



Conventional Bank's Reward Programmes & The Evils of Interest



Published by: Madrasah Ta'leemuddeen

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Madrasah Ta'leemuddeen - Isipingo Beach

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The author, translators, editors and typesetters humbly request your du'aas for them, their parents, families, Mashaayikh and Asaatiza.

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CONTENTS

The Islamic Method of Earning Wealth Compared to the Method of the Bank	7
The Schemes Adopted by the Bank to Rope People into Riba.....	10
eBucks, UCount Rewards, Airport Lounge Benefits –Permissible or not?	13
The Grave Sin of Interest	13
The Shar’ee Definition of Interest	16
eBucks in the Light of Shari’ah	18
Is the Money Deposited in the Bank a Loan or an Amaanat?.....	21
eBucks Awarded by Participating Stores.....	22
uCount, Absa Rewards, GreenBacks, Airport Lounges	23
Q&A	25
Why is Riba Condemned in Shari’ah?	25
How do You Live in the UK without Participating in Interest?	26
The Shar’ee Implications of being Associated with a Riba-based Institute	32
Working for a Bank as a Consultant	35
Working in a Bank as a Guard.....	36

Installing an ATM on One’s Premises..... 38

Card Holder Getting Access to Special Airport Lounges 40

Compensating for Using eBucks in the Past 41

Using Credit Cards..... 42

What is the Ruling regarding Opening a Bank Account?..... 43

Purchasing a Car through the Bank 45

Income Earned through Leasing One’s Property to the Bank..... 46

THE ISLAMIC METHOD OF EARNING WEALTH COMPARED TO THE METHOD OF THE BANK

We live in a day and age where almost every person has some degree of affiliation with the bank. It is thus imperative for one to understand how conventional banks operate so that one will be able to judge whether the wealth and benefits acquired from the bank are permissible or not. However, before delving into the issue of how conventional banks operate, it is of paramount importance for us to first understand the Islamic way of earning wealth as opposed to the way in which wealth is earned through the riba-based systems of the bank.

We hope that through engaging in a comparative study between the two and through scrutinising the workings of the banks, one will be in a better position to judge the status of the wealth and benefits acquired through the bank in the light of Shari'ah.

In Islam, the permissible and legitimate method of earning a halaal livelihood is Islamic trade and commerce (dealings of goods and services sanctioned by Shari’ah). Allah تَبَارَكَ وَتَعَالَى states:

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا

“Allah تَبَارَكَ وَتَعَالَى has permitted trade (as a means of livelihood) and condemned interest dealings.”

In this verse of the Quraan Majeed, Allah تَبَارَكَ وَتَعَالَى draws our attention towards the underlying principle that determines the earning of halaal and haraam. Allah تَبَارَكَ وَتَعَالَى has sanctioned the profit earned through a business transaction as halaal and declared the wealth earned through riba (interest dealings) as haraam.

Halaal wealth, in the eyes of Shari’ah, is that wealth which is acquired through effecting a halaal business transaction. The transaction is effected between the purchaser and the seller through a proposal and acceptance. The outcome is that both parties acquire ownership of the respective commodities by means of the sale. Thus, in the Islamic method of earning wealth, the commodity is used as the essential means of acquiring profit. Apart from this, we observe that in a business transaction, both parties gain financially and are satisfied mentally. Since the risk of suffering a loss is equally borne by both parties, each party is given

¹ سورة البقرة: ٢٧٥

an equal chance to deal freely and to profit according to his personal choice.

On the other hand, opposed to the halaal system of acquiring wealth (which is effected through a business transaction), is wealth acquired through riba (interest dealings).

In an interest deal, one party gains while the other stands to lose. The transaction is effected by one party giving a loan to the other with the precondition that at the time of repaying the loan, the latter will pay extra, either in cash or kind. This inhumane system was in practice in the pre-Islamic era. However, with the advent of Islam, all inhumane and barbaric practices and customs were abolished. It was in this regard that Allah تَبَارَكَ وَتَعَالَى revealed the following verse of the Quraan Majeed.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا الرِّبَا أَضْعَافًا مُّضَاعَفَةً وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ^٢

“O you who believe, do not consume interest multiplied manifold and fear Allah تَبَارَكَ وَتَعَالَى so that you may be successful.”

Now consider the riba system of conventional banks and other such institutions in contrast to the Islamic system. One will find that the riba system diametrically opposes the principles of Islam. The conventional banks operate through accepting wealth from people

^٢ سورة آل عمران: ١٣٠

and loaning it to others on interest. Hence, the primary medium utilized by the conventional banks to earn wealth is not a commodity which is sold for a profit, as is the case in the Islamic system, but is rather dealing in money in exchange of money with interest.

As far as depositing one's money in the bank is concerned, the Ulamaa explain that if one does so with the intention of gaining the interest-returns which the bank distributes among its depositors, it will be totally impermissible. However, if one deposits his money in the bank with the intention of safekeeping and making payments through the bank without benefitting in any way from the bank's interest, it will be permissible. The reason for the Ulamaa allowing one to keep one's money in the bank is that in current times, it is not possible for businesses to operate without dealing with the banks (securing one's money in the bank, making payments, etc.). Hence, permission has been granted for one to deal with the banks to the point of need.

THE SCHEMES ADOPTED BY THE BANK TO ROPE PEOPLE INTO RIBA

We should understand that the entire operation of conventional banks revolves around riba. These banks go all out to promote the business of interest and usury around the world. Hence, under some

pretext or the other, in the effort to achieve this goal, they invent various schemes and offer incentives to the public in order to draw people into the accursed web of interest and usury.

When this is their agenda, and the catalyst behind all these incentives is to rope people into haraam and sin, a Muslim should be extremely vigilant and refrain from aiding and supporting them in their mission! The bank offers these ‘benefits’ so that, among other reasons, one is lured towards taking interest-bearing loans. However, when he is unable to pay off the loan on time, it will increasingly accrue interest and he will find himself sinking deeper and deeper into the pit of riba. How many people become totally entrapped in the accursed web of riba due to not being able to pay off the loan within its allocated time! Hence, the sole aim of the bank, in offering these ‘benefits’ to the public, is to gradually entrap them in riba.

Nabi ﷺ foretold the coming of such times where people will be unconcerned about whether their income is earned through halaal or haraam avenues:

عن أبي هريرة رضي الله عنه عن النبي ﷺ قال يأتي على الناس زمان لا يبالي المرء ما أخذ منه أمن الحلال
أم من الحرام^٣

^٣ صحيح البخاري، الرقم: ٢٠٥٩

Hazrat Abu Hurairah رَضِيَ اللهُ عَنْهُ reports that Rasulullah صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said, “A time will dawn upon the people (before Qiyaamah) when a man will have no worry or concern as to whether his income is from a halaal source or a haraam source.”

eBUCKS, UCOUNT REWARDS, AIRPORT LOUNGE BENEFITS –PERMISSIBLE OR NOT?

On account of the fact that the entire operation of the bank revolves around riba, the Ulamaa are unanimous that it is impermissible for one to accept the returns distributed by the bank to its clients (i.e. depositors) as this is earning money through money loaned to the bank and is thus riba.

Up to this point, there is no contention among the Ulamaa. Instead, all agree that the amount given is interest as it is in exchange of the money which one has loaned to the bank in the form of deposits. However, eBucks, UCount Rewards, airport lounge benefits, and other similar ‘rewards’, bonuses and benefits given by banks have currently become a point of contention among some scholars.

In order to correctly ascertain the status of these bank-offered benefits in Shari’ah, it is necessary that the issue of interest be fully understood from every angle.

THE GRAVE SIN OF INTEREST

Interest is completely prohibited in the Quraan Majeed and Hadith Shareef. Involvement in interest is such a severe crime that Allah

تَبَارَكَ وَتَعَالَى has declared war upon those who consume interest.⁴ Interest is so greatly detested that Rasulallah صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ has invoked the curse of Allah تَبَارَكَ وَتَعَالَى upon the one who takes interest, the one who gives interest and even the scribes and witnesses of the interest transaction.⁵ The severity of interest can be gauged by the fact that Rasulallah صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ has declared it to be worse than fornicating thirty six times.⁶ These warning should be sufficient to impress upon us that interest is no light matter. It is among the worst crimes and the most reprehensible of sins.

When a believer understands and appreciates the severity of interest, then he will not only abstain from interest, but even from those things in which there is a doubt of interest. The statement of Hazrat Umar رَضِيَ اللهُ عَنْهُ is explicit in this regard:

دعوا الربا والريبة^٧

٤ يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذُرُوا مَا بَيْنَ يَدَيْهِ مِنَ الرِّبَا إِنَّ كُنْتُمْ مُؤْمِنِينَ فَإِن لَّمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِنَ اللَّهِ وَرَسُولِهِ ۗ وَإِن تُبْتِغُوا فَلَئِمَّ رُءُوسُ
أَمْوَالِكُمْ لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ (البقرة ٢٧٨-٢٧٩)

٥ عن جابر رَضِيَ اللهُ عَنْهُ قال لعن رسول الله ﷺ آكل الربا وموكله وكتابه وشاهديه وقال هم سواء (صحيح مسلم، الرقم: ١٠٦)

٦ سنن الدارقطني، الرقم: ٤٨، وقال العلامة الهيثمي رحمه الله في مجمع الزوائد (١١٧/٤) رواه أحمد والطبراني في الكبير والأوسط ورجال أحمد رجال الصحيح

٧ سنن ابن ماجه، الرقم: ٢٢٧٦، قال العلامة البوصيري رحمه الله في مصباح الزجاجة في زوائد ابن ماجه (٣٥/٣) هذا إسناد صحيح رجاله ثقات

“Refrain from interest as well as that which has the trace of interest in it.”

In one Hadith, Rasulullah ﷺ has forbade the creditor from taking any gift or benefit from his debtor as this also constitutes interest.

Hazrat Anas رَضِيَ اللهُ عَنْهُ reports that Rasulullah ﷺ said:

وعن أنس رضي الله عنه قال إذا أقرض الرجل الرجل فلا يأخذ هدية^٨

“If any person has given someone a loan, he should not accept any gift from the debtor.”

The same prohibition of taking benefit from the debtor is mentioned in another Hadith in more detail. Rasulullah ﷺ is reported to have said:

إذا أقرض أحدكم قرضا فأهدي له أو حملة على الدابة فلا يركبه ولا يقبلها إلا أن يكون جرى بينه وبينه قبل ذلك

“If you have given a loan to some person and he (the debtor) wishes to give you a gift, or wishes to offer you a lift on his conveyance (due to being indebted to you), then do not accept his gift or his lift, except if the

^٨ رواه البخاري في تاريخه هكذا في المنتقى كذا في مشكاة المصابيح، الرقم: ٢٨٣٢

عن سعيد بن أبي بردة عن أبيه أتيت المدينة فلقيت عبد الله بن سلام رضي الله عنه فقال ألا تجيء فأطعمك سويقا وتمرا وتدخل في بيت ثم قال إنك بأرض الربا بما فاش إذا كان لك على رجل حق فأهدى إليك حمل تبن أو حمل شعير أو حمل قمت فلا تأخذه فإنه ربا (صحيح البخاري، الرقم: ٣٨١٤)

exchanging of gifts and giving lifts was a common practice between them prior to giving him the loan”⁹

Due to the emphasis on not accepting any benefit from the debtor, the Sahaabah رَضِيَ اللهُ عَنْهُمْ also exercised extreme caution in dealing with their debtors. Hazrat Abu Burdah رَضِيَ اللهُ عَنْهُ relates, “When I came to Madinah Munawwarah, I met Hazrat Abdullah bin Salaam رَضِيَ اللهُ عَنْهُ. He said to me, ‘You are living in a country (Syria) where dealing in interest is common. Therefore, if anyone who owes you money gives you a load of straw, wheat or grain as a gift (due to being indebted to you) then do not accept his gift, for certainly it is interest.’”

The crux of the above discussion is that every form of interest is extremely abhorrent and detestable in the sight of Shari’ah and hence has to be totally shunned. In order to fully comply with this extremely important injunction, it is imperative that the definition of interest be understood clearly.

THE SHAR’EE DEFINITION OF INTEREST

The author of Hidaayah as well as other Hanafi jurists have defined interest in the following words:

⁹ سنن ابن ماجه، الرقم: ٢٤٣٢

الربا هو الفضل المستحق لأحد المتعاقدين في المعاوضة الخالي عن عوض شرط فيه^{١٠}

“Interest is that excess devoid of any compensation which either of the transacting parties is entitled to, due to it being a pre-condition in that transaction.”

For instance, Zaid has given a loan of R1000 to Bakr. They have mutually agreed that Bakr will pay back R1000 after one month and he will also allow Zaid to use his car for one day. In this example, the R1000 which will be paid back is in lieu of the R1000 received as a loan, while the benefit of using Bakr’s car is devoid of any compensation. However, due to it being a pre-condition in the loan transaction, it is interest and thus haraam.

Likewise, if the pre-condition was that together with the loan of R1000, Zaid will also allow Bakr the use of his (Zaid’s) car for one day, this too will be interest. While this may normally be a rare situation, where the creditor is giving an extra benefit to the

^{١٠} الهداية ٧٨/٣

باب الربا هو لغة مطلق الزيادة وشرعا (فضل) ولو حكما فدخل ربا النسيئة والبيع الفاسدة فكلها من الربا فيجب رد عين الربا لو قائما لا رد ضمانه لأنه يملك بالقبض فنية وبحر (خال عن عوض) خرج مسألة صرف الجنس بخلاف جنسه (بمعيار شرعي) وهو الكيل والوزن فليس الذرع والعد ربا (مشروط) ذلك الفضل (لأحد المتعاقدين) أي بائع أو مشتر فلو شرط لغيرهما فليس ربا بل يباعا فاسدا (في المعاوضة) فليس الفضل في الهبة ربا (الدر المختار ١٦٨/٥-١٧٠)

الربا فضل خال عن عوض شرط لأحد المتعاقدين في المعاوضة (فتح باب العناية بشرح النقاية ٣٥٥/٢)

debtor, it nevertheless falls within the purview of the Shar'ee definition of interest. The Shar'ee definition of interest is “any conditional excess devoid of **any** compensation which any of the transacting parties is entitled to receive in a loan transaction is interest”.

EBUGKS IN THE LIGHT OF SHARI'AH

Let us now examine the position of eBucks points in the light of Shari'ah.

Firstly, what are eBucks? eBucks, in reality, is a promise from the bank to award gifts to registered eBucks members in accordance to the number of points accumulated.

eBucks points are awarded either by the bank directly, when one uses one's credit card to pay for any purchase and other transactions, or are awarded by affiliated eBucks partner stores when goods are purchased from them. One can redeem the accumulated points by purchasing goods from that store in lieu of the points. Thus, these points are actually redeemed for money with which one is able to make purchases.

In the case where the bank is directly awarding the eBucks, there are two possible situations: Either the bank is awarding points to the account holder due to the loan which he has given the bank, as

in the case where one swipes his cheque card and earns points, or due to the bank giving him a loan, as in the case where one swipes his credit card and earns points.

In the case where one has money in his account, this money is actually a loan to the bank. Thus, the eBucks given to the client by the bank when the client swipes his cheque card is as a result of the loan that he has given the bank. Hence, he is the creditor and the bank is the debtor for the amount he had loaned the bank. Since, this benefit of acquiring eBucks is over and above the loan, it is a benefit devoid of compensation and thus enters under the Shar'ee definition of riba. Therefore, this is impermissible. In this regard, the Hadith is explicit:

عن فضالة بن عبيد رضي الله عنه صاحب النبي ﷺ أنه قال كل قرض جر منفعة فهو وجه من وجوه الربا^{١١}

Hazrat Fadhaalah bin Ubaid رضي الله عنه said, "Every loan that becomes the means of extracting benefit (gifts, etc.) from the one to whom the money was loaned is a form of interest."

The second case is where one is earning points on his credit card. In this case the bank is loaning the money to the card holder. The bank is the creditor and the client is the debtor for the amount loaned to

^{١١} السنن الكبرى للبيهقي، الرقم: ١٠٩٣٣

him by the bank. Due to being a registered eBucks member, together with receiving the loan from the bank, one also becomes entitled to the eBucks benefit. The aforementioned definition of riba clearly states that interest is the pre-conditional benefit devoid of compensation which **either of the transacting parties** receives. In this case the creditor (the bank) has given an additional pre-conditional benefit to the debtor. Hence this too is interest.

Therefore, it is clear from the above discussion that receiving eBucks via the bank in either case, whether one has money in his account or not, is impermissible due to this type of transaction of the bank falling within the ambit of the definition of riba. Just as the interest which the bank gives is detested and haraam in the sight of Shari'ah, the eBucks and other benefits received from the bank are equally detested and haraam.

Accordingly, the above discussion also alleviates the need to delve into issues of whether the major portion of the bank's wealth is acquired through interest and other haraam earnings or whether it is acquired through the deposits of people. In either case, it makes no difference to the Shar'ee ruling, since the impermissibility is based on the eBucks being awarded by the bank falling within the purview of the definition of interest.

IS THE MONEY DEPOSITED IN THE BANK A LOAN OR AN AMAANAT?

From the above discussion, we have understood that the money deposited in the bank is a loan given to the bank. The fataawa of our ulama clearly mention that the money deposited in the bank is a loan given to the bank, as one knows that the operation of the bank entails the depositors' money being used by the bank for giving interest-bearing loans.

Even if the money deposited is regarded as an amaanat, through the bank using it, it will become a loan and the laws of a loan will then apply. The Fuqahaa agree that when money kept as amaanat is used (whether with permission or not), it no longer remains an amaanat but rather becomes a loan.¹²

Hence, the service charges of the bank are in lieu of justifiable services e.g. managing the account, making payments, receiving payments on behalf of the depositor, etc. and this will not contradict the fact that the money given to the bank is a loan. Hence, any benefit that is received from the bank will be deemed as a benefit received through a loan transaction.

¹² المبسوط للإمام السرخسي ١١٠/١١-١١١، رد المختار ٦٦٨/٥، حاشية الطحطاوي على الدر المختار

٣/٣٧٩، تاليفات رشيدية ص ٤٣١

Below is the Fatwa of Hazrat Moulana Ashraf Ali Thaanwi (rahimahullah) in this regard:

نیز دوسری جگہ فرماتے ہیں: اور بینکوں میں جو جمع کیا جاتا ہے گو عنوان اس کا ودیعت ہو لیکن اس قواعد میں یہ امر یقینی اور معروف ہے کہ وہاں بعینہ یہ ودائع نہیں رکھی جاتی بلکہ ان سے کاروبار کیا جاتا ہے پس بقاعدہ المعروف والمشروط اس تصرف کا مودع بکسر الدال کی جانب سے ماذون فیہ کیا جائیگا اور تصرف کا اذن دینا اقراض ہے (امداد الفتاویٰ ۲/۵۷۱)

Hazrat Moulana Ashraf Ali Thaanwi (rahimahullah) mentioned:

“Even though the money that is deposited in the bank is termed as an aamaanat, it is certain and known to everyone – based on the manner in which the bank operates – that the bank does not keep each person’s money separately as an aamaanat but rather uses the money to do business. Hence, based on the principle المعروف والمشروط, the bank is actually using the money with the permission and consent of the depositor. When the depositor gives permission to the bank to use the money (amaanat), the money (amaanat) changes to being a loan.”

eBUCKS AWARDED BY PARTICIPATING STORES

In the case where the eBucks are awarded by a participating store for goods purchased, it will be permissible for one to accept the

points since one is not dealing with the bank and there is no loan involved in this situation.

For example, the eBucks member purchased goods to the value of R1000. The store awarded him points which entitled him to goods to the value of R10. The sum total of this is that the store has sold him all the items that he purchased together with the awarded item for R1000. This is the same as the promise of “Buy one, get one free.” The reality is that both items were included in the price he paid. This is deduced from the principle of the Fuqahaa “ العبرة للمعاني دون الألفاظ ” (The Shar’ee ruling is based on the outcome and not merely the words.)¹³

UCOUNT, ABSA REWARDS, GREENBACKS, AIRPORT LOUNGES

As far as uCount, Absa Rewards, GreenBacks, airport lounges and other similar benefits are concerned, since all these benefits are acquired through the bank, they are not permissible as they enter under the Shar’ee definition of riba.

The principle of Shari’ah for one to remember and bear in mind is that any benefit which one receives through the bank is

¹³ تبين الحقائق ١١٥/٢

impermissible on account of the fact that it is a conditional benefit which is acquired via a loan transaction, over and above the loan. All the Fuqahaa are unanimous that any conditional excess, benefit, wealth or gift acquired via a loan transaction, over and above the loan, is not permissible.

Q&A

WHY IS RIBA CONDEMNED IN SHARI'AH?

Q: Why is riba condemned in Shari'ah?

A: The Western economic system, which is based on interest, has resulted in concentrating the wealth and resources of the world into the hands of a few select individuals.

The money of the rich is pooled in banks and offered to the poor, according to their financial status, under the pretext of fulfilling their needs and requirements with the condition of interest attached, thereby making it extremely difficult for them to continue life and escape their poverty.

The outcome is that the wealthy thrive and prosper through the blood and sweat of the poor. Hence, they create monopolies and become richer while the poor become poorer in slogging to pay off their debts to the rich. In essence, riba has achieved nothing besides widening the gap between the rich and the poor, causing man to fall deeper into the abyss of destruction. Worst of all, it gradually sucks the blood of the poor and entraps them in slavery that is not in the form of shackles and chains, but rather in the form of anxiety and sleepless nights.

Many countries' deficit accounts run into billions due to the interest-bearing loans that are borrowed from other countries, the brunt of which is borne by none but the citizens of the borrowing countries. The reality of the matter is that today's ten richest men in the world own more than the combined wealth of 48 poor countries of the world. Millions are malnourished, lack access to pure water, are underprivileged in terms of the basic necessities of life and are deprived of education.

In contrast, Islam advocates brotherhood and showing kindness and compassion to the creation. One is permitted and encouraged to earn a halaal living. However, this must be done together with maintaining a balance and with fulfilling the needs of the creation.

HOW DO YOU LIVE IN THE UK WITHOUT PARTICIPATING IN INTEREST?

Q: My question pertains to interest which I know is forbidden in Islam and is seen as a great sin. But in the UK, through mortgages, insurances, etc., it seems virtually impossible to avoid riba (interest). I have looked into Islamic banking in the UK but I see it to be an awful alternative as it still essentially charges riba but with some clever play on words and has been dismissed by the consensus of scholars. So my question is: how do you live in the UK without participating in interest as I am struggling to see alternatives?

A: The prohibition of interest is clearly and explicitly mentioned in the Quraan Majeed. Allah تَبَارَكَ وَتَعَالَى states: “And Allah تَبَارَكَ وَتَعَالَى has permitted sale and prohibited riba (interest).”¹⁴

On the Day of Qiyaamah, the one who consumed interest will wake up in such a state of bewilderment and shock that it will seem as if he has been affected by the evil touch of Shaitaan. Allah تَبَارَكَ وَتَعَالَى speaks of this in another aayah: “Those who consumed interest will rise [on the Day of Qiyaamah] like the one who has been afflicted by the evil touch of Shaitaan.”¹⁵

In yet another aayah, Allah تَبَارَكَ وَتَعَالَى sounds an extremely severe warning to those who deal in interest despite understanding its evil and prohibition. Allah تَبَارَكَ وَتَعَالَى says: “If you do not do so (desist from dealing in interest) then be prepared to wage war against Allah تَبَارَكَ وَتَعَالَى and His Rasul صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ.”¹⁶

In Surah Aal Imraan, Allah تَبَارَكَ وَتَعَالَى has sounded another warning. Allah تَبَارَكَ وَتَعَالَى says: “O you who believe, do not consume interest multiplied manifold and fear Allah تَبَارَكَ وَتَعَالَى so that you be successful.

¹⁴ وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا (البقرة: ٢٧٥)

¹⁵ الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ (البقرة: ٢٧٥)

¹⁶ فَإِنْ لَمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِنَ اللَّهِ وَرَسُولِهِ (البقرة: ٢٧٩)

And fear the fire (of Jahannum) which has been prepared for the disbelievers.”¹⁷

Commenting on this aayah, Imaam Abu Hanifah رَحِمَهُ اللهُ said, “This is the most fearsome aayah in the entire Quraan Majeed, for Allah تَبَارَكَ وَتَعَالَى has warned the believers of the fire of Jahannum, which has been prepared for the disbelievers, if they do not refrain from the haraam of interest.”¹⁸

Nabi صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ has also sounded stern warnings against those who consume riba.

Hazrat Abdullah bin Hanzalah رَضِيَ اللهُ عَنْهُ reported that Rasulallah صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said, “Consuming one dirham of riba knowingly is worse than committing zina thirty-six times.”¹⁹

In another Hadith, Nabi صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ is reported to have mentioned, “The fire of Jahannum is more deserving for the one who nourished his body with haraam (riba).”²⁰

¹⁷ يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا الرِّبَا أَضْعَافًا مُضَاعَفَةً ۚ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ (آل عمران: ١٣٠)

¹⁸ فتاوى محمودية ٢٤/٣٥٠، مدارك التنزيل ١/٢٨٢

¹⁹ عن عبد الله بن حنظلة غسيل الملائكة ﷺ قال قال رسول الله ﷺ درهم ربا يأكله الرجل وهو يعلم أشد من ستة وثلاثين زنية (سنن الدارقطني، الرقم: ٤٨، وقال العلامة الهيثمي رحمه الله في مجمع الزوائد (١١٧/٤) رواه أحمد والطبراني في الكبير والأوسط ورجال أحمد رجال الصحيح)

²⁰ المعجم الكبير للطبراني، الرقم: ٢٩٨

Hazrat Jaabir رَضِيَ اللهُ عَنْهُ reported that Rasulallah صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ cursed the one who consumes interest, pays interest, the scribe of the interest-bearing deal and the witness to such a deal.”²¹

Interest outwardly seems to be a means of increase in wealth, yet in reality, is a means of decrease. Nabi صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said, “No matter how much the interest may be, it will result in decrease (of wealth).”²²

The prohibition and severity of interest understood from the above-mentioned aayaat and Ahaadith will undoubtedly appeal and strike sense into any understanding and intelligent individual.

When the prohibition of riba (interest) was revealed, the general Muslim public were undergoing constraints far worse than those which the present-day Muslims face. For months on end, not even a fire could be lit in the houses of many. Stones had to be tied on their bellies to fight the pangs of starvation and hunger. They did not have sufficient clothing to cover their entire bodies. Nights would be spent in darkness, for a lamp could not be lit to provide light. Their infant children would constantly cry out of hunger. Nabi صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ himself had to give his armour which he used in jihaad as

²¹ عن جابر رضي الله عنه قال لعن رسول الله ﷺ أكل الربا وموكله وكتابه وشاهديه وقال هم سواء (صحيح مسلم، الرقم: ١٠٦)

²² عن عبد الله بن مسعود عن النبي ﷺ قال الربا وإن كثر فإن عاقبته تصير إلى قتل (المستدرک علی الصحیحین للحاکم، الرقم: ٢٢٦٢ ، وقال هذا حديث صحيح الإسناد ولم يخرجاه ووافقه الذهبي رحمه الله)

collateral for the grains that he purchased from a Jew in order to provide for the needs of his blessed wives, and in this very condition did he leave this world.²³

The greatest solution to the present economic crisis is to inculcate contentment in our lives. Despite the severe constraints that the Muslims were facing during the era of Rasulullah ﷺ, Allah ﷻ commanded Nabi ﷺ not to cast his gaze at the worldly riches of the kuffaar.²⁴

Involving oneself in interest will bring no benefit to an individual. In fact, it will be a means of loss and detriment, as is understood from the aforementioned Hadith wherein Rasulullah ﷺ said, “No matter how much the interest may be, it will eventually decrease (and result in loss).”

In another aayah of the Quraan Majeed, Allah ﷻ speaks of the evil worldly consequence of interest, saying, “Allah ﷻ obliterates riba.”²⁵

²³ عن عائشة رضي الله عنها قالت اشترى رسول الله ﷺ من يهودي طعاما بنسيئة ورهنه درعه (صحيح البخاري، الرقم:

(٢٠٩٦)

²⁴ وَلَا تَبْذُرْنَ عَيْنَيْكُمْ إِلَىٰ مَا مَتَّعْنَا بِهِ أَزْوَاجًا مِنْهُمْ زَهْرَةَ الدُّنْيَا لِنَنْفِتْنَهُمْ فِيهِ ۗ وَرِزْقٌ رَبِّكَ حَيْرٌ وَآبَتِي (طه):

(١٣١)

²⁵ يَمْحَقُ اللَّهُ الرِّبَا (البقرة: ٢٧٦)

Hence, a Muslim should totally refrain from dealing in interest. Muslims can never progress by means of something which Allah تَبَارَكَ وَتَعَالَى has explicitly prohibited, nor can it ever be a solution to their problems and constraints.

Adopting the ways of the kuffaar will in no way bring a person anywhere close to success.

Nabi صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ never worried about his Ummah having to face poverty and financial constraints, for their purpose of life is something much greater and nobler than merely amassing worldly riches and enjoying a luxurious life. Their purpose is pleasing Allah تَبَارَكَ وَتَعَالَى and earning maximum rewards for the Hereafter.

In one Hadith, Rasulallah صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ mentioned, “I do not fear faqr (poverty) befalling you, but I fear that the world will be spread out before you, as it was spread out before those who preceded you. Then you will compete with one another in amassing its riches, as they had competed, eventually leading to your destruction and ruin, as it had destroyed them.”²⁶

Hazrat Ibnu Abbaas رَضِيَ اللهُ عَنْهُمَا reported that Rasulallah صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said, “Whoever suffers from hunger or want and he conceals his need,

²⁶ صحيح البخاري، الرقم: ٣١٥٨

Allah تَبَارَكَ وَتَعَالَى takes the responsibility of sustaining him with halaal sustenance for a whole year.”²⁷

In such times of constraints and hardship, a Mu'min should turn his focus and attention to Allah تَبَارَكَ وَتَعَالَى, for it is only Allah's assistance that can rope a person out of the predicament that he is facing.

Further, one should live within his means and budget his spending. If one is really in debts, then he should request his creditors to grant him some leniency and respite.²⁸

We make dua that Allah تَبَارَكَ وَتَعَالَى guides the Ummah towards earning halaal, emulating the Sunnah of Rasulullah صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ and refraining from any involvement in riba (interest).

THE SHAR'EE IMPLICATIONS OF BEING ASSOCIATED WITH A RIBA-BASED INSTITUTE

Q: Why is it impermissible in Shari'ah to take interest-bearing loans from the bank?

²⁷ عن ابن عباس قال قال رسول الله ﷺ من جاع أو احتاج فكنتمه الناس كان حقا على الله عز وجل أن يرزقه رزق سنة من حلال (شعب الإيمان، الرقم: ١٠٠٥٤، وقال الهيثمي في مجمع الزوائد (٢٥٦/١٠) رواه الطبراني في الصغير والأوسط وفيه إسماعيل بن رجاء الحصني ضعفه الدارقطني)

²⁸ فتاوى محمودية ٢٤/٣٤٩-٣٦٥

A: The conventional bank, which in reality is a riba-based system, is aimed towards enslaving man to his carnal desires through the agency of providing him with loans on interest. Many people, due to their naivety and limited understanding, view the ‘benefits’ and ‘privileges’ afforded to them by the bank (OD facility, etc.) as a means of their progress and advancement, only to realise at the end that they have been entrapped in the snare of Shaitaan.

The outcome of these loans is that one will live beyond his means, labouring under the misconception and fallacy that the bank will always aid him and be at his side in his hour of need. The pitiful result is that one eventually finds himself drowning in a sea of debts, enslaved to the conventional banks in a never-ending effort to pay off the interest on the loan which in many cases, eventually exceeds the actual loan.

Islam has strongly condemned this inhumane system in such unequivocal and categorical terms that no other evil has been condemned so strongly in the Quraan Majeed. Allah تَبَارَكَ وَتَعَالَى says:

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنْتُمْ مُؤْمِنِينَ ﴿٢٧٨﴾ فَإِن لَّمْ تَفْعَلُوا
فَأَذْنُوبَ حَرَابٍ مِّنَ اللَّهِ وَرَسُولِهِ ^ط وَإِن تَبَيَّنْتُمْ فَلَكُمْ رُءُوسُ أَمْوَالِكُمْ لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ ^{٢٩}

^{٢٩} سورة البقرة: ٢٧٨-٢٧٩

“O you who believe, fear Allah تَبَارَكَ وَتَعَالَى and give up all interest dealings, if you are believers. But if you do not desist from it, then be informed of a war against Allah تَبَارَكَ وَتَعَالَى and His Rasul صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ. However, if you repent, then you will be allowed to take back your capital; do not deal unjustly, and you shall not be dealt with unjustly.”

Rasulullah صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ is reported to have said:

درهم ربا يأكله الرجل وهو يعلم أشد من ستة وثلاثين زينة^{٣٠}

“Consuming one dirham of riba knowingly is worse than committing zina thirty-six times.”

On the occasion of the farewell pilgrimage, Rasulullah صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ declared:

إن دماءكم وأموالكم حرام عليكم كحرمة يومكم هذا في شهركم هذا في بلدكم هذا ألا كل شيء من أمر الجاهلية تحت قدمي موضوع ... وriba الجاهلية موضوع وأول ربا أضع ربانا ربا عباس بن

عبد المطلب فإنه موضوع كله^{٣١}

“Indeed, your life and wealth are sacred upon you like the sanctity of this day, in this auspicious month, in this blessed land. Remember! All pre-Islamic ways and practices (against the Deen of Islam) are abolished

^{٣٠} سنن الدارقطني، الرقم: ٤٨، وقال العلامة الهيثمي رحمه الله في مجمع الزوائد (١١٧/٤) رواه أحمد والطبراني في الكبير والأوسط ورجال أحمد رجال الصحيح

^{٣١} صحيح مسلم، الرقم: ١٤٧

beneath my feet... All interest dealings which used to take place in the pre-Islamic era (Jaahiliyyah) are abolished in Islam. The first debt of riba that I abolish is the riba owed to my uncle, Hazrat Abbaas bin Abdil Muttalib

رَضِيَ اللَّهُ عَنْهُ.”

WORKING FOR A BANK AS A CONSULTANT

Q: I am working as a consultant in a micro finance bank that provides loans on interest. Are my earnings halaal?

A: Riba (interest) and any involvement in interest has been severely condemned in the Hadith. Below are some of the Ahaadith that are reported in regard to the grave sin of riba:

عن جابر رضي الله عنه قال لعن رسول الله صلى الله عليه وسلم آكل الربا وموكله وكتابه وشاهديه وقال هم سواء ^{٣٢}

Hazrat Jaabir رضي الله عنه reports that Rasulallah صلى الله عليه وسلم cursed the one who consumes riba (interest), the one who feeds it to others, the one who records it (i.e. the transaction) and those who are witness to it (i.e. the transaction). Rasulallah صلى الله عليه وسلم also said, “All of them are equal (in sin).”

عن أبي هريرة رضي الله عنه أن رسول الله صلى الله عليه وسلم قال ليأتين على الناس زمان لا يبقى أحد إلا أكل الربا فإن لم يأكله أصابه من بخاره ^{٣٣}

^{٣٢} صحيح مسلم، الرقم: ١٠٦

Hazrat Abu Hurairah رَضِيَ اللهُ عَنْهُ reports that Rasulallah صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said, “A time will definitely dawn upon the Ummah when everyone will consume interest. If someone does not consume it (interest), the evil effects will still definitely affect him.”

عن عبد الله بن حنظلة رَضِيَ اللهُ عَنْهُ غسيل الملائكة قال قال رسول الله صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ درهم ربا يأكله الرجل وهو يعلم أشد من ستة وثلاثين زنية^{٣٤}

Hazrat Abdullah bin Hanzalah رَضِيَ اللهُ عَنْهُ narrates that Rasulallah صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said, “For a person to knowingly deal in one dirham of interest is worse than committing adultery thirty six times.”

You should sincerely repent to Allah تَبَارَكَ وَتَعَالَى for the impermissible employment that you are involved in and look for another source of livelihood.³⁵

WORKING IN A BANK AS A GUARD

Q: In Shari’ah, is it permissible for one to work in a bank e.g. as a bank teller or as a guard or in any other department? I am currently

^{٣٣} سنن أبي داود، الرقم: ٣٣٣١

^{٣٤} سنن أبي داود، الرقم: ٣٣٣١

^{٣٥} واتفقوا على أن التوبة من جميع المعاصي واجبة وأنها واجبة على الفور لايجوز تأخيرها سواء كانت المعصية صغيرة أو كبيرة والتوبة من مهمات الإسلام وقواعده المتأكدة (شرح النووي على مسلم ٥٩/١٧)

working in the bank and would like to find out whether my earnings are halaal.

A: If you are working in the bank and are involved in the haraam activities of the bank e.g. providing interest-bearing loans, etc., then your earnings are haraam. You should sincerely repent to Allah تَبَارَكَ وَتَعَالَى and look for a halaal source of income. As long as you do not find a halaal source of income, you should continue to make istighfaar. If you are employed for some service in the bank which is not against the Shari'ah e.g. sweeping, guarding, etc. then if the major portion of the bank's wealth is halaal (deposits of people), your income is not haraam. However, despite your income not being haraam, being part of an interest-based operation is detestable. If the major portion of the banks wealth is haraam (interest), then your income will not be halaal.³⁶

٣٦ وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ (المائدة: ٢)

عن جابر رضي الله عنه قال لعن رسول الله ﷺ آكل الربا وموكله وكتابه وشاهديه وقال هم سواء (صحيح مسلم، الرقم: ١٠٦)

عن عبد الله بن حنظلة غسيل الملائكة رضي الله عنه قال قال رسول الله ﷺ درهم ربا يأكله الرجل وهو يعلم أشد من ستة وثلاثين زنية (سنن الدارقطني، الرقم: ٤٨، وقال العلامة الهيثمي رحمه الله في مجمع الزوائد (١١٧/٤) رواه أحمد والطبراني في الكبير والأوسط ورجال أحمد رجال الصحيح)

واتفقوا على أن التوبة من جميع المعاصي واجبة وأنها واجبة على الفور لا يجوز تأخيرها سواء كانت المعصية صغيرة أو كبيرة والتوبة من مهمات الإسلام وقواعده المتأكدة (شرح النووي على مسلم ٥٩/١٧)

INSTALLING AN ATM ON ONE'S PREMISES

Q: Is it permissible for one to have an ATM installed in his store? The ATM machine offers a person many benefits and advantages such as being able to withdraw money from one's account, view one's bank balance, etc. The ATM, however, can also be used to withdraw interest-bearing loans using a credit card.

A: Though the ATM machine affords one the ability to withdraw one's personal money kept in the bank and many other conveniences, since it is possible for one to withdraw interest-bearing loans through this medium, it will not be permissible to install an ATM on one's premises as one will be aiding in the sin of riba (interest).

However, if the ATM machine is such that one is only able to withdraw money and it does not have any impermissible functions (one cannot conduct transactions of interest as is offered by some companies) then installing such an ATM machine will be permissible.³⁷

الربا هو الفضل المستحق لأحد المتعاقدين في المعاوضة الحالي عن عوض شرط فيه (الهداية ٧٨/٣)

إذا كان غالب مال المهدي حلالاً فلا بأس بقبول هديته وأكل ماله ما لم يتبين أنه من حرام وإن كان غالب ماله الحرام لا يقبلها ولا يأكل إلا إذا قال إنه حلال ورثه أو استقرضه (الأشباه والنظائر ٣٤٣/١)

٢٧ وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ (المائدة: ٢)

عن جابر رضي الله عنه قال لعن رسول الله ﷺ أكل الربا وموكله وكتابه وشاهديه وقال هم سواء (صحيح مسلم، الرقم: ١٠٦)

(و) جاز (إجارة بيت بسواد الكوفة) أي قراها (لا بغيرها على الأصح) وأما الأمصار وقرى غير الكوفة فلا يمكن لظهور شعار الإسلام فيها وخص سواد الكوفة لأن غالب أهلها أهل الذمة (ليتخذ بيت نار أو كنيسة أو بيعة أو يباع فيه الخمر) وقال لا ينبغي ذلك لأنه إعانة على المعصية وبه قالت الثلاثة زيلعي (الدر المختار ٦/ ٣٩٢)

أن الذمي إن استأجر دارا من مسلم في المصر فأراد أن يتخذها مصلى للعامه ويضرب فيها بالناقوس له ذلك ولرب الدار وعمامة المسلمين أن يمنعه من ذلك على طريق الحسبة لما فيه من إحداث شعائر لهم وفيه تحاون بالمسلمين واستخفاف بهم كما يمنع من إحداث ذلك في دار نفسه في أمصار المسلمين ولهذا يمنعون من إحداث الكنائس في أمصار المسلمين قال النبي لا خصاء في الإسلام ولا كنيسة أي لا يجوز إخصاء الإنسان ولا إحداث الكنيسة في دار الإسلام في الأمصار ولا يمنع أن يصلي فيها بنفسه من غير جماعة لأنه ليس فيه ما ذكرناه من المعنى ألا ترى أنه لو فعل ذلك في دار نفسه لا يمنع منه ولو كانت الدار بالسواد ذكر في الأصل أنه لا يمنع من ذلك لكن قيل أن أبا حنيفة إنما أجاز ذلك في زمانه لأن أكثر أهل السواد في زمانه كانوا أهل الذمة من الجوس فكان لا يؤدي ذلك إلى الإهانة والاستخفاف بالمسلمين وأما اليوم فالحمد لله عز وجل فقد صار السواد كالمصر فكان الحكم فيه كالحكم في المصر وهذا إذا لم يشترط ذلك في العقد فأما إذا شرط بأن استأجر ذمي دارا من مسلم في مصر من أمصار المسلمين ليتخذها مصلى للعامه لم تجز الإجارة لأنه استتجار على المعصية (بدائع الصنائع ٤/ ١٧٦)

وإذا استأجر الذمي من المسلم دارا يسكنها فلا بأس بذلك وإن شرب فيها الخمر أو عبد فيها الصليب أو أدخل فيها الخنازير ولم يلحق المسلم في ذلك بأس لأن المسلم لا يؤاجرها لذلك إنما آجرها للسكنى كذا في المحيط (الفتاوى الهندية ٤/ ٤٥٠)

CARD HOLDER GETTING ACCESS TO SPECIAL AIRPORT LOUNGES

Q: Many people who receive benefits from the bank such as airport lounge access pay high bank charges or card fees e.g. Zaid's bank charges are R300 000 for the year. After paying the bank so much in bank charges, why can he not take a R300 benefit from the bank by using the lounge facilities?

A: The bank charges are in lieu of the services which the bank renders for managing the account of the account holder. The other benefits which the bank offers e.g. the interest money that the bank gives to its depositors, eBucks benefits, lounge benefits are all in appreciation for depositing your money with them. Hence just as it is not permissible for one to benefit from the interest of the bank that is in cash form, it is not permissible to benefit from the interest of the bank that is in the form of kind or any other benefits (airport lounges, eBucks benefits, etc.) as all these benefits enter under the Shar'ee definition of riba.

The author of Hidaayah as well as other Hanafi jurists have defined interest in the following words:

الربا هو الفضل المستحق لأحد المتعاقدين في المعاوضة الخالي عن عوض شرط فيه^{٢٨}

^{٢٨} الهداية ٧٨/٣

Interest is that excess devoid of any compensation which either of the transacting parties is entitled to due to it being a pre-condition in that transaction.

COMPENSATING FOR USING eBUCKS IN THE PAST

Q: In the past, I have earned and used eBucks for car hire and purchasing plane tickets. Recently, I read that eBucks is impermissible. What can I do to compensate for the eBucks that I used in the past? Also, how I can correctly dispose of the eBucks

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ۗ ذَٰلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا ۗ وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا ۗ فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَىٰ فَلَهُ مَا سَلَفَ ۗ وَأَمْرُهُ إِلَى اللَّهِ ۗ وَمَنْ عَادَ فَأُولَٰئِكَ أَصْحَابُ النَّارِ ۗ هُمْ فِيهَا خَالِدُونَ (البقرة: ٢٧٥)

عن جابر رضي الله عنه قال لعن رسول الله ﷺ آكل الربا وموكله وكتابه وشاهديه وقال هم سواء (صحيح مسلم، الرقم: ١٠٦)

باب الربا هو لغة مطلق الزيادة وشرعا (فضل) ولو حكما فدخل ربا النسيئة والبيع الفاسدة فكلها من الربا فيجب رد عين الربا لو قائما لا رد ضمانه لأنه يملك بالقبض فنية وبحر (خال عن عوض) خرج مسألة صرف الجنس بخلاف جنسه (بمعيار شرعي) وهو الكيل والوزن فليس الذرع والعد بربا (مشروط) ذلك الفضل (لأحد المتعاقدين) أي بائع أو مشتر فلو شرط لغيرهما فليس بربا بل يبيعا فاسدا (في المعاوضة) فليس الفضل في الهبة بربا (الدر المختار ١٦٨/٥-١٧٠)

الربا فضل خال عن عوض شرط لأحد المتعاقدين في المعاوضة (فتح باب العناية بشرح النقاية ٣٥٥/٢)

earned thus far as I cannot get the cash to give it away with the intention of no thawaab?

A:

1. Give the equivalent of it in charity.
2. Let some poor person use it to buy something.³⁹

USING CREDIT CARDS

Q: Is it permissible to use a credit card if one ensures that the balance is always positive and never goes into credit? Also, interest is paid to the cardholder because the account has money in it, but every month the amount is reversed when requested.

A: The use of the credit card is permissible provided one is sure that one will pay the loan (outstanding amount) before it earns

³⁹ ويردونه على أربابه إن عرفوهم وإلا يتصدقوا به لأن سبيل الكسب الحبيث التصدق إذا تعذر الرد (البحر الرائق ٢٢٩/٨)

وقال في النهاية قال بعض مشايخنا كسب المغنبة كالمغصوب لم يحل أخذه وعلى هذا قالوا لو مات الرجل وكسبه من بيع الباذق أو الظلم أو أخذ الرشوة يتورع الورثة ولا يأخذون منه شيئاً وهو أولى بهم ويردونها على أربابها إن عرفوهم وإلا تصدقوا بها لأن سبيل الكسب الحبيث التصدق إذا تعذر الرد على صاحبه اهـ (رد المحتار ٦ / ٣٨٥)

سئلت فيمن يملك نصاباً من حرام هل تجب عليه فيه الزكاة الجواب لا تجب عليه فيه الزكاة بل يلزمه التصدق بجميعة على الفقراء لا بنية الثواب إن لم يكن صاحب المال موجوداً (الفتاوى الكاملة ص ١٥)

interest. In the case enquired, since interest is being paid to the cardholder, it will not be permissible as one is receiving interest, even though he asked the bank to reverse it at the end of the month.⁴⁰

Note: This ruling applies to the credit card for which one is not charged a monthly fee. If a monthly fee is charged for the credit facility, it will not be permissible and the monthly fee will be regarded as riba (interest).

WHAT IS THE RULING REGARDING OPENING A BANK ACCOUNT?

Q: What is the ruling regarding opening a bank account?

A: The majority of the dealings of all conventional banks are in total contradiction with the laws of Shari'ah. The primary operation of conventional banks revolves around interest and usury. Hence, if one does not have a need to keep one's money in the bank then one should not do so. However, if one has a need to keep one's money in

⁴⁰ يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا الرِّبَا أَضْعَافًا مُضَاعَفَةً ۖ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ (آل عمران: ۱۳۰)

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ ۚ وَلَا تَقْتُلُوا أَنْفُسَكُمْ ۗ إِنَّ اللَّهَ

كَانَ بِكُمْ رَحِيمًا (النساء: ۲۹)

the bank, it will be permissible, but he should deposit it in a non-interest-bearing account. Nevertheless, if the bank pays him interest, he should immediately dispose of it by giving it to the poor without the intention of receiving reward.

The reason for the permissibility of keeping one's money in the bank is that in current times, it is not possible for businesses to run without dealing with the banks (to secure one's money, make payments, etc.). Hence, permission has been granted for one to deal with the banks to the point of need.

The Ulamaa explain that if one deposits his money in the bank with the intention of safekeeping and making payments through the bank without benefiting in any way from the bank's interest, it will be permissible.

On the converse, if one deposits his money in the bank with the intention of gaining the returns which the bank distributes among its depositors, it will be totally impermissible and one will be sinful.⁴¹

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PURCHASING A CAR THROUGH THE BANK

Q: If a person is in need of a car and he does not have the money to pay for it, can he buy it through bank finance?

A: Purchasing a car through the bank is impermissible as the element of interest is found. Grave warnings have been sounded in the Ahaadith for the one who gets involved in the major sin of interest. If one is already involved in the sin then one should sincerely repent to Allah تَبَارَكَ وَتَعَالَى and make a firm resolve that one will not repeat the sin in the future. Similarly, one should hasten in paying off the interest-bearing loan.

Hazrat Jaabir رَضِيَ اللهُ عَنْهُ reported that Rasulullah صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ cursed the one who consumes interest, pays interest, the scribe for the interest-bearing deal and the witness to such a deal.”⁴²

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(١٠٦)

INCOME EARNED THROUGH LEASING ONE'S PROPERTY TO THE BANK

Q: Can you explain to me the reason why Ulamaa so severely condemn the earnings of banks? In today's times, the majority of the wealth in banks is acquired through the deposits of people which are from halaal. Hence, if one leases out his property to a bank, the income should be halaal based on the principle that if 50% or more of one's income is halaal and such a person has to give you a gift, you can accept it.

A: The bank takes the money of depositors purely with the intention of interest and usury. Hence, the deposits that they take is not just a loan for safekeeping, rather it is a pure interest transaction. The Muslim clients that may have the right intention

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وانفقوا على أن التوبة من جميع المعاصي واجبة وأنها واجبة على الفور لايجوز تأخيرها سواء كانت المعصية صغيرة أو كبيرة والتوبة من مهمات الإسلام وقواعده المتأكدة (شرح النووي على مسلم ٥٩/١٧)

for the deposit are just a fraction in the whole equation. The majority of the depositors are those who are depositing for purely interest reasons.⁴³

٤٣ وَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ (المائدة: ٢)

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إذا كان غالب مال المهدي حلالا فلا بأس بقبول هديته وأكل ماله ما لم يتبين أنه من حرام وإن كان غالب ماله الحرام لا يقبلها ولا يأكل إلا إذا قال إنه حلال ورثه أو استقرضه (الأشباه والنظائر ١/ ٣٤٣)