

Islam prohibits all forms of corruption

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RELIGIOUS FIGHT: The conduct of the caliphs towards favours bestowed on officials shows Islam's zero tolerance for graft

THE ongoing campaign Malaysia is waging against corruption has gained momentum. Tunku Abdul Aziz called it an "All-Malaysian duty" in which everyone should take part, regardless of political affiliation (NST, Jan 5). I would also add that it is an All-Muslim duty and a calling on the religious conscious of Muslims of this country to support it. Playing a proactive role in this campaign is a veritable amal (right moral action) that the Quran repeatedly impresses on Muslims -- an act also of great social benefit that elevates the standing of the ummah and Malaysia in the international community.

Fighting bribery (rashwah) and corruption (fasad) is an integral part of the teachings of the Quran and hadith. The Quran prohibits "devouring/misappropriation of the property of others" (akl al-maal bi'l-batil -- Q 4:29 and 2:188), which is a broad concept that subsumes such other offences as fraud, hoarding, theft, and gambling. The text also condemns those in authority who spread corruption and mischief among people, bestowing favours on some and oppressing others (Q 28:4 and 89:10-12).

Prophet Muhammad added his voice to say that all the parties to bribery "the bribe-taker, the bribe-giver, and their go-between," invoke Allah's wrath and condemnation upon themselves. It is further reported that the "Messenger of Allah cursed the donor of rashwah and its recipient in all matters that involve a judgment or ruling".

The renowned Companion, Abdullah ibn Masud went on record to say: "When a man removes hardship from another and then receives a gift from him, large or small, has taken something which is haram for him."

The scope of rashwah is extended to financial transactions between members of the public and government officials, which are manifestly favourable to the latter. In this way sale, lease, hire, and partnership that are so concluded fall under bribery.

The second caliph, Umar al-Khattab, expropriated the properties some of his officials had accumulated due to favours they had received. The caliph divided the assets in question and surrendered a portion thereof to the public treasury. This was done to prominent figures, including the governors of Bahrain, Egypt, Mecca, Kufah and Sham. The practice was later institutionalised under the Abbasid caliph, Jaafar al-Mansure, when a department, known as Diwan al-Musadirin, was established for handling expropriation matters, involving government officials, merchants, contractors and others, who worked or conducted business with the government and accumulated disproportionate amounts of wealth. An interesting incident of this involved the two sons of Umar, Abdullah and Ubaydullah, who accompanied an army contingent from Medina to Iraq. In his eagerness to please his guests, the governor of Basrah, Abu Musa al-Ashaari, told them: "Here is some money which I was about

to send to the caliph. Maybe I can advance them to you to buy some goods in Iraq and sell them in Medina. Give the capital to the treasury and keep the profit."

They did so, but when the caliph learned of it, he asked: "Does he (al-Ashaari) give similar advances to everyone in the army?"

His sons were present and were ordered to pay both the capital and the profit to the treasury.

The pious caliph Umar Abd al-Aziz went on record to say: "I am of the view that the ruler should not indulge in trading. It is not lawful for an officer also to trade in the area of his office... because when he engages in trade, he may misuse his office in his own interest even if he does not intend to do so."

Fasad is more general than rashwah as it encompasses dishonesty, betrayal of trust, abuse of power, and deceit in both private and public dealings. Rashwah refers to private gain from public office or seeking recompense for rendering duties ordinarily considered as non-compensatory.

Because of the numerous forms it can take, corruption escapes the idea of a comprehensive definition. It knows no boundaries, applies to rich and poor, to individuals and communities, and tends to have a cultural dimension. Whereas conduct, such as officials demanding bribes, is considered corrupt in virtually all societies, attitudes vary to gift-giving and cronyism between countries and cultures.

It is forbidden for government officials to accept bribes of any kind, whether in the name of gift, donation or contribution from anyone in the course of duty. The gift may be specified or unspecified and it may benefit the official directly or in some other way. Other forms of enrichment that materialise through misuse of public assets may amount to a breach of trust (khiyanah) and embezzlement (ikhtilas), which are also prohibited.

Gifts that have not yet been received by the official should be returned to the donor, but if this cannot be done, it should be paid to the public treasury. If an official takes bribes or unjustly appropriates the property of another, the ruler is under duty to return the assets to its true owner and to punish the offender accordingly.

The result of what bribery leads to is immaterial as all bribery is presumed to distort justice and violate public interest. In a section of their book, *The Islamic Attack on Corruption*, Zafar Iqbal and Mervyn Lewis wrote: "On the moral plane, there is zero tolerance for bribery in Islam, and Islam rejects the idea that bribery serves as 'the grease that oils the economic wheels'." Further, there is no scope for legalising corruption in the name of commission, gift, donation, advances and soft loans whatsoever. The touchstone of differentiation revolves around the question whether these payments and favours would accrue had the suspect stayed at home and had no official position or profile.