44039 - Who Pays for Funeral Expenses?

the question

If the deceased is poor, who should pay the expenses of shrouding him, washing him and burying him etc.?

Summary of answer

If the deceased has any money then the expenses of preparing him for burial should be paid from his own money. If the deceased does not have any wealth, then shrouding him or her is the duty of the one who is obliged to spend on him or her (such as the father, son or husband). If there is no such person, then it must be done by Bayt Al-Mal. If there is no Bayt Al-Mal then it must be done by the Muslims. Because the husband is obliged to spend on his wife when she is alive, shrouding her is obligatory for him. But a wife is not obliged to shroud her husband, because she is not obliged to spend on him when he is alive.

Detailed answer

Praise be to Allah.

The Deceased's Wealth: Funeral Expenses Paid First

If the deceased has any money then the expenses of preparing him for burial should be paid from his own money. This takes precedence over paying off his debts and executing his will if he left a will, and it comes before the division of the estate.

The evidence for that is what is reported from the Prophet (peace and blessings of Allah be upon him) concerning a man who died in `Arafah: “Shroud him in his two garments.” (Narrated by Al-Bukhari, 1851 and Muslim, 1206)

Ibn Al-Qayyim (may Allah have mercy on him) said in Zad Al-Ma`ad (2/240) concerning the rulings that are derived from this Hadith:

The shroud takes precedence over the rights of the heirs and payment of debts, because the Messenger of Allah (peace and blessings of Allah be upon him) ordered that he be buried in his two garments, and he did not ask about his heirs or any debts that he owed. If it had been otherwise he would have asked.

Just as clothing him when he is alive takes precedence over paying off his debts, the same applies after death. This is the view of the majority, and there is a differing opinion to which no attention need be paid. (End quote) (Al-Majmu`, 5/147; Al-Mughni, 3/457)

Al-Kasani (may Allah have mercy on him) said in Bada'i` As-Sana'i` (2/330): He should be shrouded from his entire wealth, before paying off debts, executing his will or dividing the estate, because this is one of the basic needs of the deceased. So it is like spending on him when he is alive. (End quote)

Funeral Expenses When the Deceased Has No Wealth

If the deceased does not have any wealth, then shrouding him or her is the duty of the one who is obliged to spend on him or her (such as the father, son or husband). If there is no such person, then it must be done by Bayt Al-Mal. If there is no Bayt Al-Mal then it must be done by the Muslims. (Al-Majmu`, 5/148-150 and Bada'i` Al-Sana'i`, 2/330)

Shaykh Ibn `Uthaymin said in Ash-Sharh Al-Mumti` (5/219):

Bayt Al-Mal of the Muslims is mentioned before the Muslims in general because the Bayt Al-Mal is for all Muslims, unlike the case if it is done by the Muslims, because the one who donates it will feel that he has done him a favour. (End quote)

He also said (5/217):

But if we assume that there is an organisation that is responsible for that, there is nothing wrong if

we shroud him from that, unless he issued instructions to the contrary, such as saying, Shroud me from my own wealth, in which case it is not permissible to shroud him using the public shrouds, whether that is done by a government organisation or a private one. (End quote)

Husband’s Obligation to Pay for Wife’s Funeral

Because the husband is obliged to spend on his wife when she is alive, shrouding her is obligatory for him.

This is the view of Abu Hanifah, Ash-Shafi`i and Malik (may Allah have mercy on them). Ahmad (may Allah have mercy on him) said: It must be paid for from her wealth. (Al-Majmu`, 5/148-150 and Hashiyat Ibn `Abidin, 3/101)

Shaykh Ibn `Uthaymin (may Allah have mercy on him) said in Ash-Sharh Al-Mumti` (5/219), commenting on the view of the majority: This view is more correct if he is well off.

Shaykh `Abd Ar-Rahman As-Sa`di (may Allah have mercy on him) was asked: Is a husband obliged to shroud his wife? He replied:

The correct view is that the husband is obliged to shroud his wife, whether she is well off or not. This is part of spending and kind treatment, and the people regard it as wrong if it is suggested that if the wife of a rich and well off man dies, he does not have to shroud her. (End quote from Al-Fatawa Al-Jami`ah lil-Mar’ah Al-Muslimah, 2/242)

Wife's Responsibility Towards Husband's Burial

But a wife is not obliged to shroud her husband, because she is not obliged to spend on him when he is alive.

Al-Kasani (may Allah have mercy on him) said in Bada’i` Al-Sana’i` (2/330): The wife is not obliged to shroud her husband, according to consensus, just as she is not obliged to clothe him when he is alive. (End quote)

For more details, please see the following answers: 146364, 11361, 200127, 12193.

And Allah knows best.