

FATAWA MISCELLANIOUS 2016

From: Ammar

Sent: Sunday, May 08, 2016

Subject: Questions about forex, investing, referral, notarization

Assalamu Alaykum

Dear Dr. Kahf:

My sister is a friend of your daughter and I tried to get your number to ask you a couple of questions but was told that you prefer email so here I am. I would love to invite you out to dinner with my friend as we have some questions regarding Online FOREX trading. Are you still in Southern California?

1. Is online FOREX trading and using leverage like 100:1 and so on permissible in Islam?

Forex trading on the internet is not permissible. On the micro it does not fulfill the requirement of possession that is necessary for buying and selling currencies according to the highly authentic Hadith on the subject. On the macro-level it does not create any added value as it is purely speculative in the sense that what one gains in what another loses.

2. If I have cash and go in on a joint deal with an investor to purchase a home, he is the only name that goes on the contract and he will use a traditional loan. This is to purchase homes with equity. I give him a portion of the down payment and in return he gives me a percentage of the profit. Again, I'm not on the contract and what I give is cash. Is this a permissible transaction? Can I accept the profit? Does his source of the money affect me?

His source of funds does not matter, if you give him the cash with clear agreement that you are partner, bearing risk of loss in proportion to you capital contribution and having entitlement to profit in agreed on ratio, and assigning him to have his name alone on the title, being your partner, it is permissible and the profit is Halal. If there is any guarantee of principal the cash given is then a loan and any increment in it is a prohibited Riba. One name is permissible between partners and cash contribution to principal of partnership is also permissible.

3. If I refer buyers or sellers to real estate agents knowing that they will most likely use a traditional loan. I accept a percentage of the agent's commission as a finder's fee. Is that permissible?

A finder fee from the real estate agent is permissible provided it does not inflate the Agent's fee charged to the customer, i.e., as you said from the agent commission but not added to the customer charged commission. However when you refer a friend who is under the impression of trusting you on personal level you should not make a commission from behind his back. If the customer takes it from you on friendship relationship you should disclose to him/her that you make money out of referral. Otherwise it would involve a kind of misleading.

4. Finally, I am a notary public. Can I sign and witness loan documents? Is it permissible or Would I be considered the شاهد in this transaction and therefore should not do it? I am just certifying that the people are signing are really who they are.

What witness is stronger than that of a notary public? I think it is not permissible for a Muslim Notary public to notarize a signature on any interest-based contract unless he knows that the person is taking it out of necessity in accordance to the Fatwa of the Second International Fiqh Conference of North America held in the Fall of 1999 in Detroit. If you know that the real estate

loan you are certifying the signature on it is permissible according to that Fatwa, it is permissible only then to notarize it.

I am sorry for the many questions but I really fear Allah swt and don't want to bring any source of haram income. I ask Allah swt to strengthen you and grant you paradise for the work you are doing for Islam and Muslims all over the world. My name is Ammar and my sister is if you like to confirm the friendship between my sister and your daughter.

Again, it would be an absolute pleasure to meet you for dinner. Let me know if that works for you. My cell is 6613788577

Sincerely yours

السلام عليكم ورحمة الله وبركاته
عمار

My Answer:

Bismillah al Rahman al Rahim

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

Dear Br. Ammar

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Thank you for your kind email and the invitation. I will be in Westminster InShaAllah on the 15th for a week then go to Florida and come back in the middle of Ramadan. Please avoid the food issue but it is very useful to meet and discuss anything you want, within my area of specialty.

For the questions please see my answers below the questions:

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Salah

Sent: Wednesday, March 16, 2016

Subject: Sukuk- NAIT

Salaam Br. Monzer:

Hope all is well with you and family.

I am hopeful that NAIT's board is finally deciding to establish a more stable investment vehicle for our ICCF individual accounts since they will no longer stay within the ICCF family. We have talked about numerous alternatives but I think Sukuk offers stability and liquidity while matching the offerings made by our competitors. The setup would be on our end but buying the Islamic Bonds (Sukuk) is no easy task. Can you help us in this regard if we are to proceed? Please advise.

Thank you wa Jazaka Allah Khair

Salah

My Answer:

Dear Br. Salah

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Thank you for your kind email.

Marketing is not my area. I can help in structuring and reviewing the structure from Shari'ah and viability (risk, market acceptability, securities, etc.) points of view but I am not a solicitor or marketing person.

Best Regards,
Wassalam
Prof. Dr. Monzer Kahf

From: Salah

Sent: Friday, March 18, 2016

Salaam Dr. Kahf

Thank you for your quick response.

That is why I need help with as well as having access to the Sukuk market. How do I buy into this market as most of the Sukuk are overseas.

My Answer:

Dear Br. Salah

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

For Shari'ah structure and review, I can assure you of my highest willingness and availability any time. For marketing in US or abroad, it is not my area although I believe that the US Muslim community market is able to sustain an issue of Sukuk.

To be practical I suggest that you write a 2 page bullet-point style idea. Setting the objective, size, target market, etc. and let us proceed from there.

Best Regards,
Wassalam

Prof. Dr. Monzer Kahf

From: مجد

Sent: Sunday, March 20, 2016

Subject: وفاء الدين النقدي بسلعة عينا

السلام عليكم ورحمة الله وبركاته.
شخص له علي دين ولنفرض 100 ألف ليرة سورية ولا يوجد معي أبدا ما أسدد به الدين .
سألته ماذا تريد أن تفعل بالمبلغ؟
فقال لي: أريد شراء سيارة .
فقلت له: أنا أشتري لك السيارة بالقسط وأسدد لك ما علي ولكن شراء السيارة بالقسط أكثر من الدين الذي علي فما الحكم في ذلك؟ هل من حرج أن اشتري له السيارة من أجل أن أسدد له المبلغ؟ لكن انا حملت نفسي أكثر من المبلغ الذي علي بهذه الطريقة، لكن بسبب مطالبته لي لجأت لهذه الوسيلة

My Answer:

الأخ المكرم
السلام عليكم ورحمة الله و بركاته
تشتري بالتقسيط بحدود سيارة قيمتها النقدية 100000 وتتحمل فرق الثمن بين التقسيط والتمن النقدي. أما إذا طلب سيارة بقيمة نقدية أكثر من مقدار الدين فيدفع هو الفرق.
مع أسمى التقدير وأعز التحية
أ. د. منذر قحف

From: مجد

Sent: Thursday, March 24, 2016
Subject: إخلاف شرط في بيع

السلام عليكم ورحمة الله وبركاته
رجل اشترى بقرة على شرط أن تلد بعد 15 يوم بناء على كلام البائع
ولم تلد إلا بعد 40 يوم
الفرق هو 25 يوم
المشتري خسر حليب البقرة في 25 يوم الزائدة
والسؤال هل للمشتري الحق بأن يطالب بالعوض من البائع
مع العلم أن البائع لم يغشه ولم يتعمد الكذب بل قدر تقديرا
وكان تقديره خاطئا

My Answer:

لا شيء له بل يعذر لسخف مطالبته
مع أسمى التقدير وأعز التحية
أ. د. منذر قحف

From: Wael

Sent: Monday, March 21, 2016

Subject: Copyright protected ebooks

As-Salamu Alaykum wa Rahmatu Allah wa Barakatuh

Dearest Dr. Monzer, please help replying the below question.

Jazaka Allah Khayran..

Imam Dr. Wael

----- Forwarded message -----

From: Mohsin

Date: Fri, Mar 18, 2016

Assalam u Alaykum Dr. Wael,

A question has been bugging me on the use of ebooks. Published online by third parties. Can they be used personally without distribution?

A lot of Islamic books are available online but at times without the permission of authors or publishers. Does the same ruling apply to them?

Jazaka Allahu Khairan

Mohsin

My Answer:

Bismillah al Rahman al Rahim

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

Dear Br. Mohsin and Dr. Wael

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

When you find an ebook on the internet, you can read it and downloaded if it is downloadable. Internet gives free access to whatever is on it.

It is the job of books owners to protect them when they put them on the internet and the sin of hackers who make them available for everyone if they were locked before being hacked. It is not your job to search or investigate whether an ebook is hacked or not. It is also not your sin

to use ebooks that are available for free on the internet. This is the way the internet works; whatever is on it is available for everyone....

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: مجد

Sent: Tuesday, April 05, 2016

Subject: وفاء الدين مع اختلاف العملات

سؤال شرعي
شخص في كندا طلب من شخص في تركيا ان يشتري له شيئا بمبلغ ٢٠٠٠٠ دولار أمريكي وأبقى هذا المال عند الكندي اختيارا وليس لحاجة الكندي.
الشراء تم شهر حزيران ٢٠١٥
الرجل التركي عنده أولاد في كندا ويحتاجون بعض المصروفات.
طلب الشخص التركي من الكندي ان يعطي أولاده عشرة آلاف دولار كندي شهر شباط ٢٠١٦
كان سعر الدولار الأمريكي
١،٠٥ كندي في حزيران ٢٠١٥
والآن ١،٣ شباط ٢٠١٦
والمال جاهز للأخذ ان أراد التركي لمن تركه عند الكندي حتى يسهل امر الدفع لأولاده.
هل يحسب سعر الصرف حسب شهر حزيران العام الماضي أم حسب السعر الحالي ؟
الكندي يرى أنه يغرم بدون وجه حق ان حسب سعر الصرف الآن لأن الفلوس كانت جاهزة للتركي منذ اللحظة الأولى.
أفيدونا أفادكم الله

My Answer:

الفتوى أن على الكندي أن يدفع المبلغ بسعر الدولار يوم الدفع أي ولو غرم لأنه دين يوفى بسعر يومه وهو الذي أبقاه عنده هذا الوقت وكان بمقدوره أن يدفعه للتركي في أي وقت فلم لم يفعل؟ هو مسؤول عن الدين بعملته وهي الدولار الأمريكي فيوفيه دولارا أمريكيا بسعر يوم الوفاء.
مع أسمى التقدير وأعز التحية
أ. د. منذر قحف

----- الرسالة المعاد توجيهها -----

من: **Ayman**

التاريخ: 5 أبريل، 2016

السلام عليكم

كان الكندي جاهزا للدفع فورا، لكن التركي رغب من الكندي ان يبقي المال عنده حتى يدفع لأقربائه في كندا عند الحاجة. فالمال جاهز من اللحظة الاولى للتركي او اقربائه؛ ليأخذه فبم يغرم الكندي وهو وسيط خير؟

My Answer:

هذا كلام جديد لم يكن في السؤال الأول. إذا أبلغه أن ماله جاهز للسداد ولكن الأول رغب إليه أن يبقيه معه أنقلب الأمر من دين إلى وديعة. والوديعة أمانة على المودع غرمها. لاحظ الفرق..
مع أسمى التقدير وأعز التحية
أ. د. منذر قحف

From: Majd

Sent: Tuesday, April 26, 2016

Subject: عقد بيع غنم بتسليم أجل

اشتريت من راعي غنم عددا محددًا بسعر معروف للكيلو بتسليم يوم محدد وتم تثبيت السعر (طبعًا سعر الكيلو) واعطيته دفعة من قيمة الغنم لكن الوزن غير معروف حاليًا لأن التسليم سيكون آجلًا بعد فترة من الزمن حوالي شهرين، وقت التسليم يوزن الراس ويتم حساب الوزن الحالي لكن بالسعر القديم. فهل يجوز أم فيه خلل شرعي وما المخرج الشرعي لهذه الحالة. أفيدونا مأجورين

My Answer:

الأخ المكرم الشيخ مجد
السلام عليكم ورحمة الله وبركاته
أرى أن هذا العقد جائز أي مباح وهو عقد بيع ناجز ينقل الملكية ويجب فيه الثمن كاملاً حسب العقد.
أولاً الغنم وسائر الأنعام هي أموال قيمة ولكن جرى العرف والشرع على اعتبارها مثلية في أحوال مثل كثرة العدد مع تحديد مواصفات قليل التفاوت فيها
ثانياً جرى العرف على بيعها بالوزن كوحدة للتبايع مع تحديد عدد إجمالي ومواصفات يحددها عرف التعامل مثل النوع (بلدي أم تركي أم استرالي) والوزن (بين 20 و 25 كيلو مثلاً) والعمر (بين 9 و 12 شهراً مثلاً). فطالما أن هذه المواصفات محددة بالعرف أو بنص العقد فيجوز البيع بالوزن أحياناً كان التسليم أو مذبوحاً،
ثالثاً البيع ليس من الكالئ بالكالئ بل من البيع على الصفة مع إمساك الثمن ضماناً للتسليم
رابعاً ما دفعه على الثمن هو من باب هامش الجدية الذي يحق للبايع أن يحصل منه على تعويض الضرر الذي قد ينشأ عن عمل المشتري وليس عربوناً يستحق للبايع عند عدم إتمام البيع تضرر أم لم يتضرر.
رابعاً الأصل تصحيح أفعال العباد إذا لم يكن فيها ما يفسد شرعاً أو يؤدي إلى النزاع عرفاً.
مع أسمى التقدير وأعز التحية
أ. د. منذر قحف

From: مجد

Sent: Thursday, April 28, 2016

Subject: إنهاء عقد المضاربة

شخص تشارك مع آخر على أن يكون له نسبة من الربح دون أن يدفع مالا .. في مقابل أن يعمل هو لجذب الزبائن .. فاشترط على صاحب الشركة تسجيل نسبته عند الجهات الرسمية ..
ثم أراد صاحب العمل أن ينهي الشراكة .. فلم يقبل أن يخرج إلا باتفاق على مبلغ مالي يدفعه له صاحب الشركة ..
السؤال: هل يجوز ألا يدفع له صاحب الشركة ما اتفقا عليه عند إخراجها من الشركة؟

My Answer:

الجواب أن له أن ينهي عقد المضاربة هذا لأنه عقد جائز وليس للمضارب إلا ما اتفقا عليه كاملاً طيلة مدة المضاربة. هو مضاربة بمال وبدنين كما نص عليها صاحب المغني ابن قدامة.
مع أسمى التقدير وأعز التحية
أ. د. منذر قحف

From: Majd

Sent: Wednesday, May 04, 2016

Subject: فروغ المحل

السلام عليكم
رجل دفع فروغ محل عشرين مليون مثلاً، وكان يدفع صاحب المحل ثلاثة آلاف لصاحب الحجر. الآن بعد انتهاء التجديد القانوني ما حكم صاحب الفروغ وهل هناك من وجه شرعي لتعويضه؟!

My Answer:

الجواب لا. فهي مخاطرة قبلها عالماً بقرب انتهاء التجديد القانوني. وهي مخاطرته ولو لم يعلم.
مع أسمى التقدير وأعز التحية
أ. د. منذر قحف

From: Majd

Sent: Wednesday, May 04, 2016

Subject: **تعويض أحير**

عامل يعمل بأجر وطلب منه الصعود لسيارة فوقع فأصيبت يده فأدى لعجز 50 % في ذراعه.
هل هناك رأي فقهي معتمد بتعويض المصاب؟

My Answer:

إذا كانت سيارة العمل والصعود إليها جزء من العمل أو مما طلبه رب العمل فيستحق العمل ربع الدية (الدية في رأيي لا تقل عن مليون ريال وقد تكون أكثر وليست كما تدعيه التعليمات هنا مثل 200000 أو في السعودية مثل 80000 أو 100000) أو ما تقرره قوانين العمل حسب البلد لأن قوانين العمل تعتبر شرعا جزءا من شروط العقد غير المكتوبة إلا إذا خالفت لاشرع مع أسمى التقدير وأعز التحية
أ. د. منذر قحف

From: Majd

Sent: Wednesday, May 11, 2016 5:16

Subject: **شراء مندوب المبيعات من متجره بسعر المثل**

ما حكم شراء مندوب المبيعات السلع التي تطلبها شركته من متجره الخاص بسعر المثل؟

My Answer:

الجواب: لا بأس بذلك شريطة إخبار الشركة به، وإلا ففيه تعريض لسمعته للتهمة وقد أمر رسول الله صلى الله عليه وسلم بجنب المغيبة عن نفسه.
مع أسمى التقدير وأعز التحية
أ. د. منذر قحف

From: Meriem

Sent: Friday, May 13, 2016

Subject: **ضمان الفريق الثالث في صكوك مضاربة**

السلام عليكم ورحمة الله
الطالبة "مريم" باحثة في المالية الإسلامية بجامعة بتونس
استاذنا الموقر، سلاما واحتراما. أود أن اتقدم لحضرتكم بالاستفسارات التالية، وأرجو من سيادتكم نفعنا بعلمكم كما عودتمونا
أنفا.

السؤال: هل ضمان الطرف الثالث في صكوك المضاربة جائز؟ وإن كان كذلك ماهي الشروط الواجبة لصحة هذه المعاملة؟
ما رأيكم إن كان هذا الطرف الثالث دولة؟ هل لها نفس الشروط؟ وهل لها امتيازات على باقي حالات الضمان؟
في انتظار اجابتكم، لكم مني كل التقدير والشكر والإحترام
جازاكم الله عني كل خير ونفع بكم.

My Answer:

الأخت المكرمة مريم
السلام عليكم ورحمة الله و بركاته
ضمان الطرف الثالث بشروطه جائز لأنه تصرف مالك بملكه. فمن حق أي إنسان أو أي شخص معنوي أن يقدم ضمان
طرف ثالث لأنه تبرع محض ينقلب التزاما إذا دخل المضمون له في عقد المضاربة.
ضمان الطرف الثالث يرد فقط في المضاربة والوكالة والمشاركة، ولا يرد في العلاقات التي تنتهي بديون لأن فيها ضمان
الطرف الثاني الذي هو المدين.
شروطه: (1) أن يكون تبرعا محضا من مال الطرف الثالث، (2) أن يقدمه الطرف الثالث مختارا، (3) أن لا يكون للطرف
الثالث أي نفع من العلاقة الاستثمارية التي يقع عليها الضمان.
يجوز للدولة أن تقدم ضمان طرف ثالث شريطة أن يوجد ما يبرر استخدام المال العام لهذا الضمان وألا يكون فيه محاباة
لبعض على بعض.
لا يجوز أن يكون الضامن شركة غرض محدود لأنها لا تستطيع تنفيذ ضمانها لأنها ليست لها اموال تستطيع التحكم بها.
والله أعلم.

مع أسمى التقدير وأعز التحية
أ.د. منذر قحف

From: Esam

Sent: Sunday, May 29, 2016 11:46

Subject: Buying products on the internet

Salam Ustazna,

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

Could you kindly reply to this question?

Question:

Salam. I am a distributor of NU SKIN where I buy products for less than its retail price. Buying products from NU Skin will give my "recruiter" some "income". I do not sell what I buy, and I don't recruit other people. I just enjoy the discount and use the product. Is this haram?

My Answer:

Bismillah al Rahman al Rahim

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

Dear Br. Esam

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

THIS AMOUNTS TO SIMPLY PURCHASE ON THE INTERNET. I DO NOT SEE ANYTHING NOT PERMISSIBLE IN IT AND FIND NO VIOLATION OF SHARI'AH IN THE RECRUITER BENEFITTING FROM YOUR PURCHASE.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Majd

Sent: Saturday, July 09, 2016

Subject: وفاء الدين بعملة أخرى

السلام عليكم

سؤال لمشايخنا الأفاضل: رجل استدان 7200 دولار وكانت تساوي 450000 سوري لأن سعر الصرف كان 62 وفي 300000 سوري لما كان سعر الصرف 140 ثم وفي 150000 سوري لما كان سعر الصرف 250 السؤال: هل هذا الوفاء باطل لأنه لم يوف كل المبلغ عندما وفاء بعملة أخرى عملاً بالحديث ما لم تفترقا وبينكما شيء؟ وكم بقي للدائن على المدين؟

My Answer:

الأخ المكرم مجد، كل عام وأنتم بخير

السلام عليكم ورحمة الله وبركاته

المسألة على النص مباشرة: وفاء الـ 300000 بسعر يومه والباقي عندها هو بالدولار، هذا مقتضى الحديث، قد وفي 2142.86 (140/300000) وبقي عليه 5057.14 (2142.87-7200). ثم وفي 600 (250/150000) وبالتالي بقي عليه 4457.14 دولاراً. واضح من المسألة ومن ظروف البلد أن استعمال الدولار عملاً للقرض كان مقصوداً لذاته.

مع أسمى التقدير وأعز التحية

أ.د. منذر قحف

From: Samer

Sent: Sunday, July 17, 2016

Subject: negligence on the job

Dear Prof. Kahf,

My name is Samer, and I am reaching out to you for an advice on an Islamic matter that has kept my mind occupied for quite some time. I understand that this matter may not be strictly within the area of your expertise, but I am hoping that you can provide me with some advice and guidance.

I have been working in for one of the large institutions on a three year contract as a Computer Engineer. During the last year of my contract I got into a conflict with my direct manager and I noticed that he is trying to hold mistakes on me to use them as an excuse for not renewing my contract. I have then realized that his direct manager along with the HR director are both collaborating with him on his plan. I found myself under a lot of pressure, and I spent around two months at work without making progress on the projects I was assigned. Mainly in defiance of their attempts; as I was thinking: why would I bother working on the projects if I know for sure that my contract won't get renewed.

During this time I went under surgery and during my recovery I have revisited all the issues that I have been going through at work and I decided to work on the projects I was assigned after I get back to work whether my contract gets renewed or not. The reason for that is: I thought that it won't be Islamic for me not to finish the projects even if my managers were not dealing with me ethically and planning not to renew my contract.

Shortly after I got back to work from surgery, I started making good progress at work, but I was let go before the end of my contract (four months before the end of my contract). My employer offered to pay my salary up until the end of my contract since they have legal obligation to do so. The dilemma that I find myself in is as follows:

- Because I started doubting whether the salary that I have gotten for the two months when I wasn't taking my work seriously is Halal or not; I ended up NOT cashing the cheque for one month salary.
- I will be getting the rest of my salary from my employer soon and I was planning to donate one month salary for charity.

However, I am now confused whether I will be doing myself justice if I got rid of one month salary; especially that I have been looking for another job for around one year, with no luck. I already consulted with one of my colleagues and his advice was as follows:

"Because the nature of my work is computer engineer and not hourly labor work, and since I was planning to work on the projects when I was let go, there is no issue in taking and using all of my salary, from Islamic point of view".

I understand that this issue might be a bit vague, but I would appreciate if you could give me any guidance from your side...

Jazaka Allah Khair.

Samer

My Answer:

Bismillah al Rahman al Rahim

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

Dear Br. Samer

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

All workers have ups and downs in their work, it happens to all of us and all employers expect it. on the other hand giving charity is always good and recommended. If I were in your place I will give some decent amount, it does not matter whether more or less than one month salary and depend on your comfort feeling, just to have rest of mind. But of course, I don't see it that you must do that, you earned your salaries in a Halal Way InShaAllah.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Majd

Sent: Monday, August 01, 2016

Subject: تعويض حادث سيارة لعامل متطوع

السلام عليكم ورحمة الله وبركاته ... شيخي الكريم .. قبل عيد الفطر بيومين كنت أوزع كفالات أيتام وزكاة فطر لجمعية عطاء بسيارتي الخاصة ولا أتقاضى راتبا عن عملي الطوعي في مكتب عطاء ... حصل حادث اصطدام مع دراجة نارية ... وتعرض سائقها لكسر بيده وتهشمت مقدمة سيارتي ... وتعطل المصاب عن العمل وهو يعمل صواج سيارات ... فدفعت له 57500 ل.س ثمن دواء وبدل عطلته عن العمل ... هل ما دفعته مستحق علي ام على الجمعية؟

My Answer:

الأخ المكرم مجد
السلام عليكم ورحمة الله وبركاته
لو كان مسبب الحادث هو أنت - هو ما قد يبدو من مبادرتك للدفع- فهذا التعويض عليك وليس على الجمعية، مثالنا في ذلك حادثة عمر رضي الله عنه مع المرأة التي أجهضت وتحملت عاقلته دية الجنين. ولو كان المتسبب هو الآخر فدفعت له مواساة وإحسان مأجور بإذن الله.
ثم إن كنت غارما فيما دفعت فقد تستحق مساعدة من مصارف الزكاة باعتبار الغرم ولو كنت غنيا، أما إذا كان ما دفعت طفيفا بالنسبة لك فليست من الغارمين. ولا أرى بأسا بأن تعوضك الجمعية كليا أو جزئيا-تقديرًا منها لما تقدمه لها من خدمات تبرعية ولظرف تحملك هذا المبلغ- من مصارف الصدقات، وليس من مصارف الزكاة
مع أسمى التقدير وأعز التحية
أ. د. منذر قحف

From: Ihsan

Sent: Monday, August 01, 2016

Subject: False documents for immigration

Peace be upon you Dr Monzer,

My name is Ihsan, I am computer engineer currently living in Canada and I need your religious advice on something that has been in my mind for long time....

Back in 2002, I used to live in one of the gulf countries and I applied for immigration to Canada, as a skilled worker. Back then I used to work for one of the telecom companies; and as a fresh graduate, the position I was holding was *assistant technician*. When I filled the application for immigration to Canada I found out that there were specific positions one has to have an experience in for at least one year to be accepted in Canada, and that *assistant technician* was

not one of them. While my title in the company was assistant technician, I had an engineering degree and the actual job I was doing was partly computer programming and partly computer network support. When I gathered the documents for my application, I arranged to have a letter from my work place saying that I have been working in the company for one year as a *computer programmer*. Essentially, the letter was a false/forged one. At the time, I didn't see anything Haram in doing so as my real job duties were above what a technician would do, and there was no way that HR in my company would give me a letter of employment with a different title than what I had.

I finished the application process, got my visa, moved to Canada and then finished my master. Since then, I have built a successful career in Canada, Alhamdu Lillah.

I have been going through a lot of issues in my personal life recently and I think these issues have affected my ability to reason. I started thinking that what I have done back in 2002 is Haram; this includes the fact that I got my Canadian citizenship and all the success that I have led since then is also Haram. I got to a point where I was thinking about surrendering my citizenship or contacting the immigration authorities in Canada to clear myself of this sin, because I am committed Muslim and I wouldn't want to have this issue haunting me for the rest of my life. If I surrender my citizenship, this means that I will have to return to Jordan where job opportunities, are almost nonexistent.

I am really confused at this point. On the one hand, I keep saying to myself that what I did may not be morally right, but that doesn't mean that I don't deserve the citizenship, or that I am committing a sin by living the life I am living now, for the following reasons:

1. The title of my position as *assistant technician* didn't reflect the actual work I was doing at the time.
2. Part of the interview process for the immigration application was going through an interview where I had to answer some technical questions and describe the work that I have been doing for the company. I did answer these questions honestly to reflect the actual work I was doing.
3. Even if I didn't apply for immigration while being in the Gulf, since I had my master in Canada, I would have had a chance to apply for immigration after finishing school and get a citizenship like many other Arabs have done.

But at the same time, it seems that I keep getting these Wasawes about exposing myself to the immigration department or even surrendering my citizenship, which will effectively cause great deal of harm to my professional and personal life. And I couldn't think of better thing, after praying to Allah, than approaching someone with more knowledge and wisdom for advice....

May Allah reward you for your help and advice...

Ihsan.

My Answer:

Bismillah al Rahman al Rahim

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

Dear Br. Ihsan

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

You have been doing well and you were in 2002 much better than assistance technician. What was done then was not a lie but a facilitation to go around a restrictive condition that should itself have some flexibility. This is part of the small things that Allah if He so will forgives. It is for

such small things that the Qur'an says what means: "if you avoid the big sins that you are prohibited to you, we abolish your mistakes and make you enter honored entrance **إن تجتنبوا كبائر ما تنهون عنه نكفر عنكم سيئاتكم وندخلكم مدخلا كريما** [4:31]

The solution now: make good deed, sincere repentance, charity and good actions including prayers and do not be haunted by this small thing at all.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Ahmed

Sent: Tuesday, August 09, 2016

Subject: Reselling Gift Cards

Assalamu Alaykum,

I attended your lecture in Kitchener last week. Firstly, I would like to give you my sincerest thank you for coming and giving us such beneficial knowledge, and for taking that much of your time to answer all our questions almost until midnight! I am sincerely thankful for that. Jazaka Allah Khair.

I have a question regarding reselling gift cards at a lower value. A friend of mine was considering a business where he would buy 'second-hand gift cards' sold at a cheaper rate than their face value (e.g. by people who got them as a gift and didn't want them), and using those gift cards' full face-value to buy goods (electronics), then reselling those electronics for cash (e.g. on Amazon). Is there any issue with that?

My Answer:

Bismillah al Rahman al Rahim

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

Dear Br. Ahmed

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

A gift card is in fact a debt, due any time, on the issuing store. But it has a condition that the holder should get it reimbursed in the form of goods. Buying a debt at below its face value is not permissible as the difference is pure Riba.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Shahbaz

Sent: Monday, August 15, 2016

Subject: Gift card for liquor store

Salam Brother Kahf,

My name is Shahbaz and we had the pleasure of meeting during your recent stop at Olive Grove School in Mississauga. I was there before the talk during our small group discussion.

MaShaAllah a great talk, learned a lot. Sorry I wasn't able to stay after Maghrib for the second portion of lecture.

I have a question regarding a gift card for a liquor store.

I received a gift card of significant value from a manager for a liquor store. The way I see it, my options are 2, but I am very concerned about the implications of each. Can you please tell me which route is best for me and my religion InShaAllah.

1. Throw gift card away - I am concerned that by doing this the liquor store has already received the money from my manager and by the card not being used, has made full profit (no cost of sale). I am worried I am giving a benefit to the liquor store in this situation

2. Sell gift card - Gift card sells for less than face value, as gift cards are usually sold. There are websites willing to pay me 80% of face value for the card. Will this money be Halal for me? The website will go ahead and sell the gift card to someone else for 90-95% of face value. That transaction (according to my knowledge) is not allowed Islamically. In this situation I am scared that I am 1. a part of the consumption process (allowed someone to purchase alcohol at a discount) and 2. I am a part of the haram transaction of someone buying a gift card for less than face value.

Can you please guide me to what is correct or point me towards some resources?

Jazaka Allah Khair!

May Allah bless you.

Shahbaz

My Answer:

Bismillah al Rahman al Rahim

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

Dear Br. Shahbaz

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Thank you for your kind email and words. I still remember you when you mentioned that you cannot stay after Maghrib. My first concern before answering is: what do liquor store sell? Is it only liquor or they sell many other small convenient items that are also available in pharmacies, Wal-Mart and the like. I personally never entered a liquor store but I am informed by many people that they sell many such items in addition to liquor. If they sell other items (which I know in the US that all such stores do) I suggest that in spite of the embarrassment, you should use it yourself because both options are bad as you mentioned, the second one is pure Riba. Remember that in the second option you are giving Riba because you are selling a debt for a smaller amount of cash, and giving it is as bad as taking it.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Shahbaz

Wa Alaykum Assalam Brother Kahf,

Jazaka Allah Khair for your prompt response.

I am sorry; I forgot to mention in my original email that the liquor store in Canada sells ONLY alcohol in their stores. No glasses, cups, accessories, or anything else.

My first course of action was to try to go there and purchase something non-alcoholic, but that didn't work out and I faced the problem I emailed you about.

Knowing the above, what do you recommend my best course of action to be?

Thank you for all your help.

Shahbaz

My Answer:

In this case, I still do not suggest any of the two courses of action that are mentioned in your first email.

Rather: send it by mail to the give with a nice letter of thanks and apology of using it because you cannot use it as it is limited only for liquor and you do not drink. Do not ask him for a replacement and leave it to his own conscience. There are many people who do not drink, not only Muslims.

Wassalam

Prof. Dr. Monzer Kahf

From: Majd

Sent: Wednesday, August 17, 2016

Subject: تحويل تبرع جمع لغرض إلى غرض آخر

أحدهم عنده مبلغ من المال جمعه ورصده لمشروع من مشاريع النفع العام وقد جمعه على ذمة هذا المشروع، وعنده من رصيده ما يكفيه لأكثر من عام لتسيير هذا المشروع، ثم رأى أخاً له وهو ذو ثقة وأمانة لكنه غارق حتى الأذقان وفي حالة حرجة، فهل يجوز أن يأخذ مبلغاً من هذا المال ويعطيه للغارم ليقف غرمه ونفسه. وجزاكم الله خيراً

My Answer:

الأخ المكرم مجد
السلام عليكم ورحمة الله وبركاته
إذا جمعه لغرض خيري معين فليس له استعماله لغرض خيري آخر أبداً، إلا باستئذان من جميع من جمع منهم أو بعضهم ممن تبرع بقدر ما يرى تحويله. هذا من مقتضيات الأمانة والله تعالى أعلم.
مع أسامي التقدير وأعز التحية
أ. د. منذر قحف

From: Muhammad

Sent: Friday, August 19, 2016

Subject: Giving money to an employee of a co-transactor

Assalam-O-Alaykum,

I have been referred by some to u for the answer of following question.

"A" is working in a big company. A has introduced one of his friend to the owner of the company. A's friend is providing marine insurance services to company and rates, etc. have been finalized by the owner himself. Now A's friend, from each his bills, gives some amount but not fixed pay to A even after denial of A. Whether it is Halal or Haram for A.?? Regards

My Answer:

Bismillah al Rahman al Rahim

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

Dear Br. Riaz

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

This kick back in not Halal for A and he has to give it to the company. If the company gives him part or all of it it becomes permissible. For A's friend it is also Haram to give it.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Juliana

Sent: Friday, August 26, 2016

Subject: Going for Hajj while under debt

Assalamu Alaykum, I bought a house last year, I'm paying mortgage to Islamic bank for 20 years. I would like to know if I can go for Hajj now or I have to wait until I pay off my mortgage.

My Answer:

Bismillah al Rahman al Rahim

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

Dear Sr. Juliana

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

You can go for Hajj because the debt you may owe is against future income not against the amount you have now from which you are going to spend on Hajj.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Omar

Sent: Thursday, August 25, 2016

Subject: working for NFL?

Assalamu Alaykum Dr. Kahf,

We sell a lead generation solution that gives contact info (email/phone) for corporate professionals so sales people can reach out to sell their products/services.

The NFL is interested in using our software for their sales teams.

Would it be permissible for us to sell our software to them?

Background:

- the NFL sales team we're selling to specifically sells 'premium' experiences to the Super Bowl (<http://nflonlocation.com/>)
- these 'premium' experiences include hotel stay, preferred seating, complimentary drinks (alcohol), food, pre/post game parties, field access etc. (and obviously attending the actual game)
- our company is quite successful (we're in a good financial position)
- we really value understanding the thought process behind your answer (we'd like to learn as much as possible)

Omar

My Answer:

Bismillah al Rahman al Rahim

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

Dear Br. Omar

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

I do not see anything prohibited in selling your software to this NFL. It is simply a sport organization, anything else? And whoever bet on its activities it is the problem of the betters not your program. This is of course except if your program itself is going to be used for betting, then you should not produce it and if it has multi-uses you should not sell it to persons/orgs that will only use it for non-permissible activities.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Omar

Sent: Wednesday, August 31, 2016

Subject: Re: Permissible transaction?

Jazaka Allah Khayran Dr. Kahf,

Just to clarify: there is no issue with the fact that the packages/tickets they sell include (pre-paid) alcohol?

The games have many other elements such as music/cheerleaders dancing, but this isn't the main product being sold, which is the Super Bowl.

Omar

My Answer:

Bismillah al Rahman al Rahim

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

Dear Br. Omar

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

You confused me with your reply. Did you give me in the past incomplete info and now you are adding that always their tickets include alcohol? What exactly do you mean by "there is no issue with the fact that the packages/tickets they sell include (pre-paid) alcohol"? Do they sell or do they not sell? And is it a major item?

If they sell alcohol and betting chances as a major part of their business, then it is inappropriate (and may exactly be Haram, if it makes majority of the revenue of their activities) to provide them with a service that promote the sale of tickets.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf

From: Omar

Subject: working for NFL?

wa Alaykum Assalam Dr. Kahf,

In the original question I had posted a section called "Background" which specified the details of the company and what they sell. I've included it again (below):

Background:

- the NFL sales team we're selling to specifically sells 'premium' experiences to the Super Bowl (<http://nflonlocation.com/>)
- these 'premium' experiences include hotel stay, preferred seating, complimentary drinks (alcohol), food, pre/post game parties, field access etc. (and obviously attending the actual game)
- our company is quite successful (we're in a good financial position)
- we really value understanding the thought process behind your answer (we'd like to learn as much as possible)

Essentially, they sell full packages to the Super Bowl which include alcohol, etc. (but not gambling).

Omar

My Answer:

A complimentary drink is not called sale of drinks.

Monzer Kahf

From: Omar

Assalamu Alaykum Dr. Kahf,

Here's an example of a football package they will be selling (below). The drinks are a minority part of it, the overall ticket cost is about \$5,000 USD per person.

- 4-Nights Deluxe 4-Star Hotel Accommodations at the Park Plaza Westminster Bridge London. Includes daily breakfast.
- Diamond Game Ticket – Club Level near the 50 yard line with wider padded seats & VIP stadium entrance.
- Gameday Hospitality – Deluxe 3-course meal and complimentary bar (open 3 hours pregame, during halftime and 1 hour postgame including beer, wine and soft drinks) at distinctive Bobby Moore Club at Wembley Stadium.
- Exclusive Redskins Friday Night Event
- Appetizers and Complimentary Bar
- 2-Day London Pass + Oyster Pass
- Shared Round-Trip Bus Transfers
- To/From Friday Night Party and Hotel
- To/From Wembley Stadium and Hotel
- NFL International Series Washington Redskins Gift Bag
- NFL On Location Signature Service Staff On-Site

Omar

My Answer:

Bismillah al Rahman al Rahim

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

Dear Br. Omar

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The liquor part seems to be small unless you know it makes substantial part of the ticket.

Wa Allahu A'lam

Wa Alhamdu Lillahi Rabb al Alamin

Wassalam

Prof. Dr. Monzer Kahf
