



627252 - Wife giving zakah to her poor husband for medical treatment

the question

Is it permissible for a wife to give the zakah of her wealth to pay for her poor husband's medical treatment?

Summary of answer

It is permissible for a woman to give her zakah to her poor husband for medical treatment or other need that he has. This is the view of ash-Shafa`i, Abu Yusuf, Muhammad, and Ahmad according to one report. It is also the view of the Malikis, although they regard it as disliked (makruh).

Detailed answer

Praise be to Allah.

I.

It is permissible to give zakah to pay for medical treatment for a poor person, because that comes under the heading of basic needs, which are no less important than the need for shelter and the like.

Dr. `Abdullah ibn Mansur al-Ghufayli said in *Nawazil az-Zakah*, p. 370:

... 5. Giving zakah for medical treatment of the poor

I have not come across any text of the jurists which speaks of paying for medical treatment of the poor from zakah funds. However, medical treatment comes under the concept that the poor person should be given enough to meet his basic needs, and the jurists differed concerning the definition of what the poor person is entitled to. So the ruling on spending zakah on this is based on what we mentioned above, on which the scholars are agreed that the poor person is entitled to



what will suffice him for one year, and they differed as to whether he is qualified to receive more than that. So the idea that zakah funds may be spent on the costs of medical treatment that the poor person needs for one year is something that is prescribed according to all scholars. As for anything beyond one year, it is prescribed according to those who say that the poor person is entitled to receive what will cover his needs for a lifetime; they are the Shafa`is and the Hanbalis, according to one report.

But there must be guidelines on the permissibility of spending zakah on medical treatment for the poor, and these guidelines are as follows:

1.

There should be no free medical treatment available; if it is available, then it is not permissible to spend zakah funds on that, when free medical treatment could achieve the required outcome of treating sickness. In addition to that, there should be no offensive reminders of the favour. For example, free treatment is possible if he can be treated in government hospitals and he is one of those who meet the conditions for free treatment.

2.

The treatment should be for the kind of sickness for which there is a real need for it to be treated. As for cosmetic or non-essential treatments, or a common, mild sickness in which there is no harm if the person leaves it without treating it, I do not think it is permissible to spend zakah funds on treating such ailments, because this does not come under the heading of basic needs that the poor person needs and on which it is prescribed to spend zakah funds.

3.

Attention must be paid to how much the treatment costs, and the extremes of spending too much or too little must be avoided. So whenever it is possible to achieve the goal of medical treatment for a lower cost, no other method should be resorted to, because the aim here is to ward off sickness, and if that can be achieved by spending a certain amount of money, spending more than



that is extravagance, which is prohibited, as Allah, may He be Exalted, says:

{and waste not by extravagance. Verily, He likes not those who waste by extravagance} [Al-An`am 6:141].

See also the answer to question no. [145559](#).

II.

The jurists differed as to whether it is permissible for a wife to give her zakah to her husband. Ash-Shafa`i was of the view that it is permissible, as was Ahmad according to one report, and Abu Yusuf and Muhammad, the companions of Abu Hanifah.

The evidence for it being permissible is the report narrated by al-Bukhari (1462) from Abu Sa`id al-Khudri (may Allah be pleased with him), which says that when the Prophet (blessings and peace of Allah be upon him) instructed the women to give in charity, Zaynab the wife of `Abdullah ibn Mas`ud came and said: O Prophet of Allah, today you instructed us to give charity, and I have some jewellery of mine that I want to give in charity, but Ibn Mas`ud said that he and his children are more deserving that I should give it to them. The Prophet (blessings and peace of Allah be upon him) said: "Ibn Mas`ud is right; your husband and your children are more deserving that you should give it to them."

Narrated by Muslim (1000) from Zaynab herself.

Ash-Shawkani (may Allah have mercy on him) said in *Nayl al-Awtar*, 4/210: This hadith was quoted as evidence that it is permissible for a woman to give her zakah to her husband. This was stated by ath-Thawri, ash-Shafa`i, and the two companions of Abu Hanifah; and it was mentioned in one of the two reports from Malik and from Ahmad. It is also the view of al-Hadi, an-Nasir and al-Mu`ayyad Billah.

The story mentioned above may be used as evidence if we assume that the charity in question is obligatory charity (zakah), as al-Mazi confirmed. That is supported by her asking: Will it be acceptable...?



What appears to be the case is that it is permissible for the wife to give her zakah to her husband, either – firstly – because there is nothing to suggest that that is not allowed, and those who say that it is not permissible must produce evidence of that, or – secondly – because the fact that the Prophet (blessings and peace of Allah be upon him) did not ask her about what type of charity she meant indicates that the hadith is to be understood as being general in meaning. As he did not ask her what type of charity she meant, voluntary or obligatory (zakah), it is as if he said that it is sufficient and valid regardless of whether it was obligatory (zakah) or voluntary charity. End quote.

Malik said: A woman cannot give her zakah to her husband.

Ad-Dasuqi said: The scholars differed as what Malik meant by that. Ibn Zarqun and those who agreed with him understood it as meaning that it is not allowed, and therefore it is not valid.

Ibn al-Qassar and a number of other scholars understood it as meaning that it is disliked (makruh), and this is the more correct view.

End quote from *Hashiyat ad-Dasuqi*, 1/499.

The evidence cited by those who say that it is not allowed – namely Abu Hanifah and the Hanbalis – is the fact that if she gives zakah to her husband, she will benefit from that because he spends on her.

See: *Kashshaf al-Qina`*, 2/290; *Al-Mawsu`at al-Fiqhiyyah*, 23/327.

The story of Zaynab (may Allah be pleased with her) indicates that it is permissible, and that it does not matter even if she does benefit from that.

Those who disallow that interpreted the story of Zaynab as referring to voluntary charity.

Ibn al-Munir responded to that by noting that it is possible that she may benefit from her charity even in the case of voluntary charity, and the one who gives voluntary charity is not allowed to take back his charity.

See: *Fat-h al-Bari*, 3/330.



However, if the husband is going to spend the zakah on his medical treatment, then the wife will not benefit from the charity, so there should be no reason to hesitate as to whether it is permissible, as the Malikis stated regarding the case in which she gives her zakah to him to pay off his debt, or to spend on others, so it is permissible according to them and they are unanimously agreed on that.

See: *Minah al-Jalil*, 2/93.

Conclusion:

It is permissible for a woman to give her zakah to her poor husband for medical treatment, and it is also permissible for her to give it to him for other purposes, even if she will benefit from that.

And Allah knows best.