

# FATAWA LIVE 2008-2012

## Islamonline Live Fatwa Session April 20, 2008

**From: Ahmed**

**Sent: April 20, 2008**

**Question: Investing in mutual fund**

As-Salam `Alaykum!

I have invested in equity linked saving scheme, a form of mutual fund where company invest in stock maple and give dividend (profit).Company is investing in so many products, from infrastructure, mines, petroleum, to film also. I have no clue whether my money is being used in halal or haram thing. In fact when I tried to ask the representatives, they said it's simply impossible to trace the small money in such a big multinational company. Will accepting this money be right for me? This company is also providing me health insurance in ties form of bearing any medical or surgical expenses of illnesses, source of money is not interest based but profit based from stock market, but always guaranteed (whether in loss or in gain). I'm worried accepting such money will be right or wrong? Please help!

**My Answer:**

Wa `Alaykum As-Salam wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear brother Ahmad,

I did not understand your question. What do you mean by "always guaranteed (whether in loss or in gain)?"

Here is a generic answer about investing in stocks. When we invest in stocks of companies without being able to have control on the management action and decision we must apply the following criteria:

- 1) We select companies whose main line of business is permissible.
- 2) We look at the financial statements of the company and avoid companies that are over-loaded with debts on the liability side, whose income from non-permissible activities is small relatively and whose cash, securities and receivables do not make more than half of their market value.
- 3) We still apply the purification principle by estimating the percentage that came from haram in both capital gain and dividends and give it away to Muslim charity.

When we invest in mutual funds, we cannot apply these criteria because we have no say in managing the fund. This is why we have to invest in Islamic mutual funds that apply these principles.

There are many countries like India that have no Islamic mutual funds, then if we invest in Mutual fund, we have to select these funds that specialize in industries that are permissible such as health care, technology, etc. even with this we still have to look at the report of the mutual funds and study the components of its investment and apply the purification principle

to the best we can. Br. Ahmad, you need to apply this to the mutual fund you have and next time be more selective when you choose a mutual fund to invest in.  
Allah Almighty knows best.

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**From: sajith**

**Sent: April 20, 2008**

**Question: Stock market and day trading**

As-Salam `Alaykum!

In real estate, especially land, some people give advance for the land and search for another buyer means without buying a land, just give advance then find another person and tell bigger price and take profit out of this deal. Is this type of trading halal?

In stock market, just buy big quantities of shares and sell those shares after 5 minutes, trade like this so many times, some profit and some loss, out so many trades. Is it similar to gambling? Just buy and sell company shares on assumption basis? Some cases order for huge number of IPO shares to take profit out of listing day. Please explain in detail.

**My Answer:**

Wa `Alaykum As-Salam wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear brother Sajith,

The description is not complete in real estates. If the advance is given as a down payment in a buy contract, then you can sell a real estate on the plan. In other words, reassigning the contract is permissible. Another form that is also permissible is when you take a word from a seller that she/he accepts a certain price and any addition is yours and then find a buyer and make the contract between the seller and the buyer directly with your commission being the price difference between what the seller accepted and what the buyer is giving.

A form that is not permissible is when you sell and you do not have a purchase contract already made verbally or in writing with original seller.

For stocks, day trading is essentially permissible as long as the stock is permissible to buy and sell (2 criteria apply: 1) permissibility of the activities of the company and 2) the assets of the company must be majority non cash non debts). But I personally have a lot of reservation on day trading and also on the huge amount of transactions in the secondary market. The problem is that it is difficult to separate the first market of creating new companies from speculative trading on its shares. I always call for government action to reduce the heat of day trading and of secondary market in general. To me there is a lot of immorality in profiteering from pure speculation even though it is done on permissible things like apple and banana and permissible stocks.

Allah Almighty knows best.

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**From: Um Khaleel**

**Sent: April 20, 2008**

**Question: Buying property by bidding on government sales**

I was wondering about the permissibility of bidding on tax liens.

**My Answer:**

In the Name of Allah, most Gracious, most Merciful.

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear sister Umm Khaleel,

Please explain.....

If you mean bidding on properties sold by government while these properties are confiscated because owners did not pay taxes, I believe it is permissible to bid and buy such properties because when you live in a land you have to abide by the rules and laws of it. A land that has taxes on real estate requires people to abide by them and face the consequences of their own failure.

Allah Almighty knows best.

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## Islamonline Live Fatwa Session March 12, 2008

**From: Anwaar**

**Sent: March 12, 2008**

**Question: Islamic home finance in America**

As-Salam `Alaykum!

In the US we have the Islamic Mortgage companies that claim their co-ownership programs to be halal. In this program you must pay mortgage payment that is interest free, but you must also pay co-ownership fee and fair market rent. At the end of the year the IRS sends you a 1099 to claim the co-ownership fee as a tax deduction (this is the same as the deduction for regular interest gaining mortgages.) Two questions please: isn't this co-ownership fee another way of earning interest (Riba) by another name? Given the exorbitant amount of money that one has to pay per month (rent, loan payment and fees) would not that also be considered usury (Riba) as well? Thank You!

**My Answer:**

Wa `Alaykum As-Salam wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear brother Anwaar,

In US Islamic home financing, there are no double fees. It is either, occupation fees, profit or rent, different names of the same return on financing.

We must realize that financing in Shari'ah does not mean that people are going to give you their money to use for free. Only your mother or a person who loves you for your own sake would do that. In business there are no such things. Then what is Islamic finance? Is it another name for interest? The answer is: no. Islamic finance is providing facilities to obtain houses, goods and other things in manners that bring RETURN to the provider, but by methodologies other than giving money and charging interest on a LOAN. This is what is prohibited in Shari`ah whereas providing and facilitating getting properties by other than loans is not prohibited and is called normal business. Therefore, the essence of Islamic house financing in America is provision of finance on sale or lease basis not on loan basis. This is what makes it halal. Further IT SHOULD NOT BE HIGHER IN COST THAN INTEREST BECAUSE THERE IS NO REASON TO CHARGE MORE THAN INTEREST since the market of finance, Islamic and conventional, is integrated.

Finally, the form 1099 that gives you a tax deduction with the IRS is a benefit that the law gives to any person who uses finance for buying a house and there is no reason that this privilege should be given to users of interest method and not to those who use other methods for financing their home purchase.

Allah Almighty knows best.

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**From: Ahsan**

**Sent: March 12, 2008**

**Question: Side benefits of some credit cards**

My question relates to credit cards and their usage. I am aware that use of credit cards is permissible so long as I ensure that I pay the total amount due and do not default on payment, thereby activating the interest clause. My question relates to the benefits that some banks give on the usage of their cards.

**My Answer:**

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear brother Ahsan,

these benefits are permissible because your use of the credit card is beneficial for the issuers and they give you a part of their benefits in gratitude; it is a marketing gift.

You can also read: Using Credit Cards

Allah Almighty knows best.

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**From: Tom**

**Sent: March 12, 2008**

**Question: working as a night guard**

As-Salam `Alaykum. I have 3 children, and in order to provide for family I work as a guard, and 3 days in a week I don't sleep at night. I feel my health becomes worse. Is it haram for me to work there?

**My Answer:**

Wa `Alaykum As-Salam wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful.

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear brother Tom,

Working at night is fine and many people do it, you are not the only guard in the world. But if your work, whatever it may be, negatively affects your health you must seek changing it the sooner the better. And you must keep working in any job because you are required, by Shari'ah, to provide for your family, as long as you are capable to earn their living and yours. Remember that every job you take shall consume a part of you, this is life!

Allah Almighty knows best.

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**From: Layla**

**Sent: March 12, 2008**

**Question: Life insurance**

As-Salam `Alaykum, dear respected scholar, my husband and I are wondering what the fatwa is regarding having life insurance and/or disability insurance?

Jazakum Allahu Khairan.

**My Answer:**

Wa `Alaykum As-Salam wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful.

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

**My Answer:**

Dear sister Layla,

Like any other contract that was not there a thousand years ago, when our classical Fiqh was developed, Insurance contract is controversial. I belong to the Camp that believes it is permissible because of its tremendous benefits that makes it even necessary in many cases, including life and disability and because it does not violate any of the tenets of our religion. For more details please look at the Fatwa bank of Islam online.

You can also read: Life Insurance from an Islamic Perspective and Disability Insurance

Allah Almighty knows best.

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**From: Ahmad**

**Sent: March 12, 2008**

**Question: Is boycotting products of offensive countries a kind of Jihad?**

Is boycotting products of countries where some of their newspapers published offensive cartoons to the Prophet (peace and blessings be upon him) considered Jihad or some sort of cooperation on goodness and piety?

**My Answer:**

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

**My Answer:**

Dear brother Ahmad,

Let us leave the word Jihad aside and keep it to its appropriate use that is fighting for the sake of God in a noble manner with no aggression against innocent and no betrayal of the axioms of nobility as defined in Islam.

Boycotting the goods of Denmark and US and UK as called for by Islamic scholars is definitely a part of doing goods and cooperation on it and Muslims must obey their Shari'ah scholars in this regards regardless of what positions Muslim and other governments take.

Allah Almighty knows best.

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**From: Ali**

**Sent: March 12, 2008**

**Question: Zakah on assets**

As-Salam `Alaykum. How do we pay Zakah on assets? We have 7 trucks & 2 excavators. Presently only 2 of the trucks & 1 excavator are working. Only 3 trucks have been paid for in full none of which has been working for the past yr. The last truck was acquired only 1 month ago. Although we seem to have a lot of assets, we have little cash. How do we pay Zakah?

My Answer:

Wa `Alaykum As-Salam wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

**My Answer:**

Dear Br. Ali,

I believe that Zakah is on the net worth of business. Therefore on the day of your Zakah (the Hawalan al Hawl day: when a full lunar year, 354 days, passes and the first 354 days began when you became subject to Zakah for the first time by acquiring the Nisab) you calculate your net worth and make some adjustments that include: pricing assets and inventory at market price on that day, removing accounting adjustment assets such as prepaid expenses, etc. You then calculate Zakah at 2.5% on the adjusted balance of net worth. If you don't have sufficient cash at that moment you may delay all or a part of the amount due until you has sufficient liquidity without sin because this is a Shari'ah valid excuse. But you must remember that any non-paid amount of due Zakah, for any reason, remains a debt on you until you pay it out. Allah Almighty knows best.

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**From: Anna**

**Sent: March 12, 2008**

**Question: Lending money**

As-Salam `Alaykum! Is it allowed to borrow money to someone, if I borrowed him my money before, but he still did not pay them back to me, and he's not the one in need?

**My Answer:**

Wa `Alaykum As-Salam wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear sister Anna,

I did not understand your question!

If you mean whether lending money to a friend is permissible, yes lending with no increment above principal is permissible and it is rewarded by God. So is borrowing the money from another person with the intention of returning it on due date, it is also permissible and both are acts of goodness and rewarded by Allah InShaAllah. Interest that is any increment in a loan is Riba that is prohibited.

Allah Almighty knows best.

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**From: Tahir**

**Sent: March 12, 2008**

**Question: Renting a property to a company to make rest area**

Salam! I want to rent my villa for rest, to make there billiards, swimming pool. It is sure, that some of the guests will drink alcohol there, smoke... Is it allowed?

My Answer:

Wa `Alaykum As-Salam wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

**My Answer:**

Dear brother Tahir,

Renting a place for doing non-permissible acts is not permissible.

But renting a place for residence or vacation residence is permissible (there must be no clause in the contract that mentions any Haram, e.g., it must not say: you buy or drink alcohol in this place) and it is then none of your business what the lessee does in his/her own residence, it is a matter that is not within your area of control.

Allah Almighty knows best.

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**From: Igor**

**Sent: March 12, 2008**

**Question: Refusing to lend a car or mobile**

As-Salam `Alaykum! Some brothers sometimes ask me to give them my mobile to use, or to take my car for some time... I never refuse them, but among them are some people whom I don't know well. Can I refuse them?

**My Answer:**

Dear brother Igor, of course, you can refuse any one, whether you know well or not. It is your right and your discretionary decision.

Allah Almighty knows best.

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**From: Mohamed**

**Sent: March 12, 2008**

**Question: Hedging currencies**

Dear Dr. Kahf, as-Salam `Alaykum.

I have 3 questions:

1. I am working for an export organization. Due to US dollar weakening against major currencies, is it permissible to hedge the exchange loss on our dollar receivables by taking forward/option contracts?

2. If it is not permissible, then how can we hedge our exchange loss? Please note we cannot factor in a lower exchange rate in our costing since it will make our products uncompetitive in the global market. Please advise!

3. Is all forms of insurance are prohibited? Can we take insurance on our stock, business assets (plant, machinery, office)? Please note that in our country, there is no recourse to Islamic finance. Then, how can we meet our insurance and banking requirements?

**My Answer:**

Wa `Alaykum As-Salam wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear brother Mohamed,

Let us leave the banking issue to another question.

For your first quest my opinion is that you can hedge an existing position in a currency by using a future option. The prohibition of the OIC Fiqh Academy on option (that I take and accept wholly) is meant for trading option by taking them as a source of profiteering this is not permissible because options are not an asset that creates value.

But option on currencies to hedge an existing position as you mentioned in your case is not meant by the Fiqh Academy and I believe it is permissible.

For Insurance, since it is controversial, and I belong to the camp that believes it is permissible, I suggest to you that you should take insurance of assets, inventory, shipments, and also life, it is very useful and it is permissible in Shari'ah according to my view. I also know that there is another view on this matter.

You can also read: Life Insurance from an Islamic Perspective  
Allah Almighty knows best.

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**From: Abdullah**

**Sent: March 12, 2008**

**Question: Trading Gold**

As-Salam `Alaykum! Can we trade gold (futures/options) in the commodities market? I came across a hadith of our Prophet (peace be upon him) that 6 commodities must be exchanged "like for like" and gold is one amongst them. Does this hadith imply we should not trade gold?

**My Answer:**

Wa `Alaykum As-Salam wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear brother Abdullah,

The answer is YES.

This is a very authentic hadith and it prohibits trading gold and silver (and all other currencies by analogy) except under two conditions that should be fulfilled together: immediate delivery and full amount of contracts. This means that futures and margins are prohibited in gold and currencies.

Finally, trading gold and currencies, especially on the internet, for the mere profiteering from price changes is not really a good way of earning because you earn only from the loss of some other person, you are not providing any service to the economy and not creating value.

Allah Almighty knows best.

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**From: Shadi**

**Sent: March 12, 2008**

**Question: Car leasing**

As-Salam `Alaykum Sir,

In Pakistan, Cars are issued on lease. I want a Fatwa on it? I hope you will understand after following example. If the price of car is, for instance, 6,00,000 rupees but the bank gives you some relief by giving some extra time (4 or 5 years) to pay; but demands you to pay 8,00,000 (Pakistani currency which is rupee) in several episodes instead of 6,00,000 rupee on the spot. Is it true to get such car? Is it Riba free? Isn't it a matter of rent? Jazaka Allahu.

**My Answer:**

Wa `Alaykum As-Salam wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear brother Shadi,

What determine permissibility is not the amount of the difference (although there must be no overcharge above the market) but the nature of the contract. If it is a loan any increment above its principle is interest that is haram. If it is a lease/purchase or installment sale (whereby the bank buys the car and rents it to you or sells it to you) then it is permissible even with the higher price as your example mentions.

Allah Almighty knows best.

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**From: Reef**

**Sent: March 12, 2008**

**Question: Inheritance of pension**

As-Salam `Alaykum brother, I have a 1/2 brother from my father. When my father died his pension passed to my mother. Does my brother have a right to share in the pension? Jazakum Allahu Khairan!

**My Answer:**

Wa `Alaykum As-Salam wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear Reef,

It really depends on the exact thing you mean. Pension that is based on past contributions during employment and given according to actual real systems is not inheritance and it is permissible to pass, after death to a beneficiary that is determined according to the insurance system that is either created by law or by contract (it can even be with an insurance company based on a term life insurance).

On the other hand, a pension that is based on savings during life time, whereby a person saves money in a certain account like IRA is 401K in the USA, and contributor is the owner of these savings during life time, whatever balance in that account and to any way it may be converted upon death (like converting it to a pension to a certain beneficiary) **MUST BE DISTRIBUTED ACCORDING TO INHERITANCE.**

Accordingly, if the pension you mentioned is given by a party, whereby you father did not own the contributed money, then your mother, as assigned beneficiary, is alone the person who has right to this pension. But if your father owned the money in that account, from which the pension accrued, and he was able to select the kind of investment in it, then your half-brother has no right in it.

Allah Almighty knows best.

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**From: Umar**

**Sent: March 12, 2008**

**Question: Bill discounting**

Is bill discounting, negotiation with bank permissible?

**My Answer:**

In the Name of Allah, Most Gracious, Most Merciful.

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

**My Answer:**

Dear brother Umar,

Bill discounting is PURE RIBA and it is HARAM in Shari'ah. It is a cash amount for a higher sum in the future. The OIC Fiqh Academy has a clear cut resolution about it.  
Allah Almighty knows best.

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From: sajid

**Sent: March 12, 2008**

**Question: Interest prohibition**

As-Salam `Alaykum!

I had a question regarding interest transactions. Did Allah swt prohibit all interest transactions in general or only those where money or land is multiplied in double triple which leaves too much burden on the people? Also I have read that Imam Ghazali seems to have said that little interest which doesn't put too much burden is OK. Is that true? Please advise.

Jazakallah Khair.

**My Answer:**

Wa `Alaykum As-Salam wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear brother Sajid,

Allmighty Allah prohibited all interest and He even stated in 2:275 that the remnant of it must be discharged. Imam Ghazali and all other Muslim scholars never said that any part of Riba is tolerated. Riba is defined as any increment in a debt regardless of its size or the purpose of the debt. It may be for financing real estates, business, purchase of goods and services or even consumptions. All and any increments in a debt is Riba and is haram.

Allah Almighty knows best.

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From: shaazi

**Sent: March 12, 2008**

**Question: Zakah on additional savings**

As-Salam `Alaykum!

I wanted to ask you that if a person's savings is based on salary then what would be the Zakah. If on 1st Ramadan he has 1000 dollars and saves 500 dollars every month and reaches to 7000 savings at the end of the year. Still he has to pay Zakah on 7000 even though that amount wasn't in the savings throughout the lunar year but only in the end.

**My Answer:**

Wa `Alaykum As-Salam wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear brother Shaazi,

YES. Zakah is on the amount you have on the day a Hawl (a lunar year, i.e., 354 days) is completed on the original amount of Nisab. The first year begins on the day when you had Nisab for the first time. In your example Zakah is due on the \$ 7000 and it is at the rate of 2.5%. The source of additions does not matter; it may be salaries, gift, profit, inheritance, etc.

Allah Almighty knows best.

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From: Um Khaleel

**Sent: March 12, 2008**

**Question: Difference between interest and late fees**

What is the difference between interest and a late fee?

**My Answer:**

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear sister Umm Khaleel,

there is no late fee in Shari`ah. If a debtor fails to pay a due debt and that failure costs the creditor any damage the debtor is required to compensate for that damage. This damage cannot be known in advance and determined in the form of a late fee. This also means that any already determined late fee may in fact include Riba because Riba is any increment in a loan (the actual cost of damage is not an increment in a loan but a remedy of damage caused by the debtor). This implicit Riba is haram and it consists of any surplus of the late fee above the actual damage.

Allah Almighty knows best.

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From: hamad

**Sent: March 12, 2008**

**Question: Food crisis**

Respected scholar, in your point of view, do you think the global reports that the food crisis will continue and affect poor countries? And how can Muslims in the East face this expected crisis?

**My Answer:**

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger. I am not a specialist in that area. But I think the food crisis will continue. Muslim nations MUST INVEST IN GROWING THEIR OWN FOOD. Agriculture in the Muslim countries needs a new look and strong investment support from governments.

Allah Almighty knows best.

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From: Mohammed

**Sent: March 12, 2008**

**Question: Talking to girls**

Dear Sheikh,

I am 16 years old. In my class there are Muslims and Christians. One of the girls in my class greets me whenever she sees me in the hall and sometimes she says a few words. I really want to talk to her but I feel it's haram because there is no necessity. Sometimes I find her alone in class. What I do is put my bag and leave. During this time she tries to start a conversation but I answer her quickly with a smile and leave. Can I talk to her if it will just be a few minutes till some of my other classmate come? Is talking to her haram? Can I give her my e-mail?

Please help me. Thank you very much!

**My Answer:**

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear brother Mohammed,  
This is not a financial question!

Beside you said you already talked to her a few words and gave her a smile. I advise you to avoid her completely, and as a 16 year student focus on your study, we have couplet that means all love stories begin with a word and a smile. You should leave thinking of love until after marriage. The Qur'an hint that love comes after marriage not before it when it says that God first created mates for you from your own self nature and then created love and intimacy between you.

Allah Almighty knows best.

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From: Mohammad

**Sent: March 12, 2008**

**Question: Paying Zakah to my aunt**

Assalamualaikum. I have couple question about Zakah, hope to get some answer in reference to hadith and the Qur'an that release me from my stress.

I have an aunt, her husband died few years ago, and did not leave her much to survive except a house (in their village) and a piece of land, which was under bank loan. Last year we few of our cousins helped her to get some of the land back.

Her son does not contribute anything to the family and she has an unmarried daughter. She is leaving her life by renting portion her house (rent very low since it is not in city) and sealing her lands, which she will run out soon.

We help whenever we can. We never gave her Zakah money since she won some property.

Is this evaluation right or is she rightfully eligible to Zakah money?

My second question is if someone helps me to distribute my Zakah money, is it permissible for the person to use portion of the Zakah for his travel expenses?

If the traveling is just to give the money to appropriate person. Thank you & May Allah bless you for your good deed.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Reza

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

For the first question, it seems that your evaluation of the situation is very reasonable. She has some property and she is a clause relative, sister of father or sister of mother.

I like to add another point which may be relevant. Her expenses to satisfy her needs may be the responsibility of yours, her nephew if you are apparently able (you pay Zakah) if so she should be taken care of from your own income, her nephews not from Zakah.

For the second question: a government, when it collect and distribute Zakah may use part of it for salaries and expenses provided this does not exceed 1/8th. If a charitable organization, it may but preferably not because it works on voluntary basis and on Wakalah basis by the Zakah payers, some scholars allows it to spent max 1/8th, but I don't like it for the above reasons.

When it is paid by means of a friend, it is purely on Wakalah basis, I don't like it at all because it is the Zakah payer's responsibility to make it reaches a deserving person.

Wa Allahu A'lam  
Wa Alhamdu Lillahi Rabb al Alamin  
Wassalam  
Prof. Dr. Monzer Kahf

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**Subject: Live Fatwa, Onislam, Friday, Feb. 18, 2011**

**Sent: Feb. 18, 2011**

**Question: Social justice without elimination of Riba**

Dearest Dr. Monzer,  
As-salamu `Alaykum,

Thank you very much for yesterday's session, may Allah accept your effort and abundantly reward you,

Could you kindly reply to the following question?

As-Salam 'Alaykum wa Rahmatullah wa Barakatuh:

Isn't it a fruitless venture, the attempt at social justice without first pondering over what kind of economic structure one is living in? While the systems of RIBA (USURY) prevail in the world and there are Central Banks, that loan money instead of being treasuries which store money and the money being concocted as if from thin air, how can we expect real social justice where the poor are having a clean and pure chance to excel? As money is made of paper and slowly being phased into the electronic realm, so money can be added to the money supply at a whim; what kind of effect does an increase in the money supply have on the purchasing power of the masses that too the money is loaned at interest? Sunnah money is Gold and Silver, why? These are scarce items and so the purchasing power of the masses is protected, you can't print gold and silver or type them into the computer to increase the supply, can you?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Essam

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

These issues need a lot of discussion and can't be fairly treated in a few words. Let us consider the following points:

1. Riba is Zulm because it takes a part of the property of other person and what the lender owns does not increase
2. Riba is not the tool of creating social justice between the poor and the rich. We see many societies that have relatively high level of social justice (no absolute poverty) yet it is based of Riba, some of them are centers (e.g., Singapore and Hong Kong) of Riba. Riba does affect the economic justice as it allows a person to take unjustly the fruit of another.
3. Tools of social justice are essentially provision of work opportunities at fair wages. This requires development plans based on and aimed at improving the productivity of the massed, education system that is technology oriented. We see in Egypt those who are equipped with this kind of education are getting better income and better opportunities, imagine if everyone

is equipped this way and we support them with finance in appropriate way: mass finance based on real contribution to asset building (this is what Islamic finance does: provision of machines, goods, venture capital on sale, lease and sharing bases).

4. Paper money is an invention of humanity that must not be underestimated. It is in fact great and it helped the economy. So are central banks. They don't have to be based on interest. They can be based on sharing, sale and lease. There is nothing glorious about gold and silver as money why having it when you can have money without cost. Abuse of money by a corrupt government is always possible even if we use gold. It happened in the past in Egypt itself as we are told by al Maqrizi. We need good and transparent government not gold money.

5. Phasing out interest from the finance market should be gradual and must be our target, but do not rush to it faster than healthy.

6. We need to add Zakah and activation of Awqaf to our system.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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## **Subject: Live Fatwa, OnIslam, Friday, April 15, 2011**

**Sent: April 15, 2011**

**Question: source of credit**

Dearest Dr. Monzer,

I pray to Allah that this email finds you and your family in the best state of Iman and health.

Could you kindly reply to the following question?

Providing a source of credit while RIBA is Haram:

As-Salam 'Alaykum. As is the example of Christian Europe, in particular Italy where the practice of lending at interest was forbidden by Christian authorities, there were problems in generating capital. The solution to this problem was that Jews were the source of credit because of the fact that they are prohibited to lend at interest to one another, but to non-Jews there is no prohibition. In essence the Jews were "flush with cash" from Riba and the Christians saw them as a strategic asset who could provide something that was forbidden in Christian law at that time. Presuming that under the Islamic system we are to use gold and silver and possibly platinum as money, what is the solution to the problem of securing sources of credit without resorting to the practitioners of Riba as that source? Shall we monetize other scarce metals like platinum?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Essam

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

This questioner seems to be in need to make some reading on credit.

Islamic finance create credit similar to conventional interest based finance but while the latter uses the loan contract the Islamic finance uses other credit creating contracts such as sale and leasing. There is a big difference between lending and sale on credit. In brief it is tied to the real market while loan only transfers ownership. The Islamic system does not need the Jews to give loans because it is based on giving credit through the real production (sharing contracts, i.e., venture capital) and through exchange on credit (sale and leasing). Loan remain only an act of charity or benevolence while earning through finance is air-tied to real production and exchange.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Subject: Live Fatwa, OnIslam.net, Saturday, April 30, 2011**

From: Esam

**Sent: April 30, 2011**

**Question: Borrow from Halal and Haram Money**

What is the ruling on borrowing money from someone when their money is a mixture of halal and haram money? Is it only allowed if the halal money is more than the haram, or is it permitted to borrow such money even if the haram is more than the halal?

Wassalam

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Essam

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Money itself cannot be classified as Halal and Haram. What is Halal or Haram is the way one earns it. Therefore when you deal with any person you are concerned about two things only in regard to money: 1) is the deal (sale employment, loan, etc.) you have with that person within the boundaries of Shari'ah? And 2) is the other party giving you forfeited or stolen money. This must be with surety that is verified by the number of the paper currency given to you. SPECIFICALLY YOU DO NOT ASK ABOUT WHAT OTHER BUSINESS THE OTHER PARTY MAKES WITH OTHER PEOPLE. This is none of your business. As a direct answer to your question, the above means that it is permissible to take a loan without interest from any person regardless of his/her source of money.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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Salam,

Here is the second and the last:

**Question: Borrow Money to Build Houses**

I want to borrow money from someone and use that money to build houses, then I plan to sell some of the houses and rent the others out. the thing is the person I want to borrow the money from his money is haram (it is not even halal money mixed with haram, rather all of his money is haram), if I borrow his money and build the houses with it will the money I get from selling and renting out the houses be halal for me seen as the houses have been built with haram money?

Thanks

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Essam

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The more important question is how do you determine that his money is Haram and what gives you the right to poke your nose in other people's hearts, actions and behaviors? Money can be Haram if it is forfeited, i.e., false or not really money or if you saw the person stealing it from its true owner. Otherwise you cannot even determine that interest –based banks' money is Haram. The most it can be said about interest-based banks is that their interest transactions (not money) are Haram.

If the money is stolen or forfeited you must not borrow it and if your do knowingly you are then a part of the crime.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Subject: Live Fatwa, OnIslam.net, Friday, May 27, 2011**

**Sent: Friday, May 27, 2011**

**Question 1: Can I have a loan from the bank**

From: Khaled

Location: Egypt

Salam Alaykum, dear scholar,

I'm a trader. My shop, on top of which is my house, with my very next neighbor's shop form a complete apartment. He is intending to sell his share. If any other one bought this share, he will cause me much trouble. My problem is that I don't have enough money to buy this shop. Can I have a loan from the bank to buy it? If not, what do you advise me to do?

**My Answer:**

Go to the Faisal Islamic bank for financing it or go to family and friends. Riba is one of the worst sin in Islam, it is the only one the Qur'an declare a war about it from Allah and His Messenger. This question is in fact a kind of typical question where some people think it may justify violation of the rule. In fact it does not at all. Especially in Egypt where there are family and friends and Islamic banks.

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**Sent: Friday, May 27, 2011**

**Question 2: Donation for the Egyptian Stock**

From: Hasan

Location: Egypt

Salam Dear Professor,

Is it allowed to donate for the Egyptian Stock to protect it?

**My Answer:**

Egyptian Stock does not need and does not accept donations. Supporting the market is by buying stocks of good companies (of course with the application of the Shari'ah criteria that these companies should not be dealing much with interest or other prohibitions) especially utilities and basic industries companies. When you buy be a long term investor not a short term speculator.

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**Sent: Friday, May 27, 2011**

**Question 3: State collection of Zakah**

From: Abu Muhammad

Salam Alaykum.

What happens if the State collects Zakah in the case of someone who helps his needy distant relatives by paying them part of his Zakah? Should he pay the State the full Zakah amount then the State would pay his distant relative? Or should he deduct from the amount due the amount he pays to his relative, and give the State the net amount?

**My Answer:**

If the government in a Muslim majority county requires Zakah to be paid through it by law. All Muslims must give their Zakah to the government authority. If you want to pay relatives there are only two ways: some laws allow part of the Zakah to be distributed personally or allow suggesting recipients of your Zakah to the government authority. The second way if there is no such facility is to pay your relative Sadaqah and get additional reward InShaAllah from Allah.

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**Sent: Friday, May 27, 2011**

**Question 4: does Zakah state collection apply to Muslims only?**

From: Tarek

Location: Egypt

As-salmu `alaykum. In a Muslim country which has a non-Muslim population like Egypt, would the collection of Zakah at the same rate of 2.5% of annual savings apply only to Muslims? What about needy Christian citizens? Should it be the responsibility of the State or the responsibility of local churches?

**My Answer:**

You should notice that Zakah is a religious worship. It is not simply a social relief tax. The case of Egypt is typical and normal. Almost all Muslim countries are like it. It was Europe that was exclusive and did not tolerate in the past any non-Christian, also in the present we hear some voices of intolerance like that of the present Pope.

The Application has been historically and theoretically both: we ask the non-Muslim community to create a similar fund, either within their churches or by the State in the law (then it will be two segregated funds). Essentially Zakah money should be paid to Muslims only but we also pledge that any extreme needs that threaten life or the like can be supported from Zakah too regardless of religion of recipient.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Subject: Live Fatwa, Onislam.net, Wednesday, July 13, 2011**

**Sent: July 13, 2011**

**Question: Loans to employees**

Dearest Dr. Monzer,

As-salamu `Alaykum,

Hope you are well and at the best of health and faith.

Could you kindly reply to the following question?

As-salaamu `Alaykum. I am working in a government organization which engages maritime business. The employees of this organization are entitled to apply for the various types of loan (Vehicle loan, Ten month loan, etc.) based on their job category. Although these loans are interest based, the interest is very low comparing to the bank. I'm also thinking of applying for loan to buy a vehicle since I don't have one. But some fellow Muslim employees say it is haram. Others say it is acceptable since I don't have any other options. Please clarify this to me. Jazaka Allah Khairan.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Essam

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Please inform the questioner that:

Interest is Haram regardless of whether the rate is low or high, of course higher rates make it uglier. Interest is Haram because a loan makes a debt on the borrower and the debt does not generate any increases through time. It is called in the Qur'an Zulm (injustice for this reason since the lender takes an increase which is not, and cannot be, generated by the asset he owns). The alternative is either credit sale even if it were at a higher price (which is definitely different from Riba because the seller gives a car that generates utility/value) or you wait until you save the price of the car.

Wa Allahu A'lam  
Wa Alhamdu Lillahi Rabb al Alamin  
Wassalam  
Prof. Dr. Monzer Kahf

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**Subject: OnIslam.net, live Fatwa, Monday, August 23, 2011**

From: Muslim  
**Sent: August 23, 2011**

Location: Pakistan

**Question: Bidding/Auction**

Is Bidding/Auction allowed in Islam?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Yes, it is just a public offer to sell at the highest bidder. Further, it may be sometimes needed for quick sale as what the Prophet, pbuh, did in an authentic narration by al Bukhari, within the story of the man who came to the Prophet, pbuh, asking for charity and the prophet asked him to bring whatever he had at home. The man brought a piece of cloth and a pitcher. The Prophet, pbuh, then announced an auction to sell them to the highest bidder, and he sold him for two Dirham. It is a long and very exemplary and interesting story. Check it in al Bukhari.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Idrees

Location: India

**Sent: August 23, 2011**

**Question: Calculating Zakah**

As-salamu `Alaykum, I appreciate and pray to Allah for the work On Islam and its staff and its consultants are doing to help Muslim brothers and sisters understand Islam and apply it.

I have a doubt regarding calculating Zakah; I have invested certain amount in some business venture this year, and I am share holder of 1% in it but I cannot take part in decision making on business/investment.

The yearly dividend (profit) InShaAllah will start coming only after 3 years from now. And I cannot withdraw my share or sell it till 3 years.

Now, do I need to take in to account the invested amount while calculating Zakah? Or I have to take it only when it starts giving profit or loss? And should the Zakah be on both invested amount and profit or only profit? Jazakallah.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Idrees

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Zakah is obligatory on the properties of rich Muslims. Richness is defined in regard to the Zakah as owning the amount of Nisab which is nowadays approximately US\$ 1500. This investment is a choice of yours and the conditions of the agreement that you mentioned in the question are permissible. Is this amount still yours and owned by you even though you accepted, with your own free will, to commit yourself not to liquidate in there years?

As a part of your properties, this amount is subject to Zakah.

When the total of the market value of this investment (if there is no market value, you estimate it to the best of your ability, and if not, the principal of the investment) plus other Zakatable items such as cash, bank accounts, other investment, reached Nisab for the first time you start your Zakah year (the Hawl). Then 354 days later you add together all the balances of the Zakatable items that you have on this day and multiply that by 2.5%. This is the amount of your due Zakah. If you have already, from previous years, established you Zakah year, you add together the balances of all Zakatable items, etc.

To answer your question directly from the above paragraph: this investment is subject to Zakah every lunar year beginning from the day you acquire Nisab, it is added as a component of Zakatable items, at market value, whatever accrued profit is either added to principal and becomes part of the balance which is subject to Zakah or obtained as cash and it is then included in the cash balances (of course if it is saved. But if it is spent whatever you spend during the year is not subject to Zakah) which are subject to Zakah. In other words, Zakah is on the principal and profit and repetitive every year and at the rate of 2.5%.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Anas

**Sent: August 23, 2011**

**Question: Can't Pay Debt**

What can I do if I have a debt and I can't pay it? Because the shop has changed its place and I don't know where is it anymore?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Anas

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

You just keep searching until you find it. You still need to pay it. There is no other way. Some people may misguide you by saying give the amount to charity, if you do and then find the creditor, you still has to pay it to him/her.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Me

**Sent: August 23, 2011**

**Question: Food – to Non-Muslim Relative**

Is it permissible for me to serve non-halal food to my non-Muslim relative? Even if I did not buy the food but I'm giving it to her. Is that ok?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear you

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

It depends of what you mean by non-Halal. A Muslim is required to avoid serving pork to anybody even when you do not buy it. Same applies to food which contains alcoholic liquor.

But if you mean by non-Halal meat which is slaughtered without mentioning the name of Allah on it, which many people call non-dhabiha or non-Halal, yes it is permissible because this is a controversial matter and many scholars believe it is permissible for Muslims to eat.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Bashir

Location: India

**Sent: August 23, 2011**

**Question: Inheritance of Property**

Asalamualikum, One of our neighbors "A" died at the young age leaving behind a son and a daughter and his widow. The father of the young Man "A" is denying any property to the bereaved family by saying that Islam do not allow any share to the children of the deceased person (Like "A") who had no property of his own but was living in a joint family system with his wealthy father. The bereaved family has instantly come to road. I want to know the system of property sharing in such cases according to the Islamic law. Besides is joint family system as is in vogue in our country allowed in Islamic culture. We usually do not share our property among our children till our death. Neither daughters nor sons are given any share. On the death of father (or both the parents) property gets transferred to sons only. In some cases there arise legal complications and people take refuge in Islamic law giving daughters according to the Qur'anic law. I want to know that Is this allowed to distribute some property among children

during one's life or is this proper to keep the property and leave it at the mercy of circumstances after one death. Kindly clarify. I hope a quick and detailed response from your good self. I also want to know who is answering/clarifying my questions.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Bashir

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

First I cannot make any statement about what you called "joint family system" without a lot of additional information about it and how much it is binding and its legality in India, etc.

To answer the question within the limits of the info given in the question:

1. Islamic system of property and ownership does not mix properties of different people (even family members and husband and wife) except in either of two cases: 1) when they voluntarily create a contractual partnership, and 2) when a de facto co-ownership exists as a result of inheritance or government assignment or the like. The latter is temporary until they divide the property. This means that the property of each person is independent from each other. This applies equally to father and children.

2. When children work for their father's business, in many cases they are assigned salaries and/or share of the business. If they work without such arrangement, it means that they are negligent about their own rights and they did not protect their own small family. I know that such things happen in many places among Muslims as well as among non-Muslims. Unfortunately in such cases legally the property remains owned by the father alone and they own nothing. This means there is nothing to be inherited when they die.

3. If a man dies, leaving minor children and wife with no income or property of their own and they have a grandfather who is able the grandfather is required, by the Islamic law to spend on them until they reach the level when they can provide for themselves on their own. The grandfather in this regard takes the full responsibility of the deceased father.

4. Of course, when the grandfather die, his property will be divided between his children (and other heirs as mentioned in the Qur'an) and the children of a deceased child (male or female) gets the share of their deceased parent within certain parameters.

5. The Islamic inheritance system is binding and obligatory, it always assigns part of the property to females, especially daughters.

6. Any person is free to do whatever she/he likes to do with their own properties, including distributing properties to their own children. Boys and girls. In this regard, distribution in life time must be fair and just by distributing equally to children regardless of their gender.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Emaan

Location: US

**Sent: August 23, 2011**

**Question: Inheritance or Testimony of Woman**

My question is this can we consider the inheritances rules in Quran as bottom line set for society not to go beyond but they can remain on or above it. On the basis of this Can women get half and above share from inheritances and their testimony can be considered as half or equal to men? Like Zakah that is fixed but charity is beyond any fixation.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Emaan

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The distribution, as given assigned shares or percentages, as given in the Qur'an especially verses 4:11 and 12 are binding and obligatory and must not be changed. Read please the closing sentence of Verse 12 and verses 13 and 14. They ordained that these terms must not be changed. This is why the prophet, pbuh, prohibited and last will to an heir because this changes the shares assigned in the Qur'an. This means that these share are themselves exact and binding because the remainder is always given to another heir. The analogy with Zakah and Sadaqah does not work because in inheritance we have a property to be divided, it is 1 or 100% and the Qur'an gave the way it is to be divided in a way that covers the 100%, there is no room for an extra as in Sadaqah.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Sarah

Location: US

**Sent: August 23, 2011**

**Question: Late Payment on Credit Card**

I recently got a new visa got that gives me discounts and benefits when I use it. The penalty for not paying the balance on the visa card is around \$5...that is if you don't pay by the allotted date which is known to you at least 30 days before the deadline. I am aware that if I do not pay the balance on time, I will have to pay that extra \$5 interest which is haram. My question is... can I use and possess that visa card with consciousness that I will pay the balance directly after I make transactions and I will not miss the deadline? And also, this is not my main form of payment I use daily... I use this card only 2-3 times a year. Jazaka Allahu Khair.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Sarah

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I know how credit card works here in America and practically all over the world. If you pay within the grace period, there is no interest and you take all the benefits of the card, but if you delay interest starts on you. You sign a contract which has this mentioned in a clear manner. My opinion is: these cards give you the choice between what is permissible and what is Haram. Therefore they are permissible to contract and to use as long as you know that your choice will always be the permissible option which is to pay within the grace period. I personally like to emphasize this by arranging automatic payment of the balance on the due date, so that you guarantee that there will be no delay in payment at any time. This is not a condition but only a preference.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Shaikh

Location: India

**Sent: August 23, 2011**

**Question: : Leaving Work Early in Ramadan**

Assalamu Alaykum. I work in an environment where the work pressure is tremendous. However for the month of Ramadan I try to come in a little early and leave a little early, but I sometimes feel guilty because of this. I have always have had issues with anxiety (but that's a question for another day) and so this act of leaving early and having all work issues on my mind makes me distracted during my Salah. Is it haram on my part to neglect my work during Ramadan?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Shaikh

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Coming to work early and leaving early should not be disturbing in many kinds of works and this works very fine in most places. This should not disturb you either as long as you are giving the number of hours and amount of effort required for the job. I know many Muslims in America make this kind of arrangement with their work places. It is of course permissible.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Professional

Location: Pakistan

**Sent: August 23, 2011**

**Question: Shortening of prayers if more than one house**

I live in Islamabad in my own house, my parents' lives in Peshawar in own house and we have one house in our village. I move among these places frequently (at least once in a month). So will I offer complete prayers in all three houses?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Although this is not my specialty but I will answer this question because I believe I know it very well.

The principle is that you may make Qasr (shortening the long prayers) in travelling once it is for a certain minimum distance or above that.

There are people who have more than one residence. For these people they are not permissible to shorten prayers while in their residence. The criterion is: if you have your residence normal minimum facilities, for living area, clothing and other facilities which one normally has at home. If this is the case then you have more than one residence and you do not make Qasr in any of them. but if when you go to the village or to parents house you carry your suitcase, arrange for traveler's food, sleeping, etc. then these places are not residences for you. A clearer and extreme example is a man who has two wives one in each town, this man does not make Qasr in either.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

Islamic Finance and Economics

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From: Abulbasar

Location: US

**Sent: August 23, 2011**

**Question: Zakah – On Gift**

My 7 year-old boy "Daiyan" who received \$ 16000 as a gift which has completed a year. This money is on his bank account. As a parent, do I have to pay Zakah on his money?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Abulbasar

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

This money is subject to Zakah without any doubt every lunar year (i.e., every 354 days beginning from the day acquired) at the rate of 2.5%. It is permissible for you as a guardian to pay it from your own as a volunteer or from the boy's money. There is an opinion that you may delay it, without sin, until his puberty and then inform him to pay all past due Zakah for all past years.

Further, this is a typical case where the advice of the Prophet, pbuh, applies. He advised that guardian should invest the money of a minor so that it grows to at least cover the deduction of Zakah. Otherwise it will be depleted by the Zakah payment as the Prophet, pbuh, mentioned.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Mohammad

Location: US

**Sent: August 23, 2011**

**Question: Zakah Money**

Assalamualaikum brother, I have couple question about Zakah, hope to get some answer in reference to hadith and Quran that release me from my stress. I have an aunt, her husband died few years ago, did not left her much to survive except a house (in their village) and few land, which was under bank loan. Last year we few of our cousin helped her to get some of the land back. Her son does not contribute anything to the family and she has an unmarried daughter. She is leaving her life by renting portion her house (rent very low since it is not in city) and selling her lands, which she will run out soon. We help whenever we can. We never gave her Zakah money since she won some property. Is this evaluation right or is she rightfully eligible to Zakah money. My second question is if someone helps me to distribute my Zakah money, is it permissible for the person to use portion of the Zakah for his travel expenses. If the traveling is just for give the money to appropriate person. Thank you & May Allah bless you for your good deed. Mohammad Reza.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Reza

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

For the first question it seems to me that your judgment that she does not deserve Zakah is correct. She seems to be ok for now. This does not mean that you and other cousins are not always called on to give her gifts and charity just to make her better off, after all she is your kin and kindness to kin is highly rewarded as we are told by the Prophet, pbuh.

Payment of Zakah is your responsibility. When you distribute Zakah to the poor and needy you are not allowed to charge your cost to Zakah amount. It is the same when you appoint an agent to do it on your behalf, she/he is like you and same applies to him.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Baig

Location: India

**Sent: August 23, 2011**

**Question: Zakah on Salary Bank Account**

As Salaam `Alaykum brothers in Islam: What is the ruling on salary bank account amount. Issue here is:

1. Salary is mostly fixed per month but not the monthly expenses.
2. This money is in continuous use for personal and other family expenses, so remain in rotation throughout the year (not used as savings like fix deposit).
3. The expenditure per month is not same, so will be difficult to know what will remain at the end of each month. Jazakum Allah Khair.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Baig

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The matter is much simpler. Let us say that your Zakah day is Ramadan 15 every year; you just see what is the balance in this account, deduct from it your expected expenses and other payment until the next salary day and add the balance to other Zakatable item in calculating the Zakah. This way of calculations means: balance at the beginning of the year + all salaries during the year – all expenses during the year – expense that will be paid out of existing balance at the end of the year.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Wonder

Location: Tunisia

**Sent: August 23, 2011**

**Question: Zakah in a Non-Muslim Country**

Salam Alaykum. I want to ask how a Muslim can give Zakah while he is living in a non-Muslim country. Is it acceptable if he gives it to non-Muslim person?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

NO. in our days there are Muslims everywhere in all countries Zakah should be given to Muslims only except in urgent case of life and death only then it can be given to non-Muslims.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Subject: OnIslam.net, live session Monday, August 29, 2011**

From: Muhammad

Location: Canada

**Sent: August 29, 2011**

**Question: Ijarah Conversion Product**

Asalamu Alaykum,

Is Ijarah Conversion Product halal? Ijarah is providing the Shari'ah compliant mortgage conversion in Canada.

How it works?

Ijarah is asking me to get the mortgage approve from conventional bank and send the document to Ijarah and they will re-structure the transaction according to Shari'ah and I don't have to pay any interest. Also Bank's interest rate and terms will remain same.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. /Sr.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The question is vague. It does not provide the mechanism of conversion. Without this mechanism it is difficult to give an answer.

Ijarah as a contract is permissible and can be used in buying homes on a plan that has a mix of rent and promise to buy pits and parcels of the property along with periodical rental payment. Car leasing in America is essentially permissible but there are a few clauses related to interest in conventional car leasing. The problem comes from these clauses not from the concept of Ijarah even though the numbers may be the same. Notice a rent is fixed and interest is also fixed. The prohibition of interest does not come from being fixed or not. It comes from being increment in a debt. Rent is a price of usufruct.

Replacing an interest house loan with a contract based on Ijarah is of course what Many Islamic finance companies do. But taking a mortgage loan from a bank to a company after it is contracted with the bank and it give you instead of it an Ijarah with same rate and numbers means that it pays interest and accepts from you rent. Who is going to do that and what is its profit?

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Ethar

Location: Canada

**Sent: August 29, 2011**

**Question: Working in woman clothes store**

I lately find a job in a store that sells woman clothes. I wonder if I am permitted to work in such store regarding that clothes are western style that, of course, don't follow the Islamic rules. I'll appreciate your fast reply. Gazak Allah Khairan

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. /Sr.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

It is permissible because cloth can also be used within the house or in the bed room. They are not only for exposing women body's outside. As long as there is a permissible use of the item, you can sell it. Any abuse of it is the sin of the abuser.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Tabassum

Location: Canada

**Sent: August 29, 2011**

**Question: Mutual Funds**

Salamalikum,

From the little research that I have done, I understand that we can invest in mutual funds as long as the fund does not invest in companies that deal with haram commodities. However, as a financial advisor at a financial brokerage company, when we select funds, the fund companies usually give us the top holdings only. If the top holdings do not sell haram commodities, is it okay to invest in that fund?

2) Can we sell/buy life/critical illness/disability/travel insurance?

Thank-you

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. /Sr.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

1) If you are investing in America where none of the listed companies abide by Shari'ah we then apply the tolerance rules. These are rules that remove hardship from Muslim investors, thus allowing them to invest in second best companies (from Shari'ah point of view). These criteria are; 1) main line of business should be permissible; 2) Haram activities should not make more revenue than 5% of revenues; interest-based debts the company should not make more than one third of its market capitalization; 4) debts and securities on the asset side must not be more than one third of its market capitalization; and 5) you must estimate the percentage of Haram in your income of this investment and give it to Muslim charity in order to keep your investment Halal. These criteria apply also to Mutual funds.

2) Travel insurance is permissible in my opinion, there is the other view that argue that all kind of insurance must be with Takaful (Islamic insurance) companies.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Zeshawn

Location: US

**Sent: August 29, 2011**

**Question: Zakah**

Assalamalikum,

I had a question regarding the payment of Zakah. My wife has money but I am in debt with student loans. We just got married. We have checked online but have found differing opinions on whether or not Zakah can be paid from a wife towards the husband's debt. Is this permissible? As her money is her money and if she wants to help her husband pay off her debt, can she or not?

Please let me know. Thanks kindly.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

My opinion is that in your case it is not permissible to pay her Zakah to you to settle your debts. You said you just got married, I suppose you must have spent an amount of money for marriage, you have income and you are not personally poor. You got student loans to make yourself more qualified and therefore to have more income. You are required to pay these interest based loans the fastest way possible. You can borrow from your wife if she is rich and pay her later, of course without interest. But she cannot give you her Zakah to pay your debts. We have evidence that A female companion of the Prophet, pbuh, gave her Zakah to her poor husband who did not have sufficient income to spend on the family, including herself because it is his responsibility. But paying his debts while he is in fact not poor and he is spending on the family and on marriage and while there are about 35000 Muslim children dying every day out of hunger in the world of today. NO, by all means that is not permissible.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Sham

Location: Canada

**Sent: August 29, 2011**

**Question: Real Estate**

How can I buy a house Islamic way so I do not have to borrow from bank and pay mortgage interest? I have seen a condo for \$250,000. I have to pay down payment of 10% which is \$ 250,000. Please, advise.

Thanks.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Check if there are any Islamic companies in Canada which provide Islamic finance. Also check credit unions, I know one in Calgary that has Islamic contract for the Muslim community. For the down payment you have to borrow from you mother or wait until you save it.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Subject: OnIslam.net, live Fatwa, Friday, December 23, 2011**

From: Muslim

Location: Ethiopia

**Sent: December 23, 2011**

**Question: Housing system in Ethiopia**

Aselamu Alaykum We Rahmatullah We berekatuhIn Ethiopia, the government has designed a housing system for the poor and middle income citizens. The government sells houses in 15 to 30% pre-payment and the remaining cost is paid in monthly basis in 20 years. The amount of money paid in 20 years is more than the price agreed to be paid. For Example: the cost of a house is 100, 000 Birr. I paid 15, 000 Birr primarily. Then I agreed with the government Bank to pay 800 Birr per month for 20 years. Which can be 192, 000 Birr at the end of the 20 years. I pass through this system as there is no way to have a house. The monthly payment I has to pay according to the Bank agreement is almost the same as I pay for house rent. Is it lawful in Islam to buy this houses?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

It is apparent that the difference in this example between the total paid and the sale price (15000+192000-100000=107000) is Riba. Riba is Haram whether for housing or for any other purpose. Ethiopia is a country with large Muslim community. You should be able to amend this contract or to have the finance done through the Islamic bank. There is a new Islamic bank in Ethiopia. To amend it, it is permissible to negotiate with the government bank to sell the house

for 207000 with 15000 cash and the remainder on 800 a month. The difference is not simply formality. It is in fact a basic difference between sale on credit and interest on lending. Sale on credit is permissible and interest on loan is not

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From:

**Sent: December 23, 2011**

**Question: Investing With Borrowed Money**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

Respected scholars, Assalamu-u-Alaykum. I want to know whether it is permissible to borrow money for investments. Does Allah SWT forbid us from buying goods or making investments (even if they are halal) using borrowed money, or does He stop us only from borrowing haram funds? Please clarify the principle involved here, since I am unclear whether to borrow or not, for halal investments from halal sources. Wassalam and many thanks.

**My Answer:**

Riba is any increment in a loan or a debt as mentioned in Verse 2:279 that is anything above the principal of the loan or debt. It does not differentiate between loans for consumptions and loans for investment or to buy goods for trade. A loan without interest is of course permissible all the time but a loan with interest is not. Financing investment from a loan without interest is also permissible. In other words, the prohibition is of the interest not of the loan and purpose of using the money is irrelevant

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Mr

**Sent: December 23, 2011**

**Question: Is It Riba?**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

A car company charges £32995 for a car. Their finance department facilitates payment by offering a three year deal, based on no deposit followed by a plan of 36 payments of £1032 every month. The question is: is the amount above £32995 classed as Riba?

**My Answer:**

The question intends to put matters in a vague way. In fact I don't like this kind of question because it tells that the intention of questioner is argumentative not really to ask about the issue. I want you Brother Esam to send him/her all what I write and she/he should know that formulating a question in a way that may fool a Mufti who does not know details of transaction does not help because the Fatwa comes in accordance with the question.

The missing info in this question is that the finance department gives you a loan in fact not it sells you a car. The price is 32995 is paid to the car dealer and the loan is given to you at interest in which the amount of interest is:  $1032 \times 36 = 37152 - 32995 = 4157$ . This transaction is Haram.

On the other hand, a sale of this car at 37152 payable on 1032 a month for 36 month is permissible. And here is the delicate difference which the questioner wants to fool the Mufti about. First it is not a formality but a reality. When you take an asset from someone without paying immediately for it you are in fact buying the asset PLUS its utility for the period until you pay for it in full. If you pay at the time of contract you will be reducing your other belongings (your asset) and losing the utility of the thing you pay. But when you do not pay at the time of contract you will be getting double utility the utility of the asset you get plus the utility resulting from the asset you keep instead of paying it. this is imbalance which is not rational and not Islamic. This is why our Scholars since day one said that a part of the price is caused by time. But you must notice that the same does not apply to money or debt because they do not have a utility which they generate on their own. This is why Riba (an increment in a debt or loan) is prohibited but a price differential because of postponing the payment is permissible.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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### **Subject: Live Fatwa: OnIslam.net, Tuesday, March 20, 2012**

From: Shakeel

**Sent: March 20, 2012**

**Question: Is it permissible to have my wife's name on my assets?**

As-salamu `Alaykum Dr. Kahf.

I have two assets; my house and a mutual fund. Both of these assets have my wife's name with right of survivorship. Can I put a clause in my will stating, "After my death these assets will not be sold for shares distribution to my children until my wife passes away"? I want to do this so that my wife can have a place to live and an income from the mutual fund.

Jazaka Allah Khair.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Shakeel

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The Plain answer is: NO.

But you can make a request to the children that after you die they should do that and make their mother (or your wife if she is not their mother) comfortable AND:

Remember that if you die she will then own majority in both house and fund. She has the higher vote for not to sell. And you can put in your will that (because legally she has the survivorship right) "she can withhold the distribution to children until she is assured, to her own satisfaction and discretion, that they will fulfill their responsibilities toward her in housing and other expenses.

But remember, on the other hand that once one dies the property becomes owned by the heirs and it is neither just nor fair to withhold a property from an owner who may actually need it. Isn't there a case where some of the children may need their share even more than your wife?

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Humayun

Location: NY, US

**Sent: March 20, 2012**

**Question: Dilemma of buying our first home**

As-salamu `Alaykum. I hope you're doing well. My name is Humayun Haq. I am married. We live in NY with our 3 kids. I am in the dilemma of buying our first home. I know many options exist in the US for Islamic Finance, with Guidance, LaRiba and University Islamic Finance. There is also the fatwa that I've heard about from Sheikh Qaradawi about conventional mortgage for buying the first house to live in the West for Muslims. Conventional mortgage is also cheaper these days (at least), and the houses in NY are really expensive about close to \$400,000. The difference can be between close to 2% or more. Interest rates on 15 years about 3% and profit sharing at about 5%. I need your help to make this decision, which path to choose?

I would like your answer ASAP because I need to put in paper work within 1-2 weeks as we have finalized the house that we want to make contact on. Jazaka Allah Khair. Humayun

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. humayun

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

If you believe that the difference is big you go for the Fatwa of Qaradawi because exploitative rates make them equal to non-existing.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Tarek

Location: Egypt

**Sent: March 20, 2012**

**Question: Am I accountable if the Islamic bank turns to be traditional**

As-salamu `Alaykum Dr. Monzer

1) If a person has some savings and tends to deal with an Islamic bank, is he accountable if this bank turns out to be similar to traditional banks in dealing with interest rates rather than real direct investments in the real economy?

2) How can an average Muslim client check that the Islamic bank with which he deals is truly acting in its transactions in accordance with Islamic guidelines? Should there be an institution which audits and gives accreditation to Islamic banks around the world so that people can be reassured that their transactions are correct from the Islamic point of view? Jazakum Allah Kheir, Tarek.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Tarik

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I think we need such institution of accreditation. But meanwhile you should notice the following. All of us are not perfect Muslims. We all have our shortcomings so are Islamic banks and their Muftis! The problem is more in their Muftis that in the bank itself. But still all existing Islamic bank in all countries today have an initial and fairly strong commitment to Islamic rules, at least the way their Muftis tell them. this is sufficient to declare them Islamic and to brush aside the differences in opinions about certain practices.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Fatimah

**Sent: March 20, 2012**

**Question: Maximum Amount in Bank**

As-salamu `Alaykum. Kindly tell me what maximum amount should one save in the bank? Jazaka Allah Khair.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Fatima

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Any amount you can afford to set aside after your expenses and charity. There is no limit. You should use an Islamic bank though.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam  
Prof. Dr. Monzer Kahf

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From: Idrees

**Sent: March 20, 2012**

**Question: Query Regarding Medical Insurance**

Dear Scholar, As-salamu `Alaykum. First of all, I congratulate you and pray to Allah for the great service you are doing to Ummah through OnIslam.

I work in a MNC company in India, and have a question regarding Medical Insurance they provide.

Some amount would be deducted from my salary per annum towards medical Insurance, and in case of hospitalization, I have to bear cost on the basis of 95:5% (5% being my contribution) towards myself and 80:20% other family members.

This medical insurance is optional and I can opt out of policy and no deduction will be done in my salary, but in that case, in India we don't have a medical insurance which can be termed halal and so cheap.

Can you, please, let me know whether it's permitted to take the medical insurance or not? Jazaka Allah. Mohammed Idrees.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Idrees

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Insurance in general, medical, car and all other kinds, is controversial. There is a strong argument that it is permissible if cleared of interest and Haram object (like insuring a shipment of liquor). In controversial matters you take the easier in case of strong need. I believe that the need for medical insurance is very strong in our lives today. It is as necessary as car insurance which is made obligatory in many countries. My opinion is that it is permissible when there is no Islamic Medical insurance available.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Abdulsalam

**Sent: March 20, 2012**

**Question: Send Money to My Parents**

As-salamu `Alaykum. Dear Scholar, I am a Medical doctor living in the U.K. My problem is whenever I send money to my parents, I want my father to get the largest portion because he was there for me when my mother married another husband and deserted us for 25 years. This makes me to hate mum sometimes but even if I want to give her anything, I want my father to take the largest part or give her whatever he likes or nothing at all. Thanks for your assistance.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Abdussalam

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I don't agree with you stand. I think that carrying you in her tommy for 9 month is much more than what your father gave you. I also don't think that she deserted you as her children. She may have deserted your father then and it was impractical or impossible to take you from him. This is a matter between them and you should not interfere in it, they are equal to each other but you are not equal to either of them. I suggest that you should give them both equally and don't put yourself in a situation where you lift one of them over the other.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Op

Location: Bangladesh

**Sent: March 20, 2012**

**Question: Distribution of Assets**

As-salamu `Alaykum. If a man has a terminally ill disease and he wants to divide his assets, how should he do that assuming that he has a wife, mother, one daughter, two brothers, four sisters and one deceased brother who has one daughter and two sons?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sister

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I really believe that he should make it exactly according to what is mentioned in the Qur'an, verses 4:10-13 as follows: 1/8 to wife, 1/2 to daughter, 1/6 to mother and the remaining which is 5/24 to brothers (including the deceased) at the rate of 1 to 2 female to male. The share of deceased should be to his children at same rate of 1 to 2.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Sr. Aisha

Location: US

**Sent: March 20, 2012**

**Question: Providing for wife and children**

As-salamu `Alaykum. I was speaking with someone the other day about the right of a Muslim wife as far as her husband having to provide her with shelter, food and clothing. The person I

was speaking with said that it is ok for a man to have his wife on government assistance as long as her needs were met. Even though he would not be the one directly taking care of her needs but the taxpayers and the government would. The person also said that the man can even have more than one wife and all the wives can be on government assistance. Is this Islamic? Please, provide hadith proof with your answer.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Aisha

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Going on welfare and government assistance in case of need is permissible and it is permissible to have the wife go in it, in case of need only, if this makes the process easier. But going on government assistance while able by using incorrect info is not permissible.

Having more than one wife, up to four, in case of exceptional needs is permissible. The Qur'an considers such a situation and exception not a rule.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Eman

**Sent: March 20, 2012**

**Question: Doubt about money origin**

As-salamu `Alaykum. My father deposited money in my account in an Islamic bank.

I doubt that this money is a result of interest because my father used to deposit his money in a non-Islamic bank. I don't know exactly the original amount of the money, but I can roughly estimate it, not exactly. What I should do regards this money? Jazaka Allah Khairan.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Eman

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

You did not make any interest based contract or earned interest yourself. Whatever your father does is his own responsibility not yours. Besides, rules and positions on issues can't be founded on doubts. Your father gave you an amount of money. Unless you know for sure that this money itself is actually owned by some other person and was stolen from that person, accepting your father's gift is permissible or rather recommended and you don't need to do anything or act on the doubt you may have.

It always remain open for you to give to charity any amount and what you give is counted with Allah and rewarded from His treasures in the life and in the life after.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam  
Prof. Dr. Monzer Kahf

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From: Haval

**Sent: March 20, 2012**

**Question: Developing Software**

Developing Software for BFSI Domain: Halal?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

1. Lying is Haram with government or individuals. And taking funds which really do not belong to you is Haram too from government or others.
2. If you live in Muslim countries or in countries which have large concentrated Muslim community it is an Islamic obligation on you to create an Islamic bank or association or company to finance housing in a way that is Shari'ah compliant. It is Haram to take interest mortgage if there are other alternatives.
3. But if you live in a country where Muslims are scattered and not focused to be able to create financial institutions according to Shari'ah such as in the Western countries and you need a house to live in, conventional mortgage may be resorted to if you do not find other way to get a house.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Jay Smith

**Sent: March 20, 2012**

**Question: Haram Money**

As-salamu `Alaykum, Dr. Kahf. I have a question regarding haram money.

I am only 18 years old and do not have a job. I wish to make some money while I am still studying. I could potentially start up a small business, as someone has offered to sell me very cheap goods, such as mobile phones and other expensive gadgets.

However, I asked this person why these goods are so cheap, and he replied saying that he would purchase them from a store normally, using card details purchased online.

Therefore, to the best of my knowledge, I understand that these goods are purchased with haram money.

I want to know if it is haram for ME to purchase these goods. Someone has told me that this is not haram for me, as I am merely buying these goods with the intention of selling them on and making some money.

However, another person has told me that this would be completely haram for me as the goods are bought with haram money, so it is haram for me to possess/sell/benefit from these goods. I want to make it clear that I would also want to keep a few goods for myself.

I am very unsure about this issue and fear this may be haram and I do not want to be involved in such a business. Thank you.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Jay

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

This is more than Haram money. This is a kind of fraudulent theft. Goods are stolen from the store without payment because paying with fake credit cards numbers is not payment. It is definitely Haram and also legally criminal to process these goods for sale, it is laundering of stolen goods

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Ebadou

**Sent: March 20, 2012**

**Question: What can be done with money ignorantly earned falsely?**

As-salamu `Alaykum. My friend would like to know; what can he do with the money he ignorantly earn falsely or on a way not allowed? He repented. Thank you.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Ebadou

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

If the person from whom the money is taken in an inappropriate way is known, money **MUST BE RETURNED TO HIM**. if the person feels shame or embarrassment send it to the true owner by any way which hides the person who send it As he repented as you say, it is Ok to cover his personality. If the person to whom the money belongs is not known or it is not rational to give it to him (as the case of interest taken from a conventional bank) then give the money to Muslim charity.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Shakeel Khan

**Sent: March 20, 2012**

**Question: Providing to wife after husband death**

As-salamu Alaykum, Dr. Monzer Kahf,

Please explain, how should I resolve the following situation?

I am retired and I own a house and I have invested my savings in a Mutual Fund to receive income for my living expenses. If I die, before my wife, and she liquidate my house and the mutual fund to distribute shares to my children, then where she is going to live and how she will meet her living expenses?

Wassalam.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Shakeel

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Her living expenses including housing are the responsibility of her children. They are required to make her live at the same standard as they themselves live. If she has doubt about that and she lives in a country that authorizes her on the house and the mutual fund balance she can withhold Shari'ah required distribution to children (remember she also inherits one eighth) until the children provide her, to her satisfaction, with assurances that they will honor their responsibility. If she lives a country that has an Islamic law she can resort to court to force them honor their responsibility. Of course all the above assumes that she has no sufficient resources or income of her own.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Dr. Abdur Rouf

Location: Canada

**Sent: March 20, 2012**

**Question: house finance on partnership**

Is it permissible (to avoid Riba)? I will buy a house partnership with a person (for me -20%, partner 80%, his source of money might be a conventional mortgage). If I enter into a contract with this partner and agree to purchase his ownership share over an agreed period of time. During this time I have exclusive right to live in the house. In return I agree to pay him a profit. At the end of the contract I am the sole owner of this home.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Abdur Rauf

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

What you described is very general (his source of funds is irrelevant to the contract between you and the partner).

This arrangement can be done in either of two ways and you have to be very specific about detailed conditions of the contract between you the partners to the extent that in my opinion you cannot make this contract without consulting a Shari'ah expert as well as a lawyer in the area of the property: 1) as Murabahah whereby you both buy the property, then you buy his share on installments for a sum that includes cost plus his profit; and , 2) buy it together, then rent his share and give him an undertaking (promise) to buy his share on consecutive monthly sale contracts of a small portion every month in addition to rent payment so that each monthly payment consists of two parts rent and a payment to buy a small portion of the house. This way the rent declines month after month.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Anwar

Location: Canada

**Sent: March 20, 2012**

**Question: Cash under-the-table Salary**

As-salamu `Alaykum. I came to know that one of my friends works in a restaurant. She gets salary as cash as she told me that she is in EI for some reason and thus Govt. does not allow working whenever someone is in EI. My question is: is it a sin to work anywhere without letting Govt. know? Also, will that earning be Halal? I think this is a very important matter for the community. Insha' Allah with your answer a lot of people will be benefited.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Anwar

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I don't know what do you mean by EI? But there is no need to inform the government, any government, of what you do or what your income is. If government requires that income be disclosed to it you should not make any lie in the disclosure. Otherwise we all are free to do whatever we like without informing the government.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Minhas

Location: Canada

**Sent: March 20, 2012**

**Question: Islamic Mortgage conditions**

Riba-based Bank (there is no Islamic Bank here) owns a house (foreclosure). I go to the bank and say that I want to buy the house and I will pay 20% of the price. The bank says that it will

invest the remaining 80%. The bank tells me a fixed monthly installment (basically fixed interest) which I need to pay each month for the entire term and then the house will be mine. Is it permissible? Do I need to bother how the bank is coming up with the money since it is bank's house? Don't you think it's the same as me going to a friend and saying that I want to buy his house paying 20% as down payment and will pay the rest in installments for say 10 years? My friend agrees and says that I need to pay the remaining 80% (equivalent to say \$10000) plus \$5000 since I am paying in installments).

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Minhas

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

What you said is all known and you need to be accurate when you ask a question because answers come in accordance to questions. I happen to know how things are done in North America! Here are the correct descriptions of what you did not make clear, followed by my opinion:

1. There are in Canada several companies that offer Islamic house finance including a credit Union in Alberta, the Islamic housing cooperative in Toronto and several other Islamic investment companies.
2. The bank, in your example sells you the house for say 100,000, and you pay 20,000 but the bank make the contract with you to give you a loan of 80,000 at interest for a number of years. It is not that you buy the house form the bank for 20,000 plus installments. These are 2 contracts sale and loan contracts. The second one is a pure interest-based contract.
3. In foreclosure, the bank does not own the house, it only has mortgage on it and it is forcefully sold on the owner who defaulted.

Of course an interest based loan is Haram while a sale at a higher than the cash price (because part of the price is deferred) is permissible. The difference is exactly the same difference between a debt/loan and a sale. They are not the same.

Finally, accepting such a foreclosure sale is lesser of an evil (because you take the loan from almost the same seller since the bank is authorized by court to sell the house) if you cannot qualify for Islamic finance in your area.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Shakeel

**Sent: March 20, 2012**

**Question: transfer of asset to spouse in a last will**

As-salamu `Alaykum. In order to avoid any future litigation, I have transferred all my assets to my wife's name and in her will she has stated that if she dies before me, all those assets will be transferred to me. Is this permissible? Jazaka Allah Khair

**My Answer:**

Wa `Alaykum as-salamu wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear Br. Shakeel

First, you should be sure that the objective you want to achieve by this transfer is legitimate, Shari'ah wise, and actually the transfer is effective. I have a great doubt on both matters. Avoiding creditor by such action may have serious Shari'ah problems as creditors have right on you and your properties until they are paid. Second, such a blanket transfer to you if she dies is also a matter of doubt. At that time, there must be certain properties that she owns, these have to be distributed to her heirs who may not be exactly yours (depending on what each one of you has of parents, children, siblings, etc.). Besides if you die first, similar problem arises. Your property then must be distributed to your heirs and she is one of them. It will be a violation of Shari'ah that your properties then remain in her ownership. To rectify this matter, assuming my first concern is settled in a way permitted in Shari'ah, you should have a detailed post nuptial agreement with your wife, indicating in details what properties are yours and what are hers and ordaining that should one of you die, the deceased's properties should be distributed in accordance with the schedule of *Mawarith* which you find on my website. Allah Almighty knows best.

Prof. Dr. Monzer Kahf

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From: Idrees

Location: India

**Sent: March 20, 2012**

**Question: Medical Insurance**

Dear Scholars,

As-salamu `Alaykum. First of all, I congratulate you and pray to Allah for the great service you are doing to Ummah through Onislam. I work in a MNC company in India, and have a question regarding Medical Insurance they provide. Some amount would be deducted from my salary per annum towards medical insurance, and in case of hospitalization, I have to bear cost on the basis of 95:5% (5% being my contribution) towards myself and 80:20% other family members. This medical insurance is optional and I can opt out of policy and no deduction will be done in my salary, but in that case, in India we don't have a medical insurance which can be termed halal and so cheap. Can you please let me know whether it's permitted to take the medical insurance or not? Jazakallah

**My Answer:**

Wa `Alaykum as-salamu wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful. All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear Br. Idrees,

This is a kind of necessity that makes it permissible to take conventional insurance until an Islamic insurance exist in your country. Having health and other insurances in today's world is really of extreme necessity, you must realize this.

Allah Almighty knows best.

Prof. Dr. Monzer Kahf

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From: Khan

**Sent: March 20, 2012**

**Question: Paying earned interest to needy Muslims or local masjid**

Shakeel As-salamu `Alaykum. Can I pay my bank interest to needy Muslims or to my local masjid for their operating fund? Jazaka Allah

**My Answer:**

Wa `Alaykum as-salamu wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear Br. Khan

Earned interest, (according to Shari'ah it is not really earned) should be given to poor and needy and the like of objectives that serve the community at large. I would not suggest giving it for operating expenses of the mosque unless it is specifically used for the bathroom areas and their like not for anything related to the prayers area because it is more respected that being financed from Haram.

Allah Almighty knows best.

Prof. Dr. Monzer Kahf

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From: Bilal

**Sent: March 20, 2012**

**Question: Pay off Father's Debt and spending on his treatment**

As-salamu `Alaykum.

We are six brothers and four sisters. My father took some loan (gold) from my sister long back which he was supposed to pay back. Now, he is sick and undergoing treatment and wants to repay the loan as early as possible. All the sons are now earning and he is requesting his sons to payback this loan. Some of them agree and trying to settle the matter. But some argue that Islamic law of inheritance also makes daughters responsible for this. So they should take part in repaying the debts and also should spend in treatment of father. Please can you provide any guidelines?

**My Answer:**

Wa `Alaykum as-salamu wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear Br. Bilal

The principle is that: debts of the deceased should be paid from his estate. His children are not responsible for debts if there is no estate left. But it is also highly recommended for anyone who loved the deceased and care about his *Aakhirah* (hereafter), especially his children to pay his debts. Accordingly, I really recommend that you take care of his debts. His deed with remain hanging until debts are paid. Furthermore, caring about father and paying his bills in his life is a part of good deed to father birr of parents. And you, children, should race each other to make more birr to him especially that it seems he is ill and may die. If he orders the boys to pay the debts, then obey him fully let whatever rules be set aside. If you want the rules which apply after death, I gave them in the first paragraph, but if you want obedience of father while alive,

do what he asked you to do. The most able among you is called on more than others, and kindness to sisters, even if they are rich is also a blessing from Allah.

Allah Almighty knows best.

Prof. Dr. Monzer Kahf

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From: Irfan

Location: Canada

**Sent: March 20, 2012**

**Question: Does paying taxes in Canada replace Zakah? And Can we distribute Zakah to non-Muslims who are deep problems?**

As-salamu `Alaykum.

There are two questions: 1) Does paying taxes in Canada replace Zakah? 2) Can we distribute Zakah to non-Muslims who are deep problems?

Regards

**My Answer:**

Wa `Alaykum as-salamu wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear Br. Irfan

1- The answer is definitely not. Zakah is a special right to the poor and the needy whereas taxes in any country are for paying government expenses; they are absolutely two different matters.

2- Zakah is essentially for poor Muslims. It should not be given to others. But when there are cases of life saving matters there is no religious consideration. In other words, only in cases of life saving you can give Zakah to anyone who needs lifesaving.

Allah Almighty knows best.

Prof. Dr. Monzer Kahf

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From: Dina

Location: Canada

**Sent: March 20, 2012**

**Question: Zakah on RSP accounts in Canada**

As-salamu `Alaykum.

Do we need to pay Zakah al-mal on our RSP account and my kids RESP? The money in these accounts is invested in the stock market, which means the value is variable every day. Could you please let me know as soon as possible?

**My Answer:**

Wa `Alaykum as-salamu wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful,

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear Sr. Dina

Yes, you need to pay Zakah on both. They pare savings owned by you for whatever purposes they are designed for. The Zakah is due on them at the end of every lunar year at the rate of 2.5% of the market value on the day when Zakah is due. The first lunar year begins on the day you acquired *Nisab* (adding these and other asset you have together) which is \$1500. You have

a choice of either paying the due amount of Zakah from other sources when it is due or delaying it, without sin, so that you pay all past due amounts when you liquidate any funds from these saving plans.

Allah Almighty knows best.

Prof. Dr. Monzer Kahf

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From: Ali

Location: Canada

**Sent: March 20, 2012**

**Question: Buying Home in Canada**

As-salamu `Alaykum.

If a Muslim in Canada wants to buy a home by borrowing money, then what are the sources available that one can peruse and that are Shari'ah Compliance. Are then mortgage available through banks are OK in Islam

Appreciate your answer to my question.

Jazaak Allah Khair.

**My Answer:**

Wa `Alaykum as-salamu wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear Br. Ali,

There is an Islamic House Finance Cooperative in Toronto and there are several investment companies which offer Islamic finance contracts in Toronto area. In Alberta there is also a credit union which offers Islamic finance contract its name is Assiniboine.

Allah Almighty knows best.

Prof. Dr. Monzer Kahf

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From: Fana

Location: Canada

**Sent: March 20, 2012**

**Question: giving earned interest to a Muslim needy without telling him what it is**

As-salamu `Alaykum.

I have bank account that pays interest and I take the amount they pay me and donate it knowing there is no reward. My questions are: 1- Can I donate it to a Muslim friend/family who is in need without telling her that it's haram money? 2- If my saving pays me \$100 can I take that money from my checking and donate it with the intention being to give away the earned interest or do I have to take \$100 from the saving account in which it was put? Please, reply.

Jazaak Allah Khair.

**My Answer:**

Wa `Alaykum as-salamu wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear Sr. Fana,

The answer to the two questions is yes. You can do both things. Please, remember that what is Haram in interest is not the dollar you earn but the way it is earned.

Allah Almighty knows best.

Prof. Dr. Monzer Kahf

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From: Fana

Location: Canada

**Sent: March 20, 2012**

**Question: Zakah on cumulative savings**

As-salamu `Alaykum

1- If I put \$100 in a saving account every month starting January 1st, on December 31st it's been a year. Should I pay 2.5% of the \$1200 (what I usually do) or can I pay each month 2.5% of \$100?

2- Can I take the Zakah amount from my checking account with the intention of paying my Zakah on my saving? Note that the checking account is not meant to save. Whatever is there is for personal use and is used within months.

Jazaak `Allah Khairan.

**My Answer:**

Wa `Alaykum as-salamu wa Rahmatullah wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear Sr. Fana,

Zakah becomes obligatory once you have *Nisab* (\$1500) not pre-occupied by debts or expenses. Once you have this amount (not only money but it includes saving accounts, current account, stocks, shares and other investments, IRSP, and any other special saving plans, gold or silver jewelry, cash on hand and the like) you begin your Zakah year. Then every 354 days then after you need to calculate the same again and pay Zakah at 2.5%. Any additions during the year are **included in the balance and subject to Zakah even though an addition may have been for only one day. It does** not matter whether you pay it from any account.

Allah Almighty knows best.

Prof. Dr. Monzer Kahf

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**Subject: Live Fatwa, OnIslam.net, Monday, April 30, 2012**

From: Ahmad

Location: Canada

**Sent: April 30, 2012**

**Question: Trading share and investing in mutual funds**

Buying and selling of shares or mutual funds, is it allowed in Islam?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Ahmad

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

It is allowed with two sets of conditions: 1) shares should of companies whose main line of business is permissible and they do not indulge much in Haram activities/transactions. For this reasons some scholars suggest criteria such as the revenue from Haram activities (like selling alcohol on airlines) should not exceed 5% of total revenue, must not be highly leveraged by interest based loans and must not have much of their assets used in non-permissible usages. On the basis of these and like criteria the Dow Jones company issued its Islamic DJ index in 1999. 2) The second condition relate to speculation which should be avoided as much as possible. Some contracts and some behaviors are obviously speculative, they are not permissible, such as short sale of share, day trading, CFD and the like. Same rules apply to mutual funds units.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Yacine

Location: Canada

**Sent: April 30, 2012**

**Question: Buy a house in Canada**

I want to buy a house in Canada and I want to know if buying a house by involving the banks is allowed or not (using Riba). Please, what's the Canadian's Fatwa regarding this matter?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Yacine

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The principle is: it is definitely Haram because it is Riba. The Fatwa is the same too. However in situation when buying a house is kind of necessary, in the judgment of the person, and there is no Islamic finance available, you can go for conventional finance. It's founded on the idea that the intention of prohibition is not to make live difficult and when difficulty prevails for a large number of people the prohibition is relaxed. To the best of my knowledge there is Islamic fiancé in Canada, you should first check for it and if buying the house is necessary for your family and you could not find Islamic finance then you may go for the conventional.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Ali

Location: Canada

**Sent: April 30, 2012**

**Question: Buying a Car at zero interest**

I went to a car dealer and I wanted to buy a car with 0% financing but the dealer said since the car I want can't go with 0% financing, they will finance the car and will pay the 1.9% finance on behalf of me and I will end up paying for the car without interest while the dealer pays the interest on behalf of me. Is this way of buying the car halal?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Ali

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I suppose they will pay the interest and include it in the price and your price will be a little higher for that. This arrangement is permissible because for you what matter is the contractual relation. It is a pure sale with no finance interest. Whatever the cost elements of the dealership may be is none of your business. Remember even zero interest financing car may have interest in the cost elements of the dealer or the manufacturer.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Shafi

Location: Canada

**Sent: April 30, 2012**

**Question: Owning a Business that sells pork**

I am hoping to get a Shari`ah ruling or view on owning a Tim Horton cafe. Is it haram to own this chain store? I only ask because it serves sausage and bacon on its breakfast menu. I have heard comments like one could factor out the profit and give it away as a Sadaqah. Is this true?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Shafi

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

No, in my opinion, this is not true. The Prophet, pbuh, mentioned that when Allah prohibits a thing He also prohibits its Price. One point then it is the whole price which is prohibited not the profit alone. Further, the act of buying these items, storing them for sale, cooking them and selling them is also Haram. This means owning this chain, without taking exception of serving permissible items instead of pork products, is not permissible.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Amer

Location: Canada

**Sent: April 30, 2012**

**Question: Liquidating a life insurance**

I had life insurance and I paid around \$10,500 in installments. And now I have cancelled that insurance but they refunded me only \$6200.0 instead of \$10,500 that I paid to them, but in addition to that they gave me \$1800.0 as bonus for 7 years. So total refunded with bonus is \$8000.0. So my question is: can I use this \$1800.0 which is given as bonus. (They call it bonus).

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Amer

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Yes, this is still part of your money that you paid them by simple calculation, it doesn't matter what they call it. Besides, the board bonus is not a bad word anyway. It is permissible to get a bonus from any company.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Asif

Location: Canada

**Sent: April 30, 2012**

**Question: Ijarah loan in Canada**

Is it OK to get mortgage through [www.ijaracanada.com](http://www.ijaracanada.com)? Ijarah process is as below:

1. Ijarah will check the credit history and based on credit score they will determine the profit rate (rent or interest).
2. Ijarah gets the money from financial institute/bank.
3. Ijarah will create a trust to hold the property. Ijarah will be grantor and I would be beneficiary of that trust.
4. Based on profit rate portion of my monthly payments will go towards rent and rest will deduct the principal amount 38.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Asif

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

In my opinion this arrangement does not, in reality change anything in the interest structure taken from the financial institution because the trust which pays interest to the bank represents you. This means you are still the payer of interest and the contractor, in reality of

interest contract. This is a bluffing arrangement to fool you and take your money (they charge you some amount for making this arrangement). This is Haram arrangement.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

---

From: Muslim

Location: Canada

**Sent: April 30, 2012**

**Question: Is bank interest Haram?**

I have a regular bank account in Canada and the bank gives me interest automatically. I love money, and the amount is a lot for me. Is the interest that is given to me by the bank haram for me? I am not asking them for this they are giving it to me automatically. What are some halal ways to keep this money? What would you recommend?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

If you love money, you're asking means that you love Shari'ah more than money. We all love money and we all like it to be Shari'ah compliant. To get Halal money make the deposit in an Islamic bank, Canada does not have one now but it will in the future InShaAllah. In Islamic bank the deposit will be on sleeping partnership basis so that your earning will be Halal.

The Bank you deal with gives you interest on a loan. When the money is put in the bank actually you did ask for it, you cannot deny this because you signed a contract saying that you deposit this amount for a period of time, long or short, and the bank give you interest at a given stated interest rate each period. This is why it automatically credits it to your account. This is an increase in a loan and the loan does not increase. Beside the bank uses your money to give loans on interest. You are supporting this prohibited function of the bank. This money interest, from Shari'ah point of view, is not yours and you must not give it back to the bank because that helps it make more Haram lending. You must give it to Muslim charity to be distributed to poor and needy. You cannot keep it or even make any benefit to yourself or your family from it.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Murad

Location: Canada

**Sent: April 30, 2012**

**Question: Rent to Own House Financing**

Is Ijarah to own house financing permitted in Islam or not? The Ijarah to own people will purchase the house and then will sell it to the lessee over period of time 5 - 10 years. Basically the lessee will pay the installment toward the house ownership without interest, and will pay an agreeable amount of money as a rent for occupying the house. The lessee will sign a document as a promise to purchase the house at the end of the contract. This is the web site <http://www.ijaracanada.com>

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Murad

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Ijarah is permissible. But the arrangement that is done by this company is not like that. Please see my answer to question No. 6 above for this Ijarah.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Mohammad

Location: Canada

**Sent: April 30, 2012**

**Question: Islamic Mortgage to Buy a House**

Riba-based Bank (there is no Islamic Bank here) owns a house (foreclosure). I go to the bank and say that I want to buy the house and I will pay 20% of the price. The bank says that it will invest the remaining 80%. The bank tells me a fixed monthly installment (basically fixed interest) which I need to pay each month for the entire term and then the house will be mine.

Is it permissible? Do I need to bother how the bank is coming up with the money since it is bank's house? Don't you think it's same as me going to a friend and saying that I want to buy his house paying 20% as down payment and will pay the rest in installments for say 10 years. My friend agrees and says that I need to pay the remaining 80% (equivalent to say \$10000) plus \$5000 since I am paying in installments.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Mohammad

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

You cannot close your eyes to what you sign. First in foreclosure the bank does not own the house, it is owned by the debtor of the bank who did not pay and the bank as a mortgagee is authorized to sell it to get its debt or as much as it can out of it. Second, you sign a contract with the bank on a cash price and a loan of 80% of it plus interest and it calculates for you the payment of the loan plus interest on installment. This is the relationship between you and the bank. It is not like the example of renting from a friend as you tried to claim to yourself. The

numbers may be the same. But there is a big difference yet between a loan contract and an Ijarah contract.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Oumou

Location: Canada

**Sent: April 30, 2012**

**Question: Life and health insurance**

Could you, please, help let me know if it is haram to contract a life insurance and critical illness insurance plans? I am a member of a professional association that offers it to its members and I was thinking about having those plans.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Oumou

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Insurance is controversial. My opinion is that it is permissible. This kind of life and illness is permissible in my opinion. One thinks you may need to check: whether the life part of it includes giving a lump sum after a number of years, like 20 year. If so this part of it includes interest which makes it Haram. Try to take as term life insurance as this kind of insurance does not include interest. Most contracts offered through groups are the kind of term life insurance.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Naima

Location: Canada

**Sent: April 30, 2012**

**Question: RESP with interest**

I have an RRSP (Registered Retirement Saving Plan), an RESP (Registered Education Saving Plan) a Tax free saving plan and a saving account. All of them are secure investments with CIBC for a fixed interest rate because I don't want to take a risk with a variable rate. I have read your responses to similar questions and I realized that I have to donate this money in order to purify my money. Who are the entities I have to donate this money to? Should I give it to my daughter who is married and in great need? As for my RRSP and my RESP, should I wait until I get the money and then I get rid of the interest or should I do it as one goes along?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Naima

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

First I like to advise you to consider shifting to the Islamic Housing Cooperative of Canada which is qualified for both kinds of account and has an experience of more than 30 years.

Then, your daughter does not qualify to be given this money and you do not like to give her such kind of money, you may give it to her husband if he qualifies. The reason is that you may be responsible for your daughter's needs but are not responsible for her husband/s needs even though his needs may include his wife's. there are other needy people/organizations in Canada. When you give to organization select one that is trustworthy and be sure that it distributes to poor and needy.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Ousmane

Location: Canada

**Sent: April 30, 2012**

**Question: Is Ijarah Loans Halal?**

I want to know if buying a home through Ijarah loans is halal. Their methods are explained in the following website [www.ijaraloans.com](http://www.ijaraloans.com) <<http://www.ijaraloans.com/>>

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Ousmane

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

If it is the same one as mentioned in Question number 6 above? No it is not. It is same as taking the interest based loan yourself directly.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Hajar

Location: Canada

**Sent: April 30, 2012**

**Question: Is interest on rental homes mortgage still Haram?**

My husband owns a few homes that he owns and rents out. He has a mortgage on all these houses and writes off the interest at the end of the year. So, it's not accounted for. Is the interest still considered haram?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Hajar

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Of course he has to write it off because it is a cost on the rental properties.

What counts is that he earns the income on the basis of Haram actions: taking interest based loans to buy properties which he rents and earns from the Haram.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Rashid

Location: Canada

**Sent: April 30, 2012**

**Question: Ijarah Conversion Product**

As-salamu `Alaykum. Please, read below the IJARA CANADA's home mortgage module and advice if it is permissible.

Ijara's model is Ijarah wa Iqtina, the property is owned by a single asset Trust, you are the beneficiary of the Trust and your name shows up on title. Ijara's investors (traditional banks, insurance companies and some private investment) put their money into each individual investment. Ijarah does NOT borrow money and then loan it out. Your investment is protected by your ownership in the Trust. As a technical point your ownership in the Trust is not really ownership as there are no owners in a trust, what you have is "Beneficial Rights to Ownership"

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Rashid

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

You must realize that Shari'ah does not recognize fake transactions as real. A transaction that is done through a trust is as if you do it yourself. Please see my answer to question 6 above. This is a bluffing transaction to extract more money from you.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

---

From: Adnan

Location: Canada

**Sent: April 30, 2012**

**Question: work in a place that sells beer/wine**

Is it permissible for me to work in a place that sells beer/wine? I don't deal with it nor do I serve it.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Adnan

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Say like in a restaurant and you work as a cook. You do not deal at all with the liquor, yes it is permissible.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Noor

Location: Afghanistan

**Sent: April 30, 2012**

**Question: Paying Zakah to a brother**

My brother has a job and has a car which is given by the Company. He has no land or house, living in a rented house with his wife and son. He took some money from my uncle and is unable to return now his salary is very limited to just cover his rent and his daily expenses. So, can I give Zakah to him to pay the money he borrowed from my uncle? And I have gold which is for my personal use; will I have to pay for them Zakah they are about 70 tola.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Noor

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I don't know what the tola is. But I can say that if these jewelries are actually used for their own occasions not stored almost all the time, they are not subject to Zakah even if they are above 85 grams which is approximately the Nisab.

Your description make me feel that you should not give your Zakah to your brother, he seems ok, and may be if he re-organizes his expenses he may be able to pay his debts even if it were over a long period. I hate seeing debts, especially within the family, paid from Zakah at a time where there are many Muslims dying from hunger all over the world including Afghanistan. You should really give Zakah to needy people in your area.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Samira

Location: Canada

**Sent: April 30, 2012**

**Question: Ijarah Loan in Canada**

Ijarah Canada is offering Islamic mortgages. The bank/lender first approves the buyer. After signing interest documents of the bank, the buyer sends the agreement to Ijarah who then convert it to a Shari`ah compliant contract. Is this permissible seeing that I first have to sign mortgage documents that state an interest amount?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Samira

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

This program is interest in reality it is only faked as Shari'ah compliant by legal maneuvering. The trust represent you and then it makes no difference. Don't give it your money and look at my answer to question No. 6 above.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Lubna

**Sent: April 30, 2012**

**Question: Buying a Property on Mortgage**

Assalamu `Alaykum. I want to know about fatwa's that talk about buying a property on mortgage in western countries. Can you, please, guide me in that regard? JAK, Wassalam.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Lubna

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

It is based on general needs of Muslim families for buying homes to live in. this need is genuine in Most Western countries especially USA and Canada because areas of family houses may have adequate schooling, safety and better utilities. It was discussed in a conference held in Detroit in the Fall of 1999 and was attended by Shaikh al Qaradawi. A similar Fatwa came from the European Council of Fatwa.

Of course it is conditional on lack of Islamic finance (meaning with similar conditions) and for a house to be used as residence not for investment.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Adeeb

**Sent: April 30, 2012**

**Question: Paying for contractual painting at end of rent**

As-salamu `Alaykum. We are vacating the house where we stayed for rent, as our house owner is going to demolish the whole building to construct shopping complex. According to rent agreement when we are vacating we should get the house painted but as the house is being demolished so there is no need for painting. Even then the owner has told us to pay money needed for painting to him. Is it not haram for owner to ask for money to paint when he is not going to use it for painting as he is going to demolish the whole building?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Adeed

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I believe it is Haram for him to claim an amount from you for painting and not use it for the same. It may also be illegal in most countries check with a lawyer in your area.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Hasan

**Sent: April 30, 2012**

**Question: retirement plans, 401K and investment**

Assalamu Alaykum dear Sheikh. Jazakum Allah Khair for taking time to help us out with our finance related Shari`ah questions.

1. I am currently with Guidance Residential; a Shari`ah based home financing company for my home payments. I read the following articles at the very renowned Muslim blog site: <http://muslimmatters.org/2012/03/26/halal-mortgages-misuse-of-taqi-usmani-fatwa-and-other-important-questions/> <<http://muslimmatters.org/2012/03/26/halal-mortgages-misuse-of-taqi-usmani-fatwa-and-other-important-questions/>> , where a predominant scholar (Sh. Yasir Khadhi) has spoken a bit negatively about the Islamic home mortgages. I am very confused now. Because I really thought this is only way out from conventional mortgage. I took a lot of effort and put a great amount of my savings to refinance with Guidance thinking that I am going in the right direction. Please, help.
2. Is investing in Shari`ah mutual funds like Amana is a good thing.
3. Is it permissible to have a retirement plan? Would it contradict from the fact that we should rely on Allah for sustenance and should not plan a lot on money matters for dunya?
4. What is your suggestion in taking part in the 401k plan offered by employer? Jazaka Allah Khair. Hasan.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Hasan

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I believe that you should only seek Fatwa from people who are qualified to give it in area of their specialization. You are right in your house finance the way it is and the claim that the contract is deficient is incorrect.

I cannot recommend any investment fund because this is not a fatwa, this is investment advice. But Amana and several other funds are Shari'ah compliant yet you still are required to ask them about the percentage that is needed to be given to Islamic charity as purification because they invest in companies that are not fully committed to Shari'ah, I.e., .

Retirement plan is definitely permissible and rather recommended. It falls under the advice of the prophet, pbuh, that we do the best we can and then have Tawakkul on Allah because nothing happens without his permit.

For 401K, I suggest to take and benefit from the matching privilege in it. Remember that you have to purify your return because you may not be able to close an investment that is Shari'ah compliant.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Alam

Location: Bangladesh

**Sent: April 30, 2012**

**Question: Zakah Calculation**

Dear brother, I want to know the calculation of Zakah of a share; price of which was Taka (Bangladeshi currency) 100.00 at the time of buying. But now market price is Taka 1000.00. I am not person who lives on buying & selling share/bond. This share is remaining with me for years. Regards.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Alam

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

In this example the amount of your wealth is 1000 not 100. The 100 is simply history. You are 1000 rich. The amount which is subject to Zakah is the current price on the day when your Zakah is due for calculation and payment.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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Location: USA

**Sent: April 30, 2012**

**Question: partnership on verbal agreement**

As salaam Alaykum. I live and work in the U.S. I recently entered into a verbal business agreement with a person from India. This person from India had provided some consulting services and made about \$5000 for his services. He contacted me and asked me to help me out and to help him transfer this amount to India. He offered me business partnership and enticed me saying that there is a check of \$5k which will be paid soon. We agreed that we will launch a new business with joint partnership with 50/50 profit/loss share and I agreed to send him the initial amount.

To cash the check, I started working with him for about 2 months and helped him with his website, registered the business in US, did research on liability issues, dealt with lawyers, open business bank account etc. After the check for \$5000 came, the business partner from India changed his statement that I don't have any share in the initial \$5000 since he did all the consulting work and he had only agreed for sharing profits for future projects.

Since this was just a verbal agreement, we don't have anything in writing. I did agree to send him the amount but we never discussed the details about the exact amount. Also I only wanted to get involved because of the check that will be paid soon. I have full control over the bank account and the US Company since the business partner is based out of India.

My argument to him is that without me registering the company, getting tax-id, bank account, there was no way for the check to be cashed and for us to be paid. I want to pay the business partner from India 50% of the profit share as per the initial discussion.

Am I at fault here? I have also provided 2 months of service to this person including helping identifying new clients but he just refuses to negotiate with me on \$5K amount. Please, help and advice. If I am liable to pay full amount, I will pay the FULL amount because I want to do the right thing here insha' Allah.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I think you asked me this question before and I then as now said that you have no right to any part of the \$5000. How can your partnership cover work that was done before it? Your partnership covers work it does not works a partner did before creating the relation. Probably you were under misunderstanding or illusion that you get a share in this 5000 but that is unjust and unfair. Cashing the check is a service this partnership did to a partner and this can always be done by many people. If he asked me to help him cash the check I will do that simply as a gentleman and I will not ask for one half of it nor any other money unless there is a direct cost in transferring or cashing that cost is certainly his. But of course not your personal help. Besides, the effort you made is for this new partnership not wasted and it is not for the check which is past earned!

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam  
Prof. Dr. Monzer Kahf

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## **Subject: Live Fatwa Session, OnIslam.net, Monday, July 16, 2012**

**Sent: July 16, 2012**

### **Question 1: Charitable Organization**

From: Farooque

Dear Sir

Assalamu Alaykum Wa Rahmatullah.

I hereby request you to give me your opinion regarding the following.

We are living in Dubai and we have set up a charitable organization in our country in India to help the poor. This is a trust and it collects the funds from its members in UAE as well as in India and with those funds, we used to help poor people for their living aid, medicines ,educational scholarships etc. and also we build houses for the poor and recently set up a Dialysis unit for the kidney patients. This dialysis unit is a subsidized one which is not a profitable institution. We will charge very nominal charges from those who are able to pay and are giving free to those who could not afford to pay. My question is:

- 1) Is it permissible for us to accept the interest income which the people are getting against their fixed deposits from the banks, for the above charitable things?
- 2) Is it permissible for us to accept the Zakah for this trust as we are helping non-Muslims also? (Majority of our beneficiaries are Muslims at the same time, we are not denying any deserved non-Muslims.)

Your immediate response will be highly appreciated.

Thanks and regards, Farooque

### **My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

In a quick word, yes it is permissible to accept interest because you are distributing it to the poor and needy, Muslims and non-Muslims.

The details is that this money is Haran for those who got it because it is Riba, it is wrong to return to payers because they are professional Riba dealers (conventional banks), it is then treated as property who has no owner which then must be given to the poor and needy rather than wasted.

Details given in your question raise a few points: 1) Zakah payment requires that it must be made owned by the poor, this applies to direct giving in cash or in kind such as medicine and housing. But in education, payment must be given to the poor and once they own the money they may pay it for education or other needs, you cannot give it to teachers (unless you are giving it to them because they are themselves poor) for teaching students or other needs of educational institutions. 2) in India especially Zakah must only be given to Muslims as this is the

general rule and Muslim poor in India are usually poorer. I do not say that you stop helping the non-Muslims but I suggest that your accounting system must watch assigning all Zakah collected to Muslims only through implementing the principle of Tamlik (making them own what is given) and give to non-Muslims from other sources such as interest.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: July 16, 2012**

**Question 2: tax deduction of donations**

From: Khaled

One follow up question regarding when I donate the compensation generated from questionable trades to Muslim organizations: am I able to acquire a donation receipt to lower the taxes I owe at the end of the year when I make the donation?

Thank you, Khaled

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Khaled

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Yes of course. This is a privilege given by the Tax system and you are definitely a desiring user of it. It has no Shari'ah implication at all.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: July 16, 2012**

**Question 3: Husband and Wife Inheritance**

From: Azra

Salam Dr. Kahf. Please, explain why a husband gets 1/4 from his wife's will and the wife only gets 1/8 from her husband's will? Jazaka Allah Khair. Azra Khan.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Azra

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The exact answer is because Allah said so in the Qur'an (4: 11 and 12), just this is the law.

The explanation: is because essentially man is responsible for expense on females around him, Mother, daughter and wife and also sister unless she is rich on her own or married that her husband takes that charge. Besides at marriage he has to her an obligatory gift (the Mahr) and

remember Mahr is not necessarily symbolic, the Mahr of the Prophet Musa was his 8 years savings, as mentioned in the Qur'an and the Mahr of the Prophet, pbuh them all, was about the earning of a laborer for more than a year, if we are in America you could say about 50,000 US\$. The woman is not required to spend on other than herself if she has no son, husband or father.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: July 16, 2012**

**Question 4: Promise to Allah – Scholarship**

From: Emaan

Location: India

Asalam Alaykum, I'm a single woman. Last year I had applied for a government scholarship to study in the UK. This scholarship was generous and would have included air fare, visa costs etc. I made a promise to Allah that I would give 100,000 rupees in charity if I got it. But I did not get it. Then I applied for funding in the USA and got a funding for study this year. I have to pay for airfare and visa myself. I will not be able to save much over the next 5 years. I have about 12,00,000 rupees in savings. I did not make a promise for the US- but am worried that maybe I should still pay the 100,000 along with my Zakah this year. What should I do? My mother is also helping me financially to pay for tickets etc. as my father is deceased.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Emaan

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

As for the pledge (Nathr) you made it is gone with the Scholarship to UK. You are not required to fulfill it. the door is open for any charity you can make, the more you give the more Allah gives you, angels come down every day to pray to Allah "Our Lord, give the giver recompenses, and give the withholders destruction" as we are told by the Prophet, pbuh.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: July 16, 2012**

**Question 5: Teaching Economics of Interest**

From: Tayyab

Location: Pakistan

I would like to know whether it is allowed to teach economics, or banking in which interest and capitalist form is promoted. Secondly, please advise on what career I can pursue with the degree of economics.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Tayyab

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

You can pursue a carrier like mine: Islamic economics and finance, it is great. Of course teaching and studying interest are not Haram and do not be a promoter of it rather be a critique.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: July 16, 2012**

**Question 6: Air-Conditioner Bought Illegally**

From: Ahmed

Location: Malaysia

I am in a university in Malaysia. The UNI I am at has a rule that if you buy an air-conditioner illegally (without permission from the school) and the school finds out- we shall have to pay a heavy fine. The school can provide you with an air-conditioner but every month we are told to pay \$50 which is a lot.. So because of this, I bought an air-conditioner illegally. Now the thing is that I am being charged with an electricity bill for every month okay. The hostel department checks the rooms to see who has air-conditioners to check if it's legal or illegal. So in order to save myself from being caught from paying a hefty fine- there is an employee in the hostel department who can make my air-conditioner legal and I have to pay a certain amount and the air-conditioner shall be legal- does this involve corruption in Islam? What I am doing is wrong in Islam? If it's wrong what should I do? Jazaka Allah.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Ahmed

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Yes it is definitely wrong, you are required to follow the rules, protest them if they are not fair but you cannot decide on your own to escape them. It is a worse wrong if you bribe that employee there.

Just sell the privately owned air conditioner and either take one from the U or go to other housing facilities.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: July 16, 2012**

**Question 7: Sell Handmade Items on Internet**

From: Abdullah  
Location: Syria

I sell handmade items on the internet. There is an American website that requires that the seller should be the maker of the items being sold. However, I don't make these items. Am I obliged to adhere to the conditions of this company? The reason I'm asking is that: I live in Syria, and I –as all Syrians- consider the US a direct enemy which is probably as fierce as Israel. Do we, Syrians, have to adhere to the conditions of American companies when they are pausing unfair sanctions on us that are making our lives much more difficult, and the American government is working very hard on destroying our country and leading it into a devastating civil war?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Ahmed

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I am Syrian like you. The American people are not our enemy, the American government is siding with Israel, and this makes it an enemy to all Arabs and Muslims. But this does not give you an excuse to steel from any American individual.

Besides, who is destroying our land an economy and steeling ever resource we have, is it America or the Asad regime and family and his sisters and nephews?

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Subject: Live Fatwa, OnIslam.net, Tuesday, July 31, 2012**

**Sent: July 31, 2012**

**Question 1: Studying Islamic Mortgage**

From: Suleiman

As-salamu `Alaykum. I am a Nigerian with a Master's Degree holder in Estate Management. I will want to specialize in Islamic Real Estate Financing (Mortgage) and Taxes in my PhD insha' Allah. Which of the schools offers program in these areas and how do I get sponsorship as I need sponsorship, please. And to Dr. Monzer Kahf, I need your contacts please.

**My Answer:**

Dear Br. Suleiman

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I don't know of any school that has a Ph.D. program in this area.

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: July 31, 2012**

**Question 2: Finding Job?**

**Sent: July 31, 2012**

From: Walid

I am religious. I want to know how I could work. I am an architect and it's difficult to find a job. I have many problems with my father for this thing.

**My Answer:**

I feel very sorry for you but I advise you to reconcile with your father and don't be in trouble with him while searching hard for any job. Try to be innovative and make your own business no matter how small it may be.

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**Sent: July 31, 2012**

**Question 3: Is It Haram to Quit Your Job without Having Another?**

From:

As-Salam `Alaykum. I have recently having some issue at work and due which it was difficult for me to continue. I did isthikara and on basis of its result decided to quit my job. Please, note that I am single and youngest in my family. My family can support me. However, I am obviously looking for another job because I want to settle down and don't want to be a burden. Was it haram on my part to quit my job?

**My Answer:**

This question was answered earlier, it is not Haram but one should always make effort to be productive and useful.

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**Sent: July 31, 2012**

**Question 4: Is My Income Halal?**

From: kashif

Location: India

As-salamu `Alaykum. I work in the IT software industry. My primary role in my current and possibly future jobs is to provide support to banks or banking products. To elaborate further, my job is to ensure proper maintenance of software's that capture details of interest and interest bearing instruments. Please, advise if I should continue in this line of work.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Kashif

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

What you described as a job is not itself Haram. It no doubt is on the edge of Haram. If you can change it is better so that you would not be roving around the Haram. But I wouldn't dare describing it or the income from it as Haram because it does not fall directly under writing Riba of be a witness to it. it is processing it after it is done.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: July 31, 2012**

**Question 5: Taxes in Islam**

From: Dave

Further to your response about taxes in Islam, could you confirm if it is against the Islamic law to charge taxes other than the Zakah and as Saudi Arabia has large oil revenue they abolished taxes in 1975 as under Islamic law they had sufficient resources to fund the country without taxes its citizens.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Dave

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Without confirming it to any specific country because that should be based on detailed study of its economy. According to the Islamic economic system, taxes on people who live in the country are the last resort and we go to them when other resources, like oil, are not sufficient. This rule does not apply to fees which are only prices of services.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: July 31, 2012**

**Question 6: Unsure If Income Is Halal or Haram**

From: Anonymous

Location: Australia

As-salaamu `Alaykum. I have been working in a company for 5 years now. During the first 3 years, I was a trainee and as a trainee I had to go through courses conducted by the company and take lots of exams conducted by the country regulatory authority. I had to pass all these exams in order pass out as a maintenance officer and continue working in the company.

Failing any exam would result in being terminated from the company. I passed all the exams, but there was one exam that I passed with the help of a friend who works for the regulatory authority that conducts these exams. He had shown me the exam questions about an hour before the exam started. However, he did not give me the answers. I had to find the answers in my course books myself during an hour before the exam started. During the exam I managed to answer those questions and passed the exam.

After 3 years of training, I was established as an officer. Is the money I earn from this job halal or haram? If it is haram, what should I do? Should I leave the job and look for other jobs. Please, advise. Thank You.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

It is good that you recognize your mistake and the Prophet, pbuh, said in an authentic Hadith what translates as: if you don't make mistakes and ask Allah for forgiveness, Allah would have taken you away and brought others, in your place, which will make mistakes and seek forgiveness. Your present income is for the work you put in the job. Be honest in what you do and your income will be Halal InShaAllah. The mistake in the past is not the cause and reason of your earning, you may have probably passed without this dishonesty that was done then by both of you. Just be determined to yourself to act always with honesty and observe the being on the right side always like what Musa the Prophet, pbuh, said when he recognized his mistake. He made repentance with Istighfar and pledge to avoid such mistakes in the future as the Qur'an report but my own immediate translation: My Lord, for the mercy you gave me I will never be of support to any wrong doers.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: July 31, 2012**

**Question 7: Waiving part of Debt as Zakah**

From: Imran

Location: India

As-salamu `Alaykum. I have lent in total about 300000 INR to my maternal aunts husband. They are having a hand to mouth existence, and managing to survive, but repaying the debt is going to be hard for them. My Zakah for current year is around 100000, and I intend to waive the amount from the loan, as Zakah. Is it permissible to do so?

My maternal aunt owns about 12 grams of gold, but other than that they do not own any assets to the best of my knowledge, except for a vehicle which my uncle uses as a means of livelihood. A part of my Zakah is from assets of my mother and my maternal grandmother. Is it permissible for me to waive the part of loan amount as Zakah? Do I have to separate my mother and grandmother's share of Zakah from this waiver or can I waive it all?

How is Zakah to be calculated for someone who has only assets in terms of gold jewelry, and the gold jewelry is less than 75 gm of gold but worth more than 595 grams of silver. Awaiting your feedback to dispose my Zakah. Fi amanillah.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Imran

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

1. You cannot pay yourself your own Zakah. You're waiving the debt amount to paying the Zakah to yourself. Zakah has to be given to the poor and needy in such a way that the recipient becomes the full and complete owner of what is given to him/her. You cannot get your debt paid to you by your own-self from your own Zakah.

2. You said that grandmother owns a part of the assets, there may be a family obligation on her to help her daughter from outside Zakah because one's Zakah cannot be paid to one's descendants or ancestors. Family financial responsibility is another obligation besides Zakah.
3. Your Zakah may be given to your Aunt, maternal or paternal, so the Zakah of your mother to her sister or brother in law. In either case it can't be used as a retrieve of your or your mother's debts.
4. Gold is subject to Zakah along with many other assets including cash investments and bank accounts. if you have less than the Nisab of gold but have other Zakatable assets that make the total above Nisab you have the choice of paying the Zakah of gold in gold for the gold and in cash or other items beneficial to the poor for the other Zakatable assets, or paying Zakah in cash for the total by estimating the price of gold and adding it to other assets. In other words, this 75 grams of gold is subject to Zakah although it is less than Nisab because it is complemented by other assets.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: July 31, 2012**

**Question 8: Giving Property to One's Children**

From: Amanzai

If someone gives a part of his money or property to his small children to save it for their future, even if the property is still in one of the parents' custody, does he still have to pay Zakah for this money if this part does not reach Nisab when separated from the rest? To what extent are parents allowed to make use of this money?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Amanzai

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

You can give anything to your children and each person is considered on his/her own independently in regard to Zakah and Nisab. If the amount of property of a child is equal or more to Nisab the parent/custodian/guardian is required to pay the due Zakah on that money. Amounts below Nisab are not subject to Zakah.

Giving to children in order to avoid Zakah does not make any effect. It is a matter of intention and Zakah is with Allah anyway. You cannot cheat Him because He knows the inside intention.

Only you give a property, you are then a custodian on it, you have to invest it to the best and you cannot use it for yourself on course unless in case of necessities then you can revoke the giving

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Subject: Live Fatwa, OnIslam.net, Monday, August 27, 2012**

From: Mohammad

**Sent: August 27, 2012**

**Question: Creating a 401k account for retirement**

Aslam. I have question about 401k, is it allowed to invest in it for retirement? Thank You.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Mohammad

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

In 401K, investment decisions, according to tax rules and 401K regulations, are taken in a collective manner by a committee. It normally does not abide by the Shari'ah rules. On the other hand, these same rules and regulations contain many benefits to Muslim employees that are inappropriate to sacrifice. These benefits include: saving for retirement, tax deductibility and related tax benefits on return of investment, matching contribution of employer, etc.

My argument is that these benefits should not be sacrificed by Muslim employees because of the limitation on investment decision making, keeping in mind that investment in share is essentially permissible except is shares of companies which produce Haram products, these companies are essentially avoided by Muslims to work in. My opinion is therefore: it is permissible to be part of 401K and avail its benefits provided one applies the purification principle on the return of investment by estimating the part of the return (both dividends and capital gain) which is generated by bonds and non-permissible shares and giving it to Muslim charity. You should make this estimation yourself from the reports of the investment committee and other info available.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Shakeel

**Sent: August 27, 2012**

**Question: Giving Zakah to an Islamic school or a masjid**

As-salamu Alaykum. Is it permissible to give my Zakah to any Islamic school or to my masjid for their expenses such as rent, utilities, renovation etc.? Jazaka Allah Khair.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Shakeel

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

If the question is for America, Canada, Australia, New Zealand, Europe and the like, my answer is definitely NO. Mosques are always necessary for any Muslim community to maintain their religion and that of their children. The Shari'ah principle is that any Muslim community must have a mosque and other community facilities and mosques should be established and spent on by members of the community outside the Zakah that is a right of the poor and needy.

In the past Muslims in these countries were very poor (students and poor Afro-American converts) and have no means and were endangered to lose their very religion, then the Fatwa was it is permissible on the ground that preservation of their religion is a part of "fi Sabil Allah" as an exception from the principle which prohibit using Zakah for mosques. Now this exception does not apply anymore as Muslims in these countries have become well to do and able to spend on their mosques. It is the responsibility of the rich Muslims to spend on mosques in these countries not the responsibility of the poor because spending Zakah on mosques means charging these expenses to the poor who have the right to this Zakah.

As for schools, the matter is even stricter because educating Muslim children is the responsibility of their parents, more specifically their fathers, it is not the responsibility of the poor or even other members of the Muslim community. Poor Muslim families who cannot afford Muslim schools fees may be paid from Zakah on the basis of needs and poverty and they are of course free to use whatever they receive for food, school tuitions or any other expenses of their own. ZAKAH MUST NOT BE PAID TO THE SCHOOL FOR THESE FAMILIES.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Ismy

Location: UK

**Sent: August 27, 2012**

**Question: will the earnings be halal or haram based on the fact that I lied about my A-levels**

Salaams. My question is regarding a graduate job that I am offered. I met all the requirements of the job that is BSc and O-levels except for one that is of A-levels in which one should have a specific grade in a specific subject. I wrote an extenuating circumstances letter stating that I was ill (which I was but NOT during the period I mentioned in the letter) and stated that my grade was affected by this circumstance. They accepted my application and I had to go through all the processes of recruitment i.e. online tests, interviews, etc. and I passed all of them. I need to know: will the earnings be halal or haram based on the fact that I lied about my A-levels grade.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Ismy

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

You could have avoided the lie by being not specific about the dates since you were ill anyway. But now that it is done any way you should make Istighfar for that mistake. Your earning will be

against the work you do not against the application for the job. Your earning will then be Halal InShaAllah as long as you do your job with sincerity and fulfill the job requirements in normal manner.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Rez

Location: UK

**Sent: August 27, 2012**

**Question: Gift from father whose income is Haram**

Asalamu Alaykum I have two short questions:

My father's income is 100% haram, he bought me and my sister each a house, can I accept this house? Can I rent it out will the rent be halal for me? Thanks.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

How do you determine that his earning is Haram, stating it is really a big thing unless you are extremely very sure like being sure that all he does is stealing money from other people or he is a drug trafficker!

If the source of money for the house is drug trafficking or theft, it remains Haram for you. But if the source of money is interest earned on lending his money on interest, it is Haram for him and not Haram for you because you received it as a gift and the sin of Riba is his. If we determine that it is not Haram for you (and your sister) you may then use it anyway you like.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: New Muslim

Location: US

**Sent: August 27, 2012**

**Question: Non-Halal Food Served to Non-Muslim**

My family is not Muslim. Is it permissible for me to serve them haram meat or food? What if my family comes to my house and they bring pork with them because they want to eat it instead of the food I cooked? Is it haram for me to take that pork and serve it to them or give it to them even if I did not buy stir bring it? Is preparation (preparing) of haram food or serving haram food to non-Muslims permissible?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear New Muslim

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

This is a very important and delicate matter. Let us look at the rules:

1. Prohibition is really based on the harm involved because Allah only prohibits what is bad;
2. Things which are Haram to use or eat are also Haram to buy or sell;
3. In liquor the prohibition is expanded to include all that is related to drinking from brewing to carrying, serving and drinking. . In pork the prohibition is eating therefore there are views that argue the permissibility of using pork product for non-eating purposes such as using the hide/skin for shoes. Serving to eat is definitely different from eating but also related to it as the principle is the potential harm (which we may not know scientifically yet but we believe it by faith because of the prohibition itself);
4. There is a strong Fiqh argument about the lack-of-cleanliness of pork (the concept of Najasa) which means that any wet thing touched by it becomes will have Najasa too and that we need to clean every tools and pots used for pork separately.

My suggestion is to: certainly no buy by a Muslim of pork products for eating even by non-Muslims guests/relatives. Also try to avoid serving it as much as you can unless embarrassed by a non-Muslim father or mother (no other relatives), but you can have it for them on the table (especially if you have a non-Muslim to offer it for them instead of you).

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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### **Subject: Live Fatwa, OnIslam.net, Sept. 29, 2012**

From: Ibrahim

Location: Canada

**Sent: Sept. 29, 2012**

**Question: Finding investors**

As-Salam `Alaykum.

My name is Ibrahim. I converted to Islam 10 years ago, Masha Allah. I presently live in Bathurst New Brunswick, Canada. I am seeking a Muslim partner or investor to invest in the purchase of a vegetable nursery growing organic vegetables and natural medicinal herbs. Would you know how or where I could attempt to speak to a potential Muslim investor? I have chosen Islam and prefer to do business with other Muslims. However, my region is scarce in Muslims amongst its population. We intend on growing only organic foods. Please, assist me in understanding the process, insha' Allah.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. IBRAHIM

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

We cannot help in finding an investor, whence you find it, we may be able to help you formulate the contract between you.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: R S

**Sent: Sept. 29, 2012**

**Question: Repaying a loan from Haram money**

As-slamu `Alaykum.

Please, answer this, it is extremely urgent. I used to own a liquor store so I know the money I earned from that is 100% haram. I want to start my own business and I plan to borrow money from my friend to do this because his money is halal. I don't want to use the money from the liquor store for this.

However if the business doesn't do well and I don't make any profit, I plan to pay him back using my haram money (from the liquor store). If the business does well I will pay him back using the halal money from that but only if I don't make a good profit, I will pay him back with the liquor store money. My question is: does the fact that I intend to pay him back with 100% haram money (if I don't make good profit) make his money haram for me to use for setting up the business? Will his money become haram for me?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Your money and its source does not affect his money what he or you can use it for. These are separate matters which do not relate to each other with or without any intention you have or you mentioned.

But I have to let you know the full truth. If your money is from sale of liquor our beloved Prophet tells us that anything that Allah made Haram, He also made Haram its price. I therefore suggest that you should give to Muslim charity for distribution to poor and needy any money you have which came from sale of liquor. Then start any business pure and clear with full dependence of the Creator of the Worlds.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin  
Wassalam  
Prof. Dr. Monzer Kahf

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From: Maan

Location: US

**Sent: Sept. 29, 2012**

**Question: Partnership return distribution**

As-salamu `Alaykum. I live and work in the U.S. I recently entered into a verbal business agreement with a person from India. This person from India had provided some consulting services and made about \$5000 for his services. He contacted me and asked me to help me out and to help him transfer this amount to India. He offered me business partnership and enticed me saying that there is a check of \$5k which will be paid soon.

We agreed that we will launch a new business with joint partnership with 50/50 profit/loss share and I agreed to send him the initial amount. To cash the check, I started working with him for about 2 months and helped him with his website, registered the business in US, did research on liability issues, dealt with lawyers, open business bank account etc.

After the check for \$5000 came, the business partner from India changed his statement that I don't have any share in the initial \$5000 since he did all the consulting work and he had only agreed for sharing profits for future projects.

Since this was just a verbal agreement, we don't have anything in writing. I did agree to send him the amount but we never discussed the details about the exact amount. Also I only wanted to get involved because of the check that will be paid soon. I have full control over the bank account and the US Company since the business partner is based out of India.

My argument to him is that without me registering the company, getting tax-id, bank account, there was no way for the check to be cashed and for us to be paid. I want to pay the business partner from India 50% of the profit share as per the initial discussion.

Am I at fault here? I have also provided 2 months of service to this person including helping identifying new clients but he just refuses to negotiate with me on \$5K amount. Please, help and advise. If I am liable to pay full amount that I will pay the FULL amount because I want to do the right thing here insha' Allah.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Maan

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

At the beginning of your email you said that he provided consulting and earned 5000. If you believe yourself and if it is the same check that came, it is according to what you said his and this is before the partnership. This is so even if the partnership cashed his check. This is of course taken only from what you said at the beginning of your email. If the partnership earned any more money you get to implement the agreement between you and if there are two 5000 one is what he earned before and one is the check which came later for services the partnership provided then the second amount belongs to the company. The amount of work and services you put for the partnership is normal and natural for any new business. We always do that before we start the business. There can't be a business for cashing a check earned by one partner before crating the business, can there be such a thing.

You need to recognize this fact. If this check is earned by him as you said it is his even if it is cashed by the partnership and without any charge because there is no agreement between you on cashing his check for a commission. This is a voluntary action or favour all businesses do for a partner.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Abdul

Location: UK

**Sent: Sept. 29, 2012**

**Question: about Gambling**

My question falls under the topic of gambling. Being a Muslim I am completely against the notion of gambling and am conscious of the various forms it is presented to us to provoke temptation I.e. lotteries, pyramids schemes and fruit machines etc. I have never entertained the thought of getting involved in any such activities.

Now gambling is defined as risk losing something of value with the hope of gaining more value/profit based on mere chance and probability. In other words, one does not have any influence on the outcome. I have very recently found a mathematical equation which if followed when betting in a very specific type of online game has a 100% possibility of winning thus, eradicating any chance/ probability of losing.

Up till now I have been reviewing the equation and have applied this to play in practice mode (I.e. using no money of my own) and found it to work 100%. Whether or not I can continue will be dependent upon whether this is Islamically permissible. As I am using my intellect to win with no probability of losing, technically this cannot be gambling?

My question is; would this be permissible? Jazaka Allah Khair for your invaluable guidance and wisdom. Long may your good work continue? Jazak'Allah.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Abdul

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Gambling is **عِبث** or nothingness gaining or losing for no reason with or without chance. According to Shari'ah one may acquire a new wealth only by one of six reasons which are: inheritance, exchange contracts, taking from non-owned permissible property such as fishing or hunting, gift and other donations, tort or civil liability for body harm (for property harm is not gain but simply compensation) and entitlement (you own a property and it generates from its own an new increment such as a cow giving baby cow or milk).

Other than these is call taking other people's property in vanity **أكل أموال الناس بالباطل**. This is prohibited in the Qur'an in several places.

What you suggest, with the perfection you found, is like stealing from other people's properties without them at all being able to know about it. it does not make it Halal. This equation of yours is as Haram as gambling if not even more. Wake up brother!

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Baqad

Location: Kenya

**Sent: Sept. 29, 2012**

**Question: Work in HIV prevention organization**

Assalamu Alaykum. I work for an organization that aims to reduce the prevalence of HIV in our country. There are many approaches and ways of fighting HIV but the current one adopted by my organization involves working with homosexuals by giving them and encouraging them to use lubricants in their acts, drug users by giving those clean needles so that they stop sharing needles and prostitutes. We also give to these groups and encourage them to use condoms. We do this to stop transmission of HIV from these groups to the general public. Some of these group members also relate with the general public by having legal spouses. I don't directly do any of this work but I still work in the program. Does the money from this work halal?

Thank you and may Allah guide all of us to the right path.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Baqad

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Yes, it is Halal.

It is unfortunate that these group exist and I have no doubt that your organization would also love, and it does that many times, to advise them to stop these un-decent acts. The organization work to reduce evil. I doubt however the efficiency of this approach that is taken by organizations like yours. Also I don't accept at all working directly in giving them needles, condoms and similar tools to continue doing what they do. This is Haram in my opinion although it reduces the evil of HIV but this reduction is partial and does not last or continue.

Of course a better approach to reduce this evil is to boost the personality and moral of these groups of people and remind them of the life after and take them out of the swamp they live in.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Female

Location: US

**Sent: Sept. 29, 2012**

**Question: Zakah on jewelry, is it every year?**

Assalamu `Alaykum. I am a Sunni Muslim and need to know the exact amount of Zakah to be given. Also, do I have to give Zakah on my personal gold that I use and is it every year or only once? Please, help.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sister

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I like to identify you as Muslim only without the word you used before it because Islam is one, and there are groups who fabricated a few things non-rightly after the Prophet Muhammad, pbuh.

Zakah is obligatory on every Muslim whatever she/he does or own. It is on all things of value one owns of course with some generous exemptions that are mentioned by the Prophet, pbuh.

Zakah is required every year, generally at the rate of 2.5% except on agricultural products it is either 5% or 10% depending on whether it is irrigated by animals carrying water or by rivers, rain or motors.

It begins once a Muslim owns an amount (called Nisab) of approximately US\$1500, but due one full lunar year (354 days) after that date. Personal things such house you live in, furniture, cloth car you use for personal transportation and for family, etc. are not subject to Zakah.

Gold, silver and jewelry one owns are also subject to Zakah every year provided 2 conditions are satisfied: 1) if they are beyond what one's peer usually have; and 2) they are in actual use for what they are and for their occasions, i.e., not stored for value to increase. Of course if the total amount of them is within the Nisab, they are exempt.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Subject: Live Fatwa – OnIslam.net, Sunday, November 11, 2012**

From: Misbahuddin

Location: Canada

**Sent: November 11, 2012**

**Question: Islamic house finance is more expensive than interest finance**

Assalamualaykum,

Hope you are doing well. I have different opinions from different people regarding having own house. Some people say that since you are living in Canada, so you have to follow the same way buying house through mortgage if you don't have that much amount. Some people say Islamic financing but I found they charge very huge amount which is more than what bank takes. Kindly, help me find out the best way of purchasing.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Misbahuddin

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Muslims wherever they live are called by the Qur'an to follow the guidance given by Allah. One of these commandments is prohibition of Riba. It should be avoided all the time and anywhere including being in Canada or the US.

Muslim families in the West have rights to own their own homes if they need them. When Islamic finance is not available conventional finance is permissible for families who need housing. If Islamic finance is much more costly than Islamic finance, I consider the overcharging Islamic finance as non-existing.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Subject: Live Fatwa, OnIslam.net, Wednesday, November 14, 2012**

From: Kiran

Location: Pakistan

**Sent: November 14, 2012**

**Question: Inheritance, wife, 3 daughters and father's brother**

My father has just passed away leaving behind a widow and three daughters. Now as we don't have a brother, major part of the inheritance will go to my father's brother who has always created problems for us and did every possible thing to disrupt our household. Is it not fair that in such circumstances, the widow and her daughters should get major part of the inheritance as we don't have any source of income and my father's brother is not ready to give us anything from his share?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Kiran

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I am sorry to say that you made a little mistake probably because you knew little about the Islamic inheritance system.

First the Islamic inheritance system is mandatory on all Muslims under all circumstances; read please verses 11-14 of Surah No. 4 especially the ending sentences of each of these verses.

Second, most of the estate will go to you the girls and your mother; according to verses 11 and 12,  $\frac{2}{3}$  for the 3 girls and  $\frac{1}{8}$  for the mother. The share of the uncle is only  $\frac{5}{24}$  which is less than the share of each of the three girls. Besides, you did not mention whether your father, Rahimahu Allah had any sister or parents. If there are grandparents, the uncle does not inherit. Also if you have any other aunts and uncles they will share with this uncle this  $\frac{5}{29}$ .

Also, if you live in a country which has a Islamic family/inheritance law, the law requires and forces the uncle to spend on you if you need.

Lastly, if you live in America or any Western country like America, the law does not force you to give him this  $\frac{5}{24}$ . This means you are required to give it to him because you are Muslim otherwise you are disobeying Allah but if you need from him financial support you can withhold this distribution until you are assured that he will satisfy this need, and you can take whatever satisfies this need from this share of his if he refused to fulfill his Shari'ah requirement.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Anas

**Sent: November 14, 2012**

**Question: Out-of-wedlock but claimed child inheritance**

Good day sir, I happened to have a question regarding inheritance.

The question goes like this: A man was born by an unbelieving unmarried woman. Later on the man who fathered the child, a Muslim came along and claimed his son, and they lived together till the man died. At the Shari`ah court, during the sitting for sharing the inheritance, the man's name was submitted along with the other children fathered by the same father. The court ruled and divided the inheritance accordingly with the man getting his share.

I, on my part, tried to do some searching regarding the validity of such action and got confused, because some scholars agreed that a person born outside wedlock once accepted by the father as his son, he can be given inheritance, while some scholars opposed it.

I would kindly like to know your knowledgeable opinion on these. Thank you.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Anas

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

You are right, the issue is controversial. There is no text about it. The point is there is agreement that a baby borne out of adulterous relation inherits from his mother because we are sure he came from inside her body. For relation with the father, it can only be related to the marriage contract. Now if there is a civil marriage contract between the mother and the Muslim man who fathered him through this marriage this is also acceptable. Recognition by the biological not marital father is accepted by some scholars, the Hanafis, instead of marriage contract while it is not by others, especially the Shafi'is.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Bilal

Location: America

**Sent: November 14, 2012**

**Question: should interest-based student loan be paid back?**

As-salamo Alaykum. I live in America and got student loans with interest when attending university here. At that time I did not know that the interest was haram. Now I have to pay back the loan with interest. Should I pay it back or not? If I don't pay back, then I will be in debt.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I believe you have to fulfill the contract you made yourself the soonest possible and get rid of the Riba.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam  
Prof. Dr. Monzer Kahf

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**Subject: Live Fatwa, OnIslam.net, Monday, December 24, 2012**

**Sent: December 24, 2012**

**Question: Can husband inherit the share of his deceased wife?**

Salam, Ustazna,

Hope you are well. I hope you clarify the answer for this question; you answered one point, when the daughter dies, what about if the mother died, can her husband inherit her share in her mother's estate?

Your answer was:

If this married woman dies, as you said, she has no father, no child, she has a husband, a mother and a brother; distribution is derived from the verses 11 and 12 of Surat An-Nisaa' (No. 4). It is as follows: mother inherits 1/3 (a third) of her estate, the husband 1/2 and brother the remainder 1/6. Her husband's child does not inherit anything.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Essam

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Please be more accurate about your question. Who is dying before whom? This is important. Remember that the child of the husband is, in regard to inheritance, a stranger to his step mother and to her mother as well. Also once the daughter dies, her husband becomes, in regard to inheritance, a stranger to her mother. If the mother dies before her daughter, she is inherited by her two children, male twice as much as female. If she dies after her daughter whatever she inherited from her daughter was hers and will be inherited by her own heirs, as in this case she is survived by her son. He is the only heir of hers.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Subject: Live Fatwa, OnIslam.net, Friday, December 28, 2012**

**Sent: December 28, 2012**

**Question 1: Financial Issues**

From: Houda

If someone helps someone earn unlawful wealth, will the money also be unlawful for him, or would it be lawful but he's sinning?

**Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Houda

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I don't like general references. Let us be specific: Broker's commission for buying/selling bonds. It is Haram because the action of buying and selling bonds is Haram. Forfeiting documents to earn unlawfully from the government is Haram and helping it is also Haram, and the like.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: December 28, 2012**

**Question 2: Need your co-operation**

From: Rafi

As-salamu `Alaykum. I hope this mail finds you in best of eman & health, Insha' Allah. Firstly I would like to say Jazaka Allah Khair to onislam.net <<http://onislam.net/>> team for this opportunity. May Allah give us sincerity & steadfastness, amen.

I would like to know from Dr Monzer Kahf the reliable people, books, resources on net, etc., concerning Islamic economics, finance, banking, Zakah & funds. So that we can present the relevance of Islam concerning these issues as well, in the contemporary times at the global level to Non-Muslims & Muslims alike.

Looking for your co-operation for the sake of Allah, insha Allah. Let us help each other in good deeds & in spreading the message of Islam, insha Allah. With Regards, your brother in Islam.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Rafi

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Of course we should keep in mind that all of us have shortcomings and there is no one or institution which one can take it without being critical and with eyes wide open.

In this are writings by: M N Siddiqui, M Omar Chapra, M Anas Zarqa, Mabid al Jarhi, publications Islamic Development Fund, ISRA, and IIUM (both in Malaysia) Kuwait Zakah House. And the like

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: December 28, 2012**

**Question 3: Buying a home**

From: Zahida

Can you, please, advise if it is halal to buy a home with a mortgage? It seems that a lot of "Islamic mortgages" are the same but with higher interest rates. And the only difference is calling it investment. But I do not understand the difference but the economic disadvantage.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Zahida

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The difference is big and important, but not all those who claim Islamic or with no Riba are honest to the word.

We need to understand that Shari'ah does not prohibit finance for profit, it prohibit any increase to a debt. The debt in fact does not produce any increment and does not give birth to a baby debt.

Finance by means of lease and sale on credit (installments) at higher price is permissible in Islam.

Some companies claim they give Islamic but you look at the contract and find it pure loan and interest. Not sale and profit and not lease with purchase.

Finally Islamic companies which give higher prices are also cheaters. The Islamic finance should not cost more than the market.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Subject: Live Fatwa, OnIslam.net, Thursday, January 10, 2013**

**Sent: January 10, 2013**

**Question 1: Borrowing for Investment**

From: Munssif

As-salamu `Alaykum. Sheik, I am writing from Sri Lanka. We have a land in a village area. Still there is no proper road to that land. We want to sell some of the portion from our land. We can increase the value of the land by constructing a road to the land; it's costly because our land is situated on a hill.

My question is: can we borrow money to construct the road as investment; hence we can share the profit of selling land?

If it's OK, then from which amount we have to share the profit? Will it be from the increased value of land after constructing the road?

Looking forward to hear your answer, Ustaz. Jazaka Allah.

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Munssif

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The word 'Borrowing' is never used in Islamic finance. Nobody will give you a loan without getting return and any return on a loan is prohibited because this is exactly what Riba is.

You seem to be hinting to getting finance on sharing basis. In this case what I suggest is the following: create a partnership between the land owner and the funds provider. The principal of the land owner is the fairly evaluated price of the land as it is now while funds for construction of the road are known you assign a part of the profit for the management of the project, say 20% and divide the rest in proportion to principal contribution. The net profit is the difference between total principal of the two partners and the price of selling the land then.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: January 10, 2013**

**Question 2: gifts to children**

**From:** Amanzai

Dear and respected Dr. Monzer Kahf, I have two daughters, 3 and 9 and a son 5 years.

I would like to give each of my children some money out of the money I own, so it could be a saving for their future.

My question is: should I give them this money on equal basis or should I follow the Islamic guidance of inheritance (two parts for son and one part for daughter)?

Secondly, as a father, do I still have the ownership of this money, as my children are not adult?

If yes, will I have to pay Zakah for this money (especially if the money is less than Nisab but adding to my own money, it could be subjected to Zakah)?

Can parents make use of this kind of money in any way if they need it? How much right do they have in using this money? Or is it in the shape of Amanah of their children with them? Jazakum Allah Khairan.

My answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Amanzai

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Giving to children during life time is governed by two basic principles: the principle of parents' (especially father) responsibility to their children and the principle of gift to children. The latter is guided by the Hadith of the Prophet, pbuh, that gifts to children should be given equally as He called unequal distribution as injustice (Zulm). The father's responsibility is for food, health, education sufficient for them to make living and getting them settled in marriage if he can. All these depend of the cost when each is needed. In this regard equality is in the service not in the amount because the cost of the service may vary from time to time.

Once money is given to a child as a gift, it becomes his/hers and the father becomes only a custodian. It is certainly subject to Zakah if it reaches Nisab (which is about US\$ 1500 only) and

354 days pass (the Hawl condition). Zakah is due on the child, you can pay it on his/her behalf from their properties or as a contribution from you if you want to keep their funds not to decline.

Also you should try your best to invest their money and to make it grow as advised by the Prophet, pbuh, himself.

When a property is given to a child it becomes Amanah in the hand of the father as a custodian. You can borrow from it and return if you need. Also if cases of financial pressure you can decide, as a custodian, to give yourself from your child property what you need (a thing I don't suggest unless under real pressure). As under the circumstances this is the best decision on behalf of the child by his/her guardian.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: January 10, 2013**

**Question 3: Life Insurance**

From: Khan

Dear Dr. Monzer Kahf, as-salamu `Alaykum. Reference to the subject, I want to know if life insurance policy is acceptable or prohibited in Shari`ah law.

Kindly answer my question according to the Qur'an and Hadith. Thank you very much

**My answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Khan

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

You know that the Qur'an and Hadith do not speak about insurance and do not even hint to it. it is a matter which is subject only to the general principles of Shari'ah and human rationale. Accordingly, Shari'ah scholars differ on insurance, some believe it is permissible and some not. All agree however that if an Islamic insurance, called Takaful and essentially based on cooperation in a Fund to which money is paid as contribution by members, then we should use it instead of insurance offered by other companies (several reasons justify this unanimity which are long to explain).

You notice that I did not mention life insurance because the ruling is on the insurance contract itself. The difference is based on the fact that there is ambiguity (Gharar) in insurance (as to when an incidence will happen and its cost amount) and whether this Gharar is tolerated or not.

There is no distinction between life insurance and any other insurance like car, health, fire, etc. as all incidences are in the hand of Allah including the incidence of death. In other words, scholars who tolerate Gharar in insurance (on the ground that it is contained) believe that life insurance as well as other insurances are permissible. However, they also add another condition in all insurances that the contract must not contain any interest clause/condition.

What is known as regular life insurance (any insurance which gives you a lump-sum after a number of years if you survive that deadline) contains a built in obvious interest investment.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: January 10, 2013**

**Question 4: Interest Earned**

From: Muhammad

Asalam – o – Alaykum Sir,

Problem: How to deal with the amount of interest earned on defense saving certificates previously deposited by parents

Background:

My name is Muhammad Ahmed (27 years). I have two sisters (35 & 37 years, both married). My parents passed away in 2003 when I was 17 years old. They left defense saving certificates (DSC) of X amount purchased in different years. At that time I was not mature enough to utilize that amount in an efficient way. Now the amount of those DSC has been X+ interest. From various sources I have come to know that extra amount is Riba which is haram in Islam).

Sir, at that time inflation rate was also quite below than current inflation rate (for example price of one item when DCS was purchased was 100 now it has been 250 or even more).

Situations:

Since I was not mature and education was in process so I couldn't use that amount as a whole but I used some out of it.

Money devalues with the passage of time, if I would have invested the amount at that time, today I would be enjoying the benefits of investments plus all profits.

At that time I did not know that such type of deposits are not acceptable in Islam.

Questions:

1. What should I do with the amount of interest? Can I use some amount out of it due to the increasing inflation rates?

2. If I cannot use some amount out of it, where should that amount be utilized?

3. I found a book "Aap k masail Aur un ka hal" written By Sheikh Muhammad Yusuf Ludhyanvi volume no 6, page no 251-254 in that book they told "I can exchange the amount of interest with a non-Muslim by getting interest free loan and returning back the loan from the amount of interest, is it valid?

4. As the interest amount is huge enough which is in doubt, can I use it or not? If this amount is not halal for me, can I start some business for help out the needy persons? In this case the entire profit earned would only be used for the needy persons.

If I am allowed to start such business, can I perform my duties as employee in that business or not?

5. As I told you, DSC was purchased in different time periods, now will the Zakah of that amount count from the purchasing date of those DSC or would it be counted when they will come into my custody? As I do not know that my parents have given the Zakah on them before they died. However, I am sure that my parents used to pay Zakah on regular basis.

Please, tell me the solution. Best regards.

My answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Muhammad

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Please notice that Riba is prohibited with the strongest terms in the Qur'an, it is like waging a war against Allah and His Messenger, pbuh.

The amount added to these DSC is definitely Riba and it is prohibited. These are given to you either as a gift or as inheritance (you did not mention it) in either case the interest that you earned is only the amount of accrued interest from the day DSC became yours (time of gift or inheritance). Interest earned before that is your parents matter. Whatever they gave you at that moment of giving is yours as a gift from parents, any interest accrued after that it accrued within your property (regardless of whether you were a minor or major).

All interest that you earned must be given to charity. It is not Haram for the poor but Haram for you (the poor gets charity from you not interest while you get interest). The matter of inflation does not really apply even with the alternative of investment because in investment you may also lose.

I wouldn't recommend making a business and take a salary from it. It is dirty money. But you can give it to the poor or to a Muslim charitable organization in the form of capital assets such as a building for housing or transportation car or the like.

The Fatwa you read in that book is incorrect. Whoever is the one who wrote it? Interest money cannot be used for your benefit. The OIC Islamic Fiqh Academy issued a resolution that interest money cannot be used to one's benefit at all. In what you said it is actually you are exchanging the interest money with another amount (the loan) from a non-Muslim.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: January 10, 2013**

**Question 5: Inheritance of a Child Is Born Out of Wedlock**

**Subject:**

From: Fatima

I have a question, please. If a child is born out of wedlock and the father accepts the child as his, can that child inherit him?

My answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Fatima

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

According to the Hanafi School, if the father confessed that this child is his, the child becomes his son/daughter and inherits from the father as well as from the mother.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: January 10, 2013**

**Question 6: Eating Non Halal Meat**

From: Amina

As-salamu `Alaykum. Is it allowed for Muslims to eat non halal meat if they can't find it where they live? Thank you.

My answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Amina

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The word Halal meat (or non-Halal) is used in two meanings: 1) many people in America and Europe and other Western cultures use it to mean meat in the market on which the Name of Allah is not mentioned at time of slaughtering. This is a controversial matter as according to respected schools mentioning the name of Allah at slaughtering is only recommended not obligatory. This kind of meat (including all that is sold in supermarkets in USA and Canada) is Halal according to this view; and 2) Non Halal refers to meat which is not slaughtered at all such as killed by twisting the neck (used for chicken sometimes) or meat slaughtered by other than Christian, Jews (Ahl al kitab) and Muslims. This kind of meat is not eatable by Muslims unless in case of necessity such as famine or starvation. Eating this kind of meat, in any city today is not justified because one can survive on eggs, fish and meat imitation.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: January 10, 2013**

**Question 7: Fixed return on deposits in Government Saving Center**

From: Aitch

There is a government saving center which gives us a monthly return on the money that they take from us. It is a government saving center and it gives a fixed return each month. Is it halal?

My answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Aitch

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

This is pure Riba, it is Haram. Please read other Fatwas on Riba for more details  
Wa Allahu A'lam  
Wa Alhamdu Lillahi Rabb al Alamin  
Wassalam  
Prof. Dr. Monzer Kahf

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**Sent: January 10, 2013**

**Question 8: Returning Haram Earnings**

From: Sajid

Location: UK

Salaam. I hope this question finds you in the best of health. When I was younger, I did some things I was not proud of. I took substantial funds from a company to which I was not entitled to. I have asked Allah for forgiveness and bitterly regret ever getting involved in such deeds. I am aware that I need to reimburse the loss to the company. There are two parts to my question:

Firstly, if I return the funds, do I also have to admit to my actions? This will cause serious issues and could well result in legal ramifications for me which will cause my family problems; attached to this are the embarrassment and the shame that come with being caught for such deeds. Therefore, can I arrange to reimburse them anonymously and will this suffice?

Secondly, the company in question is involved in various misdeeds around the world against our Muslim brothers and sisters as well as others. This includes the encouragement of the oppression of communities. If I reimburse them, there is a realistic prospect that these funds could be used for such a purpose.

Therefore, should I reimburse the funds knowing that they could be used for this purpose? Or should I donate it to charity instead (even though it's not my money to give)? Jazakum Allah for your time. Wassalam.

My answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Sajid

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

If this company is a security company like Blackwater or similar to it, you must not return it to the company rather giving it to a Muslim charity. If it is only exploitative company like many companies which do not care about communities and only try to make utmost profit, you should still return it to the company because exploitation is a broad and controversial concept.

On the matter of litigation I believe you should stand for it like a man who repents and bears the result of his actions as long as you did it while mature and in full ability. Otherwise, it is also not bad that you keep what you did secret and your repentance between you and Allah and make the money reach the company unanimously.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: January 10, 2013**

**Question 9: Islamic insurance**

From: Shafiq

Location: Pakistan

What is Takaful and what is its ruling in Islam? I need a detailed answer according to Fiqh Hanafi, though rulings of other jurists may also be quoted. Jazaka Allah Khair.

My answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Shafiq

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

If you need a detailed idea go to a library and read a few books. The question is too general.

Takaful is Islamic insurance. It is an insurance based of creating a cooperative fund which is fed by contributions from its members. There is no Hanafi view on Takaful. There is rather Islamic view which makes it as an insurance in which the Gharar (ambiguity) is overlooks.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: January 10, 2013**

**Question 10: Education Loan with interest**

**From:** Saeed

A-salamu `Alaykum. I am a new revert; I reverted to Islam a year ago. Recently I came to know that taking interest is haram. I have an educational loan and I have to pay interest for it after I complete my education. Moreover, my parents don't know that I am a Muslim and they hate Muslims. Now, should I approach any Islamic organization which gives interest free loan or can I continue taking loan? If I don't take the loan I can't continue my education. And if you know any organizations which can help, please tell me.

My answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Saeed

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

First congratulation that your eyes are opened to the Truth and InShaAllah this is your definite route t Jannah.

Of course Interest is prohibited. I suggest to you first to try hard part time work and scholarship and financial aid from the university. And do your best to minimize the need for any loan. I don't know any institution which gives education finance outside its own country. Try any help, especially a part time job, from the local community where you live.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin  
Wassalam  
Prof. Dr. Monzer Kahf

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**Sent: January 10, 2013**

**Question 11: Is buffalo meat prohibited in Islam?**

From: Islamic  
Location: India  
Published All

Is buffalo meat prohibited in Islam? If no, please explain. Thanks.

My answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Buffalo is a kind of cow, it goes under its general category. It is permissible to eat its meat if slaughtered with its normal conditions.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Subject: Live Session, OnIslam.net, Friday, January 25, 2013**

**Sent: January 25, 2013**

**Question 1: Inheritance**

From: Rashid  
Location: India  
Salam Ustazna,

Hope you are well. Here are the questions of this week's session, sorry for delaying them:

My father died in 2004, leaving my mother, my 3 sisters and me behind. I'm the only son. My father was an employee in government owned company. At the time of his death, he was a member of his company's housing society, under which he was supposed to be allotted a plot of land. He was paying for the cost of that plot in installments. At the time of his death, the total amount for the plot had not yet been paid. Also, the plot had neither been allotted, nor legally registered in his name and of course not physically handed over. Also, he had nominated me in that membership. Apart from this, he had following property at the time of his death:

- A) 2 agricultural plots, on which farming was being done.
- B) 2 residential plots lying vacant.
- C) 1 partially built-up house.
- D) Gold and silver jewelry.
- E) Money invested in banks, post office, mutual funds, etc.

- F) Money from his company as Provident fund, Gratuity, Group insurance, Social Security, etc.
- G) Money from different Life Insurance policies.
- H) Household items.

During the 8 years after his death, I and my mother have invested money in mutual funds, share market, purchased some more agricultural land, purchased 2 more plots of residential land, bought jewelry for my sister's marriage, and also significantly paid the remaining amount for the plot under my father's company housing society. That plot has now been registered in my name. I've also built up a house on that land, after taking a bank loan based on my earnings. Now, more than 8 years after his death, my eldest sister, who's married, is demanding her share only in that plot, on which I've built up the house. I and my mother want to divide and distribute the entire property.

Now, I want to know that how should be the evaluation of the entire existing property be done considering that in last 8 years, money has been spent on household & on the education of 2 of my sisters, invested at various places and accounts, used to purchase more property, etc.

In what proportion should the evaluated property be divided amongst us? And most importantly, do my sisters have a right for share in that plot of land which is legally registered in my name now, and which was NOT registered in my father's name and also not completely paid for, at the time of his death?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Rashid

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

There are several issues in your question, please take note of the following:

1. I assume that you father did not have any parents alive on the day of his death.
2. All properties at the time of his death is transferred according to Shari'ah to the heirs who are his children and his widow as follows: 1/8th to wife, the remainder is divided 2 share to you and one share to each sister that is if you divide the estate properties in 40 share: 5 shares to mother, 14 shares to you and 7 shares to each sister). This distribution is mandatory according to Shari'ah and no Muslim can violate it. it is also the law in all Muslim countries (except Turkey which changed it during Ataturk).
3. The transfer of property is effected according to Shari'ah by the incidence of death not at the time of actual distribution.
4. Any growth (both income and capital gain) of these properties must be distributed according to same shares.
5. Spending on sisters, if they were young and on mother is the responsibility of you if you were adult and earning at time of father's death. However you could from the beginning (not now) determine that you want to spend on them from their own properties if you have chosen it then. The mother as main guardian of minor could spend on minor children from their own property.
6. I suggest and assume (now after spending) that you should make amicably as follows: anything spent out of the estate of the father goes as out of whatever property it was

- taken from and anything you spend from your own earning should be forsaken because you did not make the condition that it is a loan.
7. Any additions you put from your own savings after the death of the father which is used to buy additional properties or make additional payment to the housing society should be considered as an added share to you.
  8. The fact that the land is registered in your name is immaterial for the distribution of the inheritance as mentioned above.
  9. My solution now is: estimate the price of all properties left by the father at today's market prices including the lot from the housing society, deduct from this amount the capital additions you actually put from your own saving after his death until today (you may add to this the increase in the market value of these additions, a matter which I do not suggest because it may cause conflict and better to be generous with mother and sisters). The remainder must be divided as mentioned above.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: January 25, 2013**

**Question 2: Renting out an Apartment**

From: Houda

What is the ruling on renting out an apartment that you are renting to someone who will use it for something different than what you're doing like them selling something in it and you living in it and in general as well?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Houda

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The question is not really clear mainly because of weak language.

Here is the general rule in Shari'ah. The lessee can do whatever he likes to do with the usufruct he owns. He can even sub-lease the property to somebody else provided it does not hurt the asset (apartment). You have no right to restrict the lessee except in case of violating the law or harming the rented asset. If this is not satisfactory please explain your case exactly and I will try to answer it

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Sent: January 25, 2013**

**Question 3: Zakah on Savings**

From: MFS

Location: Sri Lanka

Assalamu Alaykum! Dear brother, I have been working for the last 32 years. Although Islam says to pay Zakah on your savings / excess on expenditure, but I have been paying 2.5% or more on my total earnings every year, and still continue to do so. Kindly enlighten me; do I have to still pay Zakah on my belongings (house, household items, vehicle, gold etc.) which have been assigned to my wife and children, in spite of me still paying on my earnings year by year? Thank you all.

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br.

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

What you are paying I suppose you intend by it to cover Zakah plus, anything above the required Zakah is a charity which is highly rewarded InShaAllah.

Every year you are required to estimate the amount of holding you own and pay Zakah on them. House you live in, car for personal and family transportations, household furniture, appliances and the like are all exempt from Zakah and you need not count them when you estimate the due amount of Zakah. Gold is subject to Zakah if when added to other Zakatable assets such as savings, bank accounts investment in share and the like, reaches the amount of Nisab which is approximately about US\$ 1500.

Each person, including minors, calculates his Zakah separately and you may the Zakah due on children and wife yourself from your own income.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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**Subject: Live Fatwa, OnIslam.net, February 07, 2013**

From: Alberto

**Sent: February 07, 2013**

**Question: Zakah calculation**

My case scenario is mention below; I would like to have an answer to it.

I would like to find out that how much Zakah is applicable in the below mentioned scenario. Your reply will be appreciated.

My father acquired a loan "Overdraft facility" on his house 8 years ago. The loan was 3.1 million and he submitted the property (house) papers to the bank as collateral. This property was not the spare property rather currently residing property where we, as a family, live. The installments were paid every month and for three years he kept paying the loan installments (only interest amount) without contributing to the principal amount.

In 2007 he acquired more loan and extended the sum to 7.1 million which was also paid as installments. By this extension loan he constructed an apartment on top of our resident

property adding a new property which was completed in 6 months, but the unfortunate thing was that it didn't sell on time. Although the new apartment was also in the same property, thus it increased the value of the overall property too.

My father's friend suggested defaulting on the loan and stop payments including interest installments (he put sense into my dad not to pay haram / non Shari`ah money to the bank). Upon that my father stopped payments and hired a lawyer when the bank insisted to pay the amount. The case was filed in banking court and a decree was charged by the bank to sale the property in auction.

Fortunately we asked our lawyer to counter petition in High Court and stopped the auction (against 1 million security deposit to the court to hear us before the auction), which luckily worked and we were able to hold the property to us, and we agreed with the bank (in January 2012) to pay the principal amount in installments which was 4.8 million, as banking court squared the paid amount of interest in principal amount so the loan was reduced from 7.1 to 4.9 million.

By January 2013 we paid 2 million to the bank. In the same month Jan. 2013 we got a firm offer from a buyer to buy our apartment and we sold it for 6.5 million from which we paid 1.8 million and court realized the 1 million as well totaling the amount of 4.8 million.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Esam

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Please receive the answers below

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Jawwad

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The principle is that this apartment, being intended for investment and sale, is subject to Zakah on the net worth. That is after deducting the debts on it. While it was offered for sale but not sold, I argue that the cost is still its price and the amount of additional loan was 4 million. So let us assume, unless you have info otherwise, that this is its cost and that this cost represents its market price at the time. This means that the net worth on it is zero.

When it is sold and we realized that its price at the time if sale is 6.5 million and the debt by then was reduced and part of it paid. The net amount you get from it is 6.5 minus 1.8 = 4.7. This is money acquired from this investment after the long journey of about 6 years plus.

Literally, you add this amount to other Zakatable asset that you have (Zakah is calculated on the person not on each asset alone) and on the day of completing the Hawl for you other assets you pay Zakah, including in the calculation this net amount (4.7). some scholars treat it as "acquired Mal gh" if you want to be on the safe side you may pay Zakah once on this amount on the day it is acquired then on the day due for your personal Zakah whatever is left of this amount will appear as part of the cash and other Zakatable item you have at the point of completing the Hawl.

Wa Allahu A'lam  
Wa Alhamdu Lillahi Rabb al Alamin  
Wassalam  
Prof. Dr. Monzer Kahf

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From: Anna

**Sent: February 07, 2013**

**Question: Marriage between a poor man and a rich girl**

Assalamu alaicom!

This is a question for Live Fatwa on Financial Issues.

What is the ruling on marriage if a bride is well-off and a groom is poor? He can pay a small Mahr, but can't provide for his wife - she will provide for the family. Is this marriage valid and ok in Islam?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Anna

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Yes it is valid as long as it is voluntary. You need to notice that such things happen many times. Also that her spending is a voluntary contribution on her part as long as she did not make a condition that she is doing so on loan basis to her husband. Additionally voluntary contribution may be discontinued at any time on her own will and decision. In such a case the husband, poor as he may be is required to provide for the family and she can take him to court for it.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Anna

**Sent: February 07, 2013**

**Question: Buying Stolen Stuff**

Assalamo alaicom!

Is it ok to buy stolen stuff if I know that it was stolen? And what if I'm not sure, but I suppose that it may be stolen? Thank you.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Anna

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

No it is not ok at all. A stolen thing remains owned by its true owner and any use of it by any other person is Haram. Buying it knowingly or with doubt is not permissible. Buying it completely innocently is not valid though not sinful. This means that its true owner deserves it

at all time and can under Shari'ah and All other laws in the world extract it from the present holder (who bought it unknowingly) without any compensation because its purchase is not valid. Innocent buyer have the right of recourse for the paid price on seller.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Zarina

Location: South Africa

**Sent: February 07, 2013**

**Question: an English will stating all his kids, wife and sisters get equal shares**

Assalamalikum.

My dad passed away a year and a half ago, leaving behind an English will sating all his kids, wife and sisters get an equal share. Recently we found out the property is still in my late grandfather's name!! How do we now divide the property as three of his sisters are still alive and what percentage does my mum get as she has nowhere to go and is living from one sister's house to the other? Both my brothers have said they will not look after her. Please, help. Jazaka Allah.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Zarina

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

You are raising several issues at once, let us take them one by one:

1. "Your mother has nowhere to go" but she is your mother and you and your brothers and sisters are all responsible for her housing and all living needs at the level you live on. Those of you who are better off are more responsible than others.
2. If the property which is in the name of grandfather was in fact owned by him, it must be distributed to his heirs who include his own children (on the day he died plus the children of any deceased children who died before him), his wife and his father and mother whoever survived him. Then you go to distribute the share of your father in that property to his own heirs.
3. If the property was in fact owned by your father but left for any logistic reason in the name of his father, then your fathers 'heir s deserve it. The English will is not valid. The Shari'ah division of estate is mandatory as clearly state in verses 11, 12, 13 and 14 of Surah 4. Please read them and look at the emphases at the end of 11and 12 and the meaning of 13 and 14. Any other will is not valid except for the following: 1) ALL HEIRS MUST BE REMOVED FROM IT; and 2) it is reduced to the one third of the estate only. The share given in the verses 11 and 12 are mandatory and should not be disturbed by any will. The heirs of your father varied whether has boys and girls or only girls. If his children include at least on boy, his sisters do not inherit from him (in this case the get only by virtue of his Will to a maximum of one third of the estate to be divided between them equally), if he has girls only they inherit (in this case they can't get

anything by virtue of will; further it is not a matter of choice between this and the will; this is mandatory as it is clear from the verses and the Hadith of the Prophet, pbuh, about sisters with daughters). Your mother under all cases get 1/8 of his estate after executing the Will as stated above. The remainder 7/8 should be distributed to you and your brother(s) and sisters as follows: share of a male is twice as much of share of female; if one daughter (e.g., you) younger 1/2 and you aunts get the other 1/2; if you are more than one daughter 2/3 is to be divided between you equally and the remaining 1/3 is to be divided between your aunts equally too. The will's distribution is not accepted in Shari'ah as it violates the mentioned verses.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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From: Shakeel

**Sent: February 07, 2013**

**Question: who pays the Zakah on loan?**

As-salamu Alaykum.

I have borrowed some money from my daughter. Please, explain, when calculating my Zakah, who will pay Zakah on that borrowed money, me or my daughter? Jazaka Allah Khair.

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Shakeel

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Let us remember that each person, minor or adult, is independent in matters of properties and ownership from each other, even partners and joint husband and wife are considered independent in what they own according to their capital contribution, etc.

Let us now construct the Zakah balance sheet of you and that of your daughter: in each there may be cash, investment and other Zakatable items so that your personal balance sheet appears as follows:

Assets X, liability loan from daughter. let us notice that what you got as a loan is either still within your assets e.g., cash still in your pocket or already consumed or used for purchasing any other asset which may be Zakatable or not. In other word nothing appears in your assets as money belonging to somebody else (The business loan is deductible because in business we only consider total net worth but personal loan is not deductible because in personal matters we look at what you actually have unless this loan is going to be physically paid out of the existing assets).

Let us look now at the balance sheet of your daughter: she asset also Zakatable items such as cash jewelry and what not amount y. her assets are Y plus a debt on you (this is a recognized debt on a person who is able to pay it back). She may have liability which are treated same as we treated yours. What is subject to Zakah for her is Y+D as D is part of her wealth which she owns and the debtor does not deny this debt and also able to pay it.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin  
Wassalam  
Prof. Dr. Monzer Kahf

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From: Houda  
Location: Canada

**Sent: February 07, 2013**

**Question: getting social benefit from government while working and earning**

Many people in Canada earn social benefits with all their family or some of their family included. Then one of them goes and works part time not every day, some every day, then the money of social benefits becomes unlawful (but full or only some) because they are not reporting their income they made through cash.

Does all of the money become unlawful because there are other people listed that do not work? And if they use that money, will it be completely haram, or what exactly? Also, the reason why they work the cash is because there is not enough to support the family?

**My Answer:**

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rabb al Alamin, wa al Salatu wa al Salam ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Houda

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Obtaining, or continue taking, social security benefit on the basis of false document which contains lies is not permissible in Shari'ah. At the same time, social security benefits are rights to every persons in countries which have them if they submit the required document correctly.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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