

Making a will regarding the carrying out of a good deed

Darulifta Ahlesunnat

(Dawateislami)

Question

What do the scholars of Islam and the Muftis of the Shari'ah say regarding the following matter: Some people, during their lives, leave a will regarding the carrying out of a righteous work and that after death, their money should be utilised for a certain righteous cause. For example, it should be spent on a masjid, madrasa, student of Islamic knowledge or to support an orphan or the poor.

My question is: Does Islam allow us to make this sort of will regarding our wealth whilst we are alive, that our wealth be spent on a righteous work or as sadaqah jariyah (continuous reward)? If Islam does allow this, then what is its limit? Meaning, to what extent can we make a will regarding our wealth?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

Islam facilitates for every affair of those who believe in it, both, in this world and the Hereafter; it enhances their worldly matters, and instructs them on how to better their permanent life in the Hereafter. For this reason, on numerous occasions, the Quran and Hadith encourage us to gather for our approaching eternal life. We are told that man has three forms of wealth; the first is that which he has utilised by consuming, the second is that which he wears (clothes) making it worn out, and the third is that which he gives as charity (sadaqah) and saves for the Hereafter.

By granting permission to formulate a will, the Shari'ah has established a great means of fulfilling permissible desires and needs of the Hereafter, because through a will, a person may benefit his friend or family member, and that act itself is permissible, and righteous deeds are especially emphasised within a will. For example, building a Masjid or Madrasa, or helping the poor, orphans, etc.

The ruling regarding the establishment of a will is that if the wealth is withdrawn according to the terms of the will and the remainder is distributed among the inheritors but it will render the inheritors destitute, then it is better to not formulate a will. Otherwise, formulating a will is considered Mustahab (desirable), a means of great reward and a virtuous act. The limit prescribed by Shari'ah in this respect is that a person can allocate one-third of his wealth for his will. If more than one-third is included in a will, then this is not considered. In the same way, a will made regarding the one who is already rightful of receiving inheritance is also not considered.

However, if a person made a will for more than one-third or made a will for a rightful inheritor and after the passing of the testator, all inheritors give permission for the will made for more than one-third, or the will made for an inheritor to be carried out – provided they are all capable of giving this permission - then this will be actioned.

Note: If anybody has made, or intends to make a will, he should gather the full details regarding this and then he can receive guidance regarding his specific case

وَاللّٰهُ اَعْلَمُ عَزَّوَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللهُ تَعَالَى عَلَيْهِ وَاٰلِهِ وَسَلَّمَ.

Written by: *Mufti Muhammad Qasim Attari*



دارالافتاء اهل السنة
DARUL IFTA AHLESUNNAT

Dar-ul-Ifta Ahlesunnat (Dawat-e-Islami)



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feedback@daruliftaahlesunnat.net