

Buying a house through the bank

Shaykh Aboo `Abd-al-Mu`iz `Alee Farkous al-Qoobee

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

Question: I am the father of ten children and have been living in my wife's mother's house for twenty years. The house has one room and a kitchen. I have applied many times to official authorities for a house but in vain. A friend of my son suggested that my son give him a plot of land which the National Reserve and Saving Fund (CNEP Bank) undertakes and finance by giving a credit that the beneficiary will pay in instalments with interests.

So, what is the ruling concerning such act, taking into consideration the living conditions of the family. May Allaah reward you with good.

Shaykh Aboo `Abd-al-Mu`iz `Alee Farkous al-Qoobee (May Allaah the Most High preserve him): All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers till the Day of Resurrection.

Loaning from banks or from similar current monetary establishments which are based upon usurious transactions is absolutely forbidden, as the Qur'aanic verses revealed on this kind of usury of debts stipulate. In fact, Allaah (*Mighty and Majestic is He*) warned those who deal in usury of war, from Him and His Messenger. The prophetic hadeeths which warn against usury are also numerous.

However, this kind of absolute forbiddance is allowed by scholars in case of an occurring necessity or extreme need which pushes to do such act, after the impossibility to find other issues in order to get out of this situation of financial embarrassment and social discomfort, like the fact of providing food for oneself and one's children in order to push away famine from them and providing clothes and shelter for protection and the necessary treatment in which there is a fear of illness aggravation if the ill one is not treated immediately, or other cases in which the person reaches a situation which, if not taken into account, the person would be certain or would fear that his necessary interests which lie in the preservation of the five vital necessities¹ will be lost, but with the condition that the necessity be really existent, not fictive or probable.

¹ The preservation of: the religion, the soul, money, reason and honour. Translator's note.

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As for the necessity, it is for the concerned person to judge it according to his faith. If there is necessity, the ruling of forbiddance becomes cancelled, but just in such a way that he pushes the necessity, according to the rules which are based upon the texts of the Sharee'ah like: "Necessity makes forbidden things permissible" and the rule: "A restricted situation requires facilitation" In accordance with Allaah (*Mighty and Majestic is He*) saying:

﴿وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ﴾

The meaning of the verse:

﴿and has not laid upon you in religion any hardship﴾

[Al-Hajj (The Pilgrimage): 78]

And the verse:

﴿مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ﴾

The meaning of the verse:

﴿Allaah does not want to place you in difficulty﴾

[Al-Maa'idah (The Table Spread with Food): 6]

Moreover, I will not forget to mention that the necessities and cases of need, which are duly considered, should be evaluated in a proper manner, following the rule: "Necessities should be evaluated in a proper manner" and the rule: "If there is ease, the restriction comes back" and the rule: "If the danger disappears, the interdiction will become effective".

Finally, if the person does such act, he should however condemn it and be incensed, without wilful disobedience nor transgressing due limits. Allaah is, certainly, Forgiving and Merciful.

The perfect knowledge belongs to Allaah (*May He be Exalted the Most High*). Our last prayer is all praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon our Prophet, his Family, his Companions and his Brothers till the Day of Resurrection.

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