83815 - Is it obligatory for the husband to provide medical treatment for his wife?

the question

If the wife becomes temporarily or chronically ill, does the husband have to pay for her treatment? If she for example, wants to have children but suffers from problems preventing her from having children, does her husband have to seek treatment for her and pay for it? If it is not compulsory on the husband to do so, then what shall the wife do if she becomes ill while she does not have money and her husband doesn't give her money to save?.

Detailed answer

According to the majority of fuqaha' from the four madhhabs, the husband is not obliged to pay for medical treatment for his wife. Some of them gave the reason for that as being that it is not one of the essential needs, rather it is something extraneous.

Imam al-Shaafa'i (may Allah have mercy on him) said in al-Umm (8/337): The man is not obliged to offer a sacrifice on behalf of his wife or to pay the fee of a doctor or cupper for her. End quote.

It says in Sharh Muntaha al-Iraadaat (3/227): He is not obliged to provide medicine or pay the fee of a doctor if she falls sick, because these are not essential needs, rather they are incident and are not obligatory. End quote

See: Haashiyat Ibn 'Aabideen (3/575); Sharh al-Kharashi 'ala Mukhtasar Khaleel (4/178).

The Standing Committee for Issuing Fatwas was asked (21/169) about a man providing medical treatment for his wife. They replied:

There is evidence in the Qur'aan and Sunnah which enjoins kind treatment of people in general and of those who are close to one in particular. Allah says (interpretation of the meaning):

“Verily, Allah enjoins Al-‘Adl (i.e. justice and worshipping none but Allah Alone — Islamic Monotheism) and Al-Ihsân [i.e. to be patient in performing your duties to Allah, totally for Allah’s sake and in accordance with the Sunnah (legal ways) of the Prophet صلىالله عليه وسلم in a perfect manner], and giving (help) to kith and kin”

[al-Nahl 16:90]

“Worship Allah and join none with Him (in worship); and do good to parents, kinsfolk, orphans, Al-Masaakeen (the poor), the neighbour who is near of kin, the neighbour who is a stranger, the companion by your side, the wayfarer (you meet), and those (slaves) whom your right hands possess. Verily, Allah does not like such as are proud and boastful”

[al-Nisa’ 4:36]

And it is proven that the Prophet (peace and blessings of Allah be upon him) said: “The best of you is the one who is best to his family, and I am the best of you to my family.” So the Muslim must treat his family well and be kind to them. But the cost of medical treatment is not an obligation upon the husband like maintenance and accommodation. But it is prescribed for him to spend on that when he is able to, because of the general meaning of the words of Allah (interpretation of the meaning): “and live with them honourably”[al-Nisa’ 4:19]. And because of the general meaning of the hadeeth quoted above. End quote.

Some of the scholars are of the view that it is obligatory for the husband to spend on his wife’s medical expenses, because that comes under the heading of kind treatment, and because the need for medicine may be no less than the need for food and drink.

Dr. Wahbah al-Zuhayli said: The fuqaha’ of the four madhhabs stated that the husband is not obliged to pay for the medical expenses of the sick wife, such as the fees of the doctor and cupper, or the cost of the medicine, rather those expenses should be paid from her wealth if she has any wealth. If she does not have any wealth then it must be paid by one who is obliged to spend on her (such as a son, father or relative who would inherit from her), because medicine is aimed at preserving the body, so it is not required of the one who benefits from it. This is like maintenance of a building for the tenant – it is required from the landlord, not the tenant. It

seems to me that in the past, medical treatment was not a basic need, so people did not usually need medical treatment, because they followed health rules and precautions. So the ijtihaad of the fuqaha' was based on the prevalent custom during their era. But now the need for medical treatment has become like the need for food and nourishment, and even more important, because the sick person usually gives his medicine precedence over everything else. Can he eat when he is suffering pain which causes extreme anguish and exhausts him and threatens him with death? Hence I think that medical expenses are obligatory upon the husband like all other necessary expenses. Is it kind treatment for the husband to enjoy his wife when she is healthy, then to send her back to her family for them to treat her when she is sick? End quote from al-Fiqh al-Islami wa Adillatuhu (10/7380).

Shaykh Hamad ibn 'Abd-Allah al-Hamad said in Sharh Zaad al-Mustaqni': The second view concerning this issue is one of the views in our madhhab, that this (paying medical expenses) is required of the husband, and this is more correct, because that is part of kindness and good treatment, and Allah says (interpretation of the meaning):

"and live with them honourably"

[al-Nisa' 4:19].

It is not part of kind or honourable treatment to let the wife get sick and not bring her a doctor or pay his fee. Allah says (interpretation of the meaning):

"And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable"

[al-Baqarah 2:228].

So the correct view is that this is obligatory. End quote.

And Allah knows best.