

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question:

Does Riba Only Takes Place in the Six Categories?

To: Alaa Al-Maqtari

(Translated)

Question:

Assalamu Alaikum,

A question received from one of the brothers named Mohsen al-Jadabi - Sana'a.

The Prophet (saw) said: «أي قرض جر منفعة فهو ربا» **“Every loan which entails a benefit is usury”**. The Ahadith defined that Riba takes place in gold and silver and some varieties (dates, raisins, wheat and barley). So, does Riba not occur in the compulsory papers because they are not covered with gold or silver? Is it permissible for someone to lend another person a ton of iron and request returning to him iron, but more than one ton, for example, a ton and a half?

May Allah reward you with good.

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

Yes, Riba (usury) does not take place except in the six categories only: dates, wheat, barley, salt, gold, and silver, but this is in Baya' (trade) and Al-Salam (advance sale). As for the Qardh (loan), usury can take place in all its types i.e. in everything; it is forbidden for a person to lend something to another, and to expect more or less for it, or to receive something different in return. The settlement of the loan or anything borrowed should be by the same amount and the same type of goods borrowed.

As for the fact that Riba can only take place in the six mentioned items, the evidence of this is derived from the general consensus of the Sahaba and because the Prophet (saw) said: «الذهب بالذهب والفضة بالفضة والبر بالبر والشعير بالشعير، والتمر بالتمر والملح بالملح، مثلاً» **“The gold for gold, the silver for silver, the wheat for wheat, the barley for barley, the dates for dates and the salt for salt; like for like, measure for measure and hand to hand (i.e. immediately) and if they differed sell as you wish if it was hand to hand.”** [Narrated by Muslim on the authority of Ubada ibn as-Samit] The general consensus of the Sahaba and the Hadith have mentioned that specific things are subject to Riba; thus, it cannot occur except within these things. Evidence has not been established regarding any other things except these six that are mentioned, therefore, Riba only occurs in them. Things which are from the same origin and things which fit the description, as the six mentioned, are included and they follow the same rule, but nothing else. Therefore, usury in the trading and the Salam occurs only in the six types: dates, wheat, barley, salt, gold, and silver, for **they are generic nouns/names that no Qiyas (analogy) can be established upon them.**

However, there are Ahadith about zakat **that mention gold and silver as currency, that is, not only as generic nouns** but as currency which is taken as prices for goods and wages for labor. From these texts, the Illah (reason) is deduced; which is the currency characteristic. So, an analogy is established upon it for the compulsory (*Ilzamiyya*) paper currency, since the Illah (reason) is fulfilled in it. Therefore, the rulings of the zakat are applied to it by calculating its equivalent of gold or silver in the market. Ali ibn Abi Talib narrated that the Prophet (saw) said: «إذا كانت لك منّا درهم، وحال عليها الحول، ففيها خمسة دراهم، وليس عليك شيء - يعني في الذهب - حتى يكون ذلك عشرون ديناراً، فإذا كانت لك عشرون ديناراً، وحال عليها الحول، ففيها نصف دينار» **“If you have two hundred dirhams and one full year has passed, then five dirhams are due on them. You do not have to pay anything – i.e. on gold — unless you have twenty dinars; if you have twenty dinars and one full year has passed, then half a dinar is due on them.”** [Narrated by Abu Dawood] And as reported by Ali (ra) saying: «في كل عشري ديناراً نصف دينار، وفي كل أربعين ديناراً دينار» **“One half Dinar (i.e., zakah) is in every twenty, and from forty Dinars is one Dinar.”** Also, it was narrated that Ali (ra) said: The Messenger of Allah (saw) said: «.. فهاتوا صدقة الرقة، في كل أربعين درهماً، درهماً وليس في تسعين ومائة شيء، فإذا بلغت مائتين «Bring the Sadaqah of the Riqqa as a Dirham for every forty, and there is nothing due on one hundred and ninety. Once it reaches two hundred Dirhams then five Dirhams are taken from it”, reported by Al-Bukhari and Ahmad. And as narrated from Abdur Rahman al-Ansari who said that in the book of the Messenger of Allah (saw) and the book of Umar on Sadaqah, there is the following: «... والورق لا يؤخذ منه شيء حتى يبلغ منّي درهم» **“Nothing is taken from silver until it reaches two hundred Dirhams.”** [Reported by Abu Ubaid]

All these Ahadith indicate the currency and price characteristics because the terms Riqqa with the Qreenah of «في كل أربعين درهماً» " a Dirham for every forty", and the words Wariq, Dirhams and Dinars; all of which are used to mean minted and coined gold and silver i.e., currency and price. The use of these terms indicates that it is the currency and the price that are meant in the Ahadith. Thus, the rules of Zakat, blood-monies, atonements (Kaffarat), cutting for theft and other rules are linked to these two characteristics.

And since the compulsory currency has been adopted as money, payments for benefits and services and gold and silver as well as all other merchandise and goods are bought by it. Therefore, it has fulfilled the currency and price descriptions **verified in gold and silver**, then it is included by the Ahadith obliging Zakat in the two currencies, gold and silver. So, Zakat is obliged on it as it is obliged on gold and silver and it is valued in gold and silver. Whoever owns compulsory currency equivalent to the value of 20 Dinars of gold- i.e. 85 grams of gold-which is the Nisab of gold, or 200 Dirhams of silver-i.e. 595 grams of silver-over which a year passes, then Zakat is obliged upon it and he must give quarter-tithe.

Zakat on gold is paid in gold, representative currency and reliable currency. Zakat on silver is paid in silver, representative currency and reliable currency. Similarly, Zakat on gold can be paid in silver and compulsory currency while Zakat on silver can be paid in gold and compulsory currency, as they are all currencies and prices. So, some of them can take the place of others and some of them can be paid in the place of others for the objective is verified in this.

And since Zakat is obligatory on them, the provisions of Riba, blood-monies, atonements (kaffarat), cutting for theft and other rules are applied on them. Thus the rule of usury in gold and silver as currency, and not as items, applies to the

compulsory papers as a currency because the Allah of the currency characteristic is fulfilled in them.

As for lending and borrowing (Qardh), this is permitted in the six types mentioned and in other types and in any other thing that can be subject to ownership and whose ownership is lawfully transferable. Usury in this case can only occur if there is a benefit due to what was narrated by al-Harith bin Abi Usamah from the Hadith of Ali (ra) with the words: «أن النبي صلى الله عليه وسلم نهى عن قرض جر منفعة» **“The Prophet prohibited any loan that entailed a benefit”** and in a report «كل قرض جر منفعة فهو رباً» **“Every loan which entails a benefit is usury”**. The exception to that is when it occurs from the angle of settling the debt in a good manner without anything extra due to what is reported by Abu Dawud from Abi Rafi' who said: «استسلف رسول الله بكرة فجاءته إبل الصدقة فأمرني أن أقضي الرجل بكرة فقلت لم أجد في الإبل إلا جملاً خياراً رباعياً» **“The Prophet borrowed a young camel, and then Sadaqa of camels arrived to him and so he ordered me to repay the man his young camel, and so I said that I couldn't find anything except for a good four year camel, and so he – peace be upon him – said, 'Give it to him, truly the best of men are the best of those in repayment”**.

Accordingly, any loan of the six categories or others must be returned to the owner without increasing the "benefit"; otherwise, it will become Riba. Thus, it is not permissible to borrow a ton of iron and return it a ton and a half, then this will be Riba.

I hope the answer is clear to you, Allah willing.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

14th Rabii' II 1439 AH

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The link to the answer from the Ameer's Facebook page:

<https://web.facebook.com/AmeerhtAtabinKhalil/photos/a.122855544578192.1073741828.122848424578904/748567328673674/?type=3&theater>

The link to the answer from the Ameer's Google Plus page:

<https://plus.google.com/u/0/b/100431756357007517653/100431756357007517653/posts/PrZG4a2Y8N3>

The link to the answer from the Ameer's Twitter page:

<https://twitter.com/ataabualrashtah/status/949325528145817600>