

From the series entitled
' ENJOINING WHAT IS RIGHT AND FORBIDDING WHAT IS
WRONG'

(1)

(ما حق امرئ مسلم له شيء يوصي فيه يبيت ليلتين إلا وصيته مكتوبة عنده)

“It is not right for any Muslim who has something to be given as a bequest to spend two nights without writing a will about it”AL-BUKHARI.

WRITE YOUR ISLAMIC WILL
(EASY EXAMPLE PROVIDED)

(دار التوحيد)

DARUL-TAWHEED

FIRST EDITION

BY:

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The Legal Will (In Islamic Shari'ah)

An Essential Introduction

All praise belongs to Allah, we praise Him and seek His help; we ask for His forgiveness and seek His refuge against the evil of our souls and of our deeds. Whoever is guided by Him, none can misguide him, whereas he whom Allah leads astray can never find any guide. We bear witness that there is no god except Allah, the One and the Only God, Who has no partners, and that Muhammad (upon whom be peace and blessings of Allah) is His servant and messenger. The best words are Allah's and the best guidance is Muhammad's (peace be upon him). The worst evil is innovation in religion; every innovation is an error, and every error will end up in hell-fire.

O Muslim brethren, we present to you a comprehensive example from the Islamic Shari'ah to show how a legal testament should be made for every Muslim who is pleased with Allah as his Lord, with Islam as his religion, and with Muhammad (may Allah bestow His peace and blessings upon him) as his prophet and messenger of Allah.

By Al-Wasiya (will) we mean: The **testamentary instruction to render the rights due to a deceased person, called Al-Musi (the testator), and ensuring that**

his obligations are fulfilled at the time of his death or after his burial. Related to Al-Wasiya are some other legal terms that refer to the parties involved; for instance, the term **Al-Musi (testator)** denotes the **person who leaves a testament asking those in charge of his affairs to execute his testamentary wishes after his death.** He has the right, during his life, to abrogate or alter his will as he pleases. The person responsible for the execution of the will after the death of Al-Musi (testator) is called **Al-Wasiyy or Al-Musa Ilaihi (executor)**, and he does not have the right to alter the testament, except for rectification of any mistakes or elimination of sin. **A person to whom a testator bequeathes a financial or other benefit is known as Al-Musa Lahu (the beneficiary).** It is not permissible that such a beneficiary is from among the legal heirs of the deceased except under certain conditions (see below). **Al-Waratha (The legal heirs)** those persons for whom Allah has prescribed definite shares in the estate of the deceased, for instance, as mentioned in the Quranic verses on inheritance, (e.g. an only daughter should have the half, and the male should receive a share equivalent to that of two females) and as specified in the sunnah of the Prophet (peace be upon him), (e.g. one sixth portion for the grandmother). It is deplorable that the commandments of Shari'ah about making a testament have been forgotten by many Muslims; they seldom think of it or realise its importance. This is manifest not only in their relationships and transactions but also in their acts of devotion. These few pages that follow are not meant to give a detailed account of the Islamic legal aspects of testament; they merely

represent an admonition and a reminder, and seek to exhort Muslims to meet their requirements in the best manner.

As far as the issue of testament is concerned, people nowadays fall into two categories: one of them have completely turned their backs on this obligation, while the others are neglectful of many of its legal principles and requirements. We wish to remind the former of the hadith narrated by Ibn Umar (may Allah be pleased with him) in Al-Buhkhari and Muslim, saying,

(ما حق امرئ مسلم له شيء يوصي فيه يبيت ليلتين إلا وصيته مكتوبة عنده)

"It is not right for any Muslim who has something to be given as a bequest to spend two nights without writing a will about it". According to Sahih Muslim, it should be no more than "three nights". The companions of the Prophet (peace be upon them) understood this very well. Ibn Umar says, **"Ever since I heard the Prophet say this, I have never spent a single night without having a will."**

As to those who are neglectful of the principles, and requirements and prohibitions related to it, we would like to remind them, too, of the hadith of the Prophet (peace be upon him) in which he said,

(إن الرجل ليعمل أو المرأة بطاعة الله ستين سنة ثم يحضرهما الموت فيضاران في

الوصية فتجب لهما النار)

"A man or a woman may

worship and obey Allah for sixty years but if they fail to fulfil their testament requirements at the time of their death, they both end up in Hell-fire." This is

related by Abu Dawud on the authority of Abu Hurairah. A testament cannot be fulfilled legally unless everyone involved is given his or her due. We give below a brief description of these rights.

I. The right of Allah

The Exalted and Supreme Allah commanded His believing servants to comply with what He desired for them and made it incumbent upon them, promising those who struggle in His path salvation and blessings, while warning the negligent of great loss and ruin. Allah says,

﴿...ولقد وصينا الذين أوتوا الكتاب من قبلكم وإياكم أن اتقوا الله..﴾

"And indeed We have directed the People of the Book before you, and you (O Muslims) to fear Allah'" (An-Nisa': 13 1). And in another verse,

﴿وأن هذا صراطي مستقيماً فاتبعوه ولا تتبعوا السبل فتفرق بكم عن سبيله

ذلكم وصاكم به لعلكم تتقون﴾

"Surely, this is My Way, leading straight: follow it: follow not (other) paths: they will scatter you about from His (great) path: thus does He command you, that ye may be righteous " (Al-An' am: 153). Thus, the direction to worship Allah alone, obey His commandments, persevere in His religion till death, and enjoining the same upon one another lies at the very core of the testament, and forms its essence. It is the way of the prophets and the righteous, as Allah says,

﴿ووصى بها إبراهيم بنيه ويعقوب يابني إن الله اصطفى لكم الدين فلا تموتن إلا

وأنتم مسلمون * أم كنتم شهداء إذ حضر يعقوب الموت إذ قال لبنيه ما تعبدون

من بعدي قالوا نعبد إلهك وإله أبائك إبراهيم وإسماعيل وإسحاق إلهاً واحداً ونحن
له مسلمون ﴿﴾

"And Abraham enjoined upon his sons, and so did Jacob; 'Oh my sons! Allah has chosen the faith for you; then die not except in the of submission to me. Were you witnesses when death appeared before Jacob? Behold, he said to his sons: "What will you worship after me?" They said: "**We shall worship your God and the God of your fathers,-- of Abraham, *Isma'il*, and *Issac*, --the One (True) God: **to Him we submit.**" (Al-Baqarah: 132- 133). At yet another place Allah said,**

﴿﴾ وتواصوا بالحق وتواصوا بالصبر.. ﴿﴾

"...**And (join together) in the mutual Enjoining of truth, and of patience and constancy.** " (Al-' Asr).

Similarly, we may consider the advice of the Prophet (peace be upon him) to Muslims not to make any of his companions a target of criticism or attack, and his direction concerning women, and about the expulsion of Jews and Christians from the Arabian peninsula, and so many other examples. Moreover, it is clear **from** exhortations of the righteous ancestors that enjoining the fulfillment of Allah's rights, supporting His devotees and rejecting His enemies form an important part of the Islamic wasiyah and is incumbent on every Muslim.

All the above - mentioned verses, hadiths and arguments, and many more are well - known. People adorn their writings and speeches with them; yet they fail when it

comes to fulfilling their obligations towards Allah. In this discussion of wasiyah, we are concerned with the observance of any right due to Allah, which is neglected by the deceased, his family or people, and doing one's best in his regard, financially, practically, and by word or heart. We will also emphasize the religious obligations which must never be evaded or omitted.

An example of the grave issues that are now widespread all over the world is the suspension of the commandments revealed by Allah, Who says,

﴿.. ومن لم يحكم بما أنزل الله فأولئك هم الكافرون﴾

"whoever fails to judge by what Allah has revealed, they are the disbelievers (Alkafiroon)" (Al-Ma'ida:44).

When asked about this action, Ibn Masood said,

“ذاك الكفر”

*“ This is the very **Kufr**”¹*

Another example is the disaster of not ruling in accordance with the laws of Shari'ah, and referring to someone other rather than Allah and His messenger. Allah says,

﴿ أفحكم الجاهلية يبغون..﴾

"Do they then seek after a judgment of (the Days of) Ignorance?" (Al-Ma'ida:50). If you read the commentary on this verse of (Al-Ma'ida:50) by authentic authorities like Ibn Kathir and others, your Skin will shiver, if you are a true believer. Any ruling that is not based on His commandments constitutes an act of **kufir** (disbelief in

¹ See "Tafseer" (commentary) Ibn Kathir sura Al-Ma'ida 44

Him), shirk (association of partners with Him **in worship, or obedience**)², and a revolt against Him. Allah says in the

Qur'an,

﴿..إِنَّ الْحُكْمَ إِلَّا لِلَّهِ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ذَلِكَ الدِّينُ الْقِيمَ وَلَكِن أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ﴾

"The command is for none but Allah: He has commanded that you worship none but Him: that is the right religion, but most men understand not" (Yusuf:40). In another verse Allah says,

﴿..إِنَّ الْحُكْمَ إِلَّا لِلَّهِ يَقْضِي الْحَقَّ وَهُوَ خَيْرُ الْفَاصِلِينَ﴾

"The command rests with none but Allah: He declares the truth, and He is the best of judges " (Al-An'am 57). At another place,

﴿... أَلَّا لَهُ الْحُكْمُ وَهُوَ أَسْرَعُ الْحَاسِبِينَ﴾

"Surely, His is the command and He is the swiftest in taking account" (Al-An'am 62). And

﴿..أَبْصَرَ بِهِ وَأَسْمَعَ مَا لَهُمْ مِنْ دُونِهِ مِنْ وَلِيٍّ وَلَا يُشْرِكُ فِي حُكْمِهِ أَحَدًا﴾

"How clear & He sees, how finely He hears (everything)! They have no protector other than Him; nor does He share His command with any person whatsoever" (Al-Kahf:26). Concerning those who knowingly follow the laws of others than Allah, the Qur'an says,

² For more evidence please refer to my tapes "Governance By Allah On Earth" and also "The Iman" tapes .

﴿.. وإن الشياطين ليوحون إلى أوليائهم ليجادلوكم وإن أطعتموهم إنكم لمشركون﴾

“And the evil ones ever inspire their fiends to contend with you. If you were to obey them, you would indeed be pagans” (Al-An’am 121). And regarding those who judge according to an authority other than the Book of Allah, even if it be in one single instance, it says,

﴿فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم ثم لا يجدوا في أنفسهم حرجاً مما قضيت ويسلموا تسليماً﴾

“But no, by your Lord, they can have no faith, until they make you judge in all disputes between them, and find in their souls no resistance against your decisions, but accept them with the fullest conviction” (An-Nisa':65).

And describes the condition and fate of those who follow in the footsteps of the evil people saying,

﴿وقال الذين اتبعوا لو أن لنا كرة فنتبرأ منهم كما تبراؤا منا كذلك يُريهم الله أعمالهم حسرات عليهم وما هم بخارجين من النار﴾

“And those who followed would say: ‘If only we had one more chance, we would clear ourselves of them, as they have cleared themselves of us. Thus will Allah show them (the fruits of) their deeds as

³This kind of Shirk is the reason of the apostasy of our time. May Allah save all of us from taking part in it.” Learn more about *that* danger in *Iman* tapes”.

nothing but regrets. Nor will there be a way for them out of the fire” (Al-Baqarah: 167). To those who argue in favour of the evil ones, He says,

﴿ها أنتم هؤلاء جادلتم عنهم في الحياة الدنيا فمن يجادل الله عنهم يوم

القيامة أم من يكون عليهم وكيلاً﴾

“Ah! These are the sort of men on whose behalf you may contend in this world; but who will contend with Allah on their behalf on the Day of Judgment, or who will carry their affairs through?” (An-Nisa': 109).

Allah has proclaimed that this is apostasy from Islam, and undoubtedly it is contrary to the principle of Tawhid (Oneness of Allah); it is in conflict with sound Qur'anic texts as well as the clear path of sunnah; it is a deviation from the example of the best of the times (the time of the Prophet and his companions) and also contrary to the consensus of the Ummah (Muslim community as a whole).

This contemporary apostasy is far worse than the apostasy of the withholders of zakah at the time of the first Caliph, Abu Bakr. They refused to perform one obligatory duty when they withheld the zakah money from the public treasury of the Muslims. Their interpretation of their action was never accepted by the companions of the Prophet, even though they were not known to be guilty of any other unlawful things. **But the present standard bearers of apostasy that we are confronted with have barred people from many of their religious obligations without any effort at interpreting their stand or having any doubt as such; they indulge in forbidden things and know no limits; they attack the followers of Islam, kill them, throw them behind bars, and subject them to**

torture and persecution. At the same time have allied themselves with polytheists from among Jews and Christians, atheists and mischief-mongers like themselves, cooperating with them and supporting them. They are like the Khawarij about whom the Prophet (peace be upon him) said,

(يمرقون من الإسلام كما يمرق السهم من الرمية يقتلون أهل الإسلام

ويدعون أهل الأوثان لمن أدركتهم لأقتلنهم قتل عاد)

“They will renegade from the religion as an arrow goes through a game animal’s body. They will kill the Muslims but will not disturb the idolaters. If I am still alive in their time I shall kill them as the people of ‘Ad were killed (i.e. I shall kill all of them).” This hadith is reported by Al-Bukhari. We give below an important fatwa (religious verdict) by Shaikhul Islam, Ahmad ibn taimiyyah (may Allah have mercy on him), who was the mentor of Muslim jurists not only of his time but also of those who came later on. In his Al-Fatawa Al- Misriya, volume 4, in the chapter on Al-Jihad, he observed: *“We say that any group who **departs from** any of the apparent indisputable laws of Islam that have been (handed down from generations to generations of Muslims without any interruption), then it is incumbent to fight against such a group according to the consensus of Muslim imams (leaders of Islamic schools of law), even though they recite the two testimonies. So if they recite the two shahadas (testimonies) but abstain **from** observing five daily prayers they must be fought against until they offer prayers, and if they abstain from paying zakah, it is incumbent upon Muslims to fight them until they start*

paying *zakah*. Similarly, if they abstain from the fasting of Ramadan or pilgrimage to the oldest House of Allah or *refuse* to prohibit the abominations or adultery or gambling or drinking and other things forbidden by the Islamic *Shari'ah*; or if they refuse to enforce the laws of the *Qur'an* and sunnah pertaining to life, property, honour, management of affairs and other such things; or if they refrain from enjoining good, forbidding evil, and fighting the disbelievers until they embrace Islam or pay *jizyah* (poll tax) in submission. Likewise, if they introduce innovations in religion contrary to the teachings of the *Qur'an* and sunnah, and the practice of the righteous ancestors and imams of the community by, for *instance*, blaspheming the names, signs, or attributes of Allah, or rejecting divine foreordainment or decree, or rejecting the manner in which the Muslim community behaved in the days of the rightly guided Caliphs, or slandering the foremost from among the emigrants (*muhajirin*) and the helpers (*ansar*) and those who followed in their footsteps faithfully; or if they fight the Muslims in order to force them to submit to them, abandoning the Islamic *Shari'ah*, and all other similar cases. concerning which Allah says,

﴿... وقاتلوهم حتى لا تكون فتنة ويكون الدين كله لله﴾

“And **fight** them until there **is** no more persecution and all religion is for Allah only” (*Al-Anfal:39*). Thus in all such cases **when religion is partly for Allah and partly for others, it is incumbent upon Muslims to fight until all religion is for Allah alone.** Allah says,

﴿يا أيها الذين آمنوا اتقوا الله وذروا ما بقي من الربا إن كنتم مؤمنين*

﴿فإن لم تفعلوا فأذنوا بحرب من الله ورسوله...﴾

*"O you who believe, fear Allah and leave the remainder of the usury if you are truly **believers**. But if you **do not, then** take notice of war from Allah and **His messenger**" (Al-Baqarah:278,279). This verse was revealed about the people of Ta'if, who had embraced Islam, observed the obligatory prayers and fasted, but they dealt in usury. The verse commanded the believers to leave the rest of the usury amount owing to them, and were told that if they failed to do so, then they would be enemies of Allah and His messenger. Usury was the last sin to be prohibited in the Qur'an although the money involved is obtained through mutual consent of the parties concerned. If a person refusing to desist from it is deemed to be at war with Allah and His messenger, what about those who persist in committing other sins which were prohibited well before usury?!"* With these brief remarks we would return to our original discussion and say that it is incumbent upon all Muslims to disassociate themselves from this manifest kufr (disbelief), and guard themselves and all the members of their families against its dangers. The Prophet (peace be upon him) said,

(كلکم راع وکلکم مسئول عن رعیتہ)

"Everyone of you is responsible and will be questioned about those under his authority. " This is recorded by Al- Bukhari and Muslim on the authority of ibn Umar. Allah says,

﴿ يا أيها الذين آمنوا قوا أنفسكم وأهليكم نارا وقودها الناس والحجارة... ﴾

"O you who believe, guard yourselves and your families from a fire the fuel of which is people and stones" (At-Tahrim:6). It is a Muslim's duty to clarify in

his will that he is free of this gross apostasy, and to admonish his household and others under his care to abide by the commandments of Allah, even if he may not have done so during his life. This is far more beneficial for him in the sight of his Lord; for Allah may save him from some punishment that he deserves, or even guide through his will someone who intercedes for him on the day of judgment. The deceased should also enjoin all other good deeds, even if he or she was neglectful of them. Allah says,

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ أَنفُسِكُمْ
أَوِ الْوَالِدِينَ وَالْأَقْرَبِينَ إِن يَكُنْ غَنِيًّا أَوْ فَقِيرًا فَاللَّهُ أَوْلَىٰ بِهِمَا فَلَا تَتَّبِعُوا الْهَوَىٰ
أَن تَعْدِلُوا وَإِن تَلَوْا أَوْ تَعْرَضُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا ﴾

"O you who believe, be the standard bearers of justice as witnesses of Allah, even if it be against your own selves, or your parents or relatives, whether they be rich or poor, for Allah is more deserving than them. So follow not the desires. not to act justly, and if they turn away or are averse, then know that Allah is well aware of all that you do" (An-Nisa': 135). Allah says,

﴿ إِلَّا الَّذِينَ تَابُوا وَأَصْلَحُوا وَبَيْنُوا فَاُولَٰئِكَ أَتُوبُ عَلَيْهِمْ وَأَنَا التَّوَّابُ
الرَّحِيمُ ﴾

"Except those who repent and reform, and openly declare, to them I shall turn in mercy and I am the most forgiving, most merciful" (Al-Baqarah: 160).

As mentioned above, it is a part of belief in Tawhid (oneness of God) that none be judged in accordance with any law other than that of Allah and His messenger, another corollary of belief in pure Tawhid is that none other than Allah be worshipped, nor any sacrifice or vow be made to anyone other than Him, nor a person call upon or cherish hopes from anyone else. Allah says,

﴿.. أَلَا لَهُ الْخَلْقُ وَالْأَمْرُ تَبَارَكَ اللَّهُ رَبُّ الْعَالَمِينَ﴾

"Is it not His to create and to govern? Blessed be Allah, the Cherisher and Sustainer of the Worlds!" (Al-A`raf:54). At another place He says,

﴿إِنَّ اللَّهَ لَا يَغْفِرُ أَنْ يُشْرَكَ بِهِ وَيَغْفِرُ مَا دُونَ ذَلِكَ لِمَنْ يَشَاءُ وَمَنْ يُشْرِكْ بِاللَّهِ فَقَدْ افْتَرَىٰ إِثْمًا عَظِيمًا﴾

*"Allah forgives not that **partners** (in worship or obedience) should be set up **with** Him; **but** He forgives anything else, to whom He pleases; to set up **partners with Allah is to devise a sin most heinous indeed**"* (An-Nisa':48). It is therefore necessary for any believing person that when death approaches him, he should dissociate himself from these fatal sins that may condemn him to an eternal in Hell-fire; not only should he admonish his heirs to avoid them, but to actively fight against them until all religion is for Allah only. Likewise, to fight the innovations in religion that are prevalent at his time, explaining the significance of his belief in his testament, e.g. the two testimonies (shahadas), his belief in resurrection and Day of Judgment, as in the model testament given at the end of this book. He should also advise those who are left behind to seek knowledge of

Shari'ah that leads to obedience of Allah and earns them His mercy.

It is also an obligation upon the deceased to mention in his will any of Allah's commandments that he failed to observe, like obligatory hajj, zakah that he failed to pay, any acts of penance that he owed, fasting, and legitimate vows that he might have made but failed to keep - all these are Allah's prescribed rights upon man. He should also advise his heirs to follow the rules of Shari'ah in bathing his body, shrouding it, saying funeral prayers and its burial, while forbidding them to do anything prohibited by Islamic law. He should also explain the matters which his heirs may overlook, and seek forgiveness of Allah for any act of forgetfulness or an unintentional lapse on his part.

II) The Rights of People

It is incumbent upon every Muslim to indicate clearly, in his will, how all the rights of people, with which he has been entrusted in his life time, ought to be fulfilled. The same applies to every transaction to which he is a party or a witness, or about which he knows something that could safeguard the legitimate rights of others. If he fails to render to others what is due to them out of negligence with the consequent loss of their rights, he is held responsible in this world, so long as his negligence is proven before a court, and even if he has nothing to gain from this loss. What is due to others is deducted from his original estate before its divided among his heirs, and before his right to *devote one-third* of his property to bequests *takes effect*.

Such a person is also accountable before Allah in the hereafter (for causing harm to others). But if he deliberately deprives people of their rights, even though there is no personal gain for him, not only is he accountable for it in this world, that is whatever he owes to others will be deducted from his estate, but he will also be liable to punishment in the hereafter. Allah says,

﴿فَمَنْ خَافَ مِنْ مَوْصٍ جَنَفًا أَوْ إِثْمًا فَأَصْلَحَ بَيْنَهُمْ فَلَا إِثْمَ عَلَيْهِ..﴾

“*But if anyone has **reason** to **fear** that the testator has committed a mistake or a (deliberate) wrong, and thereupon brings about a settlement between the heirs, he will incur no sin (thereby):* (Al-Baqarah: 182). The Arabic word *Janaf* used in the verse means an unintentional mistake, whereas the word *Zthm* is a deliberate wrong and an encroachment on others’ rights. This is the opinion of ibn Abbas, Mujahid, Ad-Dahak, As-Soddiy and others; and Allah knows best. Allah has indeed commanded people to make haste in rendering trusts to their rightful owners, saying,

﴿إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ﴾

“*Allah does command you to render buck your trusts to those to whom they are due; and when you judge between people, that you judge with justice*” (An-Nisa’:59). Similarly in a hadith recorded by Abu Dawud, the Prophet (peace be upon him) says,

(ولا تهمل حتى إذا بلغت الروح الحلقوم قلت لفلان كذا ولفلان كذا،

وقد كان لفلان)

“Do not neglect (returning what has been entrusted to you) until you are on the verge of death, and then you say, ‘such and such a thing belongs to so-and-so’”. Such a right which is due to others may be money that is payable to them, or a promise to be fulfilled, or testimony to be given, or knowledge beneficial to a rightful claimant. The gravity of the sins of a deceased person increases as the number of people he is liable for grows, or the degree of importance of these rights in the sight of the Lawgiver (Allah), so much so that a deceased person, though a believer initially, eventually ends up as a disbeliever. This is exemplified by the evil scholars who were charged with the message of Islam but they failed in their obligations toward it. They betrayed millions of common Muslims, and encouraged them to disregard their religion, condoned wrong-doing and obey others even if it means disobeying or disbelieving in Allah or his **Shari’ah**. They frighten them from declaring the truth, resisting the forces of kufr or supporting the religion of Allah. In short, they have deprived people of their most **beneficial** right in this life and in the life to come, namely the right to learn about the straight path, the path of salvation and ultimate success, following instead in the footsteps of the wicked scholars and monks of the People of the Book, who believed in some parts of the Book and rejected others. Allah says,

﴿ وَإِذْ أَخَذَ اللَّهُ مِيثَاقَ الَّذِينَ أُوتُوا الْكِتَابَ لَتُبَيِّنُنَّهُ لِلنَّاسِ وَلَا تَكْتُمُونَهُ
فَنَبَذُوهُ وَرَاءَ ظُهُورِهِمْ وَاشْتَرَوْا بِهِ ثَمَنًا قَلِيلًا فَبَيَسَ مَا يَشْتَرُونَ ﴾

*“And remember when Allah took a **covenant** from the People of the Book, to make it known to*

mankind, and not to hide it; but they threw it away **behind their** backs, and purchased with it some miserable gain! How evil was the bargain they made!" (Al-Imran: 187). In a hadith Abu Hurairah reports that Allah's messenger (peace be upon him) said,

(من سئل عن علم فكتمه أجمه الله بلجام من نار يوم القيامة)

"One who is asked about **some knowledge** and he conceals it, shall be on the Day of Judgement made to wear a bridle **of fire.**" This is recorded by Ibn Abdul Bar on the authority of Abu Dawud, along with the words of Allah

﴿إن الذين يكتُمون ما أنزلنا من اليينات والهدى من بعد ما بيناه للناس في الكتاب أولئك يلعنهم الله ويلعنهم اللاعنون﴾

"Those who conceal the clear (signs) We have sent down, and the guidance, after We have made it clear for the people in the Book-on them shall be Allah's curse, and **the curse of those who entitled to curse**" (Al-Baqarah: 159). And that

﴿إن الذين يكتُمون ما أنزل الله من الكتاب ويشترُونَ به ثمناً قليلاً أولئك ما يأكلون في بطونهم إلا النار ولا يكلمهم الله يوم القيامة ولا يزكهم وهم عذاب أليم﴾

"those who conceal Allah's revelations in the Book, and purchase for them a miserable profit-they swallow into themselves nothing **but fire; Allah** will not address them on the Day of Resurrection, nor **purify** them: and for them there is a painful punishment" (Al-Baqarah: 174).

All these warnings from Allah are addressed to the wicked scholars, the concealers of His guidance, and the people's obligations to Him. This results in the violation of the people's rights as prescribed by revealed knowledge that leads to pure belief. If this is the case for those who conceal knowledge from people, then what about those who issue verdicts in favour of falsehood, actively help the communistic or democratic rulers to fight against Islam and its laws? And if asked about these unIslamic regimes and their supporters fighting against the Muslims with all the power at their disposal, their tongues and physical force, they tell us that the unIslamic system and its supporters are better guided than the Muslims!!! Their predecessors of old from among the People of the Book did issue similar verdicts. Allah says,

﴿ألم تر إلى الذين أوتوا نصيباً من الكتاب يؤمنون بالجبت والطاغوت
ويقولون للذين كفروا هؤلاء أهدى من الذين آمنوا سبيلاً * أولئك الذين
لعنهم الله ومن يلعن الله فلن تجد له نصيراً﴾

“Have you not considered (the case of) those who were given a portion of the book? They believe in sorcery and evil, and say to the unbelievers that they are better guided (in the right) way than the believers! They are the ones whom Allah has cursed: and those whom Allah has cursed, you will find, have no one to help” (An-Nisa:51-52). Such scholars were strongly condemned by Shaikhu ‘I-Islam Ibn Taimiyah:

"ومتى ترك العالم ما علمه من كتاب الله واتبع الحاكم الذي يحكم بغير ما أنزل الله فهو كافر مرتد مستحق للعقوبة في الدنيا والآخرة...."

"A scholar who abandons what has learnt from the Qur`an and the sunnah and follows a ruler who does not rule in accordance with the teaching of Allah and His Messenger is an apostate and a disbeliever who deserves punishment in this world and in the hereafter."⁴ (volume 35 page 373 Al-Fatawa Ibn Taimiyah).

O you, wicked scholars, fear Allah concerning the rights of people, and be ware of speaking untruths. Considering your devilish silence or words, grievous indeed is your burden of guilt for the numerous Muslims, who have on account of that perished or have been subjected to persecution. Remember your death and your graves and its torment, and chastisements that will ensue thereafter. Will you take heed?

وهل أفسد الدين إلا الملوك
وأحبار سوء ورهبانها
لقد رتع القوم في جيفة
يبين لذي اللب أتناها

In the words of a poet the religion is corrupted by the tyrant kings, evil scholars and monks; see how they feast upon the stinking corpse whose stench is so odious to

⁴ See more of these Fatwas in my book **"Is It A Holly Salafism Or A Satanic Sheikism.?"** (to be released soon Insha-Allah).

Salafism is the strict following of the Sahaba ﷺ.
Sheikism is the blind following of the scholars of the unislamic regemes.

sensible people . Indeed very many rights of common people, especially Muslims, have been violated by the authorities of the un-Islamic (jahili) regimes and their supporters. Among these rights are aiding people in obedience to their Lord, providing them with security and sufficient means of sustenance promised by Allah to His servants if they abide by His revealed law:

﴿ولو أنهم أقاموا التوراة والانجيل وما أنزلنا عليهم من ربهم لأكلوا من

فوقهم ومن تحت أرجلهم...﴾

"If only they had stood fast by the Law, the Gospel, and all the revelation that was sent to them by their Lord, they would have enjoyed happiness from every side" (Al-Ma'idah:66). Thus the rulers and their supporters have violated the rights of the people, either by destroying their wealth through extravagance and indulgence, or by spreading corruption, adultery, drinking, gambling, and disobedience to parents, making life difficult for people by restricting their livelihood, by spying on them, terrorising them, and causing aversion to genuine Islam. They do all this in the name of arts, freedom, equality, tourism, state security, and foreign relations. As a result, **attacks on Islam and Muslims have increased and apostasy has spiralled**. People fell prey to worldly temptations and vied with each other for wealth and material gains. They ruined themselves, became degenerated, thieved, embezzled, violated blood ties, and were attracted to the wicked. As a result virgins became spinsters, filthy thoughts prevailed, secret love affairs flourished and the ears lost their hearing; trusts were broken, dishonesty became rampant, evils spread,

obscenity increased, the spirit of manliness was lost, pretension and hypocrisy increased, greed and covetousness spread, mutual help and support became rare, the daughters became demeaned and vulgar and the sons treacherous and unworthy of trust,..... and so on, all these ills currently afflict the present Muslim countries, about which none but only an ignorant or a diehard hypocrite can doubt. These diseases afflicting our community are a tiny part of the punishment which Allah has warned us against if we kept tongue-tied in the face of evil and its votaries. Anyone blessed with an insight from Allah should undoubtedly also expect some earthquakes, fires and other calamities as warnings from Allah, who says,

﴿ولنذيقنهم من العذاب الأدنى دون العذاب الأكبر لعلهم يرجعون﴾

“And indeed We will make them taste of the penalty of this (life) prior to the supreme penalty, in order that they may (repent and) return”, (As-Sajdah:21). And indeed Allah spoke the truth when He said,

﴿....ومن لم يحكم بما أنزل الله فأولئك هم الكافرون﴾

“And if any fail to judge by what Allah has revealed, such are the (kafiroon j unbelievers”, (Al-Ma'idah:44); and he said

﴿....ومن لم يحكم بما أنزل الله فأولئك هم الظالمون﴾

“And if any fail to judge by what Allah has revealed, such are the (Zalimoon) wrongdoers”, (Al-Ma'idah:45).

Likewise, it is incumbent upon a Muslim to prevent his estate from being used by any enemy of Allah, His messenger, and the Muslims, even if they are his own near blood relations, as instructed by Allah in the verse

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا آبَاءَكُمْ وَأَخْوَانَكُمْ أَوْلِيَاءَ إِنِ اسْتَحَبُّوا

الْكُفْرَ عَلَى الْإِيمَانِ وَمَنْ يَتَّخِذْهُمْ مِنْكُمْ فَأُولَئِكَ هُمُ الظَّالِمُونَ ﴾

"O you who believe, take not for protectors your fathers and your brothers if they love infidelity above faith: and if any of you do so, they do wrong", (At-Tawbah:23). Heritage is one of the most obvious forms of protection, help, and intellectual harmony, as it implies affirmation of the religion followed by the inheritor, helping him materially, causing the hearts of others to incline toward him, making him a partner with other heirs in issues pertaining to collective assets, giving him information about the private affairs of the deceased and his household, and so forth. This issue is settled once and for all by the following statement of the Prophet (peace be upon him):

(لا يرث المسلم الكافر ولا يرث الكافر المسلم)

"Neither a Muslim shall inherit from a disbeliever, nor a disbeliever from a Muslim." (reported by Sahih Muslim). A Muslim should be vigilant and not allow any Jew, Christian, Magian, nor a secularist, a socialist, or a democrat (who vouches for laws other than those of Allah, or accepts to vote on matters already established by the commandment of Allah). Nor should he allow it to go to any Shi'ite, who denies the Qur'an or accuses the majority of the companions of the Prophet (peace be upon him),

nor anyone known to be neglectful of obligatory prayers (salah). who is famous for his non-observance. Similarly, a Muslim woman must not marry a disbeliever or an polytheist, nor a Muslim man should marry a disbelieving woman except from among the women of the People of the Book. In short, it is forbidden for a Muslim to bequeath any thing to a disbeliever or to someone known to have become a disbeliever@

It is also forbidden for Muslims to falsify their will in order to deprive all or some of their lawful heirs. In the verses concerning wasiyah, Allah has said,

﴿وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُهِينٌ﴾

“Those who disobey Allah and His Messenger and transgress His limits will be admitted to afire, to abide therein: and they shall have a humiliating punishment ”, (An-Nisa': 14).

The testator should remember that he is merely an inheritor of his property and not its owner, and therefore when he gives away the lawful heirs' rights that he knows is lawfully theirs, he is guilty of disobedience, dishonesty in his trust, violation of others rights, sacrificing the hereafter for this worldly life, ending his earthly sojourn in one of the major sins. We seek Allah's refuge from such an evil end. Allah knows best.

It is the right of the heirs on the testator not to set apart more than one third of his property for his (personal) will, as we find in a hadith which says

(...الثالث والثالث كثير)

"...*it is one third, and one third is much.*" (reported by Al-Bukhari). It is a right of the heirs that the testator should treat them justly as commanded by Allah, and he should not bequeath a portion of this one-third to anyone for whom Allah has prescribed a specific share in the estate, except with the consent of the sane adult heirs. If they are not adults or not sane, their consent is not considered valid, as we are told in a hadith that says

(لا تجوز وصية لوارث إلا أن يشاء الورثة)

"A bequest will in *favour* of a legal heir is not permissible, except with the permission of the heirs." This is a sound hadith transmitted by Ibn Hajar who remarked that common practice is based on it. The majority of scholars are in agreement with this and hold that a valid consent (of the legal heirs) in the case of a bequest made in favour of another legal heir is that which is given after the demise of the testator, because the heirs may show their consent before the testator's death out of diffidence, pity or fear. Allah knows best.

The executor of the testament:

Likewise, it is a right of the people on the deceased that he should choose for them an executor of his testament, a person who is Godfearing and fully capable of executing the testament, even if he is not from among his near relations in order to eliminate controversy, discord, and violation of any rights of others. It is permissible for a testator to appoint more than one executor of his testament, such as instructing his wife regarding the

welfare and wellbeing of his children, or instructing his brother about the marriage of his daughters, or asking some one else to divide his property, and so forth. It is not permissible for the executor of the will to go beyond what he is entrusted with by the testator, nor that he should spend any part of it on his personal benefit except that which the testator might have specified for him in his testament. Similarly, if he is unable to feed himself, he may use some of it within reason, provided he does his best to safeguard and enhance the property of the orphans. Ibn Kathir has recorded a report from Al-Bukhari which says “**The jurists have agreed that the executor can take for the wages normally payable for this kind of work or what is sufficient to meet his needs, whichever is the smaller. They differ, however, about whether or not he should repay it when he becomes rich (that is to say, Allah bestows upon him riches after his poverty). The correct position is that he is not required to repay it since he received it as a wages for his work when he was poor. Interpreting the Qur’anic verse**

﴿... و من كان غنياً فليستعفف ومن كان فقيراً فليأكل بالمعروف ...﴾

"...but if he is poor, let him have for himself what is just and reasonable ..." (An-Nisa':6), Al- Sha'bi', as quoted by ibn Kathir, observes: “**For him it is like a carrion or blood**” (implying that he should not have anything for himself unless he is forced to do so by necessity as one may be forced to eat carrion or blood at times of necessity). It is also permissible for the executor to give to his relatives from the charitable gifts of the testator if he is given the right of disposal concerning them.

Accepting the assignment of executing the will is optional for those who are able to do so, because it carries a great reward, as otherwise the rights of the rightful claimants may be violated. A person accepting the charge of execution of the testament of the deceased should not avoid this duty, except where a just ruler permits him to do so, or takes on himself the responsibility of executing that will. Similarly it is incumbent on him to give priority to the payment of the obligations over the voluntary gifts, such as payment of people's debts, obligatory hajj, and other payments which might be due from the deceased for various atonements. Such expenses should be taken out of the property before the one-third (is deducted) -- in cases where the deceased has left a will concerning one third of his estate -- and then the remaining part should be apportioned among the heirs as prescribed by the Lawgiver (Allah). Likewise, it is the duty of the executor to consult knowledgeable people in cases where he seeks to set right a wrong or correct a mistake in the testament. Allah says,

﴿فَمَنْ خَافَ مِنْ مَوْصٍ جَنَفًا أَوْ إِثْمًا فَأَصْلَحَ بَيْنَهُمْ فَلَا إِثْمَ عَلَيْهِ إِنَّ اللَّهَ

غَفُورٌ رَحِيمٌ﴾

*"But if one fears partiality or wrongdoing on the **part** of the testator, and makes peace between (the parties concerned), there is no wrong in them: for Allah is **Oft-Forgiving, Most Merciful.**" (Al-Baqarah: 182). It is permissible for a Muslim to accept the duty of executing the will of a disbeliever, but a Muslim is not at all permitted to appoint a disbeliever as an executor of his will. Allah says,*

﴿...ولن يجعل الله للكافرين على المؤمنين سبيلاً﴾

“And never will Allah grant to the unbelievers a way (of triumph) over the believers. ” (An- Nisa’: 141).
It is a right due to orphans, the needy, and the relatives other than the heirs, that they should be given something, no matter however small, if they are present at the time of dividing the estate, treating them courteously and gently in order to console them and win their hearts according to the commandment of Allah:

﴿وإذا حضر القسمة أولوا القربى واليتامى والمساكين فارزقوهم منها﴾

﴿وقولوا لهم قولاً معروفاً﴾

“But if at the time of division other relatives, or orphans, or poor, are present, feed them out of the (property), and speak to them words of kindness and justice. ” (An-Nisa’: 8).

III. The rights of the deceased

One of the important functions of the Islamic testament is to safeguard the right of the deceased in his eternal abode that there he should receive honour and not humiliation; that he should be blessed and not distressed, be secure and free from fear. This depends on the equitable discharge of his obligations toward others. It is incumbent therefore on the deceased to declare in his testament his faith in reckoning and in the unseen. He must not transgress the bounds laid down by Allah, nor include in his testament **anything** sinful, or causing rupture of relations. He should

give to others whatever may be due from him in their favour as explained above; he should mention his state of mind and health at the time of writing the testament as is shown in the example given in the appendix. He should strive to use his right in his testament as a safeguard against the afflictions of the hereafter; Allah says:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ

وَالْحِجَارَةُ. ﴾

"O you who believe, save yourselves and your families from a fire whose fuel is men and stones.." (At-Tahrim:6). And in order to reinforce his right he should appoint a most knowledgeable and Godfearing person as the executor of testament to make sure it will be executed according to the dictates of Shari'ah, making it clear that he waives any article in his testament or the whole of it in case it is against the Islamic shari'ah. Likewise, it is the right of the deceased not to be visited while on his deathbed by someone who dislikes him or bears malice against him. The deceased may leave instructions to that effect in polite and courteous terms and in a subtle manner. It is also the right of the testator to leave a part of his property that is not more than one third to others than his legal heirs. This is recommended in view of the divine commandment:

﴿ كَتَبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتَ إِنْ تَرَكَ خَيْرًا الْوَصِيَّةَ لِلْوَالِدَيْنِ

وَالْأَقْرَبِينَ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ ﴾

"It is prescribed, when death approaches any of you, if he leave any goods, that he make a bequest to parents and next of kin, according to a reasonable

usage; this is due f (Al-Baqarah:180). This is so because in this way he gets the reward for charity and doing good to his blood relations, except in cases where he finds that there is something more important than charity to one's kith and kin, like jihad to fight idolatry and to enforce the Law of Allah, or other obligations that are ignored in this age of ours, then he must strive in the cause of Allah with his wealth, because striving in Allah's cause is far more important than charity to one's relatives, provided it does not exceed the one third, as the Prophet (peace be upon him) said:

(إن الله تصدق عليكم بثلث أموالكم بعد مما تمكم)

“Allah gives you one third of your property as **charity** to you after your death.” This is reported by Ad-Dar qutni and is authentic. If a deceased person bequeathes one third of his property to someone other than his heirs, it must be carried out, even if the legal heirs should disagree.

The testator should make two just and fair Muslim males of probity witnesses to his will, and if there are no Muslims around he may take two non-Muslims as witnesses. If in doubt, he should get them to affirm it, as Allah says,

﴿يَأْتِيهَا الَّذِينَ أَمَنُوا شَهَادَةً بَيْنَكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتَ حِينَ الْوَصِيَّةِ اثْنَانِ ذَوَا عَدْلٍ مِنْكُمْ أَوْ آخَرَانِ مِنْ غَيْرِكُمْ إِنْ أَنْتُمْ صُرِيتُمْ فِي الْأَرْضِ فَأَصَابَتْكُمْ مُصِيبَةُ الْمَوْتِ تَحْبِسُونَهُمَا مِنْ بَعْدِ الصَّلَاةِ فَيُقْسِمَانِ بِاللَّهِ إِنْ آرَيْتُمْ لِانْتِرَى بِهِ ثَمْنًا وَلَوْ كَانَ ذَا قُرْبَىٰ وَلَا نَكْتُمُ شَهَادَةَ اللَّهِ إِنَّا إِذًا لَمِنَ الْآثِمِينَ * فَإِنْ عَثِرَ

على أنهما استحقا إثماً فأخراهم يقومان مقامهما من الذين استحق عليهم

الأوليان.... ﴿

*"O you who believe, when death approaches any of you, (take) witnesses among yourselves when making bequests -- two just men of your own (brotherhood) or others from outside if you are journeying through the earth, and the chance of death befalls you (thus). If you doubt (**their truth**), detain them both after prayer, and let them both swear by Allah: 'We wish not in this for any worldly gain, even though the (beneficiary) be our near **relation**: we shall not hide the evidence before Allah: if we do, then behold! the sin be upon us!' But if it gets known that these two were guilty of the sin (of perjury), let the two others stand forth in **their places** -- nearest in kin from among those who claim a **lawful** right..." (Al-Ma'idah: 106- 107).*

Another right of the deceased, which is neglected these days, is to be buried in the land where he dies, however far it may be from his native country, because of the reward for him in this for making things easy for his legal heirs, and avoiding spending his heirs' money on something which is not commendable. Ibn Al-Qaiyim has recorded a hadith from Abdullah ibn Amr in his book Madarij Al-Salikin (see chapter on Life in Foreign Lands) that when a man (born in Madinah) died in Madinah, the Prophet (peace be on him) said his funeral prayer, and then said,

(لبيته مات في غير مولده. فقال رجل: ولم يا رسول الله؟ فقال صلى الله عليه وسلم: إن الرجل إذا مات قيس له من مولده إلى منقطع أثره في الجنة)
"Would that he had died in a land other than his birth place!" A man asked , *"Why, O Prophet of Allah?"* The Prophet (peace be on him) replied, *"When a person dies he is measured out a place in Paradise from his place of birth to the place of his death."* Ibn Al-Qayyim has also recorded that Allah's Messenger (peace be on him) stood by the grave of man from Madinah, and said,

(ياله، لو مات غريباً. فقيل: وما للغريب يموت بغير أرضه؟ فقال: ما من

غريب يموت بغير أرضه، إلا قيس له من تربته إلى مولده في الجنة)

"Alas for him! Would that he had died in a foreign land." someone then asked, *"What is good for a person who dies in a foreign land?"* The Prophet (peace be on him) replied, *"If anyone dies in a land other than their native land, they are granted a place in paradise that is as long as the distance from his birth place to his place of death."* Both hadiths are authentic.

It is permissible for a person to set apart, before his death, for one of his sons or daughters, an amount equivalent to what he has spent on the education or wedding gifts (pots, pans, and utensils) to his or her brothers (or sisters), and such other benefits enjoyed by some of his children because of the difference in their ages and circumstances. But if he procrastinated and failed to set apart this gift or benefit before his death *making witnesses to it, the*

executor of his testament cannot take it from his estate later on except with the agreement of the other heirs as mentioned above; but Allah knows best.

A Specimen Will

All praise is due to Allah, and peace and blessings of Allah be on His messenger. This is the will made by *.....*.....*.. while he is in good health and in full possession of all his faculties (if he is ill, he should mention his illness while dictating his will): I bear witness that there is no god but Allah, the One and Only God who has no partners, the eternal, the Absolute, who begets not, nor is He begotten, and there is nothing that could be compared with Him. And that Muhammad (peace and blessings be upon him) is His servant and messenger, whom He has chosen from among His creation to be the final prophet. I declare that he left his community on an open and clear path, that paradise and hell are true, that there is no doubt about the day of judgment, and that Allah will bring to life the dead buried in the graves. I am pleased with Allah as my Lord, with Islam as my religion, and with Muhammad (may peace and blessings be on him) as prophet and messenger.

I advise my family and other survivors after me to fear Allah and to set their mutual relations right; to strengthen their blood ties; to obey Allah and His messenger in secret and in public, in prosperity and

adversity; and not to die except as Muslims believing in the One and Only God, without associating anything with Him, and obeying and worshipping Him alone. For associating someone with Allah is the root of all disbelief in Him, and the mainstay of the state of apostasy which our community at present confronts. By such blind obedience of other a great many people are unknowingly forsaking the religion of Allah. Allah says,

﴿فريقاً هدى وفريقاً حق عليهم الضلالة إنهم اتخذوا الشياطين أولياء﴾

﴿من دون الله ويحسبون أنهم مهتدون﴾

“*Some He has guided: others have (by their own choice) deserved the loss of their way; in that they took the evil ones, in preference to Allah, for their friends and protectors, and think that they receive guidance.*” (Al-A'raf:30). I exhort them to acquire knowledge from the mujahid scholars (Islamic scholars who practice what they preach and are ready to take and stand and strive for what they believe in), who repudiate anyone hostile to Allah and His messenger, and fight anyone that seeks to cause mischief in the land, or exalts the disbelievers and humiliates the Muslims, or makes what is forbidden permissible or forbids what is permissible, or helps anyone in this regard by his acts or words.

I also advise my family and other survivors after me to reject any one who seeks to change the Law of Allah, as reported in an authentic hadith:

(سيكون عليكم أمراء تعرفون منهم وتنكرون فمن نابذهم نجاً ومن

اعتزفهم سلم ومن خالطهم هلك)

“There will be among you **rulers** whom you will find doing many evil things, so whoever resisted them he would succeed, and whoever kept himself away from them will be safe, but whoever mixes with them he shall be ruined.” (This is reported by Ibn Abi Shaibah and At-Tabrani “Authentic”). But if they are, God forbid, unable to resist them, then they should not accept any gifts from them, nor any position under them. Another sound hadith concerning rulers were far less unjust and staunch in disbelief than our present day rulers who try to pervert Allah’s law and commandments, informs us,

(ليأتين عليكم أمراء يقربون شرار الناس ويأخرون الصلاة عن

مواقيتها-أي لا يأمنون الناس في الوقت المحدد للصلاة ولا يعاقبون تاركها

فمن أدرك ذلك منهم فلا يكونن عَرِيفاً ولا شرطياً ولا جايئاً ولا خازناً)

“There will be **among you** rulers who will take the worst people as their companions and will delay the prayer from their appointed times (**namely**, they will **not** establish prayer at its appointed times nor punish **those who** abandon it), so **whoever finds** this in them should **not** serve under **them as a prefect, a policeman, an employee, or a treasurer.**” This is

reported by Ibn Majah. In short, I renounce anyone who insults the religion of Muhammad (peace be on him) or sells the verses of Allah for a paltry gain.

I do indeed make this testament that upon my death and thereafter the following be observed:

1. Some righteous people should visit me to remind me of my Lord's blessings upon me; to have good opinion about Him; and that they should exhort me to recite the shahadah in a gentle and kindly manner, saying to me "O so and so, say, 'There is no god but Allah.'"
2. They should pray much for my good, and they should not utter anything except what is good and right. And when my soul leaves my body they should close my eyes and tie my lower jaw in place .
3. My clothes should be taken off and I should be wrapped in clothes other than the ones I died in (if possible).
4. Preparation and speeding up the burial of the body unless this is prevented by some legitimate or compelling reason.
5. Loud wailing should be prevented and also beating of face and tearing of clothes and any supplications

like those used in jahiliyah (pre-islamic time) which incite mourning or cause loss of patience.

6. All my debts be paid and trusts in my care be restored to their owners as explained in my attached financial testament.

7. I should be wrapped in three white cloths, unsewn and inexpensive.

8. Women be forbidden to accompany the funeral procession (as commanded by **the prophet** peace be upon him).

9. Silence be observed at the time of burial and there should be complete calm, and people should ponder over death and the greatness of Allah, the Exalted, the Supreme.

10. My funeral should be expedited and as many people as possible should participate in my funeral prayer; the one who is most knowledgeable about Allah and most learned among those present, should lead the prayer.

11. I should be buried in a grave and the person placing me in the grave should say “Bismillahi wa ‘ala sunnati **rasulillah** (In the name of Allah and in accordance with the **sunnah** of **the** messenger of Allah), and there should not be any gravestone

carrying my name because the Prophet (peace be upon him) has forbidden such act.

12. They should sit by my grave for a while so that their company should render me at ease before being questioned while praying much for me. The people should be exhorted and reminded of their duties and obligations concerning death and funeral matters.

13. The Qur'an should not be recited for me on the day of my death or on any other day. No special place be appointed for people to come and offer their condolences on my death, because this is also a sort of mourning for the dead. The correct procedure is that my relatives should carry on their usual pursuits and people may offer their condolences to them when they meet them or whenever they visit them.

14. My death should not be announced from pulpits or in newspapers etc., because the Prophet (peace be upon him) has forbidden such announcements, except if there is no one available to undertake the preparations for my funeral and burial.

15. I should be buried in the place where I died, and my body should not be transferred to any other country, in accordance with the advice of the Prophet (peace be on him), and in the hope of gaining the

reward therefor, for making things easy for the people, and increasing the heritage of my lawful heirs.

16. My household should not prepare food for the people on the occasion of my death. They should rather occupy themselves in the obedience of Allah and in enjoining patience to each other.

17. Anyone who is present at the distribution of my estate should be treated with respect and spoken to in kindly and gentle terms.

18. I have appointed. (name of the executor) to look into and execute the whole of this testament. It is his responsibility to seek help **from** the leader of the People who follow the **Sunnah (ahl as sunnah)** in the place of my death -- namely, from the people who are righteous and knowledgeable. In short, I admonish everyone with the admonition that the Prophet (peace be on him) gave us. If there is anything in **my** will which is against the teachings of the Islamic shari'ah and truth, then the law of Shari'ah and truth will take precedence over my will. I declare myself innocent of all that the Prophet (peace be on him) renounced.

Essential information for completing the will

All praise belongs to Allah alone, and peace and blessings be on Allah's Messenger. The executor should make use of the following given in the form of answers to some key questions provided by the testator with a view to discharging his obligations to Allah and people:

Question 1: What is your estate? And what is its approximate value? Please write down the kind of property, e.g. land, real estate, jewellery, books, and debts, and business transactions with people (supported by evidence) and anything that may be useful;
explain how your heirs can have access to them.

Answer:

Question 2: Do you have any trusts in your possession that have to be returned to their owners? What are they? Where are they? And how can they be returned

to their owners? (Even a book, a tape, or a needle must be returned to their owners).

Answer:

Question 3: Do you have any debt that is payable to Allah, such as the obligatory hajj, or fasting, or zakat, or a lawful vow, or the responsibility of declaring the truth, or any other similar thing? This also includes attributing anything to Allah's religion without justification.

Answer:

Question 4: Do you have to pay any debt to any people? How much is the debt? Who are the creditors? And how can this debt be settled?

Answer:

Question 5: Have you made a will concerning anything in favour of anyone? What is this will? For whom? And how can it be accomplished? *The deceased must not make a will in favour of anyone in more than one third of his estate, nor should it be in favour of a legal heir except with the agreement of his heirs.* (Please refer to the introduction for further details and explanation).

Answer:

Question 6: Do you have any true testimony whose concealment may harm, or whose proclamation may benefit some Muslims?

A serious warning before you write down your answer (to this question): A false testimony is one of the major sins and causes of being thrown in hell-fire, while the testament is one of the final deeds of a person's life on earth. Anyone guilty of it only destroys himself. So beware, let your testimony not bring to you more harm than benefit.

Answer:

Question 7: Do you wish to add anything else to this will ? You may add more pages provided they bear your signature and are numbered and bearing the same date as that appearing on the will.

Additions:

First witness
Signature:.....

Second witness :
Signature:.....

(Eighteen articles in all with an attached financial testament).

Signature of the testator.....
Date :.....

(..فمن بدله بعد ما سمعه فإنما إثمه على الذين يبدلونه إن الله سميع عليم)
"If anyone changes the bequest after hearing it, the guilt shall be on those who make the change. For Allah hears and knows (everything)." (Al- Baqarah: 181).

IMPORTANT WARNING

We wish to remind our Muslims brothers that the formulation of the will given above is not based on any text from the Quran or the sunnah; it is rather an example intended to help Muslims write their will. They are free to make any improvement

or adaptation, if they so wish, in the light of the Quran and the sunnah.

At the end of this discussion, we hope that every Muslim brother will take heed concerning making a will. May Allah bless the brothers who have read this discussion, benefitted from it, and prayed for himself, for me and for all those who helped with the preparation the production of this booklet. Allah knows our intentions and guides us to the right path. May Allah bless Prophet Muhammad, his household and companions.

References:

- *Al-Quran Al-Karim.
- *Tafseer Al-Quran by Ibn Kathir.
- *Fathul Bari (commentary on Al-Bukhari by Ibn Hajar) .
- *Sahih Muslim.
- *At-Tamheed, by Ibn Abdul Barr.
- *Al-Fatawa Al-Kubra, by Ibn Taimiyyah.
- *Magmo Al-Fatawa, by Ibn Taimiyyah.
- *Madarijul Salikin, by Ibn Al-Qaiyim (Researched by Omar Uthman)
- *Jami` Bayanul Ilm wa Fadlihi, by Ibn Abdul Barr.
- *Halaqat Ad-Darul Akhirah, by Dr. Omar Abdul Kafi.

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