



286315 - Her husband left some items with her that were taken unlawfully by force, and she used some of them and others are no longer usable. What should she do with them?

the question

A sister is asking how to dispose of items that were taken unlawfully by force. Her husband – may Allah, may He be Exalted, guide him – took a number of things from some people unlawfully, as if he wanted to pay for them later on, or he took them by force and so on. Please note that the items are in her keeping now, as the husband has left her and disappeared. Some of the items are used or are now unusable. She threw out those that are unusable, and kept what is usable. Can she give them to some people who need them, or to a shop that sells used items? If she wants to keep any of them, can she give its price in charity and keep it? Please note that she destroyed some clothes, because they were not fit to be given in charity, as some women would use them to display their charms in the street in this non-Muslim country. Is what she did correct? There are also some things that they bought with donation money to invite people for meals and the like, such as cooking pots and so on, and they remained in the husband's house, with the permission of those in charge, because he used to do the cooking. Is that permissible? Because the people in charge of this wealth do not care about it, and they told him to keep those things by way of favouritism and because it was donation money which in reality came from some Muslim countries to be spent on meeting the needs of Muslims, such as Islamic schools, mosques and so on. Do the Mus-hafs and Islamic books come under the same ruling, if they were stolen? Should she give them in charity, or give them to someone, or keep them? Please note that they are for free distribution to the Muslims, and the problem is that they were taken without the knowledge of anyone, and in the case of Islamic books, it is clear where they were taken from, but the sister is embarrassed to return them, because she had nothing to do with the matter and people will think ill of her. Those in charge of the place now do not follow the methodology of the righteous predecessors (as-salaf as-salih) that is in the books, and it is most likely that they will not benefit from them. So can she give them to someone or keep them? Finally, a non-Muslim woman gave her an item of clothing



and it is most likely that it is stolen, because that is that woman's habit; how should she get rid of it? Should she give its value in charity or destroy it?

Detailed answer

Praise be to Allah.

Firstly:

Taking anything by force is prohibited and whatever was taken must be returned to its owners.

Taking things by force is a prohibited and reprehensible action, and the one who does it must repent to Allah, may He be Exalted, and return what he took by force to its owners.

The wife should get rid of these items that were taken by force, by returning them to their owners, if she knows who they are. Otherwise, she can give them in charity on their behalf. If she wants to keep anything or she destroyed anything, she should work out its value and give that in charity, intending it to be on behalf of the owner. She must also repent if she used anything that had been taken by force.

Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on him) said:

If it is not possible to find out who is the owner of the wealth, it should be spent in the interests of the Muslims, according to the majority of scholars, such as Malik, Ahmad and others.

If someone has in his possession something that was taken by force, borrowed, or left with him as a trust or collateral, and he has given up hope of finding its owners, then he may give it in charity on their behalf, or spend it on the interests of the Muslims, or hand it over to a person of good character to spend it on legitimate Muslim interests.

Some of the jurists say that it must be kept forever, until its owners are found.

However, the correct view is the first one, because keeping wealth forever when there is no hope



of finding the owner is something in which there is no benefit; rather it exposes the wealth to ruin or to being stolen by evildoers.

`Abdullah ibn Mas`ud (may Allah be pleased with him) bought a slave woman, then he went into his house to fetch the price, but when he came out he could not find the seller. So he started going around to the poor and needy, giving that money to them in charity and saying: O Allah, this is on behalf of the owner of the slave woman; if he accepts that, all well and good, and if he does not accept it, then the charity is on my behalf, and I owe him the equivalent of it on the Day of Resurrection.

Similarly, one of the Tabi`in issued a fatwa stating that whoever steals from the war booty then repents after the army has scattered should give it in charity on behalf of them [the other troops]. The Sahabah and Tabi`in who heard of this fatwa approved of it, such as Mu`awiyah and others among the people of ash-Sham [Syria].

End quote from *Majmu` al-Fatawa*, 29/321.

For more information, please see the answer to question no. [140518](#).

If she wants to keep some of these things for herself and give their value in charity, what appears to be the case is that there is nothing wrong with her doing that.

Secondly:

With regard to what was bought with donation funds, such as cooking pots, there is nothing wrong with keeping them, with the permission of those in charge of them, if the husband is poor.

Thirdly:

With regard to the Mus-hafs which were given for free distribution, it is not permissible for anyone to keep them for himself. Rather he may take one of them, if he meets the conditions stipulated for distribution, so long as they were not given as a waqf (endowment) to the mosque, because it is not permissible for anyone to take any of them in that case. Based on that, this woman must



distribute the Mus-hafs to the intended recipients.

Fourthly:

Whatever was taken unlawfully must be returned to its owners by any possible means.

The books that she took unlawfully must be returned to their owners, if they are still known, whether they will benefit from them or not, but she does not have to inform them; rather she may return them to them anonymously, by any possible means.

Fifthly:

Whatever she received as a gift that she thinks most likely was stolen, she should give it or its price in charity, intending it to be on behalf of the owner, if the owner is not known and it is not possible to contact him.

Sixthly:

With regard to the clothes that she destroyed, if they could have been used in a permissible way, such as giving them to a Muslim sister to wear at home and the like,

then she must work out the value of those clothes and give it in charity, because destroying them in that case was prohibited, as it was a waste of money, and we are prohibited to do that.

But if they could not have been used for any permissible purpose, and she does not know of any permissible use for them, then in that case there was nothing wrong with her destroying them, because this is what is required according to Islamic teachings.

And Allah knows best.