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Ribā (Usury) Prohibition in the Qur'ān in Terms of its Historical Context

By

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1. Introduction

*Ribā*¹ (usury) is one of the most important concepts in the Qur'ān with regard to Islamic law and economy. From very middle ages to the present day, plenty of comprehensive and valuable works pertaining to the prohibition of the usury in Islam have been produced. These works generally refer to Islamic law (*al-fiqh*) as evidence, clarify 'ribā and divide it into two kinds: *ribā an-nasīhah* (interest charged on loan transactions) and *ribā al-fadl* (interest in

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¹ We can translate the word *ribā* to English as interest and usury. The word usury responds to meaning of *ribā* better than interest. So it is seen that the use of usury is necessary in order to avert confusion in terms. See Ziauddin Ahmad, *The Theory of Riba*, "Islamic Studies (Journal of the Islamic Research Institute)", Winter 1978, Vol. XVII (pp. 171-185), p. 172.

In the same way, there are two words in contemporary Arabic; one of them is '*ribā*' and the other is '*fāida*'. But while *ribā* is a religious concept, *fāida* is an economical term belonging to modern ages like interest. There are some differences between them (See for details: Ali Rıza Gül, *Tarihi Bağlamı Çerçevesinde Kur'ân'da Faiz (Ribâ) Yasağı*, Ankara: İlâhiyât Yay., 2006, p. 22-23, 26-27). Recently, it has been generally usury used for *ribā* and interest for *fāida* ('Abdulaziz Fahmi Haykal, *Mawsū'atu'l-mustalahāti'l-iktisādīyya wa'l-ihsāīyya*, Beirut: Dāru'n-nahda, 1406/1986, p. 436, 856; *A Dictionary of Economics & Commerce Arabic-English*, Compiled and Edited by The Dictionaries Department, Beirut: Librairie du Liban Publishers, 1993, p. 246, 383). Furthermore, what has been also used in the Qur'ān is the word *ribā*. For these reasons, I preferred using the usury to interest.

excess)². These works generally interpret the Qur'anic verses (*āyāt ar-ribā*) about usury from the above stated two points. Yet, it is nearly impossible to comprehend the concept of usury in Islam as a whole departing from these two kinds of usury applications. It appears to me that it is difficult to understand the usury concept in the Qur'ān without closely analyzing its background which goes back to the *Jāhiliya* period. To examine and uncover the meaning and scope of the usury term in the Qur'ān adequately, it is necessary to analyze the pre-Islamic *Hijāz* economy in terms of sources of income, income distribution and debt relations. In this article we will tackle the issue by trying to find out answers to the following questions:

- Was there any usury application in pre-Islamic age?
- If so, what sort of usury was it? Or what types were they?
- Did the Qur'ān prohibit the usury existed in the pre-Islamic period as a whole?
- If so, which way did the Qur'ān follow while prohibiting the usury?
- What are the aims of the Qur'ān while forbidding the usury?

2. Historical Background of Ribā

It is known that there was not a perfect political authority uniting the Hijāz district (Mecca, Medina and Tāif) before just Islam. Competent authority like tribal chieftain and political associations like *Dār an-nadwah* or *mala'* was tribal or regional with the most optimistic analysis.³ So the history of the pre-Islamic economic life depicts economical activities that are not organized by a political authority, but by tribes and each of which tried to manage themselves. In this environment the behaviors were mostly based on tribalism (*al-asabiyya*) and took their legality from the idea dominated over social relations⁴ which should have to be developed in the civilized manner. Moreover, paganism which does not keep any otherworldly responsibility consciousness in mind at all had taken the place of faith in one God and hereafter and responsibility consciousness had been based on this faith.⁵ The tribal

² Usury is generally divided into two groups: excess usury (*ribā al-fadl*) and delay usury (*ribā al-nasā*). Excess usury means beforehand increase which is taken in exchange of the same sort of usury commodities with each other. Delay usury has two meanings. One of them is usury known by Arabs in the pre-Islamic pagan period, and the other is time increase which is taken in return for postponing debt in a barter transaction with each other. See for details: Muhammad b. Ahmad b. Muhammad b. Ahmad b. Rushd, al-Qurtubī, *Bidāyatu'l-muctahid ve nihāyatu'l-muktasid*, 5th edition, Cairo: Maktaba wa matbaa Mustafā al-Bābī al-Halebī, 1401/1981, II, 128; Abū 'Abdillāh Muhammad b. Abī Bakr (Ībn Qayyim)'l-Jawziyya), *I'lāmu'l-muwakki'īn 'an Rabbi'l-'ālemīn*, critical edition: Tāhā Abdurraūf Sa'd, Beirut: Dāru'l-cīl, 1973, II, 154-55; Ziaul Haque, *The Nature of Ribā al-Nasā'a and Ribā al-Fadl*, "Islamic Studies (Journal of the Islamic Research Institute)", Islamabad, Vol. XXI, Winter 1982 (pp. 19-38), No. 4, p. 20-21; Sāmī Hasan Ahmad Hamūd, *Tatwīru'l-a'mālī'l-masrifīyya bimā yettefiq wa'l-Sharīatu'l-Islāmiyya*, 3rd edition, Cairo: Maktabatu dāri't-turāth, 1411/1991, p. 104-06, 110-12; Muhammad Rawwās Qal'ajī, *Mu'jam lughat al-fukahā'* (*Dictionary of Islamic Legal Terminology*) Arabic-English-French, English terminology by Hāmid Sādiq Qunnaibī; French terminology by Kotob Mustafa Sano, Beirut: Dar an-Nafāés, 1996, p. 195.

³ Abū Muhammad 'Abdu'l-Malik b. Hishām, *as-Sīratu'n-Nabawiyya*, critical edition: Mustafa as-Sakkā and the others, Beirut: Dār ihyāi't-turāth al-'Arabī, undated, I, 132, 136-37; Muhammad b. Sa'd al-Basrī al-Zuhrī, *at-Tabaqātu'l-kubrā*, Beirut: Dāru Sādir, undated, I, 69-71; W. Montgomery Watt, *Muhammad at Mecca*, Oxford: Oxford University Press, 1953, p. 8.

⁴ Ahmad Ibrahīm ash-Sharīf, *Mecca wa'l-Medīna fi'l-jāhiliyye ve 'ahdi'r-Rasūl*, Cairo: Dāru'l-fikri'l-'Arabī, undated, p. 61-65.

⁵ Paganism was not entailing to believe in revival after death, the hereafter and that all persons would give an explanation there for their activities in this world. Hence there was no religious responsibility that has arranged human behaviors. The Qur'ān has criticized this in a lot of verses. See some examples al-Isrā' (xvii), 49; ar-Ra'd / the Thunder (xiii), 5; al-Mu'minūn / The Believers (xxiii), 82; as-Sajda / the Prostration (xxxii), 10; al-Vāqi'a / the Event (lvi), 47.

law having no standard and changing from one tribe to another⁶ had taken the place of an integral legal system based on mutual rights of persons. Likewise, in this environment tribal, political (in regional level) and rough power (small armed groups of tribes) also dominated besides the financial force. The moral virtues such as helping the poor, protecting them and giving loan to them and bankrupts without usury had not developed, instead dishonest profit ways, a variety of fraudulent commercial and monetary practices like monopolism, profiteering (*al-ihṭikār*), deceit, sale with ignorance (*al-bay' al-garar*), vain sale (*al-bay' al-fāsid / al-bātil*) had appeared evidently.⁷ This situation explains the meaning of the word Quraysh according to one view. This situation was named Quraysh (small dogfish) because of those Qurayshians who were acquiring people's properties skillfully (that is, wrongfully in a respect) like dogfish.⁸

The fact that the social relations have been directed by the idea of self-seeking rather than moral responsibility, not having a political authority which may put the society in order and enact laws and not having any legal organization which would apply this legal order, get the people under control, prevent evil actions and punish guilty person in the name of society laid the groundwork for the ways of getting unjust income in the Hijāz district. Also not having a belief of hereafter that imply otherworldly punishment or reward in return for the deeds done in this world, lack of a religious thought implying responsibility towards the society and not coming awareness depending on these accelerated the widespread unjust income ways. On the other hand, the land of Mecca was not suitable for agriculture,⁹ Meccan trade was limited by Mecca and its surroundings,¹⁰ and due to this, commercial capacity was low. It is clear that incomes of the Ka'ba¹¹ were not serving all necessities of the city. The whole of these meant that the income of the city was inadequate.

It is not difficult to guess that Meccan low-incomed people were the most damaged in these circumstances. Since, they have gone into debts owing to borrowing with usury and shopping on credit. Thus, the usury known for a long time and been one of the most merciless unjust incomes appeared with the reason of postponing debts (*ad-dayn pl. ad-duyūn*) and this became a means whereby payee exploited their debtors in need. Meanwhile, this situation caused some bad events. For example, it was seen that some ritual suicides (*al-i'tifād*) happened rarely. That is, a man who could not pay his debt or lost his wealth was separating himself and his family from his clan, putting them in home and starving to

⁶ See details in Watt, *Muhammad at Mecca*, 16-18; Muhammad Husayn Haykal, *The Life of Muhammad*, Translated from 8th edition by Ismā'īl Rāgī A. al-Fārūqī, USA: North American Trust Publications, 1976, p. 15-16.

⁷ Abū Ja'far Muhammad b. Habīb, *Kitābu'l-muḥabbar*, critical edition: Eliza Lichtenstater, Beirut, 264-67; Ahmad b. Alī b. Hajar al-Asqalānī, *Fathu'l-bārī bi sharkh Sahīhi'l-Bukhārī*, Beirut: Dāru'l-ma'rifa, 1379, IV, 348, 356-57, 359-60, 384; Jawād 'Alī, *Tārīhu'l-'Arab qabla'l-Islām*, Iraq: Matbūāt al-macma' al-'ilmī al-'Irāqī, 1959/1378, VIII, 176-82; Fazlur Rahman, *Major Themes of the Qur'ān*, Chicago: Bibliotheca Islamica, 1980, p.38-39.

⁸ Abū Ca'far Muhammad b. Jarīr at-Tabarī, *Tārīhu'l-umem wa'l-mulūk*, Beirut: Dāru'l-kutub al-'ilmiyya, 1407, I, 511; Abu'l-Fidā' Ismā'īl 'Imāduddīn b. 'Omar b. Kathīr al-Qurashī, *al-Bidāya wa'n-nihāya*, Beirut: Maktabatu'l-ma'ārif, undated, II, 202.

⁹ Watt, *Muhammad at Mecca*, 2-3; Jawād 'Alī, *Tārīhu'l-'Arab*, IV, 187; as-Sayyid 'Abdulazīz Sālim, *Tārīhu'l-'Arab fī 'asri'l-cāhiliyya*, Iskenderiya: Muassasatu shabābi'l-jāmi'a, undated, p. 351-53.

¹⁰ Abū Ja'far Muhammad b. Habīb, *al-Munammaq fī akhbāri Quraysh*, critical edition: Hurshid Ahmad Fārūk, Beirut, 1405/1985, p. 42.

¹¹ See details of incomes of Ka'ba in Ibn Hishām, *as-Sīratu'n-Nabawiyya*, I, 131-32; Ibn Habīb, *al-Munammaq*, 32; Abu'l-Hasan Alī b. al-Husayn b. 'Alī al-Mas'ūdī, *Murūju'z-zahab ve ma'ādīnu'l-jawhar*, critical edition: Muhammad Muhyiddīn 'Abdulhamīd, 4th edition, Egypt: Muassasatu's-sa'āda, 1384/1964, II, 49, 57-58; Mahmood Ibrahim, *Merchant Capital and Islam*, Austin, Texas: University of Texas Press, 1990, p. 52-56.

death.¹² There were also some bankrupt merchants among them.¹³

Thus, Hāshim, the Prophet Muhammad's grand grandfather, started to search a solution to this difficult situation. First of all, he made an agreement (*ilāf*) with Byzantine Empire which allowed Qurayshian merchants to shop in lands of Byzantine.¹⁴ In line with this agreement, the Quraysh trade, with other friendship agreements (*hilm, tahalluf, jiwār etc.*) with neighbor states, tribes and clans at individual and at tribal level increased gradually and dominated the Arabia Peninsula after getting rid of its local attributes and developing into an international structure.¹⁵ These agreements did not simply mean the alliances, but also the partnerships. Besides this, Hāshim argued that the weak and the poor should be allowed to invest in the trade caravans to solve question of poverty.¹⁶ In consequence with these movements, the Quraysh trade caused Mecca to become a trade and financial centre whose attractiveness was continuously increasing.¹⁷

Mecca, after becoming an attractive commercial and financial centre, began to receive an important amount of emigrants from every part of the Arabia Peninsula and the other lands. According to historical sources, not only Arabs, but also non-Arabs preferred Mecca, emigrated with their household and settled there. Therefore, the population of Mecca increased and the types and capacities of businesses and professions varied.¹⁸ Of course, the needs of those people also increased. Yet it is understood that this welfare did not last for a long time. While the income of Mecca was meeting permanent needs of its people at the beginning, the income and expenditure equilibrium was deteriorated as time passed, and various types of needs required new capitals. On the one hand, the export lost its old magnificence and its control was given to privileged people or families,¹⁹ on the other hand, labor capacities appeared for the increased population who aggravated this crisis in Mecca more thoroughly.²⁰ We can say that this was a perfect crisis.

This economical situation has produced new economical and social problems. In order to understand the topic clearly, it is necessary to examine some results of this crisis before Islam more closely. Not having sufficient income for the expenditure in Mecca tragically shook the small salespersons, farmers, craftsmen and jobless people.²¹ They had to borrow money and capital with usury from those who were outside and within Mecca. They also had to purchase on credit. When they could not repay their debts, they had to accept to become slaves of their payees, i.e. they have lost their freedom.²² It is seen that debtors had

¹² Muhammad b. Ahmad al-Qurtubī, *al-Jāmi' li ahkāmī'l-Qur'ān*, Beirut: Dāru'l-fikr, 1315/1995, XX, 182-83; Jamāladdīn Muhammad b. Mukarram (Ibn Manzūr), *Lisānu'l-Arab*, Beirut: Dāru ihyāi't-turāthi'l-Arabī, 1413/1993, IX, 282 (A-F-D); Mahmood Ibrahim, *Merchant Capital and Islam*, 41.

¹³ Mahmood Ibrahim, *Merchant Capital and Islam*, 41.

¹⁴ See details of this agreement: Ibn Sa'd, *at-Tabaqātu'l-kubrā*, I, 78; Ibn Habīb, *al-Munammaq*, 42-43.

¹⁵ Ibn Habīb, *al-Munammaq*, 41-43; Watt, *Muhammad at Mecca*, 17-18; A. Ibrāhīm Sharīf, *Mecca wa'l-Medīna*, 224; Mahmood Ibrahim, *Merchant Capital and Islam*, 42-43, 58-60; Jawād 'Alī, *Tārīhu'l-'Arab*, VIII, 150-51. Qur'ān praises these friendship agreements (Quraysh [cvi], 1-4).

¹⁶ Mahmood Ibrahim, *Merchant Capital and Islam*, 41.

¹⁷ Mahmood Ibrahim, *Merchant Capital and Islam*, 45.

¹⁸ There were also several other factors for emigrations and variation of jobs. See more information in Mahmood Ibrahim, *Merchant Capital and Islam*, 57-58, 60-62.

¹⁹ Abdulaziz Duri, *İslâm İktisat Tarihine Giriş*, Translated from Arabic into Turkish by Sabri Orman, İstanbul: Endülüs Yay., 1991, p. 21; Mahmood Ibrahim, *Merchant Capital and Islam*, 41; Neşet Çağatay, *İslâm Öncesi Arap Tarihi ve Cahiliye Çağı*, 4th edition, Ankara: Ankara Üniversitesi İlahiyat Fakültesi Yayınları, 1982, p. 153.

²⁰ Mahmood Ibrahim, *Merchant Capital and Islam*, 62.

²¹ Ibid.

²² Mahmood Ibrahim, *Merchant Capital and Islam*, 61, 62.

sometimes benefited from their sisters to repay debts. Some debtors had killed their daughters so that they would not be female slaves and subject of shameful applications from payees.²³

In parallel with these economical and social developments, the usury already known and practiced for a long time became much widespread in Mecca. Therefore, some of the Qurayshian investors / creditors earned much money from the usury and usury-similar procedures like payment in advance (*salam / salaf*) resulted in usury. Some wealthy people especially some merchants amassed their wealth by lending money in this period.²⁴ With an up-to-date expression, these creditors can be named bankers. The names of ‘Abbās b. ‘Abdilmuttalib, ‘Uthmān b. ‘Affān and Khālid b. al-Walīd have also been mentioned among these usurers.²⁵ The examples in these sources indicated that the ratio of the usury could sometimes reach to the twofold of the lent capital in this crisis.²⁶ There is not any obstacle to think that the middle-class people invested their restricted savings at usury. High usury rates maybe incite them to do this.

On the one hand, the financial need of the trade and other jobs increased, on the other hand, poverty and unemployment became unendurable and helping to the poor was insufficient. Needed deficiency of the capital and wish of development made Meccan tradesmen entailed to agree (*hilf*) and to establish partnership (*mudāraba, musāhama etc.*) with the rich and others who were in a high position like tribal chieftain (*sayyid*) and foreign businessman.²⁷ In this context, they had to desire capital with usury from Tāifian investors and to establish partnership with them. In this way the Tāifian creditors gained so much income.²⁸ Tāif, already being a rich and agricultural city, became the center of capital and supported its position after creditors had lent money with the usury and pledge to some participants of Ukāz Fair.²⁹ Yet this had subsequently been transformed to a two-way fact.³⁰ For example, Banū Mahzūm and Banū Mugīra had lent and borrowed debt for usury from each other. These usury transactions made between the Tāifians and the Meccans continued a little and after the conquest of Mecca³¹ proved that those who paid usury were not only the poor or the

²³ Fakhraddīn Muhammad b. ‘Omar b. el-Husayn al-Hasan b. Ali at-Taymī ar-Rāzī, *Mafātīhu’l-gayb (at-Taḥsīnū’l-kabīr)*, Beirut: Dāru’l-kutub al-‘ilmiyya, 1411/1990, XIII, 190, XX, 157; A. Ibrahīm ash-Sharīf, *Mecca wa’l-Medīna*, 94. Qur’ān forbids that it has been slain children for fear of poverty in al-An‘ām (vi), 151 and al-Isrā’ (xvii), 31.

Here, we mentioned one cause of this event. There are also other causes of it. See details in Abū Ja‘far Muhammad b. Jarīr at-Tabarī, *Jāmi‘u’l-bayān an ta’wīli āyi’l-Qur’ān*, Beirut: Dāru’l-fikr, 1408/1988, XV, 78; ar-Rāzī, *Mafātīhu’l-gayb*, XX, 157; al-Qurtubī, *al-Jāmi‘ li ahkāmī’l-Qur’ān*, XX, 181.

²⁴ Mahmood Ibrahim, *Merchant Capital and Islam*, 61.

²⁵ ar-Rāzī, *Mafātīhu’l-gayb*, VII, 87; Muhammed Hamdi Yazır, *Hak Dini Kur’an Dili – Türkçe Tefsir*, İstanbul: Eser Neşriyat, 1979, II, 972; Mahmood Ibrahim, *Merchant Capital and Islam*, 61.

²⁶ at-Tabarī, *Jāmi‘u’l-bayān*, IV, 90.

²⁷ Jawād ‘Alī, *Tārīhu’l-‘Arab*, VIII, 150-51; Mahmood Ibrahim, *Merchant Capital and Islam*, 58-60; Muhammad Abū Zahra, *Buhūth fi’r-ribā*, Cairo: Dāru’l-fikri’l-‘Arabī, undated, 34-35.

²⁸ Çağatay, *İslām Öncesi Arap Tarihi*, 154.

²⁹ Abū ‘Ubayd Qāsim b. Sallām, *Kitābu’l-amwāl*, critical edition: Muhammad Halīl Herrās, Cairo, 1395/1975, p. 250; Abu’s-sa‘ādāt al-Mubārek b. Muhammad al-Jazerī, *an-Nihāya fi garībi’l-hadīs wa’l-asar*, critical edition: Tāhir Ahmad az-Zāwī – Mahmūd Muhammad at-Tanāhī, Cairo: Dāru ihyāi’l-kutubi’l-‘Arabiyya, undated, IV, 285; Jamāluddīn Muhammad b. Mukarram (Ibn Manzūr), *Lisānu’l-‘Arab*, Beirut: Dāru ihyāi’t-turāthi’l-‘Arabī, 1413/1993, VII, 397.

³⁰ For instance, ‘Abbās b. ‘Abdilmuttalib lent money with usury to some Tāifians (at-Tabarī, *Jāmi‘u’l-bayān*, III, 106).

³¹ ‘Abdurrahmān b. Muhammad b. Idrīs ar-Rāzī Ibn Abī Hātim, *Tafsīru’l-Qur’āni’l-‘azīm ‘an Rasūlillāhi wa’s-sahābati wa’t-tāb‘īn*, critical edition: As’ad Muhammad at-Tayyib, Mecca: Maktabatu nizār, 1417/1997, II, 548-49.

middle-class people, but also the rich and institutions (like the fact that a clan was borrowing debt with usury to meet needs of its people) were taking and giving usury.

The economic crisis experienced in Mecca caused some social problems. The freedom of the debtors and their households were under threat because of not paying their debts, the price of the bought things and the usury depended on these. No doubt that one of the most tragic of these social results was that some fathers killed their daughters, as stated above, so that they did not want the payees to confiscate and use them in shameful jobs for their debts. The economic crisis both damaged the income distribution against the poor and harmed the social order of the city. Small shopkeepers who went bankrupt were in desperate straits. Plundering trade caravans and cities was one of the features of Bedouins. Some Jāhiliya Arabs settled around the trade ways in order to seize the property of the rich persons, especially to plunder the trade caravans.³² Some of this group was named “Saālīq” who were mainly jobless, debtors removed from tribes for not burdening to their tribes, street children and black children dismissed by their parents.³³ So Mecca paid a heavy price for not having a social security system to protect the poor and who were in need of help.

During this just pre-Islamic critical period it is impossible to claim that no help is provided to those who are in need. Although ‘Abbās (the Prophet’s uncle) was famous for taking the usury, he also helped to the poor. For instance, he supplied water for pilgrims (*as-siqāya*) and provided a number of needs of the poor pilgrims (*ar-rifāda*).³⁴ To tell the truth, philanthropy, especially helping to members of self-tribe was one of the features of the Jāhiliya Arabs.³⁵ However, these helps aimed at showing,³⁶ proving augustness and taking pride in,³⁷ and extending occasionally over the edge of solidarity of a tribe’s members³⁸. So it could not come truth without discriminating between any tribe that had not reached to a rank which would meet the needs of the poor and recover the gap between the rich and the poor.³⁹

In pre-Islamic period, we saw that the usury was common in Medina as it happened in Mecca. The difference is that the bankers of Mecca were the rich and the influential Qurayshians whereas the big bankers in Medina were mostly the Jewish. Yet we need to draw readers’ attention to a clear situation compared to Mecca. As known, Medina was an agricultural center rather than commercial center in the pre-Islamic period. There were some types of applications resembling to the usury in agricultural co-operations and in buying-and-selling agricultural products. This gain, as happened in the usury, caused unjust income to creditors and the exploit of agricultural workers. For instance, a few of farmers used to sell agricultural products which would grow in their fields in the coming two or three years because of their necessities. With a technique expression, a contract of salam has been made

³² “The nomad is to some extent dependent on the settled lands. Robbery in his eyes is no crime, whether it will be a raid on an oasis or on a caravan. (...) For many nomads such fees are a regular source of income (Watt, *Muhammad at Mecca*, 2)”.

³³ See for a detailed information about saālīq: Shawqī Dayf, *al-‘Asru’l-jāhilī*, Cairo, undated, I, 375-76.

³⁴ Muhammad b. Ishāq b. al-‘Abbās al-Fākihī, *Akhbāru Mecca*, 2nd edition, Beirut: Dāru Khidr, 1414, V, 182; Çağatay, *İslām Öncesi Arap Tarihi*, 119; Ibn Hajar, *Fathu’l-bārī*, III, 491-92.

³⁵ ‘Abdulazīz Sālim, *Tārīhu’l-‘Arab*, 441-43.

³⁶ al-Qurtubī, *al-Jāmi’ li ahkāmī’l-Qur’ān*, XX, 57.

³⁷ Abu’l-Kāsīm Jārullāh Mahmūd b. ‘Umar b. Muhammad az-Zamakhsharī, *al-Kashshāf ‘an haqāiqi gawāmidī’t-tanzīl ve ‘uyūni’l-akāvīl fī vucūhi’t-ta’wīl*, critical edition: Muhammad Abdusselām Shāhīn, Beirut: Dāru’l-kutub al-‘ilmiyya, 1415/1995, IV, 743; Yazır, *Hak Dini Kur’ān Dili*, VIII, 5834.

³⁸ Watt, *Muhammad at Mecca*, 16-17; A. İbrahīm ash-Sharīf, *Mecca wa’l-Medīna*, 62.

³⁹ Duri, *İslām İktisat Tarihi* Giriş, 20; Fazlur Rahman, *Major Themes of the Qur’ān*, 40.

for two or three years in Medina.⁴⁰ Of course, the products have been sold rather low price. Furthermore, it is understood that some buyers have kept their pledges in this treaty.⁴¹

It is not difficult to estimate that all negative events in the Tāif region caused to get strong those who lend money with the usury. In other expression, the usurers or bankers had to be powerful in respect of finance and to have the rough power (small armed unities) to cash their usury in Hijāz region in which tribal tradition dominated rather than a state and a legal system. As well as working in place of debt and confiscating some debtors' daughters, it is easy to claim that tyranny and financial power went together from time to time in economic area.

As a result, usury was prevalent in jāhiliya era. Now, we try to classify jāhiliya usury with regard to its main lines. I think this would be useful for showing borders of Qur'ānic usury prohibition. We can assemble this usury into groups in different respects, like its major characteristics, its rate, using aims of borrowed debt, types of loan's contract, parties of this contract, etc. To us mentioning its main groups will be satisfactory. The first type of usury we will touch here is the one that comes out in lent. Jāhiliya Arabs was lending their capital with usury which is paid back at one-go or in installments in a stated term,⁴² for example, in monthly installments.⁴³ This type of usury is named 'loan usury' (*ribā al-qard* or *al-qurūd*) or delay usury (*ribā an-nasā*).⁴⁴

Yet the most common type of this unjust income called jāhiliya *ribā* is usually seen in shopping. Some people tried to get needs of themselves and their families on credit and when they could not pay the debt on time, they were demanding new terms from their payees. The payees were accepting their requests, but taking usury in return for new fixed period of time.⁴⁵ We can name this type of usury as 'trade / shopping usury' (*ribā al-bay'* or *al-buyū'*).⁴⁶ Because the debtors had to pay both usury and high fee for term. Hence, income equilibrium must have spoiled against them in this application.

Farmers in jāhiliya era were selling their agricultural products in advance before harvesting

⁴⁰ See details in Abū Abdillāh Muhammad b. Ismā'īl al-Bukhārī, *Sahīhu 'l-Bukhārī (al-Jāmi' u 's-sahīh)*, Istanbul: Çağrı Yayınları – Tunus: Dāru Sahnūn, 1992/1413, *Salam*: 2.

⁴¹ Ibn Hajar, *Fathu 'l-bārī*, IV, 434.

⁴² Mālik b. Anas al-Asbahī, *Muwattau Mālik*, critical edition: M. Fuād Abdulbākī, Istanbul: Çağrı Yayınları – Tunus: Dāru Sahnūn, 1981, II, 673:

وحدثني مالك عن زيد بن اسلم انه قال: كان الربا في الجاهلية ان يكون للرجل على الرجل الحق إلى أجل فإذا حل الأجل قال أتقضي أم تربني فإن قضي أخذ وإلا زاده في حقه وأخر عنه في الأجل.

Abū Bakr Ahmad ar-Rāzī al-Jassās, *Ahkāmu 'l-Qur'ān*, Beirut: Dāru 'l-fikr, 1414/1993, I, 635, 637-38:

والربا الذي كانت العرب تعرفه وتفعله إنما كان قرض الدراهم والدنانير إلى أجل بزيادة على مقدار ما استقرض على ما يتراضون به. معلوم أن ربا الجاهلية إنما كان قرضا مؤجلا بزيادة مشروطة فكانت الزيادة بدلا من الأجل.

⁴³ ar-Rāzī, *Maḥāṭithu 'l-gayb*, VII, 75.

⁴⁴ ar-Rāzī, *Maḥāṭithu 'l-gayb*, VII, 75; 'Umar b. 'Abdilazīz al-Metrak, *er-Ribā wa 'l-mu'āmalātu 'l-masrifīyya ft nazari 'sh-sharī'ati 'l-Islāmiyya*, 2nd edition, Riyād: Dāru 'l-'āsimah, 1417, s. 157.

⁴⁵ Mālik, *al-Muwatta'*, II, 673:

وهو أيضا يشبه حديث زيد بن اسلم في بيع أهل الجاهلية انهم كانوا إذا حلت ديونهم قالوا للذي عليه الدين أما ان تقضي وإما ان تربني فإن قضي الشاة والا زادوهم في حقوقهم وزادوهم في الأجل.

at-Tabarī, *Jāmi' u 'l-bayān*, III, 101:

ان ربا الجاهلية يبيع الرجل البيع إلى أجل مسمى، فإذا حل الأجل ولم يكن عند صاحبه قضاء زاده وأخر عنه.

⁴⁶ The concept of 'trade / shopping usury' (*ribā al-bay'* / *al-buyū'*) is used in the meaning of usury forbidden by the tradition (*sunna*) in Islamic literature. See details in Abū Zahra, *Buhūth ft 'r-ribā*, 20; Hamūd, *Tatwīru 'l-a'māli 'l-masrifīyya*, 104.

But we mean usury of jāhiliya which is after buying on credit in pre-Islamic period by saying *ribā al-bay'* / *al-buyū'*. See for detailed information Gül, *Tarihi Bağlamı Çerçevesinde Kur'ân'da Faiz (Ribâ) Yasağı*, 146-48.

owing to their necessities. This sort of usury is called *salam* or *salaf* (*bay'u's-salam / as-salaf*) in Islamic literature.⁴⁷ Even this application (which we can translate this into English as payment in advance, forward transactions or dealing in futures) was used as a tool of usury. The farmers who did not want to deliver their products partly or wholly were proposing new agreement to their costumers. They were agreeing with these farmers on condition that taking usury.⁴⁸ We can regard this type of usury as ‘usury of payment in advance’ (*ribā as-salaf* or *as-salam*).

It appears that the usury in the jāhiliya period mainly is taken or given in return for postponing the debts emerged as a result of forward buying, lent agreement, and the payment in advance. The knowledge above shows that usury was formed even if borrowed capital was used in consumption or production and in any sector like trade and agricultural area, and the rate of usury was high or low depending on conditions. Likewise, usury was also emerging on short and long term loans and was taken not only of loaned money, but also of real property like commercial goods. Usury had its simple and compound kinds.⁴⁹ Usurers took the usury both from lent money and commodity even it was a domestic animal.⁵⁰

3. Process of Being Prohibited *Ribā* by the Qur’ān

The Jāhiliya usury whose background and features we strove to describe so far was neither prohibited by the Qur’ān suddenly nor criticized by the Prophet Muhammad instantly. In our view there are several reasons for it. The main reason was that the usury also had little positive effects apart from negative ones in the pre-Islamic economic life as known by the Jāhiliya Arabs. At least most of the people borrowed money with the usury met their needs through this debt. The second reason for not prohibiting the usury immediately –in spite of its great damages- was that Muslims were not the ruling class and there was not a political, legal and economic system or authority to practice this prohibition. Lack of such an authority would make the usury prohibition meaningless. The third reason was that the usury had settled completely in Jāhiliya society, so it was difficult to abolish it at once. Because of the above stated reasons, the usury was prohibited gradually in the Qur’ān.⁵¹

If we study carefully, we understand that the usury was abolished in the Qur’ān at two main stages. The first is ‘the preparation stage for prohibition of the usury’, and the second is ‘the prohibition process of the usury’. As a matter of fact it should be accepted that the usury is an unfair profit. The Prophet Muhammad had been warned against unjust incomes at the just beginning of Islamic revelation. It is said at one of verses which were revealed to while Muhammad is going to bed after the first revelation.⁵²

⁴⁷ ‘Alī b. Muhammad al-Curcānī, *at-Ta’rīfāt*, Beirut: ‘Ālamu’l-kutub, 1407/1987, p. 159; Qal’ajī, *Mu’jam*, 222.

⁴⁸ ar-Rāzī, *Mafātihu’l-gayb*, VII, 87; Yazır, *Hak Dini Kur’ân Dili*, II, 972; Gül, *Tarihi Bağlamı Çerçevesinde Kur’ân’da Faiz (Ribâ) Yasağı*, 150.

⁴⁹ See types of jāhiliya usury in Gül, *Tarihi Bağlamı Çerçevesinde Kur’ân’da Faiz (Ribâ) Yasağı*, 128 and the following.

⁵⁰ at-Tabarī, *Jāmi’u’l-bayān*, IV, 90.

⁵¹ Forbidding common evil habits like usury gradually is used in the Qur’ān as a efficacious method. See for details and examples: Badraddīn Muhammad b. Abdullāh az-Zarkashī, *al-Burhān fī ‘ulūmi’l-Qur’ān*, critical edition: Muhammad Abu’l-Fadl Ibrāhīm, Beirut: Dāru’l-jeyl, 1408/1988, I, 42-43; Jalāladdīn ‘Abdurrahmān b. Abī Bakir as-Suyūtī, *al-Itqān fī ‘ulūmi’l-Qur’ān*, Beirut: Dāru’l-fikr, 1416/1996, I, 122-23; Muhammad Abdul’azīm az-Zurkānī, *Manāhilu’l-Irfān fī ‘ulūmi’l-Qur’ān*, Beirut: Dāru ihyāi’t-turāthi’l-‘Arabī, 1996, I, 39-45, 143, II, 265; Subhī as-Sālih, *Mabāhith fī ‘ulūmi’l-Qur’ān*, 4th edition, Beirut: Dāru’l-‘ilm li’l-malāyīn, 1965, s. 56-62.

⁵² See the occasion and context of revelation of the first verses of the sura al-Muddaththir in at-Tabarī, *Jāmi’u’l-bayān*, 143, 148-49; Abu’l-Fidā’ Ismā’īl ‘Imāduddīn b. ‘Omar b. Kathīr al-Qurashī, *Tafsīru’l-*

Do not grant favours [with the aim of that] you get more!⁵³

According to majority of commentators it is meant here doing a kindness to someone like giving present, helping etc. with the intention that you get what is more or better than this kindness. What the Qur'ān demands is that people should avoid intentional manners like thus. These are false behaviors and can not be approved ethically. Commentators of the Qur'ān have discussed if it is addressed to Muhammad only or to all Muslims in this sacred warning.⁵⁴ In our opinion, just as the verses before and after this interests all Muslims, so this addressing includes all the Muslims. That is, any Muslim must not give someone anything with the aim of taking more. It is clear that giving someone property to take usury like this is formally prohibited in one respect. In that case, we can say that it caused Muhammad and the first Muslims to perceive ethical badness of usury indirectly. Because of this, we identify this phase as 'causing people to sense badness of usury'.

This first verbal attack against usury followed two stages; one of them is 'psychological' and the other is 'economical preparation' in which one lies inside the other historically.

During the psychological preparation stage it was aimed to go to raise good habits like benevolent, charitable, philanthropic and helpful to others without waiting any worldly benefit instead of evil habits in the jāhiliya, and to overcome bad behaviors like extreme love of wealth, stinginess, self-interest and egoism those were laying on ground of not helping to others in the jāhiliya era by bringing a faith which constitutes worldly and otherworldly responsibility consciousness in the hearts of people, by comparing stinginess to generosity in respect of humanity, society and worldly and otherworldly gains,⁵⁵ and by reminding people about their duties towards all the creatures and mankind, especially towards their societies as well as towards their God as his vicegerents on earth.⁵⁶ In this context, it had been emphasized the importance of helping to the poor, relatives, neighbors, devotees etc. with sensitive sentences: on the one hand by addressing consciences of rich persons, on the other hand by describing the hell and paradise as otherworldly reward and punishment places with effective statements. As a result, the Qur'ān had brought the principle that 'The rich should seek the Home of the Hereafter with the wealth which The God has bestowed on them, and should not forget their portion in this world; and do good as The God has been good to them.'⁵⁷ These Qur'ānic expressions are directing towards forming moral values, and having individuals harmonize with them voluntarily.

Qur'āni'l-'azīm, critical edition: 'Abdu'l-'azīz 'Anīm and the others, Cairo: Dāru'sh-sha'b, undated, VIII, 287-88, 290.

⁵³ al-Muddaththir / the Wrapped (lxxiv), 6.

⁵⁴ There are some other meanings for this verse as well. Nevertheless its meaning written above is the most common. See for this and different interpretations of the verse: at-Tabarī, *Jāmi'u'l-bayān*, XXIX, 148-50; al-Jassās, *Ahkāmu'l-Qur'ān*, III, 513; Abu'l-Hasan 'Alī b. Muhammad b. Habīb al-Māwardī al-Basrī, *an-Nuketu wa'l-'uyūn (Tafsīru'l-Māwardī)*, critical edition: as-Sayyid b. 'Abdu'l-Maksūd b. Abdurrahīm, Beirut: Dāru'l-kutub al-'ilmiyya, 1412/1992, VI, 138; az-Zamakhsharī, *al-Kashshāf*, IV, 632-33; ar-Rāzī, *Maḥāṭibu'l-gayb*, XXX, 171-72; 'Abu's-Su'ūd Muhammad b. Muhyiddīn Muhammad, *Irshādu'l-'akli's-selīm ilā mazāyā al-kitābi'l-karīm (Tafsīru Abi's-Su'ūd)*, there are no press place and date, Dāru'l-fikr, V, 788; Mehmed Vehbī, *Büyük Kur'an Tefsiri (Hulâsatü'l Beyân fî Tefsiri'l-Kur'an)*, 4th edition, Istanbul: Üçdal Neşriyat, 1969, XV, 6227.

⁵⁵ an-Najm / the Star (liii), 33-42; al-Qalam / the Pen (lxviii), 17-33; al-Ma'ārij / the Ways of Ascent (lxx), 15-21; al-Fajr / the Dawn (lxxxix), 20-24; al-Balad / the City (xc), 8-18; al-Lail / the Night (xcii), 4-11; al-Humaza / the Scandalmonger (civ), 1-4; al-Māūn / the Charity (cvii), 1-3.

⁵⁶ al-An'ām / Cattle (vi), 164-65; an-Naml / the Ants (xxvii), 60-63; Fātir / Originator (xxxv), 39-40. See for this meaning of khalīfa: ar-Rāzī, *Maḥāṭibu'l-gayb*, XIV, 12.

⁵⁷ al-Kasas / the Stories (xxviii), 77.

In parallel with this historical stage, economical preparation stage became a reality; during this stage it was explained that there was a recognized right (*haq ma'lūm*) for the poor in the rich Muslims' wealth,⁵⁸ and importance of spending out of prosperities for those who in need (*infāq*)⁵⁹ prudently,⁶⁰ and helping to the poor and giving alms (*zakāt*) and charity (*sadaqa*) to them was emphasized. As stated in the verse "Lend to God a good loan,"⁶¹ lending to people and to an indigent without usury was made equal to lending to God. This verse demonstrates the hard situation in which the poor had been in Mecca. It was also stated that doing these have been an obligation as a religious, ethical, humane and social duty without discriminating among Muslims and non-Muslims.⁶² In this way, it was aimed that the poor people would be protected and the income distribution would be put in order again in favour of them. At this period, Meccan people have been warned against the usury with no mentioning its name by using expressions critiquing Madyan people because they had applied to the commercial and monetary unjust income ways.⁶³ Besides this, people have been warned against that Iblis who is symbol of bad condition can share in their wealth and children⁶⁴, with them, towards the end of Islam's Meccan period. In the opinion of some commentators Iblis's sharing wealth means that he can direct individuals towards fiscal wrongs which takes usury is one of them.⁶⁵

After forming a partial public opinion against the usury and explaining the harms of it indirectly, i.e. in context of unfair gain during the preparation and indirect warning stages, the first verse directly related to the usury was revealed:

Any usury [capital] what you give in order that it increases / it is invested at interest on [other] people's properties does not increase with God; but all alms (*zakāt*) what you give seeking the Countenance of God [is contrary to this] and those [give this] are who have [their recompense] folded.⁶⁶

This is historically the first Qur'ānic revelation in which the name of usury is mentioned. It is seen that this verse is possibly revealed in the 9th or 10th year of Muhammad's prophethood.⁶⁷ The commentators of Qur'ān have fallen disagreement with each other about the word of *ribā* in this verse. According to some of them, meaning of this word is permissible increase (*ar-ribā al-halāl*). That is, one gives a present to other to get what is better than it (*al-hadiyya*, *hibatu's-sevāb*, and *al-atiyye*).⁶⁸ But the other commentators set

⁵⁸ al-Isrā' (xvii), 26; az-Zāriyāt / the Scatters (li), 19; al-Ma'ārij / the Ways of Ascent (lxx), 24-25.

⁵⁹ Yāsīn (xxxvi), 47.

⁶⁰ al-Isrā' (xvii), 26-29; al-Furkān / the Criterion (xxv), 67.

⁶¹ al-Muzzammil / the Enwrapped (lxxiii), 20.

⁶² al-Mu'minūn / the Believers (xxiii), 4, 60-62; Fussilet (xli), 6-7.

⁶³ al-A'rāf / the Heights (vii), 85; Hūd (xi), 84-87; ash-Shu'arā' / the Poets (xxvi), 181-184. Cf. al-Isrā' (xvii), 35.

al-Herāsī said that the usury also was one of these commercial and monetary unjust incomes that they should leave ('Imāduddīn b. Muhammad at-Tabarī al-Kiyā al-Herāsī, *Ahkāmu'l-Qur'ān*, Beirut, 1405/1985, I, 235).

⁶⁴ al-Isrā' (xvii), 64.

⁶⁵ at-Tabarī, *Jāmi'u'l-bayān*, XV, 119; Ibn Kathīr, *Tafsīru'l-Qur'ān*, V, 92.

⁶⁶ ar-Rūm / the Byzantium (xxx), 39.

⁶⁷ Fazlur Rahman (1988) claims that this verse had been revealed in fourth or fifth year of Muhammad's prophethood (Fazlur Rahman, *Ribā and Interest*, "Islamic Studies (Journal of the Islamic Research Institute)", Vol. III, No: 1, March 1964, Karachi, p. 3). Mehdi Bâzergan asserts that it had been revealed in ninth year of Muhammad's prophethood (Mehdi Bâzergan, *Kur'ān'ın Nüzûl Süreçleri*, Translated by Yasin Demirkıran and Muhammed Feyzullah, Ankara: Fecr Yayınevi, 1998, p. 223). But I think that this revelation occurred in 9th or 10th year of Muhammad's prophethood because of historical concept of this sura and social basis of critique of usury. See details in Gül, *Tarihi Bağlamı Çerçevesinde Kur'ân'da Faiz (Ribâ) Yasağı*, 269-70.

⁶⁸ This view is related from Ibn Abbās (68/687) and Ikrima (107/725) (al-Māwardī, *an-Nuketu wa'l-'uyūn*, IV, 316; Nasr b. Muhammad b. Ahmad Abu'l-Layth as-Samarqandī, *Tafsīru's-Samarqandī (Bahru'l-'ulūm)*,

forth that this word means usury.⁶⁹ This idea is seen right because it is not reasonable to forbid this kind of present before usury. According to us, *ribā* in this context means usury capital. Since what increases on people's properties is not usury, but usury capitals. In addition to this, it is related from as-Suddī al-Kabīr (128/745) that this verse has been revealed about *Thaqīf* (the biggest tribe in *Tāif*) who had lent some Qurayshians on condition of taking usury.⁷⁰ This relating is very important with reference to meaning of *ribā* in the verse. As to this relating, *ribā* is usury capital lent by *Thaqīfians*.

This verse drew Meccans' attention towards badness of the usury and criticized the usury and the usurers with not severe utterances. As such the verse stated that usurers would not acquire merit in God's sight and it is signed that the usury would not be accepted as a just income. At this stage, the usury was not prohibited, but in most general expression the economic system based on the usury was opposed. In our opinion, this stage in which Muslims can find some clues about the way they should follow about trade and credit affairs in places where the usury is not prohibited formally, i.e. in a non-Islamic country can be named 'opposition stage'.

Muslims immigrated to Medina –this affair is the *Hegira*- after nearly three years from this opposition stage. In Medina, the circumstances formed in favour of Islam and the Muslims began to dominate political, social, economical and military life there. No sooner had the Muslims headed towards establishing a legal order that require alms as obligatory in the first year of *Hegira*⁷¹ than the statements of the Qur'ān against the usury got severe and severe. Firstly, usury had been forbidden partially in the 3rd year of the immigration:

O who believe! Eat not usury [gain which is] doubly multiplied, but fear you God, that you may prosper.⁷²

The expression of 'doubly multiplied' (*ad'āfan mudāafah*) had attracted commentators' attention. In the common opinion of them, this phrase is the characteristic of *jāhiliya* usury and this verse prohibits all sorts of it.⁷³ Whereas, it is clear that it addresses to Muslims with

Beirut: Dāru'l-fikr, 1416/1996, III, 14; az-Zamakhsharī, *al-Kashshāf*, III, 466; al-Qurtubī, *al-Jāmi' li ahkāmī'l-Qur'ān*, XIV, 34-35).

⁶⁹ az-Zamakhsharī, *al-Kashshāf*, III, 466; Muhammad b. Abī Bekr ar-Rāzī, *Anmūzec jalīl fī as'ile wa acvibe min garāibi āyi't-tanzīl (Tafsīru'r-Rāzī)*, critical edition: Muhammad Ridwān ad-Dāya, Beirut: Dāru'l-fikri'l-muāsir, 1416/1995, p. 397; Jamāluddīn Muhammad b. Muhammad al-Qāsimī, *Mahāsīnu't-ta'wīl (Tafsīru'l-Qāsimī)*, Beirut: Dāru'l-fikr, 1398/1978, XIII, 4782.

⁷⁰ Abū Muhammad Ismā'īl b. 'Abdirrahmān as-Suddī al-Kabīr, *Tafsīru's-Suddī al-kabīr*, compiled by Muhammad 'Atā' Yūsuf, al-Mansūra: Dāru'l-wafā', p. 379; az-Zamakhsharī, *al-Kashshāf*, III, 466; Abū Muhammad 'Abdu'l-Hak b. Gālib b. 'Atiyye al-Andalusī, *al-Muharraru'l-wajīz fī tafsīri'l-kitābi'l-'azīz*, critical edition: a scholarly commission, Fās, 1408/1988, XII, 264; Abū Hayyān al-Andalusī, *at-Tafsīru'l-kabīr (al-Bahru'l-muhīt)*, Misr: Matba'atu's-sa'āda, 1328, VII, 174; al-Qurtubī, *al-Jāmi' li ahkāmī'l-Qur'ān*, XIV, 35; Mahmūd b. Abdillāh b. Mahmūd al-Ālūsī al-Bagdādī, *Rūhu'l-ma'ānī fī tafsīri'l-Qur'āni'l-'azīm wa's-sab'i'l-mathānī*, Beirut: Dāru'l-fikr, 1417/1997, XXI, 69.

⁷¹ Muhammad Amīn (Ibn 'Ābidīn), *Hāshiyatu raddi'l-mukhtār 'alā ad-durri'l-mukhtār (Hāshiyatu Ibn 'Ābidīn)*, 2nd edition, Beirut: Dāru'l-fikr, 1386, II, 256.

⁷² Āl-i 'Imrān / the Family of 'Imrān (iii), 130.

This verse had been revealed after the Campaign of Uhud (Ibn Hishām, *as-Sīratu'n-Nabawiyya*, III, 115; Ibn 'Atiyye, *al-Muharraru'l-wajīz*, III, 227, 229), i.e. in the 3rd year of *Hegira*.

⁷³ Hūd b. Muhakkam al-Huwwārī, *Tafsīru kitābillāhi'l-'azīz*, critical edition: Bilhāj b. Saīd Şerīfī, Beirut: Dāru'l-garbi'l-Islāmī, 1990, I, 130; at-Tabarī, *Jāmi'u'l-bayān*, IV, 90; al-Māwardī, *an-Nuketu wa'l-'uyūn*, I, 423-24; Abū Ja'far Muhammad b. al-Hasan at-Tūsī, *at-Tibyān fī tafsīri'l-Qur'ān*, Necef, 1376/1957, IV, 587; Ibn 'Atiyye, *al-Muharraru'l-wajīz*, III, 228; Abū 'Alī al-Fadl b. al-Hasan at-Tabrasī, *Majma'u'l-bayān fī tafsīri'l-Qur'ān*, Beirut: Dāru'l-fikr, 1414/1994, II, 385; ar-Rāzī, *Maḥāṭihu'l-gayb*, IX, 3; Nāsiruddīn Abū Omer b. Muhammad ash-Shīrāzī al-Qādī al-Baydāwī, *Anwāru't-tanzīl wa Asrāru't-ta'wīl*, critical edition: 'Abdulkādir 'Irfān al-'Ashshā, 1416/1996, Beirut: Dāru'l-fikr, II, 91; Abu'l-Hasan Ibrāhīm b. Omar al-Biqāi,

‘O who believe!’ and the usury is limited by ‘doubly multiplied’. In that case, it is forbidden for Muslims to take and give compound usury and unconscionable rate of it. In other words, this forbidding was concerned with Islamic society and the usury type that is high rate and compound. Because of this, we named this stage ‘partial prohibition stage’. Some of the latest researchers claimed basing on this verse that the usury forbidden in Islam simply contained compound usury and the usury in consumption loans.⁷⁴ But the text of this verse and the practices in the pre-Islamic period pertaining to usury (i.e. being simple and compound kinds of it) don’t confirm this opinion.

After one year from this, the Jewish people were warned against the usury while criticizing their evil actions:⁷⁵

We made unlawful for them certain good things that they were permitted to them, (...) and for their eating usury [gain], though they were forbidden, and eating men’s properties wrongfully. And we have prepared for the unbelievers among them a painful punishment.⁷⁶

Really, complaints of Nehemiah⁷⁷ and Ezekiel⁷⁸ and the historical facts verify the message of these verses.⁷⁹ Some researchers claim that these verses were revealed before the 130th verse of Sura Āl-i ‘Imrān (The Family of Imrān).⁸⁰ Yet it is impossible for the following reasons; it is not sensible and convincing to criticize the Jewish in the Qur’ān on account of usury before prohibiting it to the Muslims. Therefore, as Fazlur Rahman said,⁸¹ these verses have not revealed before ribā had not been prohibited for Muslims. This explanation

Nazmu’d-durar fī tanāsubi’l-āyāt wa’s-suwar, critical edition: ‘Abdurrazzāk Gālib al-Mahdī, Beirut: Dāru’l-kutubi’l-‘ilmiyya, 1415/1995, II, 152; ‘Abu’s-Suūd, *Irshādu’l-‘akli’s-selīm*, I, 415; Muhammad b. ‘Alī b. Muhammad ash-Shawkānī, *Fathu’l-qadīr al-jāmi’ bayna fannayī’r-riwāya wa’d-dirāya min ‘ilmi’t-tafsīr*, critical edition: Sayyid b. Ibrāhīm, Cairo: Dāru’l-hadīth, 1413/1993, I, 567; al-Ālūsī, *Rūhu’l-ma’ānī*, IV, 86-87.

⁷⁴ See for these views: al-Majmū’atu’th-thāniya tashtamal ‘ala’l-khutab allatī ulqiyat fī Nādī Dāri’l-‘ulūm fī mawdū’i’r-ribā, Misr: Matbaatu’l-wā’iz, 1326/1908, p. 15, 127-32.

⁷⁵ See for these malicious actions: an-Nisā’ / the Women (iv), 155-161.

⁷⁶ an-Nisā’ / the Women (iv), 160-161.

⁷⁷ *The Holy Bible*, Nehemiah: 5:7: Then I consulted with myself, and I rebuked the nobles, and the rulers, and said unto them, Ye exact usury, every one of his brother. And I set a great assembly against them (KJV =King James Version).

⁷⁸ *The Holy Bible*, Ezekiel: 22:12: In thee have they taken gifts to shed blood; thou hast taken usury and increase, and thou hast greedily gained of thy neighbours by extortion, and hast forgotten me, saith the Lord GOD. 22:13: Behold, therefore I have smitten mine hand at thy dishonest gain which thou hast made, and at thy blood which hath been in the midst of thee (KJV).

⁷⁹ For example, money-lending and usury of Jews made of them an object of hate and of social degradation and has caused being punished in Europe like the penalty for migration, confiscation of property, prison sentence, the death penalty and the same from time to time during the history. See details in Max L. Margolis & Alexander Marx, *A History of the Jewish People*, New York: Harper Torchbooks, 1965, p. 365-66, 370-72, 390, 405; Max I. Dimont, *Jews, God and History*, New York: The New American Library, 1964, p. 261-62; Shaikh Mahmud Ahmad, *Judaism and Interest*, “Islamic Studies (Journal of the Islamic Research Institute)”, Summer 1981, Vol. XX (pp. 47-82), No: 1, p. 79-80; *The Jewish Enigma An Enduring People*, Editor: David Englander, London: The Open University, 1992, p. 93, 95, 179, 186-89; Hugo Bieber, *Money Lending*, “The Universal Jewish Encyclopedia”, VII, 620-21.

⁸⁰ *Nādī Dāri’l-‘ulūm fī mawdū’i’r-ribā*, 32-33, 51-53; Ahmad Mustafā al-Marāgī, *Tafsīru’l-Marāgī*, Cairo: Maktabatu wa matba’atu Mustafā al-bābī al-halebī, 1373/1953, III, 58-61; Wahba az-Zuhaylī, *at-Tafsīru’l-munīr fī’l-aqīda wa’sh-sharī’a wa’l-manhaj*, Beirut: Dāru’l-fikri’l-mu’āsir, 1418/1998, III, 91-93; Muhammad Sayed Tantāwī, *Mu’āmelātu’l-bunūk wa ahkāmuhā ash-shar’iyya*, Cairo, 1417/1997, p. 78-81; Muhammad b. Muhammad Abū Shahba, *Nazratu’l-Islām ila’r-ribā al-mushkila wa halluhā*, Cairo, 1391/1971, p. 39-41, 47; Rafīk Yūnus al-Misrī, *Masrifu’t-tanmiya al-Islāmī aw muhawwala jadīda fī’r-ribā wa’l-fāida wa’l-bank*, Beirut, 1407/1987, p. 131; The same researcher, *el-Jāmi’ fī usūli’r-ribā*, 27-29; Hamūd, *Tatwīru’l-a’mālī’l-masrifīyya*, 128; Cengiz Kallek, *Asr-ı Saadet’te Yönetim-Piyasa İlişkisi*, İstanbul: İz Yayıncılık, 1997, p. 61-63.

⁸¹ Fazlur Rahman, *Ribā and Interest*, 11.

indicates that these verses had to be revealed at earliest after the usury verse in Sura Āl-i ‘Imrān. As to us, in these verses whose revelation date is possibly the 4th year of the Hegira. The Jewish people had been maintained as an example; this warning included all of the Non-Muslims, particularly settled in a country of Muslims. That’s why, we called this era as ‘warning stage to Non-Muslims’.

Warning Non-Muslims as a matter of fact indicates political power and military potential of Muslims in Medina. It is not difficult to guess that prohibiting usury is easy after this important change. Really, before long, usury had been forbidden completely:

Those who eat usury will not rise except as he over whom Satan knocks by striking rises from paroxysm. This is because they say: ‘Selling is only like usury’; whereas God has permitted selling and forbidden usury.⁸²

It is disputatious when this verse is revealed. There are some scholars who put forward that this has been revealed in late times of Qur’ānic revelation.⁸³ Because of revealing the following two verses in the same sura (the Sura Baqara) which is pertaining to later time, it is impossible. But this verse is probably revealed in the 5th year of the Hegira and just before the exile of Banū Kaynukā’ Jews.⁸⁴ In this verse, all types of the Jāhiliya usury is prohibited without any exception of it in the Islamic country by sentence of ‘God has permitted selling and forbidden usury’.⁸⁵ Hence we can call this stage ‘general prohibition stage’. Besides prohibiting usury, it is also declared in this verse that those who desist from taking usury shall not repay their gains (the profits of) from usury. That is to say, usury prohibition does not move backwards legally;⁸⁶ whereas those who go on taking usury will be punished from now on in the next word. In following two verses⁸⁷ it is reminded that God wipes out usury and nourishes acts of charity, i.e. while usury is causing individual and society to damage at the end, deeds of charity are causing them to develop and to gain in respect of materially and spiritually;⁸⁸ and it is promised that those who give up usury will receive their wages from their Lord.

Usury prohibition is practiced several years. Then Muslims conquered Mecca in the 8th of Hegira (630 A.D.).⁸⁹ Next, the Tāifians sent a delegation to Medina to make an agreement with Muhammad, who allowed them to take usury limitedly and temporarily in this agreement. In accordance with this agreement this permission has comprised their usury before and debt with usury on Non-Muslim persons.⁹⁰ But the Thaḳīf (the biggest Tāifian tribe) exploited this agreement and demanded their debt with usury from some Qurayshians. ‘Attāb b. Esīd, who was governor of Mecca at that time has informed the Prophet

⁸² al-Baqara / the Cow (ii), 275.

⁸³ at-Tabarī, *Jāmi‘u’l-bayān*, III, 114; Abū Bakr Ahmad b. ‘Alī ar-Rāzī al-Cassās, *Ahkāmu’l-Qur’ān*, Beirut: Dāru’l-fikr, 1414/1993, I, 634; az-Zarkashī, *al-Burhān fī ‘ulūmi’l-Qur’ān*, I, 210; as-Suyūṭī, *al-Itqān*, I, 82.

⁸⁴ See evidences for this date in Gül, Tarihi Bağlamı Çerçevesinde Kur’ân’da Faiz (Ribâ) Yasağı, 316.

⁸⁵ Hūd b. Muhakkam, *Tafsīru kitābillāhi’l-‘azīz*, I, 254; at-Tabarī, *Jāmi‘u’l-bayān*, III, 103; Muhammad Rashīd Ridā, *Tafsīru’l-Qur’āni’l-hakīm (Tafsīru’l-manār)*, 3rd edition, Beirut: Dāru’l-ma’rifa, undated, III, 94.

⁸⁶ al-Baqara / the Cow (ii), 275 (فَلَهُ مَاسَلَفٌ). at-Tūsī, *at-Tibyān*, II, 361; az-Zamakhsharī, *al-Kashshāf*, I, 316; Jamāluddīn ‘Abdurrahmān b. ‘Alī b. Muhammad al-Jawvzī al-Kurashī al-Bagdādī, *Zādu’l-masīr fī ‘Ilmi’t-tafsīr*, Beirut: al-Maktabu’l-Islāmī, 1384/1964, I, 331.

⁸⁷ al-Baqara / the Cow (ii), 276-77.

⁸⁸ Ibnu’l-Jawvzī, *Zādu’l-masīr*, I, 331; ar-Rāzī, *Mafātīhu’l-gayb*, VII, 83-84; Yazır, *Hak Dini Kur’ân Dili*, II, 965-69.

⁸⁹ Ibn Hishām, *as-Sīratu’n-Nabawīyya*, IV, 31; Muhammed Hamidullah, *İslām Peygamberi (Hayatı ve Faaliyeti)*, Translated by Salih Tuğ, Ankara: İmaj İç ve Dış Tic., 2003, I, 271.

⁹⁰ Abū ‘Ubayd, *Kitābu’l-amwāl*, 250; at-Tabarī, *Jāmi‘u’l-bayān*, III, 107; Ibn Abī Hātim, *Tafsīru’l-Qur’ān*, II, 549.

Muhammad of it. So those verses were revealed.⁹¹

O who believe! Fear God and give up the usury that is outstanding, if you are [indeed] believers. If you do not do [so], then take notice of war from God and His Messenger; yet if you repent, your capital sums are yours not acting unjustly and be acted unjustly.⁹²

Muhammad has sent these verses to ‘Attāb and violently rejected demand of Thaḳīf. In these verses it is proclaimed that a war will be started against those who do not still end usury as a consequence of their falling afoul the law as a group.⁹³ But the most important thing is that usury prohibition is about unjust acts, identifies general principles and aims to end the usury prohibition in these verses. For this reason we named this stage ‘the stage of identifying the general principles and aims of prohibiting usury’. In this context it is emphasized that the payees should not do an unjust to debtors and should not be dealt with them unjustly by delaying their debts. At this stage it is showed that the reason for prohibition of usury is that it is injustice and causes unjust income. Like this, the ban of usury was depended on a reason and a criterion was put. This criterion is also about whether some types of affairs emerged after the Qur’ānic revelation and caused unjust income would be included within the usury or not. For example, it can be evaluated that the Prophet Muhammad, after revelation of the usury verses, included settling six types of commodities (gold, silver, date, wheat, barley and salt) with each other within the usury;⁹⁴ as these were the basic needs of the society he lived in and were used as capital and the market was taking shape compared to changing of their prices. That is why, some commentators include the ban of delay and excess usury in the

⁹¹ Abū Ishāk Ibrāhīm b. as-Sariyy az-Zjjāj, *Ma’āni’l-Qur’ān ve i’rābuh*, critical edition: ‘Abduljalīl ‘Abduh Shiblī, Beirut, 1408/1988, I, 359; at-Tabarī, *Jāmi’u’l-bayān*, III, 107; Ibn Abī Hātim, *Tafsīru’l-Qur’ān*, II, 548-49.

⁹² al-Baqara / the Cow (ii), 278-79.

⁹³ al-Qurtubī, al-Jāmi’ li ahkāmī’l-Qur’ān, III, 320; Gül, Tarihi Bağlamı Çerçevesinde Kur’ân’da Faiz (Ribâ) Yasağı, 353-54.

⁹⁴ See this hadith with its variants in Abū Bakr ‘Abdullāh b. Muhammad b. Abī Shayba, *Musannafu Ibn Abī Shayba*, critical edition: Kamāl Yūsuf al-Hūt, ar-Riyād, 1409, IV, 320, 496-99; Mālik, *al-Muwatta’*, II, 632; ‘Abdurrezzāk b. Hammām Abū Bakr as-San’ānī, *al-Musannaf*, critical edition: Habīburrāhmān al-A’zamī, Beirut, 1403, VIII, 34 (No: 14193), 117-18 (No: 14546), 121-22 (No: 14563-64); Abū ‘Abdillāh Muhammad b. Idrīs ash-Shāfiī, *Ihtilāfu’l-hadīth*, critical edition: ‘Āmir Ahmad Haydar, Beirut, 1905/1985, p. 202; Ahmad Muhammad b. Hanbal, *al-Musnad*, Istanbul: Çağrı Yayınları – Tūnus: Dāru Sahnūn, 1992/1413, III, 4, 9, 49, 51, 53, 61, 66, 73, V, 314, 319-20; al-Bukhārī, *K. al-buyū’*: 74 (III, 29), 78 (III, 30-31); Abū’l-Husayn Muslim b. al-Hajjāj, *Sahīhu Muslim*, critical edition: M. Fuād ‘Abdulbākī, Istanbul: Çağrı Yayınları – Tūnus: Dāru Sahnūn, 1992/1413, *K. al-musāqāt*: 14 (No: 1584, II, 1208-09), 81-82 (No: 1587, III, 1210-11); Abū ‘Īsā Muhammad b. ‘Īsā at-Tirmizī, *Sunanu’t-Tirmizī*, critical edition: Ahmad Muhammad Shākir, Istanbul: Çağrı Yayınları – Tūnus: Dāru Sahnūn, 1992/1413, *K. al-buyū’*: 23 (No: 1240, III, 541-42), 24 (No: 1241, III, 542-43); Muhammad ‘Abdullāh ‘Abdurrahmān ad-Dārimī, *Sunanu’d-Dārimī*, critical edition: as-Sayyid ‘Abdullāh Hāshim Yamānī, Istanbul, 1992/1413, *K. al-buyū’*: 41 (No: 2581, II, 572); Abū ‘Abdillāh Muhammad b. Yazīd, *Sunanu Ibn Māja*, critical edition: M. Fuād Abdulbākī, 2nd edition, Istanbul: Çağrı Yayınları – Tūnus: Dāru Sahnūn, 1992/1413, *K. al-muqaddima*: 2 (No: 18, I, 8), *K. at-tijārāt*: 48 (No: 2254, II, 757); Abū Dāwūd Sulaymān b. al-Ashkhas, *Sunanu Abī Dāwūd*, Istanbul: Çağrı Yayınları – Tūnus: Dāru Sahnūn, 1992/1413, *K. al-buyū’*: 12 (No: 3349, III, 643-46); Abū ‘Abdirrahmān Ahmad b. Shu‘ayb b. ‘Alī an-Nasāī, *Sunanu’n-Nasāī*, Istanbul: Çağrı Yayınları – Tūnus: Dāru Sahnūn, 1992/1413, *K. al-buyū’*: 43 (No: 4557-58, VII, 274-75), 44 (No: 4559-61 VII, 275-77), 47 (No: 4567-68, VII, 278-79); Abū Khātim Muhammad b. Hibbān b. Ahmad at-Tamīmī, *Sahīhu Ibn Hibbān*, Beirut, 1414/1993, XI, 391-92 (No: 5016-17); ‘Alī b. Omar ad-Dāraqutnī, *Sunanu’d-Dāraqutnī*, critical edition: as-Sayyid ‘Abdullāh Hāshim Yamānī al-Madanī, Medina, 1386/1966, *K. al-buyū’*: 59 (III, 18); Abū Muhammad ‘Abdullah b. ‘Alī b. al-Jārūd an-Naysābūrī, *al-Munteqā li Ibnī’l-Jārūd*, critical edition: ‘Abdullāh Omar al-Bārūdī, Beirut, 1408/1988, p. 163-64 (No: 648-652); Abū ‘Avāna Ya‘qūb b. Ismā‘īl al-Isferāinī, *Musnadu Abī ‘Awāna*, Beirut, 1998, III, 373-76, 380-82, 388-89 (No: 5368, 5376, 5378, 5390, 5393, 5395-96, 5427); Abū Bakr Ahmad b. al-Husayn b. ‘Alī b. Mūsā al-Bayhakī, *Sunanu’l-Bayhakī al-kubrā*, critical edition: Muhammad ‘Abdulkādir Atā, Mecca, 1414/1994, V, 279.

Qur'ānic prohibition.⁹⁵ The truth of the matter is that the Qur'ān forbids every kind of unjust gains generally.⁹⁶ In this respect, if the verses about usury are not revealed, too, usury would be wrong. But this sort of usury is forbidden by tradition (*as-sunna*) and the Qur'ān bans only Jāhiliya usury directly, as most of them rightly assert.⁹⁷

That usury ban is becoming a rule is important. This means that solution to new problems will be established with this rule. There is an instance of this in the Qur'ān. According to the above stated verses, it was necessary for debtor Meccans to repay their debt to Tāifians their payees. Because they had not got adequate assets, they wanted them to postpone their liabilities. But Tāifians made an objection against their request. That verse is revealed pertaining to this affair:⁹⁸

And if there is a [debtor] who is in difficulties, then there is a postponement [of repaying] to the time of ease [for him]; and that you remit [the debt] as charity is better for you, if you only know!⁹⁹

This verse proposed the usury for the agenda again and required payees to give debtors who can not pay back their liabilities some more time until they can get possibility of reimbursing these¹⁰⁰ and recommended them to remit their debt as alms for these debtors. By the way we must affirm that these alms are only a religious and ethical proposal and have not a legal meaning.

Finally, just before the dead of the Prophet Muhammad, 281st verse of the Sura Baqara was revealed. In the opinion of most of commentators and methodology scholars this is the last Qur'ānic revelation.¹⁰¹ In this verse which took place between usury and debt it was uttered that those who lend without getting the usury would get more reward in the hereafter. With this verse, the Qur'ānic revelation and warning against usury ended. That is why, we named this step 'the latest warning stage'.

4. Conclusion and Evaluation

The history of pre-Islamic Hijāz testified that pagan Arabs were acquainted with usury with probably all types and putting them into application mercilessly when Islam rose. The Qur'ān prohibited this usury that has been named 'Jāhiliya ribā' in the Islamic disciplines.

⁹⁵ al-Jassās, *Ahkāmu'l-Qur'ān*, I, 634-35; Abū Bakr Muhammad b. 'Abdillāh (Ibnu'l-'Arabī), *Ahkāmu'l-Qur'ān*, critical edition: Muhammad Abdulkādir 'Atā, Beirut: Dāru'l-fikr, undated, III, 523; al-Qurtubī, *al-Jāmi' li ahkāmī'l-Qur'ān*, III, 317.

⁹⁶ an-Nisā' / the Women (iv), 29-30.

⁹⁷ at-Tabarī, *Jāmi'u'l-bayān*, III, 101, 103-04; Ibnu'l-Jawvzī, *Zādu'l-masīr*, I, 331-32, 457-58; ar-Rāzī, *Mafātihu'l-gayb*, VII, 75-76; ash-Shawkānī, *Fathu'l-qadīr*, IV, 318; M. Rashīd Ridā, *Tafsīru'l-manār*, III, 113.

⁹⁸ Abū Zakeriyyā Yahyā b. Ziyād b. 'Abdillāh al-Farrā' al-Aslemī, *Ma'āni'l-Qur'ān*, 3rd edition, Beirut: 'Ālamu'l-kutub, 1403/1983, I, 182; as-Samarqandī, *Bahru'l-'ulūm*, I, 185; Abu'l-Hasan 'Alī b. Ahmad al-Wāhidī an-Naysābūrī, *al-Wasīt fī tafsīri'l-Qur'āni'l-majīd*, critical edition: 'Ādil Ahmad 'Abdulmawjūd and others, Beirut: Dāru'l-kutubi'l-'ilmiyya, 1415/1994, I, 398; Abū Hayyān, *al-Bahru'l-muhīt*, II, 339.

⁹⁹ al-Baqara / the Cow (ii), 280.

¹⁰⁰ Whoever in difficulties are debtors who are in a circumstance in which he can not pay back his liabilities. The existence of a postponement [of repaying] to the time of ease means until these debtors can get possibility of reimbursing their liabilities (Ibn Abī Hātim, *Tafsīru'l-Qur'ān*, II, 553; M. Vehbī, *Büyük Kur'an Tefsiri*, II, 519).

¹⁰¹ Abū 'Abdillāh Sufyān b. Sa'd b. Masrūq ath-Thawrī, *Tafsīru Sufyān ath-Thawrī riwāyatu Abī Ja'far Muhammad 'an Abī Huzayfa an-nahdī 'anhu*, critical edition: Imtiyāz 'Alī 'Arshī, Beirut: Dāru'l-kutubi'l-'ilmiyya, 1402/1983, I, 73; al-Farrā', *Ma'āni'l-Qur'ān*, I, 183; at-Tabarī, *Jāmi'u'l-bayān*, III, 114-15; Ibn 'Atiyye, *al-Muharraru'l-wajīz*, II, 357; ar-Rāzī, *Mafātihu'l-gayb*, VII, 91; Ibn Kathīr, *Tafsīru'l-Qur'ān*, I, 494; az-Zarkashī, *al-Burhān fī 'ulūmi'l-Qur'ān*, I, 209; as-Suyūtī, *al-Itqān*, I, 82-83.

Yet it has not been forbidden in the Qur'ān immediately; contrary to this, it has been proceeded slowly and carefully, observed spiritual, social, legal, political and economical situations, and in brief, followed a skillfully, rational, historically and cyclical way. The Prophet Muhammad and his companions have applied this strategy patiently and stably. It is shown that the usury was abolished in two main stages. The first is 'preparation stage for prohibition of usury', and the second is 'prohibition stage of usury'. The preparation stage included three stages; one of them 'causing people to sense badness of usury' and the others 'psychological and economical preparation against usury' in which one lies inside the other historically. The prohibition process can be divided into six stages such as 'opposition', 'partial prohibition', 'warning to Non-Muslims', 'general prohibition', 'identifying general principles and aims', and 'the latest warning'.

As a result, the Qur'ān essentially banned and abrogated the Jāhiliya usury with all types and all procedure it included in order to cause unfair earnings. This prohibition was realized in the context of not doing injustice and not being exposed to injustice. Within this general framework and aim, the rights of debtors and payees were mutually protected. In order to define the usury prohibited in the Qur'ān, we must keep in mind the historical process emphasized so far as well as the strategies of prohibiting and the features formed within this process. We know that including so many elements in one definition is difficult. But in spite of this, we can define the usury prohibited in the Qur'ān as follows:

Ribā is unrequited, unjust and real excess that is being taken or giving based on a condition in debt contracts in addition to capital sums (*ra'sumāl*) in return for postponing the debt.

This definition describes the features of Jāhiliya usury and emphasizes the wrongfulness done by the payees towards the debtors in the usury contract. However, it is one-way definition and does not include the complete aim of usury prohibition explained above and its extent. It is the same thing that the Prophet Muhammad added the excess usury (*ribā al-fadl*) to the prohibition of usury as to the general framework and aims of the prohibiting usury. Naming the exchange of the same sort of usury commodities (*al-amwāl ar-ribawīyya*) as usury is metaphorical. In our view, these barterers are considered as shopping, if they do not cause any damage and unjust gain; but if they do, then they are called as usury. Likewise, many types of unjust income -especially from vain sale- had been accepted as usury by some scholars. This is also a metaphor¹⁰² that indicates the religious sensitiveness against financial injustice. With these reasons, our definition consciously excludes these. Otherwise, it is unavoidable that concept confusion comes out.

The term *debt* (*ad-dayn*) in our definition includes all types of debts. These debts can come out by borrowing, shopping, salam, etc., used in consumption or production aims, taken or given by a person or society as capital or commodity, become short or long termed, accounted these properties' usury as simple or compound with low or high rate. In the same way, the debtors' being rich or poor does not change the state of the debts and usury.

As to our definition, the usury is taken or given in return for money or commodity in reply of postponing every type of debt. At this point it remains an important problem: how would have debtors paid their debts? And how would they have compensated the loss of payees? This is not the focus of this study, but it could be the topic of another study that will analyzes the debts in terms of Islam.

We used the term 'capital sum' (*ra'sumal*) instead of 'fungible commodity' (*al-mal al-mislī*). This is because the usury occurs not only in equivalent commodities in the market, but also

¹⁰² Muhammad b. Ahmad b. Abī Bakr as-Sarakhsī, *Kitābu'l-mabsūt*, Istanbul: Çağrı Yay., 1983/1403, XII, 108-09; Ibnu'l-'Arabī, *Ahkāmu'l-Qur'ān*, I, 322-23; Ibn 'Atiyye, *al-Muharraru'l-wajīz*, II, 344 Arabī.

in all commodities that can be consumed, used, lent, bought or sold and owned in a real or nominal worth. The term of capital sum is already used in the Qur'ān, while prohibiting usury.

The term 'unjust income' in our definition means that there is no response for usury with regard to labor, commodity or benefit (like using home, wearing clothes etc.). It is no logical reason for usury on which it is based. Thanks to this characteristic, usury is different from other unjust income and inheritance. Again with the term 'unjust' we aim at that some procedures may be sometimes legal and sometimes illegal depending on the condition are not always considered as the Qur'ānic usury.

We argue that it is not an emerged usury unless payee takes unjust income. For this reason we used 'excess that is being taken or giving' in appropriate for the statement 'those who eat usury...' in usury verses, not 'that is required' as in al-Rāzī's (606/1209) definition.¹⁰³

The term 'real' in our definition is used on the basis of the principle, 'not doing unjust and not being exposed to unjust' in the 279th verse of the Sura Cow. This principle must have protected the creditors if the price of the lent money / commodity decreased later compared to borrowing date. Yet it must be accepted that debtors must have been protected in these cases. In a situation in which the prices increase continuously it would not be moral if the debtors had to pay the decrease of the value of the borrowed money as well as the usury. Otherwise, it is certain in these cases that the payees face with loss of lent money / commodity especially in the long term debts. So, it is necessary for identifying the criteria or criterion by considering equal income distribution and getting experts' views that prevent the loss of both payees and debtors so that lending and credit affairs can become widespread and not be interrupted. But it must be the duty of administrators and economists rather than the theologians.

¹⁰³ Rāzī said that ribā is consist of wanting excess added to capital sum (ar-Rāzī, *Maḥāṭibhu 'l-gayb*, VII, 75).