60183 - Should he pay money in order to get a job?

the question

Is it permissible to pay money in order to get a government job, especially if jobs cannot usually be found except by this method?.

Detailed answer

Praise be to Allah.

Firstly:

Government jobs are regarded as a right that is shared equally among all those who are qualified, based on their certificates and abilities. No preference should be shown to anyone except on the basis of his suitability. Those who are in charge of them should choose the most qualified and the best suited, without any favouritism or bribes.

Secondly:

A person may ask someone to intercede for him with regard to getting one of these jobs, so long as he is qualified for it and that will not result in the transgression of the rights of others.

It says in Fataawa al-Lajnah al-Daa'imah (25/389):

If the intercession of someone who can help him to get a job will result in one who is more qualified and has more right to it, due to greater knowledge of the field and more ability to do the job correctly, being deprived of the job, then such intercession is haraam, because it is wronging one who is more deserving of the job, and it is wronging the bosses too, by depriving them of the work of one who is more qualified and of his services and help. It is also a transgression against the ummah because it deprives them of one who can take care of this aspect of their affairs in the best manner. In addition to that it generates resentment and suspicion and corrupts society. But if this intercession will not result in any violation of people's rights, then it is permissible and even

encouraged in sharee'ah, and the intercessor will be rewarded for it, in sha Allaah. It is proven that the Prophet (peace and blessings of Allaah be upon him) said: "Intercede, and you will be rewarded, and Allaah will decree what He wills through the lips of His Messenger." Al-Bukhaari (1342). End quote.

Thirdly:

With regard to giving money to this intercessor, this is subject to further discussion:

1 – If this intercessor is the one who is responsible for selection of employees, or he can exercise his influence and authority in that, then giving money to him is a bribe and is haraam. The Messenger of Allaah (peace and blessings of Allaah be upon him) cursed the one who gives a bribe and the one who takes it, and the one who mediates between them.

Al-Bukhaari (6636) and Muslim(1832) narrated from Abu Humayd al-Saa'idi that the Messenger of Allaah (peace and blessings of Allaah be upon him) appointed an agent (to collect the zakaah). The agent came when he had finished his work and said: "O Messenger of Allaah, this is for you, and this was given to me." He said to him: "Why don't you sit in the house of your father and mother and see whether you are given anything or not?" Then the Messenger of Allaah (peace and blessings of Allaah be upon him) stood up that evening after the prayer and bore witness and praised Allaah as He deserves to be praised, then he said: "What is the matter with an agent whom we appoint, and he comes to us and says, 'This is for you and this was given to me'? Why doesn't he sit in the house of his father and mother and see if he is given anything or not? …"

2 – If you are qualified for this job, and paying the bribe will not result in the transgression of anyone's rights, or depriving anyone who is your equal or more qualified than you, and you will be deprived of your rights if you do not pay this bribe, then it is permissible for you to pay it in this case, in order to attain your rights, although it is haraam for the one who takes it.

This applies whether the money is given to the one who is in charge of that or to someone else who takes the money in return for interceding on your behalf with the one who is in charge.

Ibn Hazm (may Allaah have mercy on him) said in al-Muhalla (8/118): Bribes are not permitted , i.e., that which a person gives so that he will judge falsely in his favour, or appoint him to a position of authority, or wrong someone for him. This is a sin on the part of the one who gives it and the one who takes it.

As for one who is deprived of his rights and gives a bribe so as to ward off wrong from himself, this is permissible for the one who gives it but the one who takes it is sinning. End quote.

Shaykh al-Islam Ibn Taymiyah (may Allaah have mercy on him) said: If he gives him a gift so that he will refrain from wronging him or will give him his due rights, this gift is haraam for the one who takes it but it is permissible for the giver to give it, as the Prophet (peace and blessings of Allaah be upon him) said: “I give one of them a gift and he goes out with it carrying it like fire under his armpit.” It was said: “O Messenger of Allaah, why do you give to them?” He said: “They insist on asking me and Allaah insists that I should not be miserly.” For example, giving to one who hid some news, or wronged people. Giving to these people is permissible for the giver but it is haraam for them to take it.

As for giving gifts with regard to intercession, such as when a man intercedes with the one who is in authority to relieve him of some wrong, or to give him his right, or to appoint him to a position of authority that he deserves, or to enlist him in a fighting force for which he is qualified, or to give him some of the money that is endowed in a waqf for the poor, Qur’aan readers, pilgrims and others, and he is one of those who are entitled to it, and other kinds of intercession that have to do with helping people to do obligatory duties or avoiding haraam things, in these cases too it is haraam to accept the gift, but it is permissible for the giver to give whatever will help him to attain his rights or ward off wrongdoing from himself. This is what is narrated from the salaf and the senior imams. End quote from al-Fataawa al-Kubra (4/174).

Shaykh Ibn ‘Uthaymeen (may Allaah have mercy on him) said: As for the bribe which will help a man to attain his rights, such as if he cannot attain his rights except by giving this money, this is haraam for the one who takes it but it is not haraam for the giver, because the giver is only giving it in order to attain his rights, but the taker who accepts this bribe is the sinner, because he is

taking what he is not entitled to. End quote from Fataawa Islamiyyah (4/302).

And Allaah knows best.