279825 - The most likely reason why six types of wealth are regarded as being subject to riba

the question

Which scholarly view is most likely to be correct regarding the definition of the types of wealth that are regarded as being subject to riba? The Maliki scholars stipulated that food that can be stored should be added to the list of types of wealth that are subject to riba, meaning food that can be dried and stored, and is not harmed by the passage of time. Is that condition waved nowadays, because we have large freezers that can store all types of food?

Detailed answer

Praise be to Allah.

Firstly:

The types of wealth that are regarded as being subject to riba and were named in the religious texts are six, as mentioned in the hadith of ‘Ubadah ibn as-Samit (may Allah be pleased with him), who said: The Messenger of Allah (blessings and peace of Allah be upon him) said: “Gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, salt for salt, like for like, same for same, hand to hand. But if these commodities differ, then sell as you like, as long as it is hand to hand.” Narrated by Muslim (1587).

The jurists differed concerning the reason why these types of wealth are regarded as being subject to riba.

What is most likely is that the reason in the case of gold and silver is the fact that other things are valued against them. The evidence for that is the report which was narrated by Muslim (1588) from Abu Hurayrah, according to which the Messenger of Allah (blessings and peace of Allah be upon him) said: “Dinar for dinar, with no difference [in quantity] between them, and dirham for

dirham, with no difference between them.”

The reason in the case of the other four categories is that they are things that can be eaten that are measured by volume or by weight. So anything that can be eaten and is measured by volume or by weight is subject to riba. The evidence for that is as follows:

1. These four things can be eaten and are measured by volume.

2. Al-Bukhari (2302) narrated from Abu Sa‘id al-Khudri and Abu Hurayrah (may Allah be pleased with them both) that the Messenger of Allah (blessings and peace of Allah be upon him) employed a man in charge of Khaybar. He brought them some janib dates. [The Prophet (blessings and peace of Allah be upon him)] said: “Are all the dates of Khaybar like this?” He said: We buy one sa‘ of these for two sa‘s of the others [i.e., inferior dates], or two sa‘s of these for three sa‘s of the others. He said: “Do not do that. Sell the inferior dates for dirhams, then buy the janib dates with the dirhams.” And he said something similar about dates sold by weight.

What is meant is that foods that are subject to riba are those that can be measured by weight or by volume.

3. Muslim (1592) narrated from Ma‘mar ibn ‘Abdillah that he sent his slave with a sa‘ of wheat and he said: Sell it then buy barley with the proceeds. The slave went and exchanged it for a sa‘ and a little more. When he came to Ma‘mar he told him about that, and Ma‘mar said to him: Why did you do that? Go and give it back, and do not take anything except like for like, for I used to hear the Messenger of Allah (blessings and peace of Allah be upon him) say: “Foodstuff for foodstuff, like for like.” And our food at that time was barley.

These hadiths, when taken together, indicate that the reason why these types of wealth are subject to riba is the fact that they can be eaten, in addition to the fact that they are measured by volume or weight.

So if a foodstuff can be measured by volume or weight, it is subject to riba; there is no stipulation that it should be something that can be stored.

This is the older view of ash-Shafa'i, and was narrated in one report from Ahmad; it was also favoured by Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on him) and a number of other scholars.

Based on that, there can be no riba in the case of vegetables or fruits that are sold by the piece, such as melons, pomegranates and the like. But milk and fats may be subject to riba because all liquids may be measured by volume.

Ibn al-Qayyim (may Allah have mercy on him) said: With regard to dirhams and dinars [gold and silver], some scholars said: The reason why [they are subject to riba] is that they can be weighed. This is the view of Ahmad according to one of the two reports narrated from him, and it is the view of Abu Hanifah. Another group said that the reason for that is the fact that other things are valued against them. This is the view of ash-Shafa'i, Malik and Ahmad, according to the other report narrated from him.

This is the sound view; in fact, it is the correct view. The scholars are agreed that it is permissible to exchange gold and silver for metals that can be weighed, such as copper, iron and so on. If copper and iron were subject to riba, it would not be permissible to sell them for dirhams to be paid now, with delivery to be made later. What may be subject to riba in that regard is if they differ in type; it is permissible for their weight to differ, but it is not permissible to sell them on credit [rather the exchange should take place on the spot]."(*I'lam al-Muwaqqi'in* 2/105).

Shaykh 'Abdullah al-Bassam (may Allah have mercy on him) said: The scholars are unanimously agreed that the reason why gold and silver are regarded as subject to riba is different from the reason in the case of the other four types of wealth, and each of the two groups has its own reason. But they differed as to what that reason is.

The well-known view that was narrated from Imam Ahmad regarding gold and silver is because they are both types of wealth that may be measured by weight, and in the case of the other types of wealth, they may be measured by volume, and thus we may include with them other types of wealth that are similar to them.

This was the view of an-Nakha‘i, az-Zuhri, ath-Thawri, Ishaq and the Hanafis. Based on that, riba applies to anything that is measured by weight or by volume, and is exchanged for something of the same type, whether it is something that may be eaten, such as grains, sugar and fats, or it is something that cannot be eaten, such as iron, brass, copper, potash and so on. That which is not measured by volume or by weight is not subject to riba, even if it may be eaten, such as fruits that are sold by the piece.

The Shafa‘is were of the view that the reason why [these four types] are subject to riba is the fact that they are eaten and are exchanged for things of the same type, and the reason why gold and silver are subject to riba is the fact that other things are valued against them. Therefore the ruling is limited to them. The evidence for that is what was narrated by Muslim from Ma‘mar ibn ‘Abdillah, that the Prophet (blessings and peace of Allah be upon him) forbade selling foodstuff for foodstuff, except like for like.

Thus the ruling is connected to the fact that it is food, and this points to the reason why it is regarded as being subject to riba. Imam Malik agreed with ash-Shafa‘i with regard to gold and silver. As for other types of wealth, the reason in his view was that they are exchanged for goods of the same type, they can be stored and they are food. The same applies to what is added to food of spices.

They think that these four types are mentioned in the hadith by way of example, and include similar things, and what they have in common is the fact that they are all food and can be stored.

Hence wheat and barley are mentioned as examples of grains; dates are mentioned as an example of sweet things such as sugar and honey; and salt is mentioned as an example of all types of spices.

There is another view that was narrated from Imam Ahmad; it is the older view of Imam ash-Shafa‘i and is the view of Sa‘id ibn al-Musayyib, which is that the reason why the four things mentioned in the hadith are regarded as being subject to riba is that they are all things that may be eaten and are measured by volume or weight, so no food that cannot be measured by volume

or weight is subject to riba, such as pomegranates, eggs and melons.

Similarly, things that cannot be measured by volume or by weight, and cannot be eaten, are not subject to riba. So these two factors must be taken into consideration, because being measured by volume on its own and being measured by weight on its own does not dictate that when these goods are exchanged they must be exactly the same in quantity. And the fact that something may be eaten alone does not dictate that when they are exchanged they must be exactly the same in quantity, because that is not what the shar'i regulations state. Rather the stipulation that goods should be exchanged in the same quantity can only be applied in accordance with Islamic teachings, which refer to volume or weight.

This view reconciles between the hadiths that have been narrated concerning this matter, because one hadith is more specific than the other.

This view was favoured by the author of al-Mughni, the commentator 'Abd ar-Rahman ibn Abi 'Umar, and Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on them)."(*Taysir al-'Alam Sharh 'Umdat al-Ahkam* 1/478).

Secondly:

What matters with regard to determining whether something is to be measured by volume or by weight, or may be sold by the piece, is what was done at the time of the Prophet (blessings and peace of Allah be upon him).

This is indicated by the hadith narrated by Abu Dawud (3340) and an-Nasa'i (2520) from Ibn 'Umar, who said: The Messenger of Allah (blessings and peace of Allah be upon him) said: "The (standard) measure (of weight) is the measure of the people of Makkah and the (standard) measure (of volume) is the measure of the people of Madinah." Classed as sahih by al-Albani in *Sahih Abi Dawud*.

And Allah knows best.