182728 - Forms of riba (usury) used during the Jahiliyyah and the importance of learning about them in Islamic jurisprudence (fiqh)

the question

Ibn Hajar said in *Fat-h al-Bari*, Vol. 4, p. 264, that Imam Malik narrated from Zayd ibn Aslam that he said: During the Jahiliyyah, what riba meant was that if one man owed a debt to another man, to be paid at an appointed time, when that time came, he would say: Do you want to pay off your debt or increase the amount owed? If he paid it off, he would accept it, otherwise he would increase the debt and defer payment until another appointed time. And he said that the lender would have the right to take the possessions of the borrower if he delayed payment. How sound is this hadith? And how important is it for Muslim jurists?

Detailed answer

Praise be to Allah.

Firstly:

Imam Malik (1378) narrated from Zayd ibn Aslam that he said: During the jahiliyyah, what riba meant was that if one man owed a debt to another man, to be paid at an appointed time, when that time came, he would say: Do you want to pay off your debt or increase the amount owed? If he paid it off, he would accept it, otherwise he would increase the debt and defer payment until another appointed time.

At-Tabari narrated in his *Tafsir* (7/205) from `Abd ar-Rahman ibn Zayd ibn Aslam that he said regarding the verse {O you who have believed, do not consume usury, doubled and multiplied} [Al `Imran 3:130]: My father used to say:

During the Jahiliyyah, riba meant doubling the amount owed, and increasing the age [that is, of livestock – as will become clear in the remainder of the report]. A man would owe a debt to

someone, so the lender would come at the appointed time and say to him: Will you repay me or increase what you owe me? If he had something with which to pay off his debt, he would pay it, otherwise he would transfer the debt to be repaid with an older animal – so if it was a bint makhad [one year old] he would make it a bint laboon [two year old] to be given the following year, then a hiqqah [three year old], then a jadh`ah four year old], then a ruba`i [five year old] and so on [these are words pertaining to the ages of camels that are known to the Arabs]. In the case of currency, he would come to him, and if he could not afford to pay him, he would double it until the following year, then if he could not afford to pay it, he would double it again. So if it was one hundred, he would make it two hundred to be paid the following year, and if he could not afford to pay it, he would make it four hundred, doubling it every year unless he paid it off. He said: this is what Allah says: {doubled and multiplied}.

He also narrated it via al-Bayhaqi in his *Sunan* (10773) and in *Al-Ma`rifah*, where he added: And we narrated the same meaning from Mujahid.

Al-Hafiz ibn Hajar (may Allah have mercy on him) said: At-Tabari narrated via `Ata, and via Mujahid. And he narrated via Qatadah that the riba of the people of the Jahiliyyah meant that a man would sell something to be paid for at an appointed time, then when that time came, if the borrower had nothing with which to pay it off, he would increase the price and defer payment.(*Fat-h al-Bari*, 4/313).

See also: *Tafsir at-Tabari*, 7/205; *Tafsir Ibn Abi Hatim*, 3/759.

Secondly:

Learning about that is very important for jurists, with regard to Islamic dealings and the nature of the relationship between a Muslim and his brother. That includes:

1.

Explaining how prevalent injustice and consuming people’s wealth unlawfully were among the people of the Jahiliyyah.

Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on him) said about this kind of riba during the Jahiliyyah: This is the exact type of riba concerning which there is no doubt that it is prohibited according to the consensus of the early generations of this ummah and concerning which Quran was revealed. The injustice and harm that it led to is quite obvious.(*Majmu` al-Fatawa*, 20/349).

2.

Highlighting the difference between the way in which the people of the Jahiliyyah transgressed against one another and how, when the people became Muslim, justice prevailed and no transgression was allowed.

3.

Emphasizing the principles of cooperation among Muslims in their financial dealings, and that the Muslim is the brother of his fellow Muslim, so he should not wrong him or let him down.

Shaykh Ibn `Uthaymin (may Allah have mercy on him) said:

The purpose of a loan should be only to meet the need of the borrower. If the purpose goes beyond that to include some benefits for the lender, whether that is stipulated in the contract or is implied, then it no longer serves the purpose for which it was prescribed.(*Fatawa Nur `ala ad-Darb*, 6/244).

4.

It is obligatory to give respite to one who is in difficulty. So when payment of the debt becomes due, if the borrower is in difficulty, it is not permissible to increase the amount owed; rather it is obligatory to give him more time. But if the borrower is well off, then he must pay off the debt, and it is not permissible for him to increase the debt, whether the borrower can afford to pay that or not.

5.

It explains the meaning of the verse in which Allah, may He be Exalted, says:

{O you who have believed, do not consume usury, doubled and multiplied, but fear Allah that you may be successful}[Al `Imran 3:130].

At-Tabari (may Allah have mercy on him) said:

What Allah meant by that is: O you who believe in Allah and His Messenger, do not consume riba after becoming Muslim and after Allah has guided you, as you used to consume it during your time of ignorance.(*Tafsir at-Tabari*, 7/204).

See also the answer to question no. 129458.

And Allah knows best.