

285795 - He owns a gold watch; how can he dispose of it in such a way that he does not commit any infraction?

the question

How can a man dispose of the following haram items: 1) A very very expensive gold watch 2) An expensive coat that has illustrations of people on them Are there any ways to dispose of these haram items by selling them to the kuffar, giving to charity, etc?

Detailed answer

It is unlawful for men to wear gold, whether it is in the form of a ring, a watch or anything else, because of the report narrated by Muslim (2090) from Ibn ‘Abbaas (may Allah be pleased with him), that the Messenger of Allah (blessings and peace of Allah be upon him) saw a gold ring on a man’s hand. He took it off and threw it aside, and said: “Would one of you go and pick up a live ember of fire and hold it in his hand?” After the Messenger of Allah (blessings and peace of Allah be upon him) had left, it was said to the man: Take your ring and benefit from it (by selling it). He said: No, by Allah, I will never pick it up when the Messenger of Allah (blessings and peace of Allah be upon him) has thrown it aside.

Abu Daawood (4057), an-Nasaa’i (5144) and Ibn Maajah (3595) narrated from Ali ibn Abi Taalib (may Allah be pleased with him) that the Prophet (blessings and peace of Allah be upon him) took a piece of silk in his right hand and a piece of gold in his left, then he said: “These two are haraam for the males of my ummah.” This hadith was classed as saheeh by al-Albaani in Saheeh Abi Dawood.

It is permissible for women to wear gold jewellery, such as rings, bracelets and earrings.

With regard to watches that contain gold, if the custom is that they are something that is worn as jewellery, then there is nothing wrong with that (for women), otherwise it is unlawful for women to wear them, just as it is also unlawful for women to use pens and the like made of gold, items that are not regarded as jewellery.

An-Nawawi (may Allah have mercy on him) said: Our companions and other scholars said: Using vessels made of gold and silver is equally unlawful for both men and women. There is no difference of scholarly opinion concerning that, because of the general meaning of the hadith and because the reason for the prohibition is applicable to both men and women. Rather the differentiation between men and women with regard to jewellery is because jewellery is part of women's adorning themselves and beautifying themselves for their husbands.

End quote from al-Majmoo' (1/306).

Al-Bahooti (may Allah have mercy on him) said:

It is permissible for women to wear jewellery because they need it in order to adorn themselves for their husbands. What is prohibited of using vessels (made of gold and silver) is because it is prohibited to use tools made (of those precious metals), even if it is a kohl stick [used to apply kohl to the eyes]. Similar to the prohibition on using a kohl stick (made of gold or silver) is using lamps, beds, chairs, shoes, spoons, doors and shelves if they are made of gold and silver.

End quote from Kashshaaf al-Qinaa' (1/51)

Based on that, if it is a men's watch, then the matter is clear. There are two ways of getting rid of it:

1. You can remove the gold from it and sell the gold separately and sell the watch separately.
2. You can return it to the seller and ask him to let you off the transaction; this is an annulment, not selling it back to him, even if the seller stipulates that he will deduct something from the price he gives back to you.

It says in Mataalib Ooli an-Nuha (3/154): Annuling a transaction is not selling (or selling something back), because it is like reversing the transaction. End quote.

See also: ash-Sharh al-Mumti' (8/389).

As for selling it to the disbelievers, that is not permissible, because the minor issues of sharia also apply to them, so what is prohibited to Muslims is also prohibited to them. Al-Bukhaari

(876) and Muslim (5981) narrated that ‘Umar ibn al-Khattab saw a suit of silk being sold at the door of the mosque, so he said: O Messenger of Allah, why don’t you buy this and wear it on Fridays and when the delegations come? The Messenger of Allah (blessings and peace of Allah be upon him) said: “This is only worn by one who has no share in the hereafter.” Then the Messenger of Allah (blessings and peace of Allah be upon him) received some suits of silk, and he gave one of them to ‘Umar ibn al-Khattab (may Allah be pleased with him). ‘Umar said: O Messenger of Allah, are you giving it to me to wear when you said what you said about the suit of ‘Utaarid [that was for sale at the door of the mosque]? The Messenger of Allah (blessings and peace of Allah be upon him) said: “I did not give it to you to wear it.” So ‘Umar ibn al-Khattab (may Allah be pleased with him) sent it as a gift to a brother of his in Makkah who was a mushrik.

An-Nawawi (may Allah have mercy on him) said in Sharh Muslim (14/39): Some may think this indicates that it is permissible for non-Muslim men to wear silk, but this is a wrong notion, because the hadith only speaks about giving a gift to the disbeliever; there is nothing in it to indicate that it is permissible for a disbeliever to wear silk. The Prophet (blessings and peace of Allah be upon him) sent (the silk garments) as gifts to ‘Umar, ‘Ali and Usaamah (may Allah be pleased with them).

That did not indicate that it was permissible for them to wear those things; rather the Prophet (blessings and peace of Allah be upon him) clearly stated that he only gave those items to them to use them in ways other than wearing them. The correct view, which is that of the majority of scholars, is that the minor issues of sharia are also addressed to the disbelievers, so it is unlawful for them to wear silk just as it is unlawful for the Muslims to do so. End quote.

And Allah knows best.