

Confusion between the gift and the bribe

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

Question: What is the ruling concerning taking or eating the food that some students bring to the teacher of Qur'aan, or the money and gifts that their parents send to him, knowing that he (the teacher) does not ask them to do that? May Allaah reward you.

Answer: All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers till the Day of Resurrection.

The basic principle is that the gift is to be accepted, provided that the gift-donor aims getting affection, acquaintance and kindness, and on condition that the gift-receiver is not an administration official, a judicial responsible or any person who has responsibility over the others; according to his saying **صلى الله عليه وآله وسلم**: "**Offer gifts to one another, you will love one another**"¹. And it is detestable to reject the gift if there is not a religious prohibition as stated in the hadeeth: "**If anyone does you a kindness, recompense him; but if you have not the means to do so, pray for him until you feel that you have compensated him**"². Nevertheless, if the gift-donor aims at nullifying a right or turning a wrongdoing into a right; in this case what he gives as gift is considered as a forbidden bribe which is impermissible to be accepted, and its donor is cursed by the Prophet **صلى الله عليه وآله وسلم** as he said: "**Curse of Allaah be upon the bribe donor and the bribe receiver**"³.

Generally, bribes are given under the guise of gifts to people who are in charge in an administration, in judicial sector and suchlike, for the purpose of acquiring their sympathy. The prohibition regarding the bribe is indicated in his saying **صلى الله عليه وآله وسلم**: "The workers' gifts are Ghulool."^{4,5}, and his saying **صلى الله عليه وآله وسلم**: "**Whomsoever we hire for a particular job and provide him with sustenance, then all that he takes beyond that is considered Ghulool**"⁶. Also

¹ Narrated by Al-Bukhaaree in "Al-Adab Al-Mufrad" (594) and by Al-Baihaqee in "As-Sunan Al-Kubraa" (11946), from the hadeeth of Aboo Hurayrah **رضي الله عنه**. Al-'Iraaqee said in "Takhreej Al-Ihyaay" (2/53): "Its chain of narration is good". It is also judged Hassan (good) by Ibn Hajar in "At-Talkhees Al-Habeer" (3/1047) and by Al-Albaanee in "Al-Irwaa'" (1601).

² Reported by Aboo Dawood (1672) and by An-Nasaa'ee (2567), from the hadeeth of 'Abdullaah Ibn 'Umar **رضي الله عنهما**. This hadeeth is judged authentic by Al-'Iraaqee in "Takhreej Al-Ihyaay" (1/300), by Ahmad Shaakir in his "Recension of Musnad Ahmad" (8/63) and by Al-Albaanee in "As-Silsilah As-Saheehah" (254).

³ Narrated by Ibn Maajah (2313), from the hadeeth of 'Abdullaah Ibn 'Amr **رضي الله عنهما**. This hadeeth is judged Hassan (good) by Al-Baghawee in "Sharh As-Sunnah" (5/330). It is also judged authentic by Ahmad Shaakir in his "Recension of Musnad Ahmad" (11/172) and by Al-Albaanee in "Saheeh At-Targheeb" (2211).

⁴ Ghulool: is what is taken from the war booty before its distribution. Translator's note.

⁵ Narrated by Ahmad (23601), from the hadeeth of Aboo Humayd As-Saa'idee **رضي الله عنه**. This hadeeth is judged authentic by Al-Albaanee in "Al-Irwaa'" (2622).

⁶ Reported by Aboo Dawood (2943), from the hadeeth of Burayda Ibn Al-Husayb **رضي الله عنه**. This hadeeth is judged authentic by Ibn Al-Mulaqqin in "Al-Badr Al-Muneer" (9/564) and by Al-Albaanee in "Saheeh Al-Jaami'" (6023).

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included in this, the person who satisfies the gift-donor's a [personal] need, according to his saying صَلَّى اللهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ: "If anyone intercedes for his brother and he presents a gift to him for it and he accepts it, he approached a great door of the doors of usury"⁷. Ibn Mas'ood رَضِيَ اللهُ عَنْهُ said when he was asked about As-Suht (the unlawful): "The man asks a man to fulfil his personal need, then he fulfils it for him; upon this he presents him a gift for that and he accepts it"⁸. The underlying reason for prohibiting the gift in these cases is for fear that it will be transformed into a bribe: either in the ruling itself, or something that a person in charge should do, for "**What leads to the forbidden is forbidden**".

To sum up, the basic principle is that the gift is permissible, and it is detestable to reject it unless there is a religious prohibition based on a religious text that excludes it from the accepted gifts; -in this case- it has the same ruling concerning the forbidden bribe as previously mentioned regarding those who occupy positions in administration, government services (departments) and suchlike.

The perfect knowledge belongs to Allaah عَزَّ وَجَلَّ; and our last prayer is all the praises and thanks are to Allaah, the Lord of the Worlds, and prayers of Allaah are to Muhammad and his Family, Companions and Brothers until the Day of Resurrection.

Algiers on: Jumaadaa Ath-Thaaniya the 9th, 1428 H. Corresponding to June the 24th, 2007 G.

⁷ Reported by Aboo Dawood (3541), from the hadeeth of Aboo Umaama Al-Baahilee رَضِيَ اللهُ عَنْهُ. This hadeeth is judged Hassan (good) by Al-Albaanee in "As-Silsilah As-Saheehah" (3465).

⁸ Narrated by At-Tabaree in his "Tafseer" (6/154), and by Ibn Abee Shayba in "Al-Musannaf" (16617).