

1. **Deposit, Custody or Trust ('Amanah)
and Disloyalty (Khiyanah)**

2. **Lending and Borrowing (Ariyah)**

3. **Debt or Loan**

1. **Deposit, Custody or Trust ('Amanah)
and Disloyalty (Khiyanah)**

Disloyalty (*khiyanah*) is an immoral characteristic. Disloyalty may occur in regard to money or as a violation of trust. It may occur in regard to honor, power, or position.

The opposite of disloyalty is Trust (*'amanah*), which are Divine trusts; one's family, one's position, the authority and power one exercises.

Secrets are also trusts

Sometimes a person is told a secret and asked not to divulge it to others. This secret is also a kind of trust. It may also be that one learns of a secret regarding another person and is sure that that person would prefer that it is not made known to others. This secret is a trust according to *Shari'a*. To divulge a secret that one has come to know is *Khayanah*.

It is *Haraam* to betray a secret which is a trust, whether of a friend or an enemy, of a righteous person or an evil one.

Private discussion is also a Trust

Whatever is discussed in a meeting is also a trust with the participants. Anything that is to be kept confidential must not be divulged.

Divulging secrets is *Khiyanah*

Exposing a secret amounts to committing *Khayanah*. Under all circumstances a secret is a trust, whether the person concerned

himself takes you in confidence or you come to know of the secrets by yourself, it is *Haraam* to betray it. If the one whom the secret concerns does not wish his secret to be divulged, then it is *Haraam* and a kind of *Khayanah* to expose it. Such types of trusts that involve secrets have various grades and are of different types. Certain types of *Khayanah* are termed as tale telling and others are called backbiting.

Refrain from divulging your own secrets

According to the traditions we must not inform anyone of our own secrets. Even if those people are our closest relatives or friends. It is possible that their friendship may not last forever. They might become our enemies in the future. It is very rare for an enemy not to expose the secrets of his opponent.

Breach of trust

It is *Wajib* to guard the trust and *Haraam* to misappropriate it, whether the one who entrusts it, is a Muslim or a Kafir. It is even *Wajib* to protect the goods entrusted by a *Nasibi* (those who are enemies of *Ahl ul-Bayt* (a.s.) in spite of the fact that the *Nasibi* are the worst kind of people.

It is *Haraam* to use the property or a thing belonging to someone else without his permission. It is *Haraam* even to borrow something without the permission of the owner. It is *Haraam* to use the thing even for a moment. In fact, even displacing a thing without permission is *Haraam* when there is no valid excuse.

Rules Regarding Deposit, Custody or Trust ('*Amanah*)

A deal of trust is valid only when both the parties are sane and adult and should not have been forced to do so. So a child or an insane person cannot entrust their property nor can they act as trustees. However, if the guardian of a child or an insane person permits, the property can be held in trust.

When a person gives his property to another person, and tells him that it is deposited in trust, and the latter accepts it, they both are required to abide by the following rules:

- ❖ If a person cannot look after the deposit, and the person making the deposit is not aware of his incapability, he should decline to accept the deposit.
- ❖ A person who gives something to another person as a deposit, can cancel the arrangement as and when he likes, and similarly, one who accepts the deposit can do the same as and when he likes.
- ❖ If a person who accepts a deposit does not have a suitable place for its safe keeping, he should acquire such a place, and should take care of the deposit in a manner that he would not be accused of negligence. But if he acts carelessly in this regard, and the property is lost or damaged, he will have to compensate for it.
- ❖ If a person who accepts a deposit has not been negligent in looking after it, and then the property unexpectedly gets lost, he will not be responsible for it.
- ❖ But if he has been careless about its security, say, by keeping it at a place which is vulnerable to theft, and then the deposited property is lost or damaged, he should pay the owner its compensation.
- ❖ A person taking care of a property given on trust is not allowed to use it without the specific permission of its owner.

2. Lending and Borrowing (*Ariyah*)

Ariyah means that a person gives his property to another person for use without asking anything in exchange. For example, a person gives his bicycle to his friend for temporary use.

It is not necessary in the case of *Ariyah* that a formal formula be pronounced. So, for example, a person gives a dress to someone with the intention of lending, and he takes it with the intention of borrowing, it is in order.

Rules Regarding Lending and Borrowing (*Ariyah*)

- ❖ A person who lends something to another person can take it back whenever he wants to, and the person who borrowed the item can give back to its owner whenever he wishes to do so.
- ❖ Lending or borrowing something which is not *Halaal* to use, like, instruments of amusement and gambling, and utensils of gold and silver for eating or drinking, or for any other purposes is void. However, giving them on loan for the purpose of decoration is permissible, although precaution is that they should not be given or taken on loan even for this purpose.
- ❖ If a person who has borrowed something is not negligent in its keep, nor does he go beyond moderation in its use, he will not be responsible if it is lost or damaged by chance. But if he was negligent in taking care of the item, or in its use, then he will be responsible to compensate for it to the owner.
- ❖ If the lender stipulates that, the borrower would be responsible for loss or damage, the borrower should compensate for it.
- ❖ If the thing borrowed is gold or silver and it is lost or damaged, the borrower should compensate for it.
- ❖ If a person borrows gold or silver and stipulates that if it is lost or damaged, he will not be responsible, he is not responsible if it is lost.

3. Debt or Loan

To give loan to *Momineen*, particularly the needy ones, is *Mustahab*, on which great stress has been laid in the Holy Qur'an and in the Traditions (*Ahadith*). The Holy Prophet (s.a.w.a.) has been reported to have said that whoever gives loan to his Muslim brother, his wealth flourishes, and the angels invoke Divine mercy for him, and if he is lenient with his debtor, he will pass over the Bridge (*Sirat*) swiftly.

If a Muslim denies his brethren-in-faith a loan, Paradise becomes forbidden (*haraam*) for him.

Categories of Loan

There are two types of Loan

- 1] **Specified Period Loan.**
At the time of giving a loan, it was specified when the loan should be paid back.

- 2] **Non-Specified Period Loan.**
At the time of giving a loan, the period when the loan should be paid back was not specified.

Rules Regarding Debt or Loan

- It is not necessary to recite a specific formula in the matter of debt. If a person gives something to another person with the intention of loaning, and the other takes it with the intention of borrowing, that conduct will be in order.
- If the loan is given with a specific period of time stated, and the person giving the loan specifies when it should be paid back, or both parties come to an agreement, then the person who gave the loan cannot demand repayment of the loan before the time agreed upon.
- If the loan is given without stipulating the time period when it should be paid back, then the person who had given the loan can ask for repayment any time.
- If the person who gave the loan demands repayment of the loan given, and the person who had taken the loan is able to pay it back, he should pay it back immediately, and if he delays its repayment, he commits a sin.
- If a person giving a loan makes a condition that after a specified period of time, he should be repaid more than the amount he had given on loan, or in addition to repayment of loan the person who took the loan from him should provide some services for him, this is *Riba* (interest) and it is *Haraam*. For example, if a person gives \$100 as a loan and makes the condition that after one year he should be repaid \$110, it will be considered as *Riba* (interest) and is *Haraam*.
- If a person giving a loan does not make a condition that he should be paid more than what he loaned, and the person who had taken the loan

himself decides to repay more than what he borrowed, there is no problem. In fact, it is *Mustahab* for the borrower to do so.