

468827 - What is the ruling on taking from the husband's wealth without his knowledge to buy a house for the family?

the question

We live in a very rundown house that belongs to the state, and at any moment or any day now it will be demolished, because it belongs to the state. My father is stingy and does not want to rent or buy a house. Please note that his salary is high and he could afford that. My mother has been taking money from him without his knowledge, and she collected a sum of money and bought a piece of agricultural land for us to live on. Is this land haram? Please note that our house is very run down and belongs to the state.

Detailed answer

Firstly:

A house is something essential for humans, and if the father has provided accommodation for his wife and children to live in like that of their peers, then he is not obliged to do anything further from an Islamic point of view, unless he wants to buy a bigger house for them, if he can afford that. This is something that is recommended and encouraged according to Islamic teachings. It was narrated that Nafi' ibn 'Abd al-Harith (may Allah be pleased with him) said: The Messenger of Allah (blessings and peace of Allah be upon him) said: "Part of a man's happiness is a good neighbour, a comfortable means of transportation and a spacious house." Narrated by Ahmad (15409); classed as sahih by al-Albani in *Sahih al-Jami'* (3029).

So long as he is providing them with accommodation that is appropriate for them, even if that is by renting, or it is something granted by the government for them to live in, then the requirement is met, and owning the house one lives in is not a necessity or urgent need, so long as accommodation is available to him by renting or as a gift or loan.

Secondly:

If the husband is spending on obligatory maintenance such as accommodation, clothing, food and drink, within reasonable limits, then it is not permissible for his wife to take anything from his money, because it is haram to take a person's wealth without his willing consent, as Allah, may He be exalted, says (interpretation of the meaning):

{O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent} [an-Nisa' 4:29].

And the Prophet (blessings and peace of Allah be upon him) said: "Indeed your blood, your wealth and your honour are sacred to you, as sacred as this day of yours, in this month of yours, in this land of yours. Let the one who is present convey it to the one who is absent." Al-Bukhari (67).

And he (blessings and peace of Allah be upon him) said: "It is not permissible to take a man's wealth except with his willing consent." Ahmad (20172); classed as sahih by al-Albani in *Irwa' al-Ghalil* (1495).

Based on the above:

What your mother collected from your father's money and bought land with it does not come under the heading of wealth that it is permissible to take without the husband's knowledge, because the wealth that it is permissible for a wife to take without the knowledge of her husband is limited to when he is failing to provide basic necessities.

But as this has already happened, it is essential to tell the father and put this land in his name and under his possession, if the father is still alive.

If it was bought in your mother's name or in the name of one of you, then that must be changed, even if that is by means of a sale to the father.

If your father has passed on, then the house becomes part of his estate which is to be divided among the heirs, unless you all agree on something specific with the consent of all the heirs.

And Allah knows best.