

بسم الله الرحمن الرحيم

Series of Questions Addressed to the Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir on his Fiqhi Facebook page

Question and Answer

The Ruling of Taking Salary from an Employer who Deals with Interest

To: Ammar Khdhir

(Translated)

Question:

Bismillah Ar-Rahman Ar-Raheem

One of the brothers embarrassed me with a question which I think he is right with, despite my attempt to explain the situation we are living in, but he is not yet convinced.

The question pertains to the salary taken in work presented in the public office in this capitalist system, which is mostly or part of it is usury, knowing that the donor country for the public position pays these or part of these funds from usurious loans taken from foreign countries or from the International Monetary Fund.

Do we, the employees, in exchange for our work in the civil service, take interest money or not? And if the answer is in the affirmative, then what is the way to dispose of it and live without a job for which we spent our lives obtaining study and work for it?

Thanks in advance for your understanding and may Allah reward you immensely.

Your brother Ammar from Tunisia

Answer:

Wa Alaykom Assalam Wa Rahmatullah Wa Brakatuhu,

With regard to the salary that the employee receives in the public office in exchange for his work, his ruling is related to the work he does:

- If he does a prohibited job like someone who works in intelligence to spy on Muslims or works in torturing people and the Da'wah carriers etc..., then his salary is forbidden because he earned it from a forbidden work...

- And if the work he does is a permissible job, such as working as a teacher, engineer, or doctor in a government hospital, or any other permissible work, his salary is permissible for him, and it does not harm him if the party's money that gives his salary is mixed with interest or other forbidden transactions or permissible transactions, taking his salary from this permissible and forbidden mixture is permissible for him, except if his salary is taken from stolen money, usurped money, or from forbidden money, such as wine and pig, so if his salary is from stolen money or from a forbidden money for its type, it is not permissible... as explained below:

Forbidden money has different types:

- **Haram in and of itself such as wine...** It is haram to gift with it, so it is forbidden (haram) for the owner of the wine and for the one whom the gift is for. The Messenger of Allah (saw) said: «حُرِّمَتِ الْخَمْرُ بِعَيْنِهَا» “**Khamr was forbidden in and of itself.**” (Narrated by an-Nasa'i)

- Haram for it is a human being's right (Haq) that is stolen or taken forcefully... This is forbidden (haram) for the thief and the usurper, in which it is not permissible to gift as it is haram for the one who took the money from it and for the recipient of the gift. This money is the right of its possessor, and wherever he is, the money must be returned to the rightful owner. Some of the evidences for this are:

Ahmad has narrated on authority of Samurah that he said: The Messenger of Allah (saw) said: **«إِذَا سُرِقَ مِنَ الرَّجُلِ مَتَاعٌ، أَوْ ضَاعَ لَهُ مَتَاعٌ، فَوَجَدَهُ بِيَدِ رَجُلٍ بَعِيْنِهِ، فَهُوَ أَحَقُّ بِهِ، وَيَرْجِعُ الْمُشْتَرِي عَلَى الْبَائِعِ»** **«If a man has something stolen from him, or loses something, and he finds it in the possession of a man who bought it, then he has more right to it, and the one who bought it should ask for his money back from the one who sold it to him.»**

This is a text that shows that stolen money must be returned to its owner.

Money by force is also guaranteed to the one from whom it was forced, so the usurper must return whatever taken by force to its possessor.

It was narrated from Samurah that the Prophet (saw) said: **«عَلَى الْيَدِ مَا أَخَذَتْ حَتَّى تُؤَدِّيَ»** **“The hand which takes is responsible till it pays”** [Narrated by at-Tirmidhi and he said it is a Hasan Hadith]

- Haram for batil (invalid) transactions such as the money of usury and gambling... This is forbidden only for the one who received it, but the haram does not extend to the one who received the money through a permissible manner from the one who commits riba or gambles. For example, selling the one who deals with riba goods and receiving their cost, the wife receiving her expenses from her husband who deals with usury, the one who deals with riba brings a gift to one of his relatives, or any other permissible transactions. The sin for this haram money applies on the who dealt with usury and neither on the one who attains the price of his goods, nor on the wife receiving her expenses, or the one receiving a gift, and that is because the haram does not regard two people in this state. Some evidences on that are:

1. Allah (swt) said: **﴿وَلَا تَكْسِبُ كُلُّ نَفْسٍ إِلَّا عَلَيْهَا وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَى﴾** **“What each self earns is for itself alone. No burden-bearer can bear another's burden.”** [Al-An'aam, 6:164]

2. The Prophet (saw) used to deal with the Jews in Madinah, with the knowledge that most of their money was from riba. Allah (swt) said: **﴿فَبَطَّلْنَا مِنَ الَّذِينَ هَادُوا حَرَمًا عَلَيْهِمْ طَيِّبَاتٍ أُحِلَّتْ لَهُمْ وَبِصَدِّهِمْ عَنْ سَبِيلِ اللَّهِ كَثِيرًا وَأَخَذَهُمُ الرِّبَا وَقَدْ نُهُوا عَنْهُ وَأَخْلَاهُمْ أَمْوَالَ النَّاسِ بِالْبَاطِلِ﴾** **“For wrongdoing on the part of the Jews, We made unlawful for them [certain] good foods which had been lawful to them, and for their averting from the way of Allah many [people]* And [for] their taking of usury while they had been forbidden from it, and their consuming of the people's wealth unjustly.”** The Prophet (saw) used to accept gifts from them.

It was narrated from Ibn Abbas that a woman from the Jews gave the Messenger of Allah (saw) a poisoned sheep, so he sent to her and said: **«مَا حَمَلَكَ عَلَى مَا صَنَعْتَ؟»** **«قَالَتْ: أَحْبَبْتُ - أَوْ أَرَدْتُ - إِنْ كُنْتُ نَبِيًّا فَإِنَّ اللَّهَ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ شَاءَ مَسْمُومَةً، فَأَرْسَلْتُ إِلَيْهَا، فَقَالَ: «لَا سَيْطَانُكَ عَلَيْهِ، وَإِنْ لَمْ تَكُنْ نَبِيًّا أَرِيحُ النَّاسَ مِنْكَ»** **“What induced you to do what you have done?”** She said: **“I liked - or I wanted- if you were a prophet, Allah will tell you, but if you were not a prophet, I should rid the people of you.”**

3. Some of the Sahaba and Tabi'een made it permissible to receive gifts from the one who takes riba:

a) A man came to Ibn Masoud and said: I have a neighbor who eats from usury, and he still invites me, so Ibn Masoud said: **“the good deed is for you, and the sin is for him”** [Narrated by Abdul-Razzaq as-San'ani in his Musannaf]

B) Al-Hassan was asked: Can the food of moneychangers be eaten? He said: **"Allah سبحانه وتعالى has told you about the Jews and an-Nasara, they used to eat from usury, and He made their food permissible for you"** [Narrated by Abdul-Razzaq as-San'ani in his Musannaf on authority of Ma'mar]

C) It was narrated by Mansour that he said: I told Ibrahim: I went to a worker's place, so he hosted me and offered me money. Ibrahim said: "Accept", so Mansour said: the worker takes usury. Ibrahim said: **"Accept as long as you did not command him or help in his usury"** [Narrated by Abdul-Razzaq as-San'ani in his Musannaf on authority of Ma'mar]

4. However, it is better not to deal with possessors of forbidden (haram) money that stemmed from usury, so you neither sell them nor accept a gift from them motivated by piety; so the seller will not receive profit from his riba-contaminated merchandise, and do not accept their gift so that it won't be from the money of usury. In this way, Muslims distance themselves from everything that is impure, and the Companions of the Messenger (saw) used to refrain from several permissible domains (Mubahat) for fear of approaching the haram.

It was narrated from the Messenger of Allah (saw) that he said: **«لَا يَبْلُغُ الْعَبْدُ أَنْ يَكُونَ مِنَ الْمُتَّقِينَ حَتَّى يَدَعَ مَا لَا بَأْسَ بِهِ خَذَرًا لِمَا بِهِ الْبَأْسُ»** **"No one will attain complete righteousness until he abandons (certain) unobjectionable (but doubtful) things so as to remain on his guard against something objectionable."** [Narrated by at-Tirmidhi, and he said it is a Hasan Hadith]

In conclusion, it is permissible to sell to someone whose wealth a mixture of usury and halal, and it is permissible to accept his gift, and it is permissible to take your salary from him, but it is better that you do not sell to him or accept his gift, and do not work for him and take your salary from him. Accordingly, the employee who works in a permissible job in the public office, and takes his salary from the employer whose money is a mixture of what is forbidden and permissible, so his salary is permissible for him and he may take it without embarrassment ... as the sin for usury is not true of the employee, but is upon the authority that he works with.

I hope that this answer will suffice, and Allah Knows Best and is the Most Wise.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

9 Dhul Qi'dah 1441 AH

Corresponding 30/06/2020 CE

Link to the answer on the Ameer's (may Allah preserve him) Facebook page:

https://web.facebook.com/HT.AtaabuAlrashtah/posts/2677639062482101?_tn=K-R