

Right n. 36: The Right of the Creditor

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وَأَمَّا حَقُّ الْغَرِيمِ الطَّالِبِ لَكَ، فَإِنْ كُنْتَ مُوسِرًا أَوْفَيْتَهُ وَكَفَيْتَهُ وَأَغْنَيْتَهُ وَلَمْ تَرُدَّهُ وَتَمَطَّلْهُ فَإِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ - قَالَ - «مَطَّلُ الْغَنِيِّ ظُلْمٌ». وَإِنْ كُنْتَ مُعْسِرًا أَرْضَيْتَهُ بِحُسْنِ الْقَوْلِ وَطَلَبْتَ إِلَيْهِ طَلَبًا جَمِيلًا وَرَدَدْتَهُ عَنْ نَفْسِكَ رَدًّا لَطِيفًا، وَلَمْ تَجْمَعْ عَلَيْهِ زَهَابَ مَالِهِ وَسُوءَ مُعَامَلَتِهِ فَإِنَّ ذَلِكَ لَوْمْ. وَلَا قُوَّةَ إِلَّا بِاللَّهِ

And the right of him to whom you owe¹ is that you should pay him back if you have the means to do so. You should meet his need, make him rich, and avoid putting him off and procrastinating. The Prophet, may God’s peace be upon him and his household, said: “The procrastination of the rich is oppression.” But if you are in hardship, you should satisfy him by using good words. You should gently ask him and send him away with gentleness. You should not take his property and mistreat him too. That is meanness. And there is no power but in God.

In short, Imam Sajjad said: “One should pay back his debt if he can do so. It is not right to postpone the repayment of a debt. One should talk gently and be good–tempered when dealing with the creditor. Otherwise, one is blameworthy since he has taken the money and is rude to the creditor too.

Our life has many vicissitudes. It is not always the same. At times, we are rich. At other times, we may be poor. We must try hard to maintain our dignity under all conditions. When rich we should not become rebellious and sinful. In addition, when we are poor we should not debase ourselves. An important issue in Islam is helping others during times when they need money by giving them a loan. We are also advised to give more time to those who do not have money to pay back their loan to us. There are many verses of the Holy Qur’an that outline the value and importance of this issue.

Loaning to God

Charity is recommended in Islam. In addition, an important form of loan in Islam is an interest-free loan. This is considered by the Qur'an to be loaning to God as we read in the following verse:

إِنْ تُقْرِضُوا اللَّهَ قَرْضًا حَسَنًا يُضَاعِفْهُ لَكُمْ وَيَغْفِرْ لَكُمْ وَاللَّهُ شَكُورٌ حَلِيمٌ

“If ye loan to God, a beautiful loan, He will double it to your (credit), and He will grant you Forgiveness: for God is most Ready to appreciate (service), Most Forbearing.” [The Holy Qur'an, al-Tagabun 64: 17]

This implies that loaning to God will be rewarded by Him and is a cause of forgiveness and divine appreciation. In another verse we read:

مَنْ ذَا الَّذِي يُقْرِضُ اللَّهَ قَرْضًا حَسَنًا فَيُضَاعِفْهُ لَهُ وَلَهُ أَجْرٌ كَرِيمٌ

“Who is he that will loan to God a beautiful loan? For (God) will increase it manifold to his credit, and he will have (besides) a liberal Reward.” [The Holy Qur'an, al-Hadid 57: 11]

In another verse the Qur'an says:

إِنَّ الْمُسَدِّقِينَ وَالْمُصَدِّقَاتِ وَأَقْرَضُوا اللَّهَ قَرْضًا حَسَنًا يُضَاعَفْ لَهُمْ وَلَهُمْ أَجْرٌ كَرِيمٌ

“For those who give in charity, men and women, and loan to God a beautiful loan, it shall be increased manifold (to their credit), and they shall have (besides) a liberal reward.” [The Holy Qur'an, al-Hadid 57: 18]

Some consider loaning to God to be just charity while others also include giving interest-free loans to believers:

مَنْ ذَا الَّذِي يُقْرِضُ اللَّهَ قَرْضًا حَسَنًا فَيُضَاعِفْهُ لَهُ أَضْعَافًا كَثِيرَةً وَاللَّهُ يَقْبِضُ وَيَبْسُطُ وَإِلَيْهِ تُرْجَعُونَ

“Who is he that will loan to God a beautiful loan, which God will double unto his credit and multiply many times? It is God that giveth (you) want or plenty, and to Him shall be your return.” [The Holy Qur'an, al-Baqarah 2:245]

Usury as Viewed by the Qur'an

Giving charity and interest-free loans were mentioned to be highly valued acts in Islam. In these acts, one only considers the pleasure of God and intends to help others. On the contrary, there is the question of usury that has extremely detrimental social effects. We read in the following verse of the Holy Qur'an:

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنتُمْ مُؤْمِنِينَ

فَإِن لَّمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِّنَ اللَّهِ وَرَسُولِهِ وَإِن تُبْتُمْ فَلَكُمْ رُؤُوسُ أَمْوَالِكُمْ لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ

“O ye who believe! Fear God, and give up what remains of your demand for usury, if ye are indeed believers. If ye do it not, take notice of war from God and His Apostle: But if ye turn back, ye shall have your capital sums: Deal not unjustly, and ye shall not be dealt with unjustly.” [The Holy Qur'an, al-Baqarah 2:278-279]

Here we note that taking usury is against our beliefs, and is considered to be like staging a war against God and the Prophet . If one repents from doing this heinous act, then he can take back his money without taking any interest. In another verse we read:

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِّن رَّبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ يَمْحَقُ اللَّهُ الرِّبَا وَيُرِي الصَّدَقَاتِ وَاللَّهُ لَا يُحِبُّ كُلَّ كَفَّارٍ أَثِيمٍ

“Those who devour usury will not stand except as stand one whom the Evil one by his touch hath driven to madness. That is because they say: "Trade is like usury," but God hath permitted trade and forbidden usury. Those who after receiving direction from their Lord, desist, shall be pardoned for the past; their case is for God (to judge); but those who repeat (the offence) are companions of the Fire: they will abide therein (for ever). God will deprive usury of all blessing, but will give increase for deeds of charity: For He loveth not creatures ungrateful and wicked.” [The Holy Qur'an, al-Baqarah 2:275-276]

Here we see usurers depicted like insane men. This may refer to their social behavior since their deeds are similar to mad people. They do not care for sympathy, love, cooperation and the like. It may also refer to the way they will be resurrected in the Hereafter since our looks in the Hereafter portray our deeds in this world. Imam Sadiq said:

آكلُ الرِّبَا لَا يَخْرُجُ مِنَ الدُّنْيَا حَتَّى يَتَخَبَّطَهُ الشَّيْطَانُ

“A usurer shall not depart this world without Satan driving him insane.”²

Some people question whether or not the roots of insanity are derived from Satan. As we know, insanity is a form of psychological illness. Some believe that it is a form of being touched by Satan. This belief was very popular among the Arabs. As we know, following satanic thoughts will cause one to think differently. Consequently, he will not be able to distinguish right from wrong. In this verse, the state of usurers is presented – both here and in the Hereafter.

The Justifications of Usurers

Usurers claim that their deed is similar to engaging in trade. They should be told that God has allowed trade, but He has forbidden usury. This is because in trade both sides are equally prone to lose or gain, while in usury the one who gives the loan never loses. Also note that in normal trade both sides help develop production and consumption, while a usurer helps neither.

In addition, our capital will be channeled into the wrong directions causing the economy to suffer when usury is practiced, while trade fosters the healthy flow of capital in the economy. Devouring usury will also result in animosities and class disputes while engaging in trade does not. Usury is discussed in the following verses of the Holy Qur’an as follows:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا الرِّبَا أَضْعَافًا مُضَاعَفَةً وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ

“O ye who believe! Devour not usury, doubled and multiplied; but fear God; that ye may (really) prosper.” [The Holy Qur’an, Al-i-Imran 3: 130]

وَأَخْذِهِمُ الرِّبَا وَقَدْ نُهُوا عَنْهُ وَأَكْلِهِمْ أَمْوَالَ النَّاسِ بِالْبَاطِلِ وَأَعْتَدْنَا لِلْكَافِرِينَ مِنْهُمْ عَذَابًا أَلِيمًا

“...That they took usury, though they were forbidden; and that they devoured men's substance wrongfully. We have prepared for those among them who reject faith a grievous punishment.” [The Holy Qur’an, al-Nisaa 4: 160–161]

Giving Time to the Debtor

Imam Sajjad has recommended paying back one’s debt if he can. However, if he does not have enough money to pay it back, the Imam recommends us to give him time to do so. We also read the following verse in the Holy Qur’an:

وَإِنْ كَانَ ذُو عُسْرَةٍ فَنَظِرَةٌ إِلَىٰ مَيْسَرَةٍ وَأَنْ تَصَدَّقُوا خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ

“If the debtor is in a difficulty, grant him time till it is easy for him to repay. But if ye remit it by way of charity, that is best for you if ye only knew.” [The Holy Qur’an, al-Baqarah 2:280]

The verses on charity, interest-free loans, and forbidden usury were presented earlier. Here we see that the repayment of a loan is a duty. However, we are also told that we should give the debtor time to repay if he is in difficulty. This is opposed to the common practice in the Age of Ignorance when debtors in a difficulty were charged more interest and put under more pressure to pay back. In Islamic law, it is clearly stated that we cannot take back our loan by seizing the living necessities of the debtor.

We can only seize what he might have that is extra. This is a clear form of support for the weak classes of the society. Still a more important issue is presented here. We are told that a loftier act would be to remit the debt by way of charity if we can. This is a form of self-sacrifice that is highly valued. We can see this side by side with the advice to the debtor to talk gently with the creditor. The rights of both sides are clearly described here. Now let us look at some related material presented in volume 2 of Shafi by the late Fayz. In a tradition the reward for giving more time is mentioned: Imam Sadiq said:

مَنْ أَرَادَ أَنْ يُظِلَّهُ اللَّهُ يَوْمَ لَا ظِلَّ إِلَّا ظِلُّهُ... فَلْيُنْظِرْ مُعْسِراً أَوْ يَدَعْ لَهُ مِنْ حَقِّهِ

“Those who desire to be in the Shade of God on the Day on which there is no other shade, should give time to debtors who are unable to pay back their debt or remit it.”³

Imam Sadiq narrated that once the Prophet climbed the pulpit and said:

أَيُّهَا النَّاسُ! لِيُبَلِّغِ الشَّاهِدُ الْغَائِبَ مِنْكُمْ. أَلَا وَمَنْ أَنْظَرَ مُعْسِراً كَانَ لَهُ عَلَى اللَّهِ فِي كُلِّ يَوْمٍ تَوَابٌ صَدَقَةٍ بِمِثْلِ مَا لَهُ حَتَّى يَسْتَوْفِيَهُ.

“O People! You who are present and can witness to what I say! Deliver my words to those who are absent. Beware! God will reward the one who gives time to a debtor who cannot pay back his debt with the reward of charity on his loan for each day that the repayment of the loan is postponed.”

Then Imam Sadiq recited the following verse:

وَإِنْ كَانَ ذُو عُسْرَةٍ فَنَظِرَةٌ إِلَىٰ مَيْسَرَةٍ وَأَنْ تَصَدَّقُوا خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ

“If the debtor is in a difficulty, grant him time till it is easy for him to repay. But if ye remit it by way of charity, that is best for you if ye only knew.” [The Holy Qur’an, al-Baqarah 2:280]

Then he said:

إِنَّهُ مُعْسِرٌ فَتَصَدَّقُوا عَلَيْهِ بِمَا لَكُمْ عَلَيْهِ فَهُوَ خَيْرٌ لَكُمْ

*“He is a poor person, so give charity to him from what he owes you, and it will be better for you.”*⁴

The Prophet said:

كَمَا لَا يَحِلُّ لِغَرِيمِكَ أَنْ يَمْطُلَكَ وَهُوَ مُوسِرٌ فَكَذَلِكَ لَا يَحِلُّ لَكَ أَنْ تُعْسِرَهُ إِذَا عَلِمْتَ أَنَّهُ مُعْسِرٌ

*“Just as it is not permissible for your creditor to postpone the repayment of a loan if he is well to do, similarly it is not permissible for you to demand your money back from him if you know that he is in straitened circumstances.”*⁵

Imam Sadiq was told that Abdul Rahman ibn Seyabeh who had passed away had an unpaid debt to someone. They had asked the creditor to forgive his debt, but he had not accepted to do so. The Imam said:

وَيْحَهُ! أَمَا يَعْلَمُ أَنَّ لَهُ بِكُلِّ دِرْهَمٍ عَشْرَةَ إِذَا حَلَّهٗ وَإِنْ لَمْ يَحَلِّهٗ فَإِنَّمَا هُوَ دِرْهَمٌ بِدِرْهَمٍ

“Woe to him! Does he not know that for each Dirham that he forgives he shall be rewarded ten Dirhams? But if he does not forgive, he can only receive one Dirham for each Dirham.”

^{1.} In the other version it continues: “ a debt that, if you have the means, you pay him back, and if you are in straitened circumstances, you satisfy him with good words and you send him away with gentleness.”

^{2.} Tafsir-i-Namunah, v.2, p.272, quoted from Nur al-Thaqalayn, v.1, p.291.

^{3.} Shafi, v.2, p.110.

^{4.} Shafi, v.2, p.110.

^{5.} Ibid.

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