

"Falah-ud-Darain"

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the revival of Muslim Ummah

BRIBERY
And
ITS VARIOUS FORMS

Written by:
Mufti Abubaker Siddiq Al-Qadri Ash-Shazli

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BRIBERY

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ITS VARIOUS FORMS

In the name of Allah, the most Gracious the merciful

Question:

What do the jurist of Islam say regarding the definition of bribe and is it allowed to take bribe under any circumstances? If yes, then define that need? And is it allowed to give bribe under any circumstances? If yes, then define that need in the light of Quran and Sunnah.

Answer with the help of Almighty Allah

Bribe is a curse, which leads any society to the greatest destruction. Such a nation that indulges in bribery, have a fear imposed upon them and there is intense torment for them in the hereafter.

Bribery in the light of Quran and Sunnah

This is why those who are involved in bribery have been condemned intensely. Allah Almighty says, *“And do not eat up your property among yourselves for vanities, nor use it as bait for the judges, with intent that ye may eat up wrongfully and knowingly a little of (other) people’s property.”*¹

Some narrations are written regarding the condemnation of bribery.

Imam Ibnu Jareer narrates from Ibnu Umar (Allah pleased with them) that the holy Prophet (Blessings and peace be upon him) said that *the meat sustained by impure wealth deserves Hell more than others*. He was inquired what impure wealth is. He (blessings and peace be upon him) replied that *to take bribery in judgement*.

Imam Ahmad (Allah’s mercy be upon him) narrated from Amar bin Al-aas. He says that I have heard the holy Prophet (Blessings and peace be upon him) saying that *any nation where usury spreads have to face famine. And any nation where bribery spreads they have been imposed the fright*.

Imam Tirmidhi (Allah’s mercy be upon him) narrates from Abdullah ibn Amar (Allah pleased with them) that *the Apostle of Allah (Blessings and peace be upon him) cursed upon the receiver of bribe and its giver*. According to another narration *the Ra’ish has also been cursed. Ra’ish is that person who becomes intermediate for bribery*.

Under the light of the mentioned above Quranic verse and the narrations, the Jurists of Islam proposed bribery a major sin. Therefore, it is obligatory upon Muslims to avoid bribery. In the coming lines the definition of bribe is written.

¹ Al-baqarah Verse: 188

Definition of Bribe

Allama Hafiz Ibnu Hajar Asqalaani (Allah's mercy be upon him) writes, *"The word Rishwat (Bribe) is pronounced with Damma and kasra of 'Raw' and Fat'h is also allowed. It is a thing, which is taken without compensation, and its taker is blamed. Imam Ibnul Arabi (Allah's mercy be upon him) said, 'Bribe is that wealth which is given to a designated person to accomplish something in an unlawful manner. Murtashi stands for one who accepts bribe and Raashi stands for one who offers bribe and Ra'ish stands for one who becomes an intermediate in between Murtashi and Raashi."*²

Allama Ibnu Aabideen (Allah's mercy be upon him) defines bribe in the following words, *"Bribe is the name of a thing which is given to a ruler or someone else so that the acceptor of bribe may decree in his favour or incite him to work for the giver of bribe."*³

Kinds of Bribe

Imam Kamaal-ud-deen Ibnu Humaam (Allah's mercy be upon him) has mentioned four kinds of bribes which are given below:

*"1. The first kind among is that which is unlawful for the giver and taker and it is to bribe for acquiring the post of a judge. Therefore, acquirer of jurisdiction by the means of bribe can't be a judge. 2. The second kind is the decision of a judge because of bribe. This kind is also unlawful for both giver and taker and furthermore the decision of judge will not be implemented in case he has received bribe for it whether he decreed rightly or wrongly. His true decision will not be implemented because this act was obligatory upon him. Therefore to receive any wealth for it is unlawful while the case of wrong decision is obvious. 3 The third kind is to receive bribe to intercede for him to the ruler so that problem may be removed or the giver of bribe may be benefited. This kind of bribe is unlawful for the receiver while lawful for the giver. 4 The fourth kind is to bribe for getting rid of danger to his life or wealth. This kind is also lawful for giver and unlawful for receiver because to save a Muslim from misery is incumbent and to gain wealth for performing an incumbent is unlawful."*⁴

However, Allama Ibnu Nujaim (Allah's mercy be upon him), has mentioned another form which seems to be bribe but it is not bribe. Therefore it is lawful for both giver and receiver. He writes, *"And what is lawful from both sides is to gift due to (permissible) love."*⁵

² Fat-hul-baari Vol: 5 Page: 539

³ Rad-dul-muhtaar Vo: 8 Page: 34

⁴ Fat-hul-Qadeer Vol: 7 Page: 255

⁵ Albahr-ur-raaiq Vol: 6 Page: 262

Aalaahazrat Imam Ahmad Raza (Allah's mercy be upon him), writes, *"To receive bribe is absolutely unlawful and it is not allowed in any case. The thing, which is given to get the other's right, is bribe. Likewise what is given to a designated person for acquiring help for an unlawful act is also bribe but to give for saving one's own self from cruelty is not bribe for the giver. So he can give, while it is bribe for receiver. Therefore it is prohibited for him to receive it."*⁶

From the quotations of our prominent jurists the following points rise,

1. Acceptance of bribe is not allowed in any case.
2. What is given to get other's right is bribe for both of them.
3. What is given to a ruler for getting relief in an unlawful work is bribe for both of them.
4. What is given for saving oneself from cruelty is not bribe for the giver.
5. Anything acquired without compensation and its receiver is blamed is a bribe.
6. What is given because of love is lawful for both.

The above mentioned points are defined in the following lines,

1. To receive bribe is absolutely prohibited, and it is not allowed anyhow. It is obvious that bribe is neither received to save oneself from cruelty nor for getting rid of danger to one's own life or wealth rather it is cruel to others. Therefore, our scholars have prohibited it absolutely. Now a day, bribe is a common practice in some institutions. These institutions are so notorious in bribe that everyone is aware of it; therefore, these institutions are rotten from top to bottom and the condition is so bad that if any person in these institutions does not accept bribe he has to pay its cost. And a pious servant in these institutions is not given bribe directly. Rather he is given a part of bribe which the whole institution acquires collectively and if the pious man denies accepting it he is blamed falsely and is vilified as a consequence then he is kicked out from the institution. Although such a case happens rarely but according to the verdict of our scholars, he is not allowed to accept this bribe even to repel cruelty from him. Allama Ibnu Nujaim (Allah's mercy be upon him), says, *"I did not see any kind of bribe which is allowed to be received."*⁷

It is obvious that to take the wealth of a Muslim without his approval or to destroy it, is a cruelty and it is not permissible except when he fears murder or cutting of an organ from body as has been written in Aldur-rul-Mukhtaar, *"If he is threatened by murder or cutting of an organ he is*

⁶ Alfataawa Alrazviyah Vol: 10 Page:

⁷ Albahr-ur-raaiq Vol: 6 Page: 421

*allowed to destroy the wealth of a Muslim or Dhimmi. And if he keeps patience he will get its reward.”*⁸

And it is obvious that the denier of bribe, in institutions where he is not threatened by murder or cutting of an organ, is not permitted to accept bribe. And if such a condition is found in an institution, the servant is allowed to accept bribe in certain conditions but he is not allowed to use the wealth of bribe because it can't be his property due to *Khubuth liadamilmilk*. Rather Shariah orders him to return it to its real owners or if it is not possible then he must give it to a poor (*sharaee faqeer*) without the intention of virtue.

2. What is given to acquire the other's right is bribe and this is prohibited for both giver and receiver. To give wealth to a judge to incite him to give false decision in the favour of giver of bribe is an example of this kind. Likewise if someone possesses other's right and now that oppressed reports to police officer to get his right but oppressor gives bribe to the police officer so that he may not take any action against him.

3. What is given to a ruler or given to else than ruler who will make his work, is a bribe. This bribe is also unlawful for both persons. The common example of this kind is to give bribe to a designated person to get a job. Likewise, to give wealth to an officer so that he may not create obstacles in smuggling. On the contrary, if the work is lawful in Shariah and legal according to the country law but ruler or designated person does not allow practicing it without bribe, in this case he thinks that he will have to bear a loss if he does give bribe, he is allowed to give bribe to save himself from cruelty. For example if he imports a lawful and legal thing and fulfills the all-legal requirements but custom officer does not release it without bribe. This example comes under the fourth kind of bribe, which is allowed for giver but unlawful for receiver.

4. To give bribe to save one's own self from cruelty, is allowed for giver only but prohibited for receiver. Its example is to give bribe for stopping practice of false F.I.R. Likewise to give something to a poet so that he may not satirize. Allama Ala-ud-deen Haskafi, Allah's mercy be upon him, writes, "If someone fears about his religion then there is no sin in giving bribe for safety."⁹

Allama Ibnu Abideen, Allah's mercy be upon him, also wrote the same thing in Raddul Muhtaar.¹⁰

Likewise, giving bribe to the people relating to media so that they may not blame him falsely through false news. However, in the discussed cases, all

⁸ Aldur-rul-Mukhtaar Vol: 9 Page: 186-187

⁹ Aldur-rul-Mukhtaar Vol: 9 Page: 707

¹⁰ Radd-ul-Muhtaar Vol: 9 Page: 607

those who accept bribe are cursed according to the saying of the holy Prophet blessings and peace be upon him.

5. Everything which is taken without compensation and its receiver is blamed is bribe. According to the laws of Shariah, though in general practice, exchange of gift is the tradition of the holy Prophet, (blessings and peace be upon him), but in some cases it is not allowed when it causes to asperse and seems to be bribe. For example when someone is appointed as a judge or gets a governmental or nongovernmental designation, people present him gifts. If the exchange of gifts was not former practice in between this person and judge or designated person, so now he is not allowed to accept these gifts. Or the exchange of gifts was a former practice in between them but now the quantity or quality of gifts has been increased extraordinarily then he is not allowed to accept this extraordinary increase rather after holding the position of a judge he is not allowed to accept special invitations as says Shaik-ul-Islam Imam Burhaan-ud-deen, (Allah's mercy be upon him), *“A judge will not accept the gift of any person except a confident person (Dhi raham muhrim) or a person with whom there was former practice of exchange of gifts. Because accepting the gift of a confident person is maintenance of ties with a blood relative and the gift of second one is not due to the designation rather it is a previous practice. In addition, if he accepts the gifts of others than the above mentioned, he will be counted among those who earn from jurisdiction; even if he deals the case of a confident person, he cannot accept the gift of this relative. Likewise, he cannot accept extraordinary increase in gift of a person who used to present him gifts. A Judge is not allowed to accept the gift of such a friend who used to give him gifts when he is dealing the case of same friend because now this gift is due to jurisdiction. Therefore, a judge must avoid the gifts of both kinds and he cannot accept an invitation except when it is a common invitation because the special invitations are arranged for getting the favours of jurisdiction hence he will be aspersed if he accepts special invitations.*¹¹

The above mentioned quotes show that this Shariah ruling is specific for a judge only but according to the general rulings about bribe this order is common for all designated personalities whether they belong to a governmental organization or non-governmental, whether they belong to a political organization or non-political, whether they belong to a religious or non-religious organization. This Shariah ruling includes all designated personalities who can cause any loss or benefit to others as it appears from

¹¹ Alhidayah Vol: 3 Page: 103

the words of Shams-ul-Aimma Sarkhsi, (Allah's mercy be upon him). He says,

“The holy Prophet of Allah Almighty, (blessings and peace be upon him and his family), said, “A gift moves out the hardness of the heart.” He, (blessings and peace be upon him and his family), said, “Exchange gifts in between you, you will love each other.” But this is only for those who have not been assigned a post over Muslims, If he has been assigned for a designation like a judge or other posts, it is incumbent upon him to avoid gifts, specially the gifts of those who did not use to give him gifts earlier because these gifts are due to his designation and that is bribe and impure. The basis for this Shariah ruling is the narration of holy Prophet, (blessings and peace be upon). Once the holy Prophet, (blessings and peace be upon), appointed hazrat Ibnu Lutbia, (Allah be pleased with him), to collect the charity from people. He brought wealth and said this I have been presented as a gift. The holy Prophet, (blessings and peace be upon), delivered a sermon and said that what is the condition of a group when we assign them for a designation and then they bring wealth and say that this is for you and this is what I have been given as a gift. If he sat with his mother we would have seen whether he has been given gifts or not. When Umar Farooq, (Allah be pleased with him) appointed Abuhurairah, (Allah be pleased with him), as a governor, he returned with wealth. Umar, (Allah be pleased with him), asked how this wealth has been collected. He replied that some of the wealth has been received by the horses and some of the wealth has been given to me as a gift. Umar, (Allah be pleased with him,) O the enemy of Allah! If you sat with your mother we would have seen whether you have been given gifts or not. So Umar, (Allah be pleased with him), possessed the whole wealth and entered in Bai-ul-Maal. Therefore, it is quite clear that to accept such kinds of gifts is bribe and the earning of jurisdiction and it is those gifts which cause calumny and unfair, people hope for it so it must be avoided.”¹²

Allama Bad-ru-deen Aini Hanafi, Allah's mercy be upon him, what has written in the commentary of the same quote, also shows that this Shariah ruling is common for all designated personalities. He writes,

“The holy Prophet of Allah Almighty, blessings and peace be upon him and his family, said, “Exchange the gifts in between you, you will love each other.” But this is only for that who has not been assigned a post over Muslims, if he has been assigned for a designation like a judge or other posts, it is incumbent upon him to avoid gifts, specially the gifts of those

¹² Almabsoot li-sarkhsi Vol: 16 Page: 82

who did not use to give him gifts because these gifts are due to his designation and that is bribe and impure.¹³

Allama Ibnu Aabideen, Allah's mercy be upon him, also quoted the same narration what Shams-ul-Aimma Sharkhsi quoted and explained it in following words,

*“The cause for which the holy Prophet, blessings and peace be upon, forbade from such type of gifts, is a clear proof of the prohibition of those gifts which are acquired because of designation. (Fathul Qadeer) The author wrote in Albahr-ur-raaiq, Not only gifts are forbidden for a designated person. Asking for loan and borrowing things are also forbidden upon him as has been mentioned in Khaaniyah. I say according to this quotation all types of improper favours to a designated person are forbidden. Therefore it is prohibited to give him something for increasing love. Hence the scholars said that a judge can only take his wages, according to the market rates, for writing paper. So it means that to take more than market rate is unlawful because it is a kind of improper favour. However, according to these words, purchasing a gift at a low price or selling a piece of paper at a high price is not allowed as some people practice it as a trick to get bribe. Likewise, the tax collectors sell an inkpot or knife or other cheap things in order to get money, is not lawful because when getting loan and borrowing things are not allowed for a designated person, so it would be certainly unlawful.”*¹⁴

All the above mentioned quotes clearly show that this Shariah ruling is not specific for governmental designated personalities rather it applies to all those who can benefit or harm the people because of their designations. However, Mufties, Scholars, Imams of Masjid and Preachers are allowed to accept the gifts if they are gifted due to their knowledge as has been stated in Durr-ul-Muhtaar,

*“It is allowed for an imam, mufti and preacher to accept the gift because a scholar is presented gifts because of his good deeds.”*¹⁵

It should be known that the mentioned above shariah ruling regarding muftis, imams and preachers applies in normal course but Allama Ibnu Aabideen, Allah's mercy be upon him, advises carefulness. He writes,

“The Shariah ruling regarding the acceptance of gifts to a judge does not apply upon a mufti, preacher, teacher of Quran and a scholar because they cannot impose forcefully anything upon anyone. But it is better for them to avoid the gifts if they are presented because of writing fatwa, preaching and teaching so that their knowledge may be purely for Allah Almighty.”

¹³ Albinaya Sharhul Vol: 8 Page: 24

¹⁴ Radd-ul-Muhtaar Vol: 8 Page: 48-49

¹⁵ Aldur-ur-mukhtaar Vol: 8 Page: 50

And if these gifts are presented because of the love of knowledge and pious attributes then it is better to accept it.”¹⁶

However, if a mufti is presented gift because of facilitating Shariah rulings, it is intensely disliked (*Makrooh Tahreema*) to accept this gift, even if he has written a correct Shariah ruling. And in case he facilitates by mentioning wrong Shariah order then he is a sinful and debauched person and he is prohibited to accept gift as writes Allama Ibnu Aabideen, (Allah’s mercy be upon him), *“If a mufti receives gift because of providing facilitation by wrong way then such a mufti is quite sinful and debauched person. He changes the commandments of Allah Almighty and exchanges it with the lowest price. And if he facilitates by his fatwa mentioning correct Shariah ruling even then it is intensely disliked to accept this gift.”¹⁷*

Likewise, if a mufti accepts gift for stating verbally Shariah rulings even then it is intensely disliked and if he receives gift as a wage for verbal statement even then this wage so called gift is not lawful for him. It has been mentioned in Radd-ul-Muhtaar in the same volume and same page,

“If a mufti did not accept any gift for verbal statement of Shariah ruling neither for facilitation then its Shariah order has been mentioned. Because, according to our opinion, getting wages for verbal statement of Shariah ruling is not allowed. A mufti can accept wages for written fatwa.”¹⁸

However, a mufti can take wages for writing fatwa but it should be known that he is allowed to take wages only at a time when he is not a working for someone else at the same time. If he receives wages for writing fatwa during his employment timings other than the employer (*Mustaajir*) he will commit a sin and he will not deserve the wages of that particular time. It has said in Durr-ul-Mukhtaar,

“It is not allowed for an employee (Ajeer Khaas) to work for others than employer during his work time. If he did so the wages (of that time) would be reduced.”¹⁹

Likewise, those who teach the holy Quran or *Darse Nizaami* or other knowledge, must be careful about the gifts presented by their students because the teachers in an institution hold the designations over some Muslims though they are the students. Allama Ibnu Aabideen defines “officers” in following words,

¹⁶ Radd-ul-Muhtaar Vol: 8 Page: 50

¹⁷ ibid

¹⁸ ibid

¹⁹ Aldur-ur-mukhtaar Vol: 9 Page: 96

“The word officer or designated person means those who have some responsibility in markets, cities and regulators of Awkaaf (Trusts) and anybody who is responsible for a job which relates to the Muslims.”²⁰

This quote shows that a teacher is also an officer because the admission of a student in an institute, usually, depends upon the discretion of teacher. A teacher can send him out from class room because of his irregularity. He can also terminate his admission or can advise the management to terminate his admission. Likewise disclosing the papers of exams before time or marking high numbers or failing a student is in hands of a teacher. It is observed that some of the students lack the desire of acquiring knowledge and generally misbehave and do not attend the classes regularly so they do not succeed to please the teacher by their educational activities. Therefore, in order to please the teacher, they present gifts and invite the teacher sometimes so that they might not be expelled from the institution and not be failed. This is why a teacher must be careful to accept the gifts and to attend the invitations. He should avoid the gift or invitation if presented by such a student. Regarding the gifts of students, there is a difference of opinion among the scholars of Islam. Allama Ibnu Aabideen writes with reference to Allama Tahtaavi, Allah’s mercy be upon them, *“There is a difference of opinion among the scholars regarding the acceptance of the gifts of students.”²¹*

But this difference of opinion is only in case when the teacher or management does not know the cause of gift or invitation. On the contrary, if it is known that this is only to get improper favour then it is incumbent to refuse this gift or invitation because it is bribe. Allama Ibnu Aabideen, Allah’s mercy be upon him, writes,

“When a scholar is presented a gift to get his intercession or to expel cruelty, then it is a bribe.”²²

The Shariah rulings mentioned above regarding a teacher apply to every regulator whether he is a regulator of an institution or of an organization, whether it is a pure religious organization or a political organization because these people are also responsible for many works of the people and many people are benefitted or harmed by their pen or tongue. Therefore these people are also in need of intense care in accepting the gifts.

Qaari-ul-Quraan or Na’at Khawaan

²⁰ Aldur-ur-mukhtaar Vol: 8 Page: 50

²¹ Aldur-ur-mukhtaar Vol: 9 Page: 607

²² Aldur-ur-mukhtaar Vol: 9 Page: 607

Qaari-ul-Quraan (who recites the holy Quran) and Na'at khawaan also require special care about offerings (Nazraanah). When Imam Ahlusunnah, the Mujaddid (reformer) of Islam, Ahmad Raza Khan, (Allah's mercy be upon him), was asked about the offerings given to the discussed persons, he replied in the following words,

*"It is divided into three forms. If the purpose of reciting Naat, or Hamd or preaching is only to get some money from the people then these people come under the order of the verse, 'And do not purchase by my verses the little price.' So this earning would be impure for them, specially, when they are not so needy that the question for money is allowed for them. Because this question is without need so it would be another unlawful act. This earning is quite filth and unlawful like usurpation. It has been stated in Aalamghiri that whatever a beggar collects is impure. The second form is that the purpose of preaching or Naat or Hamd is Allah only and the Muslims serve them with their own will then it is allowed and that money is also lawful. The third form is that the purpose of preaching is Allah but he is a needy person and it is also known that people present offerings and he also desires for offerings. Then this form is not praiseworthy like the second form but not contemptible like the first form as has been mentioned in Durr-ul-Mukhtaar that delivering lecture for collecting money is from the misguidance of Jews and Christians. This third form is in the middle of first form and second form and nearer to the first than the second like anybody intends for Hajj but carries some good for trade. Allah Almighty said about it that there is no sin upon you in seeking the bounty of Allah. Therefore, according to the fatwa it is allowed."*²³

The above-mentioned quote shows that there are three forms of offerings for Qaari-ul-Quraan and Na'at khawaan. The one form is quite unlawful and prohibited and it is incumbent to return that offering, if the goal of these people by these pious acts was to earn money. The second form is allowed and lawful if they performed these pious acts only for the sake of Allah and did not have any desire for money. The third form is also allowed but to avoid it is better that is when the purpose of Qira'at or Na'at is to acquire the will of Allah but there is a desire of money because of need. It must be known that in the last two forms, the lawfulness of accepting offerings is only when the giving offerings is not accustomed in that place. And if it is practice of a place to present offerings or gifts for reciting the Quraan or Na'at then it would be unlawful for a Qaari or Na'at Khawaan to accept the offerings and gifts and to present gifts for management whether the Qaari or Na'at Khawaan demanded for gifts or

²³ Alfataawa Alrazviyah Vol: 10 Part: 2 Page: 125-126

not, whether he hoped for it or not because according to the laws of Shariah, a customary act is like a condition. Now a day, presenting offerings or gifts is so customary that it does not need to be mentioned. Therefore, usually the management of the program and Qaari or Na'at Khawaan commit this sin. The only solution to avoid this sin is that a Qaari or Na'at Khawaan must not accept these gifts or in beginning, it must be said obviously that nothing will be given or taken for reciting Quraan or Na'at. Then at the end, if the management wants to present something with the intention of offering or gift, it can. And Qaari or Na'at Khawaan is also allowed to accept it because, according to the laws of Shariah a clarified mention has supremacy over an indication.

Recitation of Na'at or Quraan as a profession

Some of the people have adopted reciting Na'at and Qira'at as a profession but this is obviously unlawful. However, the money thrown over Na'at Khawaan, during reciting Na'at or Qira'at is exempted from this ruling because it is proved from the tradition of the holy Prophet, (blessings and peace be upon him). Yes, if someone does this act for show he will be responsible for his own act. A Na'at Khawaan will not be sinful because of other's act.

Likewise, when Imam Ahmad Raza, (Allah's mercy be upon him), was asked about the invitations for these people, he replied,

"If he invites as a recompense of recitation then such a food should neither be served nor be eaten. If he eats it will be his reward. He should not hope for other than it. And what is accustomed in ignorant that they give the Na'at Khawaan and Qaari more than others and some senseless Na'at Khawaan show anger if they are not given more than others is also not allowed. This food, merely, will be his reward. Allah Almighty says, 'And donot purchase a small price by my verses.'"²⁴

He, (Allah's mercy be upon him), further said in another fatwa, on the same page,

"When there is a general invitation in a marriage, as he (inviter) serves food to others, he will serve Na'at Khawaan also, without any excess and specialty then this food will not be the compensation of reciting Na'at. And this serving food and eating will also be allowed."²⁵

The following points are apparent from the fatwa of Imam Ahlesunnah, regarding the invitation of Qaari and Na'at Khawaan,

²⁴ Alfataawa Alrazviyah Vol: 10 Part: 2 Page:175

²⁵ Ibid

1. It is not allowed for the inviter to provide food to Na'at Khawaan or Qaari as their wages.
2. It is not allowed for a Preacher or Qaari or Na'at Khawaan to eat food as their wages.
3. If Any of the above mentioned persons accepts a special invitation (that is arranged only for him) after delivering speech, reciting Qira'at or Na'at he will be restricted from the rewards and this food will be his reward.
4. If there is a general invitation then it is allowed to invite the above-mentioned person and it is also lawful for these people to accept this invitation.
5. If there is a general invitation but these people are provided special food, for example there is mere Biryानी for common people but these persons will be given Salad and Raita as well. Or the common people will be given only one part per head but these will be given two parts for each then this specialty or excess of food is not allowed for the inviter and the persons mentioned above.

No doubt, the right is only what the Imam Ahlesunnah has said, it will not be argued that the mentioned persons are scholars and pious people and the special treatment is only because of respect of scholars and pious people. If it is true that this special treatment is only because of their respect then the doers of this act must consider that if the mentioned persons or some of them come to their area by chance then would he behave with them in same manner and present them offerings? However, if some people would behave with them in the same special manner then too this special treatment would not be allowed to behave them on the occasion of Qira'at and Na'at. Because the Shariah rulings are derived according to the general practice as Imam Ahlusunnah wrote in "Jumul-un-noor". He wrote,

*"According to this discussion it is clear that though such a woman is one among the thousand women as one thousand women in thousands, then too not reliable because the ruling of Fiqh is according to the majority, not according to the one of the thousand."*²⁶

Likewise, if the mentioned persons (Na'at Khawaan and Qaari-ul-Quraan) argue that we do not advise them for special invitation nor we eat it as a wage rather to accept invitation is the sunnah so we eat it. I say, these persons should consider that if they are not given special treatment in a program then do they not feel any change in their hearts? Do they not think how strange are these people, who did not

²⁶ Jumul-un-noor Page: 42-43

even ask for water? Do they not hesitate to come again here for reciting Quraan or Na'at? Further more if a Muslim would have invited them merely for food from a farthest place would they have accepted it acting upon sunnah? However, if the mentioned persons do not feel any change in their hearts, neither they complain for inhospitality, nor hesitate to go again to the same place; don't deny to accept the invitations of other Muslims then these persons are really praiseworthy. But, in spite of all to accept special invitations on these occasions will remain unlawful because the Shariah rulings depend upon general practice not upon individuals.

Wages of a preacher

Imam Ahlesunnah condemned the wages of preachers also but I did not mention it in this discussion because Imam Ahlesunah has written these fatawa according to "Aslul Madhab" (according to the opinion of previous scholars) and according to the "Aslul Madhab" to get wages for virtuous deeds is not allowed except some deeds like teaching of Quraan, Fiqh, Imaamat (leading prayer) and uttering Azaan. It is allowed to get wages on these acts due to the need of time. Likewise, the scholars are also allowed to get wages for speeches as Imam Ahlusunnah himself stated in his some other verdicts (fataawa). He, (Allah's mercy be upon him), writes about the wages of speech and reciting Quraan,

*"It is allowed if it is neither conditional nor is accustomed otherwise it is allowed for a speaker according to the difference of opinion and unlawful for reciting Quraan according to the unanimous opinion."*²⁷

The mentioned verdict shows that if wages are given to a preacher or speaker without negotiation and it is not accustomed to give wages at that place then this wages is lawful for a preacher or a speaker according to all scholars. And if the wages were negotiated or not negotiated but it was accustomed to give something to a preacher or speaker in that area then too it is allowed according to some scholars. However, in the same book after three pages Imam Ahmad Raza, (Allah's mercy be upon him), said that if a speaker takes wages for his speech he will not be restricted. He writes,

"The real ruling is that it is unlawful to take wages for speech. It has been counted from the misguidance of Jews and Christians in Durr-ul-Mukhtaar but some rulings change according to the change of time as has been said in Aalamghiri. The scholars have exempted some things from the ruling "To get wages for virtuous deed is not allowed" due to

²⁷ Alfataawa Alrazviah Vol: 8 Page:18

the need of time. To take wages for Imaamat, uttering Azaan, teaching the holy Quraan and Fiqh is a general practice in between . And in the book, Majma-ul-Bahrain, speech is also counted as a fifth exemption. Faqeeh Abul Laith Samarqandi, Allah's mercy be upon him, said that I issued verdict about some things but now I regress from it. The one among those verdicts is that it is not allowed for a scholar to visit villages and take wages for his speech but now I allow it. Therefore this is not a thing which should be condemned. Allah knows the most."
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Therefore, those Shariah rulings which have been mentioned about a Na'at Khawaan and Qaari, do not include a preacher or speaker but it is better for him to avoid wages for his speech.

Gifts of Lovers

The gift exchanged in between two illicit lovers is bribe. It has been said in Albahr-ur-raaiq, *"What the illicit lovers exchange, is bribe. Therefore it is incumbent to return it and it cannot be owned."*²⁹

Freeing from debt

It has been said in the same book,

*"I make him free from debt so that he may reconcile my work to the ruler, so as a consequence he will not be free from debt because it is bribe."*³⁰

Recompense of Marriage

It has been said in the same book,

*"A brother refused to marry his sister with a man until he gives so and so money. Therefore, the marrying person gave him money according to his demand. So as a consequence, he has a right to take his money back from the brother of the girl whether that money exists or not because it is bribe."*³¹

Demands on the occasion of marriage

On the occasion of marriage unreasonable demand, getting benefits from the second party's weakness is also a kind of bribe.

Imamu Ahlesunnah Ahmad Raza Khan, (Allah's mercy be upon him), was asked that on the occasion of marriage, the teacher of the bride

²⁸ Alfataawa Alrazviah Vol: 8 Page:184

²⁹ Albahr-ur-raaiq Vol: 6 Page: 441

³⁰ Ibid

³¹ Ibid

was paid money by the groom or his father. They paid money. Under such circumstances, is it allowed for the teacher to accept this money? Imam Ahlusunnah replied, *“It they paid it joyously then it is allowed to accept otherwise it prohibited to accept it.”*³²

The cause of prohibition is clear. If the groom’s party did not give this money there would have been a problem. A noble man is always careful about his honour. Therefore, whatever given to save for honour is bribe for taker. On the contrary he, mercy be upon him, did not forbid it in case when it is given joyously because it is customary to give such a gift on such occasions.

The mentioned above fatwa shows that the unreasonable demands from the groom or his family before the marriage or after it, is unlawful. It is a phenomenon in our society that sometimes before the marriage or after it, the groom or his family demands unreasonably. In case of rejecting these demands there lies a fright of breaking relations in between two families or the bride might be tortured or divorced. So in this sever condition the family of the bride has to fulfill their demands heartlessly. Therefore, such demands are, undoubtedly, demands for bribe. Anyhow, if the family of bride fulfills these demands then it is bribe for the taker.

Gifts from the Jinns

The wealth received from Jinns to the women is also bribe. When Imamu Ahlusunnah was inquired about a woman whom the jinn used give money then he, (Allah’s mercy be upon him), replied *“whatever the jinn gives to that woman, is unlawful to take it and it is bribe for adultery.”*³³

Gift for increasing love

The gift given for increasing love is lawful for both giver and taker. It is not bribe. It means that any layman or a designated person receives the gifts from whom he is allowed to take, for increasing lawful love. For example a Muslim presents gifts another Muslim or the relatives exchange gifts with each other or someone presents gifts to a religious personality for increasing love for Allah, then it is allowed.

Gifts to a spiritual teacher

Likewise, presenting gifts to a spiritual teacher (Peer Sahib) in order to produce love or increasing it, is also allowed because such types of gifts are not presented for worldly basis. Rather it is given to attain the will of Allah and the love of gifted person. And if its mere goal is to

³² Alfataawa Alrazviyah Vol: 10 Part:1 Page:109

³³ Alfataawa Alrazviyah Vol: 10 Part:1 Page:130

attain the love of gifted person then too it is allowed because such a love has been mentioned in the narrations of the holy Prophet, blessings and peace be upon him. However, if the spiritual teacher (Peer Sahib) is the head of any organization then the disciple must check his intention for the purpose he is presenting gift.

Allah knows, the most.

Written by: Muhammad Abubaker Siddiq Alqadri Ashshazli

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