48952 - Can a woman donate any of her money without her husband’s permission?

the question

I want to help my family, my father, mother and siblings, by giving them some money. I work and I have a lot of money, alhamdulillah. I am able to help them, but my husband will not let me. What should I do?.

Detailed answer

Praise be to Allah.

If your family (your father, mother and siblings) are poor and you are able to spend on them, then you are obliged to do so, and it is not permissible for you to obey your husband and not spend on them.

See Question no. 44995.

Secondly:

If your spending on your family is done on a voluntary basis, i.e., they are not in need of this money, rather you want to treat them kindly and uphold the ties of kinship by giving this money, then the scholars differed concerning the ruling on a woman donating some of her wealth voluntarily without her husband’s permission.

The majority of scholars are of the view that the wife cannot be stopped from donating some of her wealth; she has the right to dispose of it as she wishes without her husband’s permission. They quoted several texts as evidence, such as the following:

1 – The proven report that Umm al-Mu’mineen Maymoonah bint al-Haarith (may Allaah be pleased with her) freed a slave woman and she did not ask the permission of the Messenger of Allaah (peace and blessings of Allaah be upon him). When it was her day for the Prophet (peace and

blessings of Allaah be upon him) to stay with her, she said: “Did you notice, O Messenger of Allaah, that I freed my slave woman?” He said: “Did you?” She said: “Yes.” He said: “If you had given her to your maternal uncles you would have earned a greater reward.” Narrated by al-Bukhaari, 2592; Muslim, 999.

Al-Nawawi said:

This shows that it is permissible for a woman to dispose of her wealth voluntarily without her husband’s permission.

2 – al-Bukhaari (978) and Muslim (885) narrated that Jaabir ibn ‘Abd-Allaah said: The Prophet (peace and blessings of Allaah be upon him) stood up on the day of al-Fitr and led the people in prayer. He started with the prayer then he delivered the khutbah (sermon). When he had finished he came down and came to the woman and exhorted them, leaning on Bilaal’s arm, and Bilaal was spreading out his cloak for the woman to throw their sadaqah (charity) into it. According to another report: they started to give their jewellery in charity.

Al-Haafiz said:

This hadeeth shows that a woman may give her wealth in charity without her husband’s permission.

Al-Nawawi said:

This hadeeth shows that it is permissible for a woman to give some of her wealth in charity without her husband’s permission and that this is not limited to one-third of her wealth. This is our view and the view of the majority. Maalik said: It is not permissible for her to give more than one-third of her wealth except with her husband’s permission. Our evidence for that from the hadeeth is the fact that the Prophet (peace and blessings of Allaah be upon him) did not ask them whether they had their husbands for permission, or whether they were giving more than one-third. If the ruling had differed he would have asked them.

Some of the scholars are of the view that a woman should not donate any of her wealth except

with her husband’s permission. They quoted as evidence the words of the Prophet (peace and blessings of Allaah be upon him): “It is not permissible for a women to give anything except with her husband’s permission.” Narrated by Imam Ahmad in his Musnad, 6643; Abu Dawood, 3547; classed as saheeh by al-Albaani in Saheeh Abu Dawood.

The majority of scholars interpreted this hadeeth as referring to a foolish woman who does not handle money properly, or as meaning that it is mustahabb for a woman to ask her husband’s permission, not that it is obligatory, and that this is part of good manners.

Al-Khattaabi said:

According to the majority of fuqaha’, this is part of good manners and making the husband feel good, but that only applies in the case of a woman who is not wise or mature. It was proven that the Messenger of Allaah (peace and blessings of Allaah be upon him) said to the women, “Give charity,” and they started to throw their earrings and rings and Bilaal caught them in his cloak, and these gifts were given without their husbands’ permission.

Al-Shawkaani said in Nayl al-Awtaar (3/414):

This hadeeth has been quoted as proof that it is not permissible for a woman to give away any of her wealth without her husband’s permission, even if she is wise and mature. But there was some difference of scholarly opinion concerning that. Al-Layth said: That is not permissible at all, either concerning one-third of her wealth or less than that, except with regard to insignificant things. Tawoos and Maalik said: It is permissible for a woman to give away up to one-third of her wealth without her husband’s permission, but no more than that; it is not permissible to give more than that without his permission. The majority are of the view that it is permissible for her to give any amount away without her husband’s permission, so long as she is not immature. If she is immature then it is not permissible. It says in al-Fath: the latter view, which is that of the majority of scholars, is well founded in the Qur’aan and Sunnah.

Based on this, a woman should not be prevented from giving some of her wealth in charity, even if her husband does not approve.

But it is better to ask his permission so that he will feel good, and so as to avoid any hard feelings on his part about his wife’s spending. And he should give her permission and not stop his wife from doing good deeds and treating people kindly.

And Allaah knows best.

See also question no. 21684.