# 85266 - He took some property from a villa that was confiscated by the state; how should the wealth be returned?

**the question**

A sister asked me to pass this message of hers on to you, so as to find out the Islamic view on it. This is the message:
She says that her husband was in charge of a villa that was confiscated from the previous official, and it belongs to the state now. He took some vessels that were in the basement inside the villa. Now her husband has died – so what should she do? Should she break the vessels or give their price in charity, and how should their price be worked out? Please advise us, may Allaah reward you.

**Detailed answer**

Praise be to Allah.

Firstly:

The husband who is being asked about did wrong when he took these vessels, whether they belonged to an individual or to the state. The wealth of the state belongs to the Muslims as a whole, and transgression against it is transgression against the public wealth, which is a serious matter and a major sin. He should have repented to Allaah and given back what he took. We ask Allaah to forgive him and pardon him. Ahmad (20098) narrated from Samurah ibn Jundub that the Prophet (peace and blessings of Allaah be upon him) said: “The one who takes something is responsible until he returns it.” al-Arna’oot said: It is hasan li ghayrihi (hasan because of corroborating evidence).

Secondly:

The wife should return the vessels to where they were taken from, even if that will cause her some embarrassment, because this will help her husband and will rid her of the sin of keeping haraam

property. It is not permissible for her to break the vessels under any circumstances. If she cannot return them, or she thinks it most likely that returning them will result in worse consequences, then she should donate them to the general good of the Muslims, or sell them and donate the price to the good of the Muslims, or give it in charity.

If it is known that the confiscation of the villa and its contents was unlawful, then the vessels should be returned to their owner (the previous official) if possible. If it is not possible to reach him or his heirs, then they or their price may be given in charity on his behalf.

It says in al-Majmoo' (9/428): al-Ghazaali said: If he has haraam wealth and he wants to repent and absolve himself of responsibility, if there is a specific owner, it must be given to him or his representative. If he is dead then it must be given to his heir. If the owner is not known, and there is no hope of finding out who he is, then it should be spent on the general good of the Muslims, such as bridges, border posts, mosques, maintaining the road to Makkah and other things that benefit the Muslims in general. Otherwise it may be given in charity to the poor. The qaadi should take care of that that if he is honest. If he is not honest then it is not permissible to give it to him. … If he gives it to the poor, it should not be haraam for the poor, rather it should be halaal. He may give it in charity to himself or his family if he is poor, because if his children are poor then they may keep it, rather they are more entitled to receive his charity. He may take as much of it as he needs because he is also poor. What al-Ghazaali said here was also mentioned by others, and it is as they said. Al-Ghazaali also narrated it from Mu'aawiyah ibn Abi Sufyaan and others of the salaf: from Ahmad ibn Hanbal, al-Haarith al-Muhaasibi and others pious people, because it is not permissible to destroy this wealth or throw it in the sea, so the only option left is to spend it in the interests of the Muslims. And Allaah, may He be glorified and exalted, knows best.

Al-Ghazaali said: If he acquires some wealth from the ruler, some people say that he should give it back to the ruler, because he knows best about what he owns, and he should not give it in charity. This view was favoured by al-Haarith al-Muhaasibi. Others said that he should give it in charity if he knows that the ruler will not give it back to its owner, because giving it back to the ruler will increase the injustice. Al-Ghazaali said: The view I favour is that if he knows that he will not return

it to its owner, he should give it in charity on behalf of the owner.

I (Imam al-Nawawi) say: The view I favour is that if he knows that the ruler will dispose of it improperly, or he thinks that this will happen, then he must spend it on the interests of the Muslims, such as bridges etc. If he is not able to do that or if it is too difficult because of fear or other reasons, then he may give it in charity to those who are most in need. The most in need of the needy are poor Muslim soldiers. If he does not think that the ruler will dispose of it improperly, then he may give it to him or to his deputy, if he can do that without it resulting in harm, because the ruler knows best about the public interests and is most able to deal with them. If he is afraid that giving it to him may result in harm, then he may spend it on the causes that we have mentioned, if he thinks that the ruler will dispose of it improperly.

Shaykh Ibn ‘Uthaymeen (may Allaah have mercy on him) said: If a person steals some property then he dies, it is not permissible for his heir. If he knows who its owner is he should give it to him, otherwise he should give it in charity on his behalf. End quote from Liqa’ al-Baab al-Maftooh (1/304).

He also said: If you have stolen from a person or an organization, then you must get in touch with the one from whom you stole and tell him: I have such and such that belongs to you, then settle the matter between you. But a person may think that this is too difficult for him and that he cannot, for example, go to a person and say, I stole such and such from you, I took such and such from you. In that case he can send the money (for example) via another person, indirectly, such as giving it to a friend of that person and a friend of his, and saying: This belongs to So and so, and tell him the story and that he has now repented to Allaah, and he hopes that he will give it to him.

If he does that, then Allaah says (interpretation of the meaning):

“And whosoever fears Allaah and keeps his duty to Him, He will make a way for him to get out (from every difficulty)”

[al-Talaaq 65:2]

“and whosoever fears Allaah and keeps his duty to Him, He will make his matter easy for him”

[al-Talaaq 65:4]

If it so happens that you stole from someone and now you do not know who he is or where he is, this is easier than the first case, because you can give what you stole in charity with the intention that it is on behalf of its owner, and then you will have discharged your duty. End quote from Fataawa Islamiyyah (4/162).

And Allaah knows best.