education Diploma

country of Origin Indonesia

country of Residence Indonesia

Question

Is it ""Halal"" to receive scholarship from cigarrete company ? How to implement dinar-dirham gradually ?

My Answer,

Bismi Allahi al Rahmani al Rahim,

Al Hamdu li Allahi Rabbi al 'Alamin, wa al Salatu wa al Salamu 'Ala Sayyidina

Muhammad wa 'Ala 'Alihi wa Sahbihi 'Ajma'in,

Dear Br. Zaki

Assalamu Alaikum wa Rahmatu Allahi wa Barakatuh

I didn't understand your second question.

Yes, it is permissible to take a scholarship from a tobacco company provided it does not require you to work in the company after graduation. Its funds (that come from the sale of cigarettes) are forbidden for the company but not forbidden to be distributed to the community through different assistance programs including scholarships

Wa Allahu A'lam,

Wa al Hamdu li Allahi Rabbi al 'Alamin,

Wa Assalam,

Sincerely,

Dr. Monzer Kahf

Extortion of Money from Others, Legal Ways!

Subject: Turning a British Pound into Lots of Money

From: Islam on line

Sent: Wednesday, July 14, 2004 11:15 PM

Question

Asslamaykam. According to an article there is a way of turning 6 British pounds to lots more money. Send 1 pound to six people and ask each to put your name on a mailing list. Now send the list of six names with your name at the bottom of the list. now send this list to about 200 publishing boards in u.k. If 5% reply out of the 2 hundred, you make a lot more money. According to the postal lottery laws, this is legal. My question is to know if this is permissible in Islam, to make more money this way?

Jazakum Allahu Khairan for your constant help

Yours,

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.

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

This practice is unlawful in our Shari'ah regardless of what any secular law may say otherwise. The question is: by what virtue are you taking the money of other people? by none. A very similar question was asked by the Prophet when some one wanted to take the money of another for a job that was not done because of a natural calamity.

In Shari'ah you can take the money of others only with their free consent as a gift or in an exchange deal. there is no gift and what are you exchanging? nothing. In the standards of our religion, this is a Fraudulent practice.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Last will during Final Illness

Subject: Last will during final illness

From: lubna

Sent: Thursday, August 19, 2004

Dear br Monzer,

Assalam u alaykum warahmatullahi wabarakatuhu

I pray this email finds you well.

We are now coming to the final stages of design/ development for the Islamic Wills website which is set to be launched in September insha'Allah.

Your helpful advice and input has been invaluable - and I am to take advantage of your good nature to put to forward a few further requests which I hope you can help with insha'Allah:

The first is to ask permission to have a link up to your site (kahf.net)- and most especially the catalogue of your FAQ's. I am working on putting together much simpler FAQ's but it will be an extremely useful resource for people to be able to access your website also.

The second is to ask whether you would give some feedback to the overall content of the site just before we launch. I would hope to email it to you in the next few weeks insha'Allah.

Finally a question on inheritance which I hope you can answer:

If a Muslim is in death sickness - is he permitted to make bequests out of the 1/3 of his estate to non-heirs? - Or does the rule that he cannot make gifts in death sickness apply to the entire estate?

Jazakallah Khair once again for all your help. Wassalam

Lubna

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. Lubna

Assalamu Alaykum wa Rahmatullahi wa Barakatuh,

All your points are well taken: you may make the link, I will review whatever you want me to review and I will look into the content of the web pages when you want me to. The only thing, please do not press me with time; give me as much time as you can.

For the question on the will within the one third, wasn't the Hadith about Sa'd during what he thought was going to be his final illness? The Hadith itself mentions it!. A last will within the one third can be undertaken during last illness. Confessing to a burden of a debt is a different matter because it gives a right to others on the estate without giving any reward to the deceased. A last will is a one party action while confessing to a debt is an implementation of a two party transaction.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabb al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Funding Hajj Trip

Subject: Paying Hajj Agent with Loan from My Father

From: Akbar through Islam on Line

Sent: Tuesday, November 23, 2004 1:14 AM

Question

Dear Dr. Monzer, Assalamu Alaykum wa Rahmatullahi wa Barakatuh, I intend departing for Haj on 13 December 2004, Insha Allah. I am however R3000 short of the amount required to pay my Haj Agent. I will have this R3000 available on 15 December 2004, 2 days after my intended departure. Can I pay my agent with my father's money (loan). This loan will be repaid on 15 December 2004? Shukran

Jazakum Allahu Khairan for your constant help

My Answer,

Bismi Allahi al Rahmani al Rahim,

Al Hamdu li Allahi Rabbi al 'Alamin,

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

Dear Br. Akbar

Assalamu Alaikum wa Rahmatu Allahi wa Barakatuh

Yes, certainly you can borrow this part of the cost of Hajj from your father, whether you will pay him back on Dec. 15 or any other time as long as by mutual agreement between the two of you.

Wa Allahu A'lam,
Wa al Hamdu li Allahi Rabbi al 'Alamin,
Wa Assalam,
Sincerely,
Dr. Monzer Kahf

Subject: Hajj with Income Tax Return

From: Abu Mas'ud through Islam on Line

Sent: Tuesday, November 23, 2004 1:14 AM

Question

Dear Dr. Monzer, Assalamu Alaykum wa Rahmatullahi wa Barakatuh, I'm writing in regards to umrah , my question is it the same as to hajj that a muslim's money must be from halal sources. like if a muslim use his income tax return(that is a tax that the u.s. take from you for a year ' s time then return it) sometimes with a little more for there use of it.would this be riba or non halal money to use . thank you, brother in the deen (abu mas'ud)
Jazakum Allahu Khairan for your constant help

My Answer,

Bismi Allahi al Rahmani al Rahim,
Al Hamdu li Allahi Rabbi al 'Alamin,
wa al Salatu wa al Salamu 'Ala Sayyidina Muhammad wa 'Ala 'Alihi wa Sahbihi 'Ajma'in,

Dear Br. Abu Mas'ud

Assalamu Alaikum wa Rahmatu Allahi wa Barakatuh

A Muslim should only use Halal income for every thing, no difference between Hajj, Umrah, food, education tuition and any other expenses. Tax return money is certainly Halal because it is yours. If in the letter you receive, it is clearly mentioned that the IRS added interest, the interest only is forbidden and you should give it to Muslim charity. Do not return it to the IRS. Then use the rest for any purpose including Hajj and Umrah.

Wa Allahu A'lam,
Wa al Hamdu li Allahi Rabbi al 'Alamin,
Wa Assalam,
Sincerely,
Dr. Monzer Kahf

Determination of Profit Rate

Subject: percentage of profit and borrowing from retirement plans

From: Badre through Islam on Line
Sent: Monday, June 21, 2004 12:54 AM

Question

Dear Dr. Monzer, Assalamu Alaykum wa Rahmatullahi wa Barakatuh,
Dear Scholar, My Allah reward you for your efforts. I have 2 questions: 1- What is ruling in regards to making profits in Islam? Is there a certain percentage limit and does it matter what product is being sold, whether is a necessity or commodity. 2- I voluntarily contribute into a retirement account where I control whose stock I buy and I have the option to borrow from my account but I have to pay my account back with interest. My question, what is the Islamic ruling on this situation, since I am paying myself back with interest. May Allah help you and Assalam aleykoum. Badre Chraibi
Jazakum Allahu Khairan for your constant help

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. Badre

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

- 1) The truth is that there is no limit on the rate of profit given in our religion. There are examples from the time of the Prophet, pbuh, to this effect. Once Hakim Bin Hizam was given one Dinar by the Prophet and sent to buy a sheep. He bought one for a Dinar and sold it for two (100% profit) then bought another for one Dinar and came back to the Prophet, pbuh, giving him the Dinar and the sheep. The Prophet accept them, prayed for a prosperous future for the man and told him not to sell other people's property without prior permission next time. There are stories of Ibn 'Awf making such high rates of profits, and the famous story of "Uthman when he bargained with other companions on several hundred percent of profit, then he donated the whole thing to finance the battle of Tabuk. There is a rule though that requires a seller not to be way above the market: the rule of excessive Ghabn that may cause the contract to be void if the price is substantially higher than the prevailing price in the market (an element of cheating or ignorance may be involved). Unfortunately, there are some late Fuqaha, especially Malikites, who argue for a limit on the rate of profit and such a limit varies from a commodity to another. This is generally based on the idea of Maslahah (public interest) and the authority of a government not on the Shari'ah rules and principles. This means that in fact they are talking about exceptional cases of government intervention not about the normal market practice.
- 2) It is permissible to borrow from one's own retirement account and to pay interest to that account, it is only a matter of tax arrangement that does not affect your property in reality, it may force you to save more, which is permissible. Payment to yourself, under any name including the name of

Riba/interest, is permissible because the substance is what matter not the name.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Helping Younger Siblings

Subject: Are we Obligated to help younger siblings?

From: Sr. Marina through Islam on Line

Sent: Thursday, April 29, 2004 1:52 AM

Question

Thank you very much for helping all of us! I couldn't get reply from you last time due to the detailed question of mine. I will try my best to tell you the facts because I am determined to change myself in the light of your response if I am wrong. My question is that: Do older brother and sisters owe more responsibilities to their younger siblings and help them out from tough situations if they are needy? As me and my husband is self-maid couple. My husband works very hard. I was able to manage his money good, and now we own roughly 6 millions worth assets. My family members think that we are getting too greedy, and don't give any time to the family members (we are actually too busy), we should stop investing more. We cannot stop that because we are in 50% tax bracket. And also we (me and my husband) enjoy very much and like to make money more and more. We are about 50-52 years old with one adopted son. My (6 year younger than me) sister is married with my husband's younger brother. They had lost everything because of their mis-management. We have given them a loan of \$50,000 charging them fair amount of interest which they are still paying (they have odd jobs, but they work very hard) but we had feeling that they expect more from us. It's our money, we don't want to give it away to them. Were we suppose to forgive the loan we had given to them? Are we obligated to help them? If yes, then what about their self-respect? And how much help a generous person can give if he/she wants? By the way, other day, I tried to teach my sister a lesson. She was trying to say that nobody in the family had helped them (her and her husband). She is suffering manic depression and had no children. She has only one eye (with cataract) and lots of other health problem. I told her that she has had been a bitch since her childhood and she should be thankful of us. Am I on right track? I told her that she pisses me off because of her wrong decisions (which she likes to make herself) in life and should have self respect, dont' expect money from anybody. As being older sister and brother to them, do we have any duties towards them. My sister's husband was in the hospital in a very critical condition after our conversation, was that due to the my curses on her you think? Was I too cruel with her? Do we examine ourself also that what

kind of people we are? To be honest I have had never seen anybody (financially strong in family) helping others in bad shape then why we?

Notes

Please don't print this question as my family read this site regularly; I don't want them to put myself in any trouble. Please answer this time.

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. Marina

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

This is the first time I receive your question.

Yes you need to review your position.

Let me begin from the peripheries of your statement. Adoption is Forbidden in Islam. The Qur'an said about children who were adopted that you must "call them to their fathers." This does not mean that we do not take care of children who are not ours, especially orphans and the like. Taking care of children, who either have no one to take care of or whose parents are poor, is one of the best deeds in our religion, so much so that the beloved Prophet, pbuh, said that: "I and a sponsor of an orphan are like these in Jannah" and he put his two fingers together side by side. Adoption is Shari'ah is not valid and an adopted child is not yours, even you have to wear Hijab in his presence (if a boy) when he reaches puberty, and she has to do the same in presence of the adopting father if she is a girl, of course at puberty.

Second, interest is a kind of Riba that is prohibited in the Qur'an (2: 275-279) with the strongest words ever. Dealing with interest provokes a war to be declared by God and His Messenger on those who deal with interest (the Qur'an 2: 279).

Taking interest from your sister and brother of your husband is certainly Haram. It calls for a CURSE from God as the Prophet said in an authentic Saying reported in both Sahih Bukhari and Sahih Muslim.

Third, YES, your family has a right onto you. Loosing (or gaining) money or becoming poor or rich is not always the result of stupidity and mis-management or smatness and prudence. There are many outside circumstances that affect it. Even most personal factors (like risk taking/averting, health, degree of perseverance, tolerance, even judgment) are not always in our hands to determine, although learning and training influence them as you well know.

Those who succeed are required to help those who fail, especially in basic thing. That is why God imposed Zakah (2.5% of all your wealth) that has to be given to the poor and needy every year. Zakah comes exactly next to prayers, it is the third pillar of our religion. Besides please read the Qur'an and you will find too many verses that talk about helping others and giving voluntary charity to the poor and needy regardless of whether they are smart or stupid, in addition to Zakah (that is obligatory and determined by the Prophet, pbuh). People who are most worthy of your help, Zakah and voluntary charity are your kin relatives. Here

you are talking about your sister and your husband about his brother! The Qur'an more than once mentioned that ""There is a recognized RIGHT to the destitute and the deprived"" in the wealth of the rich, even if they are not relatives. Giving does not have to be in a humiliating manner, it can be a loving gesture. I don't like the word you used about your sister in your statement, and I suggest to you to change your attitude toward her and help her and her husband be better organized and better managed in a positive and loving way so you can reach deep in her heart.

Remember that needy parents (if yours are alive) have a right on you to make them live and enjoy exactly the way you live and enjoy and if you make them better than you it is even better, that opens for you the way of salvation and Jennah; and what you spend on parent is not counted out of the Zakah that is obligatory on you. Zakah may be given to a sister or brother but not to parents. Obviously, What I say to you applies also to your husband in his relation with his family.

Lastly, remember that your Muslim community, in America has also a right on you to help in Islamic centers, mosques, schools and the like.

What I suggest to you is to please read at least a few pages of the Qur'an on daily basis, not only the Arabic text for the blessing of it but read a good translation to understand it; I am sure it will help you understand the spirit of your religion and uplift your spirit to stand for your duties.

My final word is that I admire your hard working and making good money. This is very much encouraged in Islam and you should add to it what I mentioned earlier.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Commissions in Islam

Subject: Commissions of transfers of International NGO with Interest

From: A Questioner through Islam on Line

Sent: Wednesday, February 18, 2004 6:04 AM

Question

Giving a Loan to the International NGO with Interest. As-Salamu Alaykum, As we know there is no Central Government in Somalia and also no Banks available.

For that reason when any international NGO wants to do some Project in Somalia most of them first they take a loan from the businessmen or hawaala companies here and they send the money through that hawaala companies only. That is not bad but the problem is that the businessmen or hawaala companies did agreement to that NGO when they want to pay or send the loan, they should pay the loan with 2% extra which is the commission for that job. We asked some

scholars (Uluma) here but they gave us different answers. Some of them said it is haraam to take that extra money (unlawful), and others said it is halaal means it is a commission (Khidma). That is why we agreed to ask Sheikh Yusuf Qaradawi: Is it allowed to take this percentage? Is it a Ribba (interest) or it is a commission?

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.

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

In principle, the Hawala must have no charge. The Hawala is a transfer of a debt between three people, i.e., A is a creditor to B and B ask A to accept B's debt be paid by C (who is normally a debtor to B).

Transferring money from one country to another does not fall under this definition and it is closer to what is called in Fiqh "Suftajah." This transfer requires cost, effort and risk, and the service of providing transfers across countries can be sold to its users at a fair market price. But since most components of the service are not proportional to the amount transferred calculating the charge the same way as interest is usually calculated makes it similar to interest, it should be a given amount that may differ in stratus of the amounts transferred.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Subject: Is it permissible to pay brokers fees to agents?

From: Habib

Sent: Wednesday, July 28, 2004 2:28 AM

Question

Bismillah Arrahman Arrahim,

Assalam 'aleykum wa Rahmatullahi wa Barakatuhu,

Thanks a lot for the very good website, may Allah reward you for the help you provide to the muslim community.

I am looking for a given answer concerning brokerage. I am sure that it is describe in your site but I am loosing myself in the amount of information that could match my request. I think that it would be nice if one could look for something through a key word. Concerning my question and it should be very easy: is it possible to purchase for a flat through an agency/broker/agent who will get a brokerage from me. In general, they ask a two months flat rent for the leasing. As far as I can understand a broker will earn money from both sides and asks in general a percentage for the goods from both sides. Is it islamically lawfull?

May Allah (SWT) be pleased with you for your answer
Wassalam aleykum wa Rahmatullahi wa Barakatuhu

My answer

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabbi al 'Alamin Was al Salatu wa Al Salam 'Ala Sayyidina
Muhammad wa 'Ala 'Alihi wa Ashabihi 'Ama'in

Dear Br. Dr. Habib

Assalamu 'Alaikum wa Rahmatullahi wa Barakatuh,

Yes, the broker's commission is permissible because she/he provides services. If a broker/agent takes commission from the two sides of a contract he/she is required to disclose it to both parties. It is wrong on her/his part to make you live under the impression that he/she has no interest with the other party and is exclusively serving your best interest if he/she actually also takes commission from the other party too. This dishonesty makes the broker/agent liable toward you (or the other party) on the ground of not providing the service she/he took commission for. Disclosure should be of the fact that she/he takes also commission from the other party; it does not include the amount, unless she/he volunteers. It is also sufficient as disclosure if it is the custom of the industry that brokers/agents take commission from both sides, so that this point is generally known to people who deal with them.

Wa Allahu A'alam

Wa al Hamdu li Allah Rabbi al 'Alamin,

Wa Assalam,

Dr. Monzer Kahf

Copyright in Islam

Subject: Copyright in Islam

The question

From: Mahbub through Islam on Line

Sent: Tuesday, August 10, 2004 4:08 AM

Question

As Salamu ALykum,

I have a question regarding to copyright of islamic lectures. In this day and age many muslim business produces great quality islamic lectures and they add a copyright to it saying ppl should not be making any copy of the lectures since it may harm their business(In this case a muslim business). I don't feel it's right to copy and share the lectures since the publishers copyrighted the materials but I came across someone who told me there is no concept of copyright in Islam and these kinds of islamic knowledge should be free. Can you please shed some light on this issue and tell me what's the right stand on this issue? jazak ALLAH khairan.

My Answer,

Bismi Allahi al Rahmani al Rahim,

Al Hamdu li Allahi Rabbi al 'Alamin, wa al Salatu wa al Salamu 'Ala Sayyidina

Muhammad wa 'Ala 'Alihi wa Sahbihi 'Ajma'in,

Dear Br. Mahbub

Assalamu Alaikum wa Rahmatu Allahi wa Barakatuh

There is copy right in Islam and our Shari'ah respects the right of writers, publishers, lecturers, etc. these are their businesses and they are entitled to collect the gains/returns of their intellectual properties. The OIC Fiqh Academy has a very clear resolution on this issue.

On the other hand, knowledge should be extended with affordable prices, not necessarily free. Our ancestors of the Ulama used to mention in the introduction of their books that they make their writings free for Muslims, and people in general, to benefit from. This means they are making it a kind of Waqf to the benefit of their readership.

There is another element (that may be the reason for confusing your friend): persons who have Islamic knowledge are required to make it available to other who may benefit from it. This is an implication of "not hiding the truth" that is ordered in the Qur'an. But this does not mean to make the human intellectual products free. It certainly means to make it available for affordable (non-monopolistic) prices. Monopolistic prices are also prohibited in our Shari'ah for Islamic lectures and for other intellectual and non-intellectual products.

On the other hand, copyrights laws do not usually prohibit the personal use of a hard or electronic intellectual product. In other word, making a copy for yourself of a book, video or cd is not un-allowed by laws, what is prohibited is to make copies for sale.

Wa Allahu A'lam,

Wa al Hamdu li Allahi Rabbi al 'Alamin,

Wa Assalam,

Sincerely,

Dr. Monzer Kahf

Nature of Finance Contract in Islam

Subject: The financing contract

From: Jaafer

Sent: Wednesday, October 06, 2004 11:12 AM

Question

Assalamu Alaikum:

I hope you and the family are well. I just wanted to touch base with you pertaining the structure of the agreement. The 'STANDARD TERMS' agreement that is used for conventional mortgages is the major obstacle in any of my discussions. Is there a way for us to use the standard terms agreement with an attached schedule with the Islamic terms? I know that the Guidance example had a fatwa indicating that even when the word

interest is used to cover requirements for tax deductibility, the scholars have found it to be permissible (or at least that is what I remember from two years ago in Washington). Any thoughts on this? I'm just really struggling with this as it truly is difficult, Thank you. Wassalaam,
Jaafer

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. Jaafer,

Al Salamu Alaykum Wa Rahmatullahi Wa Barakatuh

We may under extreme circumstances use a standard agreement provided that we clearly redefine the terms in a way that makes them stand in court. I assume: If we do that we go back to square one because it will have the same effect on investors as a brand new contract.

The example of tax reporting is different. It is an external document, not a part of the contract.

One other point: why do we need to use a standard term contract? Is it for the ability to resell it to investors? In resale, we have to use only a lease purchase contract because Murabahah cannot be resold without indulging in interest (discounting is interest). Do you have a standard lease purchase that is known in Canada? If so, would you email me one so that I can look at it and suggest either changes or an addendum. The main items in both the Islamic and conventional lease purchases are very similar. Differences come only in peripheral matters relating to insurance, liability, delinquency fines and the like. By the way, I like to inform you that effective from last month I took an Assignment as a professor in the graduate school on Islamic economics and banking in Yarmuk University, Irbid - Jordan. And I am now some 10 thousand miles away from California. My phone number is 962 2 721 1111 Ext. office 5522, home 3252 and temporary cell is: 962 7 762 82 88.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabb al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Money in Islam

Subject: Is the Use of Paper Money Haram?

From: Fadzil through Islam on Line

Sent: Tuesday, October 26, 2004 3:22 AM

Question

Dear Dr. Monzer, Assalamu Alaykum wa Rahmatullahi wa Barakatuh,

i would like to know if it is true that the use of paper money as widely practised globally is considered haram. Is the best form of money silver and gold coins which has intrinsic value as opposed to paper money which has no value except for what legal tender it is supposed to represent. Thank you in advance for your answers. wassalam
Jazakum Allahu Khairan for your constant help

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. FADZIL,

Al Salamu Alaykum Wa Rahmatullahi Wa Barakatuh

No, the use of paper money is as permissible as the use of silver and gold used to be in the past. Culture, economics and people habits change with that money changed too.

Today's money is paper and yesterdays money was commodities. Imam Malik argues that if people use animal hides as money , it will be treated in Fiqh as money too. Those who dream of going back to digging in the underground in order to mine for gold and spend all these resource to prepare it for use as money are wrong because now we discovered a way of saving all these resources and using them to produce food and cloth instead and we can use worthless paper to make =money instead!

Wa Allahu A'lam

Wa Alhamdu li Allah Rabb al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Private Property and Ownership

SUBJECT: Islam's Stance on Private Property

From: Muinul through Islam on Line

Sent: Sunday, March 14, 2004 5:43 AM

Question

Salam Alaykum

My question relates to Islamic stance on Private Property. I have once argued with a noted Marxist Dr. Sirajul Islam Choudhury of Bangladesh about the ideals of Marxism and Islam. I put my logic that like your belief in Marxism Islam also ensures equality in society. He argued that Islam believes in Private Property and this is always a matter of discrimination and inequality in society. Please enlighten me against his logic, though his logic did not seem to me pretty convincing. Regards, Muhammad Muinul Islam
mmislam92@hotmail.com

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. Muinul

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

I suggest that you need to read details on this issue few words in a Fatwa session do not give much. One little thing: please read the item of Property in the Encyclopedia of the Modern Islam World.

In brief, he is right and you are wrong. Islam believes so much in private property that one of its pillars, Zakah is actually based on it. Live is an absolute awfulness without private property. Further Islam believes that the actuality of living would make people not equal in their abilities to produce and in their ability to save and accumulate. This reality is completely accepted in the Islamic ideals.

Equality of humans comes in matters of dignity, in opportunities offered, before the law, and similar matters. But if you can produce more than me and you actually do, you have full command on what you produce. Additionally, recognizing real life differences, Islam also installs a principle of mercy, so that inspite of the real life differences, no human may be let alone to fall below a humanly dignifying level. This principle of mercy is implemented through the obligation of Zakah, obligatory financial responsibilities (family, neighbors, etc) and voluntary charities... Islam is the only system/religion that makes helping others an obligation and an unequivocal right of the needy that does not need a state legislation nor depends on it.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf
