47086 - Returning stolen property to its kaafir owners

the question

I have recently started practicing and I am trying to repent from the bad things I have done previously. I understand that I must put right any wrong to any Muslim I may have done. What about non-muslims? I have been told that they refuse Islam and so they have no honour. If for example I have stolen from them, should I return this knowing that I may face criminal prosecutions by the non - Muslims? What should I do with those things that belong to non-muslims?.

Detailed answer

Praise be to Allah.

Firstly: we congratulate you for having started to pray regularly and your striving to repent, and we give you the glad tidings that Allaah accepts the repentance of the one who repents to Him and He forgives his sins. The Prophet (peace and blessings of Allaah be upon him) said: “The one who repents from sin is like one who did not sin at all.” Narrated by al-Tirmidhi and classed as saheeh by al-Albaani.

Secondly: undoubtedly stealing is a major sin and Allaah has stipulated a hadd punishment for it in this world and a severe punishment in the Hereafter.

Allaah says (Interpretation of the meaning):

“And (as for) the male thief and the female thief, cut off (from the wrist joint) their (right) hands as a recompense for that which they committed, a punishment by way of example from Allaah”

[al-Maa'idah 5:38]

And the Prophet (peace and blessings of Allaah be upon him) said: “May Allaah curse the thief.” Narrated by al-Bukhaari, 6783 and Muslim, 1687.

Stealing is haraam whether the person from whom the property is stolen is a Muslim or a kaafir whose life and wealth is protected by sharee'ah. With regard to a kaafir who is at war against the Muslims, it is permissible to take his wealth, because at a time of war that is regarded as taking booty and is not regarded as stealing.

Thirdly: with regard to taking a kaafir's wealth by means of betrayal and cheating, this is haraam, because betrayal is haraam in Islam whether one deceives a Muslim or a kaafir.

Al-Bukhaari (2583) narrated from al-Mugheerah ibn Shu'bah that he had accompanied some people during the Jaahiliyyah, and he killed them and took their wealth. Then he came and embraced Islam, and the Prophet (peace and blessings of Allaah be upon him) said: "As for your Islam it is accepted, but as for the wealth I want nothing of it." According to a version narrated by Abu Dawood (2765): "As for your Islam, we accept it, but as for the wealth, it is wealth obtained through betrayal and we have no need of it." Classed as saheeh by al-Albaani in Saheeh Abi Dawood.

Al-Haafiz ibn Hajar said: The words "but as for the wealth I want nothing of it" mean that he did not want it because al-Mugheerah had taken it by means of betrayal. It may be understood from this that it is not permissible to take the wealth of the kuffaar at times of peace by means of betrayal, because friends keep company on a basis of trust, and trusts are to be rendered back to their owners, whether they are Muslims or kaafirs. It is permissible to take the wealth of kaafirs in cases of war, but the Prophet (peace and blessings of Allaah be upon him) sometimes held onto wealth (instead of distributing it as war booty) in the hope that its owners would become Muslims, then he could return their wealth to them. Fath al-Baari, 5/341.

An example of betrayal is when a kaafir has entered a Muslin country in safety, or a Muslim has entered a kaafir country in safety (for example, with a visa), and what this visa implies is that they guarantee that the person's life and wealth are protected safe, and by the same token they should also be guaranteed that their lives and wealth are safe, so it is not permissible to commit acts of aggression against them or to confiscate or steal their wealth.

Al-Shaafa'i (may Allaah have mercy on him) said concerning some people who entered the kaafir land and were in a position to take something of their wealth: If a Muslim man entered dar al-harb in safety (i.e., under the protection of the kaafir authorities), and he is able to take something of their wealth, it is not permissible for him to take anything of it, great or small, because if he is safe from them, then they should be safe from him. And it is forbidden to takes property in several cases: (1) if its owner is Muslim, (2) if the owner is living under the protection of the Islamic state, (3) if the owner has been granted protection for a certain period…

Al-Umm, 4/284.

Al-Sarkhasi said: It is not proper for a Muslim who has been offered protection to betray them, because betrayal is haraam.

If he betrays them and takes their wealth and takes it to dar al-islam (the Muslim lands), it is not right for a Muslim to buy it from him if he knows about that, because it has been obtained by evil means, and buying from him will tempt him to do the same thing again, and it is not right for the Muslim to do that. The basic principle regarding this is the hadeeth of al-Mugheerah ibn Shu'bah (may Allaah be pleased with him)…

Al-Mabsoot, 10/96.

If Allaah enables a Muslim to repent from taking people's wealth unlawfully, one of the conditions of this repentance is to restore to people what is rightfully theirs, even if they are kaafirs. If there is the fear of exposure or criminal penalties as a result of returning things to their rightful owners, then it is permissible to look for a suitable way of preserving your honour and returning things to their rightful owners without embarrassing yourself, by sending him the money by mail, or asking someone to give it to him without mentioning your name or the fact that you stole it. It is not necessary for the one who wants to return something to its rightful owner to disclose himself or his identity, because the point is that things should be restored to their rightful owners.

Shaykh Ibn 'Uthaymeen (may Allaah have mercy on him) said: If you steal from a person or an organization, then you have to get in touch with the person from whom you stole and tell him, "I

have such and such of yours," then agree on how to settle the matter. But a person may feel that this is too difficult for him and that he cannot go to a person and say, "I stole such and such from you and took such and such from you." In this case, he can send this money – or whatever – to him in another, indirect way, such as giving it to a friend of this person, and telling him, "This is for So and so," and telling him the story and saying, "Now I have repented to Allaah, and I hope that you will give it to him." Fataawa Islamiyyah, 4/162.

See also questions no. 7545, 14367 and 31234.