239111 - Taking a riba-based loan in order to rent an apartment

the question

Me , my mother and sister are all homeless and are currently staying at a friends home. We have overstayed our welcome and have nowhere else to go. Me and my sister both are nurse students and work part-time but still cannot meet ends in getting a deposit together for a flat. My mother is ill and cannot work. We have no one that can help us in getting money together and we are becoming stressed out, its just us three ladies. My only option is to take out student loan for rent and living conditions, our tuition is already paid for by the government so it is halal. But the student loan has interest. This is allowed, can I take out a loan so we can rent a house. Please let me know!

Detailed answer

Praise be to Allah.

Firstly:

We ask Allah, may He be exalted, to bestow His bounty upon you and make you independent of means with that which He has permitted, and to protect you from riba, whether the amount involved is small or great.

Secondly:

Riba is a major sin, concerning which there is a stern warning as is quite clear. The basic principle is that it is prohibited in all forms.

In Fataawa al-Lajnah ad-Daa’imah (13/385) it says:

What is the Islamic ruling on taking a loan from the bank with interest (riba) in order to build a modest house?

Answer:

It is prohibited to take loans from the bank or elsewhere with interest, whether the loan is taken to build a house or to be used on buying food, clothing or medical treatment costs, or it is taken in order to do business with it and earn profit on it, or for other purposes, because of the general meaning of the verses that prohibit riba, and the general meaning of the hadiths which indicate that it is prohibited. By the same token, it is not permissible to deposit money in banks and the like in interest-bearing accounts. End quote.

No exception is made from that, except cases of clear necessity, such as if a person cannot find food or drink or clothing or accommodation except by taking a riba-based loan, as explained previously in the answers to questions no. 123563, 94823.

Necessity with regard to accommodation can be met by renting, not by owning.

So strive hard to look for permissible work which will enable you to provide such accommodation.

If you cannot find any work, then it is permissible for you to take a riba-based loan in order to rent accommodation that will meet your needs, without going to extremes in that, because necessity is to be properly estimated.

Al-'Allaamah ash-Shinqeeti (may Allah have mercy on him) said:

There is no difference of opinion among the scholars that necessity is connected to specific situations that require rulings different from those which apply in situations where one has options. So for every Muslim who was forced into something in a true sense of the word, lenience should be prescribed in his situation.

Allah, may He be glorified and exalted, made exceptions in cases of compulsion (when one has no choice except one option in five verses in His Book, where He listed the four prohibited things which are most emphatically prohibited, namely dead meat (meat that was not slaughtered in the prescribed manner), blood, pork and that which is slaughtered for anyone or anything than Allah. Every time Allah mentions the prohibition on these things, He makes an exception for cases of

necessity. Thus in the case of necessity these things are not haraam.

Allah, may He be exalted, says in Soorat al-An‘aam (interpretation of the meaning):

“Say (O Muhammad (blessings and peace of Allah be upon him)): ‘I find not in that which has been inspired to me anything forbidden to be eaten by one who wishes to eat it, unless it be Maytah (a dead animal) or blood poured forth (by slaughtering or the like), or the flesh of swine (pork, etc.) for that surely is impure, or impious (unlawful) meat (of an animal) which is slaughtered as a sacrifice for others than Allah (or has been slaughtered for idols, etc., or on which Allah’s Name has not been mentioned while slaughtering). But whosoever is forced by necessity without wilful disobedience, nor transgressing due limits, (for him) certainly, your Lord is Oft-Forgiving, Most Merciful."”

[al-An‘aam 6:145].

And He says, also in al-An‘aam (interpretation of the meaning):

“And why should you not eat of that (meat) on which Allah’s Name has been pronounced (at the time of slaughtering the animal), while He has explained to you in detail what is forbidden to you, except under compulsion of necessity?”

[al-An ‘aam 6:119].

And He, may He be exalted, says in an-Nahl (interpretation of the meaning):

“He has forbidden you only Al-Maytah (meat of a dead animal), blood, the flesh of swine, and any animal which is slaughtered as a sacrifice for others than Allah (or has been slaughtered for idols etc. or on which Allah’s Name has not been mentioned while slaughtering). But if one is forced by necessity, without wilful disobedience, and not transgressing, then, Allah is Oft-Forgiving, Most Merciful”

[an-Nahl 16:115].

And He, may He be exalted, says in al-Baqarah (interpretation of the meaning):

“He has forbidden you only the Maytatah (dead animals), and blood, and the flesh of swine, and that which is slaughtered as a sacrifice for others than Allah (or has been slaughtered for idols, etc., on which Allah’s Name has not been mentioned while slaughtering). But if one is forced by necessity without wilful disobedience nor transgressing due limits, then there is no sin on him. Truly, Allah is Oft-Forgiving, Most Merciful”

[al-Baqarah 2:173].

And He, may He be exalted, says in al-Maa’idah (interpretation of the meaning):

“Forbidden to you (for food) are: Al-Maytatah (the dead animals - cattle-beast not slaughtered), blood, the flesh of swine, and the meat of that which has been slaughtered as a sacrifice for others than Allah, … But as for him who is forced by severe hunger, with no inclination to sin (such can eat these above-mentioned meats), then surely, Allah is Oft-Forgiving, Most Merciful.”

[al-Maa’idah 5:3].

See: al-Qawaa‘id an-Nooraniyyah by Shaykh al-Islam (205); al-‘Uqood by Shaykh al-Islam (37); Madaarij as-Saalikeen by Ibn al-Qayyim (1/376-377)

And Allah knows best.