

The measure of Assisting in Sin

In the past, it was very easy to determine a Shari' ruling on إعانة على المعصية (assisting in sin). In today's times of technological advancements and calculations, the issue of assisting in sin has become very complex. The interdependence of various departments of their technological world cannot be denied. Some departments are directly related to sin, whilst others are indirectly related. In terms of Shari'ah, where do we draw the line and how do we practice on the injunction of ولا تعاونوا على الإثم والعدوان (And do not help each other in sin and aggression)?

The following article is prepared by Moulana Jawed (Sallamahu), a student of the Darul Ifta. Moulana very aptly first explains the fundamental principles and then the practical implementations of the rules. This article will be very useful for Ulama. As for the masses, we advice that this article should not be regarded as a standard for all issues not contained in this article. Such issues should be presented to a competent Mufti for a Shari' ruling. May Allah accept the efforts of Moulana Jawed (Sallamahu) and take him from strength to strength in serving the Ulama with the various great skills and capabilities Allah has granted him. Aameen.

Mufti Ebrahim Desai

Introduction

One of the most frequently asked questions amongst Muslims today is regarding working in banks and financial institutions that deal with interest. Severe warnings have been mentioned in The Holy Quran and the Ahadith of Nabi (Sallallahu 'Alaihi Wasallam) regarding those involved in interest. Similarly, Shari'ah has also forbidden Muslims from engaging in those actions that assist in sin. However, a general ruling cannot be made that all employments that are connected to interest in any way or assist in any kind of sin are impermissible; hence, there are certain rules and guidelines that distinguish those that are permissible from those that are impermissible. It is important to understand these rules and guidelines before determining a ruling regarding any such employment.

Involvement in interest

Severe warnings have been mentioned in the Holy Quran regarding those involved in interest and usury. Allah Ta'ala mentions in the Holy Quran:

الذين يأكلون الربا لا يقومون إلا كما يقوم الذي يتخبطه الشيطان من المس ذلك بأنهم قالوا إنما البيع مثل الربا وأحل الله البيع وحرم الربا.

Those who take ribā (usury or interest) will not stand but as stands the one whom the demon has driven crazy by his touch. That is because they have said: "Sale is but like ribā", while Allah has permitted sale, and prohibited ribā. (Verse: 2:275)

يا أيها الذين آمنوا اتقوا الله وذروا ما بقي من الربا إن كنتم مؤمنين. فإن لم تفعلوا فأذنوا بحرب من الله ورسوله وإن تبتم فلكم رءوس أموالكم لا تظلمون ولا تظلمون.

O you who believe, fear Allah and give up what still remains of ribā, if you are believers. But if you do not (give it up), then listen to the declaration of war from Allah and His Messenger. However, If you repent, yours is your principal. Neither wrong, nor be wronged. (Verse: 2:278,279)

Moreover, Nabi (Sallahu 'Alaihi Wasallam) has not only forbidden Muslims from giving and taking interest, but also forbidden them from writing down the transaction of interest and witnessing it.

عن جابر قال لعن رسول الله صلى الله عليه وسلم آكل الربا وموكله وكتابه وشاهديه وقال هم سواء. (رواه مسلم)

Hazrath Jabir (Radhiyallahu Anhu) narrates that Nabi (Sallahu 'Alaihi Wasallam) cursed those who are involved in usury; whether it is the person who is giving usury, receiving it, writing the transaction or witnessing it.

(Sahih Muslim Vol.11 Pg.28 – Dar al-Ma'rifah)

The commentators of *Hadith* explain that whilst the abovementioned narration explicitly forbids one from writing the transactions of interest, it refers only to those people who write an agreement and prepare the document to evidence the transaction of interest. It does not include those people or accountants who record these transactions later and were not involved in the transaction itself.

وهذا إنما يقع على من واطأ صاحب الربا عليه فأما من كتبه أو شهد القصة ليشهد بما على ما هي عليه ليعمل فيها بالحق فهذا جميل القصد لا

يدخل في الوعيد المذكور وإنما يدخل فيه من أعان صاحب الربا بكتابته وشهادته

(*Fath al-Bari (Ibn Hajr) Vol.4 Pg.394 – Qadeemi Kutub Khana*)

(*Contemporary Fatawa (Mufti Taqi Usmani) Pg.160 – Idara-e-Islamiyat*)

Therefore, it will not be permissible for a Muslim to take up a job that is directly involved in interest; whether it involves carrying out interest bearing deals or preparing documents for interest bearing transactions; e.g. working as a manager, cashier, clerk, etc. in a bank, insurance company, etc. The wages acquired through such an occupation will not be permissible. However, an accountant or auditor who records these interest bearing transactions as an event that has already happened, and is not directly involved in these transactions, does not directly fall within the ambit of the warning of the abovementioned Hadith. Such an occupation may fall under the category of assisting in sin or being a means for a sin being committed as explained below.

Assisting in sin

The issue of assisting in *haram* and being a means for a sin being committed has been discussed amongst the scholars of Islam. The following Verses of the Holy Quran and the Ahadith of Nabi (Sallallahu ‘Alaihi Wasallam) indicate that it is not permissible to assist in sin or to be a means for a sin being committed:

Allah Ta’ala mentions in the Holy Quran:

ولا تعاونوا على الإثم والعدوان

And do not help each other in sin and aggression. (Verse: 5:2)

قال رب بما أنعمت علي فلن أكون ظهيرا للمجرمين

He (Mūsā) said, “O my Lord! As You have favored me, I will never be a supporter of the sinners”. (Verse: 28:17)

ولا تسبوا الذين يدعون من دون الله فيسبوا الله عدوا بغير علم

Do not revile those whom they invoke other than Allah, lest they should revile Allah in transgression without having knowledge. (Verse: 6:108)

ولا يضربن بأرجلهن ليعلم ما يخفين من زينتهن

And let them not stamp their feet in a way that the adornment they conceal is known. (Verse: 24:31)

فلا تخضعن بالقول فيطمع الذي في قلبه مرض

So, do not be too soft in your speech, lest someone having disease in his heart should develop fancies (about you). (Verse: 33:32)

It has been mentioned in the Ahadith of Nabi (Sallallahu ‘Alaihi Wasallam):

عن عبدالله ابن عمرو بن العاص أن رسول الله صلى الله عليه و سلم قال: من الكبائر شتم الرجل والديه قالوا يا رسول الله وهل يشتم الرجل والديه ؟ قال نعم يسب أبا الرجل فيسب أباه ويسب أمه فيسب أمه (رواه مسلم)

It has been narrated on the authority of Abdullah bin 'Amr (Radhiyallahu 'Anhu) that Nabi (Sallallahu 'Alaihi Waallam) said, "It is amongst the major sins for a person to use abusive language in regards to his parents". The Sahabah (Radhiyallahu 'Anhum) asked, "O' Messenger of Allah, will any person use abusive words in regards to his own parents?" Nabi (Sallallahu 'Alaihi Wasallam) answered, "Yes, one abuses another's father and the other abuses his father in return. One abuses another's mother and the other abuses his mother in return".

(Sahih Muslim Vol.2 Pg.274 – Dar al- Ma'rifah)

However, a general ruling cannot be made that all actions which are a means for a sin to be committed are impermissible, as many actions in today's times act as a means for a sin being committed. For example, growing of crops could be a means of nourishing a non-Muslim who will engage in impermissible acts.

Moreover, the scholars of the past have differed in giving rulings regarding those actions that act as a means for a sin being committed. At times, a scholar has ruled an action impermissible on the basis of assisting in sin; but permitted another action, although it assisted in a sin.

Therefore, the contemporary scholars have separated these actions into categories in order to facilitate the Muslims to determine the permissibility and the impermissibility of their actions, and clarify the reason for the difference in ruling amongst the scholars of the past.

Assisting in Forbidden Acts (اعانة على المعصية)

Any assistance to *haram* in which the intention of sin is made will be regarded as *haram* impermissible. This consists of 3 types:

1. The intention of sin is made in reality; e.g. one sells grape juice with the intention that wine is made from it.
2. The mention of sin is made during the transaction; e.g. Zaid requests 'Amr to sell grape juice to him so that he could make wine out of it and 'Amr agrees to it and sells him the grape juice.
3. The item sold or hired can only be used in sin and cannot be used for any other purpose; e.g. selling or hiring of musical instruments.

These actions constitute the actual meaning of اعانة على المعصية (assisting in forbidden acts) mentioned in Verse 5:2 of the Holy Quran. The parties involved in such transactions will be sinful for intending a sinful act, regardless of the fact that the actual sin was carried out or not.

To be a Means for a Sin being committed (تسبب الى المعصية)

Any action that is a means for a sin being committed, but does not fall into any of the abovementioned types, will not be regarded as اعانة على المعصية (assisting in forbidden acts); but will be regarded as تسبب الى المعصية (being a means for the sin being committed). However, some scholars have used the term اعانة على المعصية for such actions too, as they are similar to each other. These are then categorized into 3 different types:

1. سبب قريب محرك للمعصية – Those actions that are directly related to the sin and are a means for the sin coming into existence in such a way that if the action did not take place the sin would not have been committed. For example, using abusive language in regards to the idols that the disbelievers worship will result in the disbelievers reviling Allah Ta'ala. Thus, in Verse 6:108 of the Holy Quran, Muslims are prohibited from using abusive language in regards to the idols the disbelievers worship. Verses: 24:31, 33:32 and the Hadith mentioned above are other examples of such actions.

Such actions are prohibited in Islam and the one committing such an action will be sinful.

2. سبب قريب غير محرك للمعصية بل موصل الى المعصية – Those actions that are directly related to the sin, but are not a means for the sin to come into existence. For example, one sells grape juice to a person who will make wine out of it, but the person selling the grape juice does not make intention of wine being made out of it.

The ruling regarding such actions will be that if the person had knowledge of the sin being committed, the action will be *makrooh tahrimi* (highly disliked); and if the person did not have knowledge of the sin being committed, the action will be *makrooh tanzih* (disliked).

The difference of opinion between Imam Abu Hanifah and his pupils, Imam Muhammed and Imam Abu Yusuf, recorded in the books of Hanafi Fiqh, is in regards to the actions that fall under this type. Imam Abu Hanifah says that such actions are valid, whilst the others say that they are not valid. However, a consensus could be created between the two views by saying that those who validated these actions meant that it is permissible with undesirability and those who invalidated it were referring to the undesirability.

3. **سبب بعيد** – Those actions that are not directly related to the sin, but become a means for the sin to be committed at a later stage. For example, a person sells grapes to another person who will later make it into grape juice to make wine from it.

Such actions are permissible, but will be *makrooh tanzih* (disliked) if the person knows that the sin will be committed.

Extracted from: *Jawahirul Fiqh – Mufti Muhammed Shafi Uthmani – Vol.2 Pgs.439-462 – Maktabah Darul Uloom Krachi*

Salary received from occupations in banks, etc.

The salary received from those occupations that necessitate direct involvement in interest is not permissible. Similarly, salaries and wages received from those actions that constitute the actual meaning of assistance in sin and those actions that are directly related to the sin and are a means for the sin coming into existence are also not permissible.

ولا تجوز الإجارة على شيء من الغناء والنوح والمزامير والطبل وشيء من اللهو وعلى هذا الحداء وقراءة الشعر وغيره ولا أجر في ذلك وهذا كله

قول أبي حنيفة وأبي يوسف ومحمد رحمهم الله تعالى كذا في غاية البيان

(*Fatawa Al-Hindiyyah Vol.4 Pg449 – Maktabah Rasheediyyah*)

Salaries received from those actions that are directly related to the sin but are not a means for the sin to come into existence and those actions that are not directly related to the sin are permissible, on condition that one does not make intention of the sin and majority of the money at the institution is not interest money. However, if more than 50% of the funds present at the institution is interest money or impermissible money, it will not be permissible to receive wages for any kind of service done for the company.

(*Ahsan al-Fatawa Vol.7 Pg.329 – H.M.Sa'eed Company*)

A few examples

After having understood the basic principals and guidelines, let us analyse a few frequently asked questions in regards to the abovementioned.

Q1. Recently I got an opportunity to work in Saudi Arabia as IT Manager in an Asset Management Company, which recently got shaped up. My main responsibility is to manage projects for asset management application from IT side and also look after/build IT infrastructure setup completely which includes Server setup, LAN/WAN setup, Email Servers, etc. This company has been formed by two major banks as an Asset Management Company. Will it be permissible for me to work as an IT manager in the abovementioned Company?

A1. There has been no clarification made as to whether the Company deals in interest bearing transactions or not. However, we understand that you will not be directly involved in the transactions of the Company, but will only assist in the IT department of the Company; hence, even if the Company is dealing in interest bearing transactions, your job at the Company will only be a means for the sin to be committed at a later stage and will not be directly related to the sin. Therefore, it will be permissible, although undesirable, for you to take up this job. The salary acquired from this employment will be permissible as long as majority of the funds present in the Company are not interest money. We would still advice you seek for another job which does not deal with interest in any way.

Q2. I currently work as a Software tester for a leading Wall Street foreign exchange trading firm. My basic function is to test the Back Office software. This software performs all calculations, account setups, and configurations, as well as facilitates the Trading in foreign exchange. My confusions stems from the fact that it is through this software that the interest that customers pay, earn, and the firm itself pays and earns is calculated. Also, in foreign exchange trading there is a high level of speculation. Our customers do have the option to trade on 0 interest and pay commission. This facility has been introduced by the firm for our Muslim clientele. However, when testing I have to make sure that the software works for all setups.

Am I then in any way part of the interest based transaction, and/or am I in any way as a tester - testing in the TEST environment only - facilitating the *haram* interest based transactions in any way?

Or am I external to the trades, since I am only part of testing to make sure that the Programmers correctly implement the requirements laid down by business. I get a document that lists the requirements, and I test to make sure that they have been correctly implemented, and that the system works.

A2. We understand from the query that you are not directly involved in the interest bearing transactions; hence, do not directly fall within the ambit of the warning of the *Hadith* mentioned hereunder:

عن جابر قال لعن رسول الله صلى الله عليه وسلم آكل الربا وموكله وكتابه وشاهديه وقال هم سواء. (رواه مسلم)

Hazrath Jabir (Radhiyallahu Anhu) narrates that Nabi (Sallahu 'Alaihi Wasallam) cursed those who are involved in usury; whether it is the person who is giving usury, receiving it, writing the transaction or witnessing it.

(Sahih Muslim Vol.11 Pg.28 – Dar al-Ma'rifah)

However, even though your occupation as a Software tester is not directly related to the interest bearing transactions, you will still be a means for the sin to be committed at a later stage. Therefore, there will be a certain level of undesirability, but it will be permissible for you to take up this job. The salary received will be permissible to take as long as majority of the funds present in the firm are not interest money. We would still advice you to seek an employment in a place that does not deal with interest in any way.

Q3. What if someone is working for a stock exchange broker, securities company or holding company under conditions mentioned in Q2. Will it still be permissible?

A3. It will be permissible to be employed under such companies as long as the person is not personally involved in the interest-based transactions of the company; e.g. he may be an accountant or a software tester. The conditions and rulings mentioned in A2 will also apply here.

Q4. I am working with a company in Middle East which is under construction. Currently all the payments including our salaries are made through Banking loans (interest based). I am working in Finance Department and not 100% involved in managing the loan activities but a part of the team. Is this job *haram* or *halal* for me? Would the ruling be the same for employees working in other departments; i.e. engineering etc.?

A4. Your employment is in the financial department of the company which deals in interest. Although you are not 100% involved in the interest bearing loans, the fact that you are part of the team suggests that you are assisting in sin; hence, your employment will constitute the actual meaning of اعانة على المعصية (assisting in forbidden acts) mentioned in the following Verse of the Holy Quran:

ولا تعاونوا على الإثم والعدوان

And do not help each other in sin and aggression. (Verse: 5:2)

Therefore, it will not be permissible for you to take up such a job. The salary acquired from such an employment will not be permissible, and it will be compulsory for you to seek an alternate employment. However, if it is not possible to get a job very quickly and you have no other source of income to support yourself and your dependents, you will be excused for continuing with your present employment, on condition

that you make all possible efforts to seek another job. You should also repent sincerely to Allah Ta'ala for being involved in an act of sin.

As for the other employees working in departments that do not necessitate involving in interest, their employment itself will be regarded as permissible. However, due to the fact that the salaries are been paid with interest bearing loans, their income would be contaminated.

In conclusion, a blanket ruling cannot be made in regards to all employments in institutions dealing with interest. The abovementioned principles and guidelines could be used in determining a ruling regarding these employments. One should also consult the *Ulama* of the area regarding such employments.

And Allah Ta'ala Knows Best

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