

Ruling concerning of the workers' gifts

Shaykh Aboo `Abd-al-Mu`iz `Alee Ferkous al-Qoobee

Article taken and slightly adapted from: ferkous.com

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

Question: A man working in an architectural or technical engineering company and deals with building contractors who supervise building projects. He oversees and follows all the steps of the building process. Sometimes they give him sums of money; accordingly, he is asking whether these dealings are included in bribery or not? May Allaah reward you.

Shaykh Aboo `Abd-al-Mu`iz `Alee Ferkous al-Qoobee (May Allaah the Most High preserve him): 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 until the Day of Resurrection:

It is not permissible to give donation or gift to the workers whatever is its aspect and whatever the reason why it is given, because that is included among devouring the properties of others by false means which is forbidden in Allaah's Book and in the Sunnah of the Messenger of Allaah (May the peace and blessings of Allaah be upon him and his family). Allaah (He, The Most High) said:

﴿وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ﴾

The meaning of the verse:

﴿And eat up not one another's property unjustly (in any illegal way e.g. stealing, robbing, and deceiving)﴾

[Al-Baqarah: 188]

He (May He be Exalted the Most High) said also:

﴿لَوْلَا يَنْهَاهُمُ الرَّبَّانِيُّونَ وَالْأَحْبَارُ عَنْ قَوْلِهِمُ الْآثِمَ وَأَكْلِهِمُ السَّحْتَ لَبِئْسَ مَا كَانُوا يَصْنَعُونَ﴾

The meaning of the verse:

﴿Why do not the rabbis and the religious learned men forbid them from uttering sinful words and from eating illegal things? Evil indeed is that which they have been performing﴾

[Al-Maa'idah: 63]

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In the exegesis of the verse in which Allaah (*He, The Most High*) says:

﴿سَمَّعُونَ لِلْكَذِبِ أَكْلُونَ لِلْأَسْخَةِ﴾

The meaning of the verse:

﴿They are listeners to the lie, devourers of As-Suht﴾

[Al-Maa'idah: 42]

Ibn Katheer said that ﴿listeners to the lie﴾ means: listeners to the fallacy, and ﴿devourers of As-Suht﴾ means: devourers of the unlawful, which is the bribe, as it was explained by Ibn Mas'ood (*May Allaah be pleased with him*) and others; i.e., a person with such character, how does Allaah (*May He be Exalted the Most High*) purify his heart and how does He (*May He be Exalted the Most High*) respond to his invocation?"¹. The Prophet (*May the peace and blessings of Allaah be upon him and his family*) said in the hadeeth reported by Aboo Humayd As-Saa'idee (*May Allaah be pleased with him*): "I appoint a man from amongst you to work in what Allaah has entrusted me, then he comes and says: this wealth is for you (i.e. for the public treasure) and this is a gift (presented to me)". Then he (*May the peace and blessings of Allaah be upon him and his family*) said: "Why should not he remain in the house of his father and his mother until his gift comes to him..."². In another hadeeth, the Prophet (*May the peace and blessings of Allaah be upon him and his family*) said: "Whomsoever we hire for a particular job and provide him with sustenance, then all that he takes beyond that is considered Ghulool"^{3,4}.

Ash-Shawkaanee (*May Allaah have mercy on him*) said: "Obviously, gifts that are given to judges and others are a type of bribe; because if the giver was not used to giving presents before being appointed [as judge], then he (the giver) would not give him presents unless for the purpose of: either being strengthened in his wrongdoing, or reaching his right using those presents, and the two purposes are prohibited."⁵

At last, what has to be done is to help one another in Al-Birr and At-Taqwaa (virtue, righteousness and piety) which is the basis of the fraternal dealings, and to avoid dealings that are based on sin and transgression, according to the verse in which Allaah (*He, The Most High*) said:

¹ See: "Tafseer Ibn Katheer" (2/ 60) and see: "Nayl Al-Awtaar" of Ash-Shawkaanee (10/ 260).

² Reported by Al-Bukhaaree (6979) and by Muslim (1832), from the hadeeth of Aboo Humayd As-Saa'idee (*May Allaah be pleased with him*).

³ Ghulool: is what is taken from the war booty before its distribution. Translator's note.

⁴ Reported by Aboo Daawood (2943), from the hadeeth of Burayda Ibn Al-Husayb (*May Allaah be pleased with him*). 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).

⁵ See: "Nayl Al-Awtaar" of Ash-Shawkaanee (10/ 261).

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﴿وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ﴾

The meaning of the verse:

﴿Help you one another in Al-Birr and At-Taqwaa (virtue, righteousness and piety); but do not help one another in sin and transgression﴾

[Al-Maa'idah: 2]

The perfect knowledge belongs to Allaah (*Mighty and Majestic is He*); 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.