130824 - The difference between a bribe and a gift

the question

What is the difference between a bribe and a gift?

Detailed answer

Praise be to Allah.

A bribe is what a person pays to take something that he has no right to, or to avoid paying what is due from him.

See: *al-Mawsu`ah al-Fiqhiyyah*, 24/256.

Ibn ` Abidin (may Allah have mercy on him) said in his *Hashiyah*, 5/362: A bribe is what a person gives to the judge to pass judgement in his favour, or to make him take a decision in his favour. End quote.

Shaykh Ibn Baz (may Allah have mercy on him) said:

Ibn `Abidin said in his *Hashiyah*: “A bribe is what a person gives to the judge to pass judgement in his favour, or to make him take a decision in his favour.” From this definition, it is clear that a bribe is not limited to giving money, enabling him to attain some benefit, or helping him oneself to attain it. What is meant by “the judge” includes judges and other officials, namely anyone who the one who gives a bribe thinks could help him to get the benefit that he is seeking, whether from the governors of cities and employees of the state, or those who are acting as proxies of businessmen, companies, real estate brokers and so on. What is meant by passing judgement in favour of the one paying the bribe and making the recipient of the bribe do what the one who is giving it wants him to do is: helping the giver of the bribe to achieve his goal, whether that goal is legitimate or otherwise.

(End quote from *Fatawa Ibn Baz*, 23/223-224)

So if someone cannot attain his rights except by giving a bribe, it is permissible for him to give it to one who will help him to attain his rights; in that case it is prohibited for the recipient only, not the giver.

For more information, please see question no. 87688.

What is meant by a gift is:

Giving something to someone who will make use of it by way of transferring ownership to him, for nothing in return.

See: *Fat-h al-Bari*, 9/19; *al-Mughni*, 5/379.

The motive for giving a gift may be love for the recipient, or wanting to honour him or strengthen his bond with him, or to give him charity, or to repay him for his kindness.

The aim of a gift is not to take something to which the giver is not entitled. Thus the difference between a bribe and a gift becomes clear.

Shaykh Ibn Jibrin (may Allah preserve him) said:

Giving gifts is recommended. The definition of a gift is that it is giving ownership of an item to someone else for nothing in return, so a gift is regarded as voluntary. It is that which is given without seeking something in return; rather the aim is to strengthen the bond with the recipient, and to create love and affection, and clear hearts of any rancour.

The Prophet (blessings and peace of Allah be upon him) used to accept gifts and reciprocate for them. He would eat from that which was given to him as a gift, but he would not eat from that which was given in charity or as zakah, and the like, and he would say: “It is not permissible for the family of Muhammad.” As for gifts, he would accept them and reciprocate for them. End quote.

And Allah knows best.