

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:

Settling the Debt in a Good Manner

To: Asma Jube - Om Ahmad – Alwathiqah Biwa'dillah

(Translated)

Question from:

1- (Asma Jube,

Assalamu Alaikum wa Rahmatullahi wa Barakatuh,

If he borrowed a ton of iron, as in the example, and he returns a ton and more by his free will without a request or pressure from the lender ... is this not considered settling the debt in a good manner? ... Please clarify this for us.) End.

2- (Om Ahmad

As it is mentioned, it is forbidden to lend something to another person and expect him to return to you less or more of it but should be by the same amount and the same type of goods borrowed, Jazaka Allah Khair, but I got confused by the phrase settling the debt in a good manner: why is not it considered Riba if any increase in the type or amount is considered Riba as mentioned in the answer? Can you please explain to us why we considered the Hadeeth of the Prophet (saw) when he borrowed a young camel and repaid a good four-year camel to be settling the debt in a good manner, but we considered Riba if one borrows a ton of iron and repays it a ton and half? Has it not been stated that it is forbidden to increase in the amount and the type?) End.

3- (Alwah Biwa'dillah

Assalamu Alaikum, our dear Sheikh, and Jazaka Allah Khair ... it states in the answer ... loan must be returned to the owner without increasing the "benefit"; otherwise, it will become Riba... Do you mean by the increase... the conditional increase by the lender at the time of loan ... or the increase without mentioning the condition is not permissible?) End.

Answer to the three questions since they are about the same subject:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

As for what is stated in the hadeeth of the Prophet (saw) about settling the debt in a good manner, it does not mean the increase in the amount, the weight or the measure. Rather, it means for the same amount, the same weight, and the same measure, but it is permissible to repay the borrowed good with another of more superior quality. So, if a man borrows from another man wheat with a weight of 10 kilograms, he may return it to him finer wheat, but with the same weight 10 kilograms, and if he borrowed ten Saa' of rice, for example, it is permissible to return it to him finer rice, but in the same measure, i.e., ten Saa'. If he borrowed a sheep, it is allowed for him to return to him a finer sheep, but not two. This is the meaning of settling the debt in a good manner; it is not by the increase in the weight or the measure or the amount.

This is how the hadeeth of the Messenger of Allah (saw) in our previous answer is understood, which reads:

«اسْتَسْلَفَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَكْرًا فَجَاءَتْهُ إِبِلٌ مِنْ الصَّدَقَةِ فَأَمَرَنِي أَنْ أَقْضِيَ الرَّجُلَ بِكَرِهِ»
“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”’. (Narrated by Abu Dawood and others).

That is, he returned to him a better and finer camel than the camel he borrowed, but the same number, i.e., he repaid one camel.

This is what is stated in our answer about borrowing a ton of iron and repaying it a ton and half for example. So, it is not permissible, but it should be repaid with the same weight.

In conclusion, settling the debt in a good manner is not to increase the weight, the amount or the measure but repaying the same weight, the same amount and the same measure, but it is permissible to be of better type if the borrower wants to repay a better type without being conditioned by the lender, because the Prophet (saw) repaid with what was better and finer without a condition from the lender.

It states in the book *The Economic System in Islam* in the section of riba:

“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 ربا» **“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» **“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’”**...”

It is not said that grant and gift are permissible, and so if the loan is paid more by weight or amount or measure willingly without a condition then it is permissible. It cannot be said so because this is permissible if it is not connected with the subject of loan, but the increase here occurred for the loan, and so it is a benefit from it, included in what 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 ربا» **“Every loan which entails a benefit is usury”**.

Also, it is not said that the finer in type is a benefit; it is not said so because the Prophet (saw) allowed it and considered it to be settling the debt in a good manner as in the hadeeth of Abu Rafi mentioned above.

I hope the answer is sufficient, Allah willing.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

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

<https://web.facebook.com/AmeerhtAtabinKhalil/posts/804879793042427>

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

<https://plus.google.com/u/0/b/100431756357007517653/100431756357007517653/posts/M5NYxhoEQ55>

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

<https://twitter.com/ataabualrashtah/status/989998603086254080>