

MAKING A WILL

1. Writing a will is recommended in Islam. The Prophet Muhammad once said:

“It is not permissible for any Muslim who has something to will to stay for two nights without having his last will and testament written and kept ready with him.” (Bukhari).

2. Especially in non-Muslim countries, Muslims are advised to write a will to appoint an Executor, and to affirm that they wish their estate to be distributed according to Islamic guidelines.
3. It is also advisable for Muslim parents to appoint a guardian for minor children, rather than relying on non-Muslim courts to do so.
4. The will should expressly show one’s wealth (physical and cash), debts (lent and borrowed), wives and children and all people he/she looks after or under his care.
5. As regards to the amount of wealth one can bequeath, the Prophet PBUH said that up to **one-third** of the total assets may be set aside for payment of a bequest of one’s choice.
6. The *Will* cannot be made for someone who is already getting a share in inheritance, that is, the beneficiaries of such a bequest may not be “fixed heirs” - family members who inherit automatically according to the divisions outlined in the Quran.
7. Making a bequest to someone who already inherits a fixed share would unfairly increase the share of that individual over the others. the Prophet PBUH said;

“Allah has appointed for everyone who has a right what is due to him, and no bequest must be made to an heir.” (Abu Dawud & Ibn Majah)

8. One may, however, bequeath to individuals who are not one of the fixed heirs, other third parties, [charitable organizations](#), etc.
9. The *will* cannot deny anyone their due share. It can be used for someone who will otherwise not get a share (e.g: orphan grandchild, non-Muslim family member, e.t.c) or can be used in charity.
10. Under [Islamic law](#), all legal documents, especially wills, must be witnessed. A person who inherits from a person cannot be a witness to that person’s will, as it is a conflict of interest.
11. It is recommended to follow the laws of one’s country/location when drafting a will so that it will be accepted by the courts after your death.
12. A *Will* is only applicable/actionable **after** death. It can be changed and updated again and again during life time of a person. The final version will be used.
13. It should be updated from time to time because one’s wealth and debts also keep on changing and one’s preferences in the will may also change.
14. Making a wrong will is a major sin e.g bequeathing more than **one-third** of wealth, making a will in favor of a heir who is already getting a share or denying share from a legitimate heir.

It should be corrected during life of the person, otherwise heirs should correct it after the death of the deceased.

The prophet PBUH said;

“A man may do good deeds for 70 years but if he acts unjustly when he leaves his last testament, the wickedness of his deed will be sealed upon him, and he will enter the Fire. If a man acts wickedly for 70 years but is just in his last testament, the goodness of his deed will be sealed upon him and he will enter the Garden (of Paradise).” (Musnad Ahmad & Ibn Majah)

15. A will can be **written or verbal** but in any case it must be witnessed by two people who are believers, honest, and do not have any conflict of interest in inheritance or will.
16. A will written under force or fear/intimidation is not valid and cannot be relied on in Islam.