146876 - Her husband takes her salary; does she have the right to take from him what she is entitled to without his knowing?

the question

I am working but all my salary is with my husband.He provides me with all the needs .I have no complaints about that.He even gives me a very small amount of pocket money after a lot of requests every month.But he refuses ti give me more thatn that.
I would like to ask can i take from him without his knowledge some money very little amount because i feel he is unjust to me.If i have to give my relatives or my parents who are in need or gifts to my friends i feel very helpless i cant help them because he does not like it but i want to .
I dont want to cheat him even though i feel i have equal rights over not only my money but his money also but sometimes i dont understand why he does not give me money.
I dont want arguements in my house for money thats why i dont want to ask him anymore.
Please help.
I am not taking it for any wrong things.

Detailed answer

Praise be to Allah.

Firstly:

It is not permissible for the wife to take anything from her husband’s wealth except with his permission, unless he is stingy with her in spending what he is obliged to spend. In that case it is permissible for her to take what is sufficient for her and her children, on a reasonable basis, because of the report narrated by al-Bukhaari (5364) from ‘Aa’ishah (may Allah be pleased with her), which says that Hind bint ‘Utbah (may Allah be pleased with her) said: O Messenger of Allah, Abu Sufyaan is a stingy man and does not give me enough for me and my children, unless I take from him without him knowing. He said: “Take what is sufficient for you and your children on a reasonable basis.”

For more information please see the answer to question no. 20433.

Secondly:

Whatever salary a woman receives is her property, which she may dispose of however she wants, and she does not have to give any of it to her husband or to contribute to household expenses with her husband. Rather spending on the wife and children is obligatory upon her husband, even if the wife is rich, unless he stipulated that she should contribute to the household expenses or if it is the custom that a working woman must contribute to the household expenses.

For more information please see the answer to question no. 126316 and 4037.

Thirdly:

If the husband did not stipulate in the marriage contract that he would take some of his wife's salary in return for giving her permission to work, then it is not permissible for him to take anything from her salary, unless she gives it willingly. If he does take something from it then he is taking something to which he is not entitled, and in this case it is permissible for the woman to take what she is entitled to from his wealth without him knowing.

Shaykh al-Shanqeeti (may Allah have mercy on him) said: If someone wrongs you by taking some of your wealth in an illegitimate fashion and you cannot prove it, and you can take similar to what he took from you wrongfully in a manner that is safe from scandal and punishment, do you have the right to take as much as you are entitled or not?

According to the more correct of the two opinions and according to the apparent meaning of the texts, and by analogy, that you may take as much as you are entitled to and no more, because Allah says (interpretation of the meaning):

"then punish them with the like of that with which you were afflicted"

[al-Nahl 16:126]

"you transgress likewise against him"

[al-Baqarah 2:194].

Among the scholars who held this view were: Ibn Sireen, Ibraaheem al-Nakha‘i, Sufyaan, Mujaahid and others.

A group of scholars -- including Maalik -- said that that is not permissible. This is the view of Khaleel ibn Ishaaq al-Maaliki in Mukhtasar, where he says concerning an item that is deposited with someone as a trust: He does not have the right to take anything from the one who wronged him equivalent to what he deposited with him. He quoted as evidence for that view a hadeeth that says: “Render the trust back to the one who entrusted it to you, and do not betray the one who betrays you.”

This hadeeth -- even if we assume that it is saheeh -- cannot be quoted as evidence in this case, because the one who takes as much as he is entitled to and no more has not betrayed the one who betrayed him; rather he has got his fair dues from the one who wronged him.

End quote from Adwa’ al-Bayaan (2/467)

This is the ruling on this action, but it should be noted that each spouse should treat the other in a kind and reasonable manner, and each should give up some of his or her rights to the other, so that good treatment between them may continue.

And Allah knows best.