This article describes the significance of the implementation of the Islamic law of inheritance. It gives brief description of the fundamental principles of the law and also provides a working template for preparing an Islamic Will.

(about 6,528 words)
Passing away of a close family member is a difficult time. It’s a time that involves emotional stresses and sorrows. Prevalent thoughts on the grieving minds revolve around how are we going to cope with this situation? How it is going to change our lives? Then there is janazah (funeral) and burial. There after a sense of emptiness. From the point of view of Western culture or prevalent Eastern culture that is the end of passing away process except for the iddah for the widow. Life eventually goes back to normal. Does this process really end at the burial or is there more to settle? There comes the question nobody dares to ask. What to do with the deceased person’s assets? First thing we will hear is, are you out of your mind? You want to talk to the family about distributing their beloved father’s (or whatever the relation is with the deceased) assets? It is their business if they want to do anything about it or not.

In almost all the ranks of our society talking about the deceased Will or the distribution of assets is a taboo subject that nobody even wants to touch. There are many fears or reservations attached to it. People don’t want to bring it up because of the fear what brothers, sisters and other family members would think, that he or she is greedy and have his or her eyes on the money or, they don’t want to bring it up because what they already have in their control, why should they share it with others. In our society where joint family system still prevails, it is perceived that bringing this subject up will cause distress to the whole setup. So easy way out is to let things be the way they were. This approach works out for the most part and things remain as usual as long as nobody has a claim. So what is missing in this picture?

What is missing in this picture is what’s missing in most of our pictures. We didn’t consider what Allah and his messenger (pbuh) have said about it. Not very many realize that the law of inheritance is prescribed in the Quran. There are only very few laws in Quran that have very specific details, law of inheritance is one of them. The issue of inheritance is not something that is to be taken lightly. Failure to obeying and implementing this law comes with very grave warnings. The prophet (pbuh) has considered the knowledge of the law of inheritance as half of all the useful knowledge that exists. Distribution with wrong intentions or taking no action which may result in oppression of another relative is a one way ticket to hell fire.

Islam’s economic system neither diminishes the individual’s right to property nor does it allow for the accumulation of wealth. Earning wealth from halal (pure) means, limits to spending (restriction to unnecessary spending), taking care of relatives, paying of zakat (charity) and sadaqat and distribution of assets after one’s death are the duties of a Muslim that creates a balance that is necessary for proper and just distribution of wealth in a Muslim society. If you only consider the law of succession, by following these laws the wealth keeps circulating and instead of sitting in one’s account, it is actually put to some use.

Many Muslims living in the west have unknowingly accepted many of its laws and customs which are not in accordance with Islam. The law of succession falls into this category even though the Islamic law of succession can be legitimately accommodated and practically implemented within many existing western legislation systems by way of a valid will. The importance and significance of this law is evident.
from the Ayaat immediately following those Ayât giving details of the laws of inheritance in Surah An-Nisaa, Allah promises divine reward for those abiding and divine punishment for those who disobey.

“These are limits (set by) Allah (or ordainments as regards laws of inheritance), and whosoever obeys Allah and His Messenger will be admitted to Gardens under which rivers flow, to abide therein, and that will be the great success. And whosoever disobeys Allah and His Messenger, and transgresses His limits, He will cast him into the Fire, to abide therein; and he shall have a disgraceful torment” (Quran 4:13-14)

Allah has given guidance to man in all aspects of life including the distribution of inheritance so that each eligible person gets his or her share. Many people especially women preaching the women equality and liberation, in their ignorance, make objection to the distribution ratios prescribed in Quran. Only Allah with His infinite knowledge and wisdom knows what is best for man. Man with his limited knowledge and wisdom may not understand all the laws but must obey them all absolutely and unconditionally.

To understand the concept of Islamic inheritance and succession we have to adjust our concept of the ownership of the wealth. Generally we believe that what we have earned, we are the rightful owner of it and we can do whatever we want with it. This misconception is the root of many injustices in our society. We have to understand that the absolute owner of all the wealth in this world is Allah. Man is only a trustee of the wealth that he owns for the duration of his life. When his term of life expires, his trusteeship over his wealth and property expires. It has then to be redistributed in accordance with the directive of The Absolute Owner - Allah. Directives regarding the distribution of wealth after the demise of the provisional owner are explicitly detailed in the Holy Quran.

To understand the significance and severity of this subject we need to study Quran and hadith.

The basic principles of succession law were revealed in the Quran. Although there are about 35 Ayât in the Quran that is referring to succession, An-Nisaa Ayât (4:7-12 and 4:176) in the whole of the Quran give specific details of inheritance shares. The Quran has fixed the shares of each individual, which cannot be altered or changed. The share of each heir is binding in the same way as the number of rakats is binding in Salalah. Any, attempt to alter the heirs of their fixed shares is tantamount to challenging the wisdom and directive of Allah.

Allah says in the Quran in Surah (verse) Al-Baqara: 2:180
"It is prescribed for you, when death approaches one of you, if he leaves behind wealth, that he bequeaths unto parents and near relatives in goodness; (that is) a duty on those who safeguard themselves with full awareness of divine laws (180)."

Allah says in the Quran in Surah (verse) An-Nisaa: 4:7-14 and 176

“For men is a share of what parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much — an obligatory share. And when [other] relatives and orphans and the needy are present at the [time of] division, then provide for them [something] out of it [i.e., the estate] and speak to them words of appropriate kindness. And let those [executors and guardians] fear [injustice] as if they [themselves] had left weak offspring behind and feared for them. So let them fear Allah and speak words of appropriate kindness. Indeed, those who devour the property of orphans unjustly are only consuming into their bellies fire. And they will be burned in a Blaze [i.e. Hellfire] (10). Allah instructs you concerning your children [i.e. their portions of inheritance]: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one’s estate. (Literally, “that which is left.”). And if there is only one, for her is half. And for one’s parents, to each one of them is a sixth of his estate if he left children. But if he had no children, and the parents [alone] inherit for him, then for his mother is one third. And if he had brothers [and/or sisters], for his mother is a sixth, (Although the siblings themselves do not inherit in this case.) after any bequest he [may have] made or debt. Your parents or your children — you know not which of them, are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever knowing and wise (11). And for you is half of what your wives leave if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest you [may have] made or debt. And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one is a sixth. But if they are more than two, they share a third, (these shares are divided equally between males and females), after any bequest which was made or debt, as long as there is no detriment [caused]. (This is a condition for any bequest. If it has been violated by the deceased, his bequest is not to be honored, or it may be adjusted by the executor). [This is] an ordinance from Allah, and Allah is knowing and fore bearing (12). These are the limits of Allah, and whosoever obeys Allah and His Messenger will be admitted by Him to gardens [in Paradise] under which rivers flow, abiding eternally therein; and that is the great attainment (13). And whosoever disobeys Allah and His Messenger, and transgresses His limits - He will put him into the Fire to abide eternally therein, and he will have a humiliating punishment (14)”
پہچبے ہے بس اولاد چھوٹے تو مرتے وقت انہیں اپنے بچوں کے حق میں کسی کچھ اندیشے لاحق بہتے پس چاہیے ہے وہ خدا کا خوش کریں اور راستی کی بات کریں، جو لوگ ظلم کے ساتھ ستمبہ ابوق کے مال کھانے دیا ہے، دو حقائق وہ اپنے پہلے اوہ سے بہتے بیجنی کی ہی کھانے تک سی اگ مین جہوں کے ہمارے اولاد کے بارے میں اسلام نے بیان کی کرتے ہیں کہ میں کھانے دو عورتوں کے برابر ہے، اگر (میتتی کی وارث) دو سے زائد لگاکیں ہون تو انہوں نے ترک کیا کہ اقتصادی ریاستی دیا جانے اور اگر ایک بی لڑکی وارث تو انہوں نہ ترکے کیا۔ اس کا پہلا اگر میتتی اولاد کے والدین میں سے بہتر ہویے میں چاہتا حصل مانا ہیں اور اگر میتتی کی بھانی میں بہتی تی جو ترک اپنے ترک ہے حاص جدہ کے حق دار ہیں۔ جدہ کے حق دار کب زائد ہے، اگر میتتی کے اولاد پر حق میں ترکے حاص کسی کے حق دار ہے۔ اگر میتتی کے اولاد پر حق میں ترکے حاص کسی کے حق دار ہے اور اللہ نے حقیقتوں واقف اور بیٹے اولاد ہیں ضرور جبکہ وصیت جو عورت کی ہو پوری کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے اور قرض جو اپنے کی ہو ادا کر دی جائے
“People ask you to pronounce a ruling concerning inheritance from those who have left behind no lineal heirs (kalalah). Say: ‘Allah pronounces for you the ruling: should a man die childless but have a sister, she shall have one half of what he has left behind; and should the sister die childless, his brother shall inherit her. And if the heirs are two sisters, they shall have two-thirds of what he has left behind. And if the heirs are sisters and brothers, then the male shall have the share of two females. Allah makes (His commandments) clear to you lest you go astray. Allah has full knowledge of everything (4:176)”

The First Science to be Lifted
The Prophet Muhammad (pbbh) has said: “The first branch of knowledge which will be taken away from my Ummah will be Ilmul Faraidh [knowledge pertaining to inheritance]”. This branch of knowledge is almost extinct. Most Muslims are blissfully unaware of the importance of the Islamic law of succession and the consequences of an un-Islamic Will or of not making a Will which may result in an unjust distribution.

The Consequences of a Wrong Will
The Prophet Muhammad (pbbh) has said: “A man may do good deeds for seventy 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, (on the other hand), a man acts wickedly for seventy years but is just in his last will and testament, the goodness of his dead will be sealed upon him and he will enter the Garden” (Musnad Ibn Hanbal and Ibn Majah).

The Prophet Muhammad (Pbbh) ordered Muslims to have their Last Will and Testament drawn up: Abdullah bin ‘Umar narrated that the Messenger of Allah (Pbbh) said, "It is not permissible for any Muslim who has something to Will to stay for two nights without having his Will and Testament written and kept ready with him" (Sahih Al-Bukhari).

Abdullah bin Abbas narrated: The Prophet Muhammad (pbbh) said “Give the Faraid (the shares of the inheritance that are prescribed in the Quran) to those who are entitled to receive it. Then whatever remains, should be given to the closest male relative of the deceased” (Sahih Al-Bukhari).

Saad bin Abi Waqqas narrated: “I was stricken by an ailment that led me to the verge of death. The Prophet (pbbh) came to pay me a visit. I said, “O, Allah’s Apostle! I have much property and no heir except my single daughter. Shall I give 2/3 of my property in charity?” He said, “No”. I said, “Half of it?” He said, “No”. I said, “1/3 of it?” He said, “You may do so, though 1/3 is also too much, for it is better for you to leave your offspring wealthy than to leave them poor, asking other for help…” (Sahih Al-Bukhari, Sahih Muslim, Muwatta, Tirmidhi, Abu Dawud and Ibn Majah).
Now that we have established the necessity of having an Islamic Will, there is another question that begs to be answered. Since for Muslims the law of inheritance has already been prescribed by shariyah, there shouldn’t be a need for a written Will; the distribution of assets should be automatic. There are two arguments against this. At the moment none of the Islamic countries are predominantly following shariyah laws. Manmade laws are considered more sovereign. For Muslims living in an Islamic country, how many times we have seen this distribution happening. Even in our own families we don’t see this practiced. For Muslims living in non-Islamic countries the need for written Will becomes more prudent since the only from of Will legally acceptable is a written Will otherwise, the government decides who will get what. The English law for distribution of estate of a person who dies without leaving a Will is very different from the Islamic law. There is nothing in the English or US law that prevents a Muslim from making a shariyah compliant will. Therefore, it is better to have a written Will.

In light of previously mentioned Ayât and hadiths, it is a duty of every Muslim to learn the Islamic laws of succession as this is considered half of all the useful knowledge that exists by Prophet Muhammad (pbuh). Following is a brief discussion on this subject.

Evolution of the Law of Succession
- Inheritance by Virtue of Migration: During the early stages of Islam, the social system in Medina was based on the brotherhood of the Muhajir and Ansâr. This meant that when a Muhajir passed away, and he did not leave an immediate relative who had also migrated, his Ansâri brother would inherit from him.
- Discretionary Inheritance: This was later abrogated and replaced by a discretionary inheritance to blood relations.
- Abolition of inheritance by virtue of adoption: Adopted children were no longer regarded as blood relations and were therefore barred from inheriting
- Ordained Shares: Discretionary shares were abrogated and replaced by fixed shares for every heir.
- "A share for men and a share for women" - During the days of ignorance, only those who could fight and defend the family were entitled to inherit. Women and children were thus naturally excluded from the estate. Islam entrenched the right of women, to the extent that a woman is guaranteed to inherit in her capacity as a mother, wife and daughter and in some instances in her capacity as a sister
- Common Errors:
  a. A daughter is given a substantial gift at the time of nikâh and is then excluded from the estate
  b. The testator stipulates that all his assets go to his wife after his demise and after her demise to their children
  c. Certain children for various reasons are excluded from the estate; and
  d. A testator bequests shares in accordance to his discretion and not in accordance with the law of Allâh
General Points:

- The Islamic Will is called *Al-Wasiyyah*
- A Will is a transaction that comes into operation after a person’s death
- Items or property left in the Will are usually called bequests. Sums of money are usually called legacies. For convenience bequest could be used for both
- *Shariyah* has placed two restrictions on the testator (person making the Will). Firstly, to whom he can bequeath his estate and secondly, the amount that he can bequeath
- The Will gives testator an opportunity to help someone (e.g. an orphaned grandchild or a Christen widow) who is not entitled to inherit from him
- A bequest made by a Muslim in favor of an apostate (*murtad*) is invalid
- No specific wording is necessary for the Will
- The Will should comply with the law of the land so that it can be executed without any unnecessary legal problems
- Debts, taxes, funeral expenses and legal fees must be taken into consideration when assessing the amount of bequests to be made
- A person must be at least 18 years of age to make a valid Will under English law
- Under English law no form of attestation is necessary by a public notary
- There should be two witnesses to the declaration of the Will
- The witnesses must not be beneficiaries or spouse of any beneficiary under English law
- The testator must sign in the presence of the witnesses
- The testator and witnesses must be all in the same room at the same time throughout the signing session
- It is probably better to have three relatively young (at least over 18 years) witnesses so that the witnesses are likely to survive the testator
- An executor of the Will who should be at least 18 years of age should be appointed. He should be a Muslim because the executor is the lawful guardian of the children until guardian is appointed. A person may have up to four executors
- Under English law if a person marries after he makes a Will, his Will automatically become invalid. If a person is divorced it is better to make a new Will
- If a person has young children it is wise to name a guardian
- For joint accounts who owns what should be clearly stated after being agreed upon by all the joint holders. Most joint accounts (husband and wife) are for convenience and do not mean a 50:50 ownership. This is particularly important for situations where wife happens to be a non-Muslim
- If a person’s circumstances change he must write a new Will and destroy the old one

Causes of succession:
A person can only be considered for inheritance if he or she is associated with the deceased in one or more of the following causes of succession:

- Marital tie (*Nikah*)
ISLAMIC LAW OF INHERITANCE

- Blood relationship (Nasab)
- Fictitious relationship (Wala)
  This type of relationship is caused by a bond between two individuals which creates a relationship allowing inheritance. The examples are master and slave relationship or a relationship through a contract. This type of succession is not valid anymore.
- An heir may have more than one cause of inheritance such as a husband who is also an agnatic cousin

Rules of succession:
After the death of an individual there are four rights that need to be performed or settled regarding his or her property / estate in the order listed below:

1. Pay funeral and burial expenses
   a. Funeral expense generally take precedence over debts
   b. According to Hanafi, Maliki and Shafii fiqh husband should pay for the funeral expense of his wife
2. Pay all debts
   a. Payment of debts is one of the most important duties of the deceased. Debts must be paid before the execution of the Will and distribution of the inheritance. Narrated by Amr bin Al-As: **The Messenger of Allah (pbuh) said: “all sins of a shaheed (martyr) are forgiven except debt”** (Sahih Muslim)
   b. Narrated by Abu Hurayrah: **The Messenger of Allah (pbuh) said: “A believer’s soul remains in suspense until all his debts are paid off”** (Ahmed, Tirmidhi and Ibn Majah)
   c. Regarding debts to Allah (zakat, sadaqat etc.) the majority view is that it should be paid whether mentioned in the Will or not. However, there is some difference of opinion among different Fiqh.
3. Pay bequests / legacies / gifts from up to 1/3 of the remaining estate
4. Distribute the remaining estate amongst the heirs of the deceased according to Shariah. It is a practice in some Islamic countries that the issue of jointly acquired property is to be settled prior to any distribution of the estate.
   o There is a clearly defined order of succession for potential heirs of the deceased
   o Heirs can be either partially or totally excluded from the inheriting by the presence of other heirs or blood relatives
   o Potential heirs can be disqualified from inheriting
   o The shariah places a greater economic responsibility on the man; consequently the male inherits the portion of two females in the same degree of relationship to the deceased. An exception to this rule is that the uterine brother and sisters inherit equally.

Impediments to succession:
The following are the impediments (disqualifications) to succession:
1. Homicide – An unlawful killer cannot inherit by shariah
2. Difference of religion – A non-Muslim or an Apostate (Murtad) cannot inherit from a Muslim
3. Slavery – It is not applicable anymore

**Classification of heirs:**
Heirs in Islamic law can be divided into the following classes (listed in order of succession):

1. **Sharers (Ashabul Furud)**
   a. These heirs are entitled to receive fixed shares
   b. A fixed share can be 1/2, 1/3, 2/3, 1/4, 1/6, or 1/8
   c. Under this category there are four male (father, true grandfather, husband, uterine brother) and eight female (mother, true grandmother, widow, daughter, son’s daughter, full sister, consanguine sister, uterine sister) heirs
   d. A point to note is that a son is not listed as Ashabul Furud, contrary to Muslim’s cultural practices where sons usually inherit everything.

2. **Residuaries (Asabat)**
   a. The residuaries inherit whatever remains (the residue of estate) after the sharers (Ashabul Furud) have been given their shares
   b. If there are no sharers the residuaries take the whole estate. Vice versa, if there are no residuaries then the sharers take the residue (doctrine of Raad)
   c. Decedents take priority over ascendants who take priority over collaterals. The exception is that the son does not exclude father
   d. Nearer degree excludes more remote within the same class
   e. Residuaries (Asabat) may be by reason of blood relationship (Nasbiyah) or by special reason (Sababiyah). Asabat Nasbiyah refers to the near male agnates (people who are related to the deceased through a male)
   f. **Asabat Nasbiyah** can be divided into three types:
      i. **Asabah Banafshihi** is an heir who is a residuary in his own right e.g. son, son’s son, father, brother, paternal uncle. These are the male agnates
      ii. **Asabah Bighayrihi** is an heir who becomes a residuary in the right of another heir; e.g. daughter with son, son’s daughter with son’s son, full sister with brother, and consanguine sister with consanguine brother. These are the female agnates.
      iii. **Asabah Ma’a Ghayrihi** is an heir who becomes a residuary when inheriting with Asabah Bighayrihi.

   g. The residuary heirs can also be classified according to the order of succession into four classes:
      i. **Class I Residuaries (Descendants of the deceased)**
         After the heirs with fixed shares have been allocated their shares, the residue is distributed amongst the class I residuaries. This class includes son, son’s son and so on, daughter when accompanied by son and son’s daughter when accompanied by son’s son
      ii. **Class II Residuaries (Ascendants of the deceased)**
If there are no class I residuaries as heirs then the residue devolves into class II residuaries. This class includes father, true grandfather and so on.

iii. Class III Residuaries (Descendants of the father of deceased)
If there are no class I and class II residuaries as heirs then the residue devolves into class III residuaries. This class includes full brother, consanguine (same father different mothers) brother, full sister when not sharer, consanguine sister when not sharer, full brother’s son and so on and consanguine brother’s son and so on.

iv. Class IV Residuaries (Descendants of the true grandfather of deceased)
If there are no class I, class II and class III residuaries as heirs then the residue devolves into class IV residuaries. This class includes offspring of true grandfather which includes paternal uncle and male descendants of paternal uncle. It also includes offspring of true great grandfather which includes great paternal uncle and male descendants of great paternal uncle.

h. Residuaries by special reason (Asabat Sababiyah)
This includes master of an emancipated slave and his male residuary heirs. This law is mentioned only for its historical importance.

3. Distant Kindred (Dhawul Arham)
The Arabic term Dhawul Arham means “possessors of kinship” and the term distant kindred is used to refer to this class of heirs; also referred to as uterine heirs. The majority of companion of Prophet Muhammad (pbuh) hold that the Dhawul Arham are entitled to inherit. The Hanbli, Shafai and Hanafi Fiqh follow this view.

Distant kindred can be divided into four classes:

i. Descendants of the deceased
These are considered class I distant kindred. They include grandchildren and their descendants who are neither sharers nor residuaries.
The rules governing the inheritance amongst class I distant kindred are:
- The nearer in degree excludes the more remote
- If claimants are of equal degree then descendants of sharers or residuaries take preference over descendants of distant kindred

ii. Ascendants of the deceased
If there are no claimants of class I distant kindred the estate devolves upon the class II distant kindred. This class includes the false grandparents and how high so ever. The rule governing the inheritance amongst class II distant kindred are:
- The nearer in degree excludes the more remote
- If claimants are of equal degree then claimants of sharers or residuaries take preference over descendants of distant kindred
- If there are claimants on both paternal side and maternal side, the paternal side is assigned 2/3 and maternal side 1/3
• If the claimants are of equal degree and have equal claim to the inheritance but there is a difference in gender then Imam Muhammad’s system is applied. This difference will only occur when we reach ancestors in fourth degree from the deceased. This situation is unlikely to arise these days.
• The general rule that male inherits the portion of two females is applicable.

iii. Descendants of the siblings of the deceased
If there are no claimants of Class I or class II distant kindred the estate devolves upon the class III distant kindred. This class includes offspring of brothers and sisters of the deceased. The rule governing the inheritance amongst class III distant kindred are:
• The nearer in degree excludes the more remote
• If claimants are of equal degree then claimants of sharers or residuaries take preference over descendants of distant kindred
• The general rule that full blood excludes half-blood through father applies. Hence, descendants of full brother excludes descendants of consanguine brother and sister
• The general rule that male inherits the portion of two females is applicable.
• In case of descendants of uterine siblings, the male and female claimants share equally

iv. Descendants ascendants of the deceased
If there are no claimants of Class I, II or class III distant kindred the estate devolves upon the class IV distant kindred. This class includes descendants of ascendants of the deceased. The class IV distant kindred in order of succession consist of:
• All uncles and aunts who are not residuaries
• Descendants of uncles and aunts who are not residuaries
• All great uncles and great aunts (uncles and aunts of parents) and their descendants who are not residuaries

4. Successor by contract (Mawlaul Mawala)
   a. If there are no sharers, residuaries or distant kindred, the estate devolves upon the successor by contract (Mawlaul Mawala), if any.
   b. A successor by contract is a person who is entitled to inherit as a result of a contract made with deceased in consideration of an undertaking given by him to the deceased.
   c. The conditions of a valid contract are as follows:
      i. There should be a declaration and acceptance
ii. The declarant should have no heir by blood relation, he should have reached maturity and he himself should be a person of unknown decent.  
iii. The acceptor must be mature at the time when he inherits from declarant.  
iv. All children of the declarant born after the contract enter into the contract of clientship (Al-mawala) 

d. *Shafai, Hanbli and Maliki Fiqh* do not recognize the successor by contract  

5. **Acknowledged Kinsman (Al-Muqirr Lahu)**  
a. If none of the above exists then the acknowledged kinsman (Al-Muqirr Lahu) is next in line to inherit. Acknowledged kinsman is a person of unknown decent whose kinship has been acknowledged by the deceased not through himself but through someone else; for example acknowledge of a brother (kinship through father) or uncle (kinship through grandfather)  
b. It is important to know that the person must be of unknown decent because if the acknowledged relationship is known, then the acknowledgement is superfluous and unnecessary  
c. If someone acknowledges someone as his son or daughter (i.e. kinship through oneself) this does not come under the concept of acknowledged kinsman  
d. The acknowledge kinsman inherits as a residuary  
e. *Shafai Fiqh* do not recognize the acknowledged kinsman  

6. **Universal Legatee (Al-Musa Lahu)**  
a. Universal legatee is the person to whom the deceased has bequeathed the whole of his property by Will when there are no heirs whatsoever.  
b. The rule of bequeathing up to 1/3 of the estate does not apply in this case because there are no heirs  

7. **Public treasury (Baytul Mal)**  
When none of the above exists then the estate of the deceased devolves to the Public treasury (Baytul Mal), for the benefit of community.  

Above is a brief description of the fundamental concepts of Islamic Law of Inheritance and should not be considered as the only source of information. Reader should make all efforts to better understand this important subject whose significance is not only in this world but thereafter.  

The subject of succession and inheritance is a difficult one to grasp and requires good amount of learning but with the help of above fundamentals and a developed template, one should not find it too difficult to make a Will. For ease of use a template of the Will, based on the Islamic laws, has been developed and is attached with this article for immediate use. If you do find any error or misrepresentation in the template, please advise immediately.
AS WITH ANY LEGAL OR PROFESSIONAL MATTER, COMMON SENSE SHOULD DETERMINE WHETHER YOU NEED THE ASSISTANCE OF AN ATTORNEY / PROFESSIONAL. IT IS RECOMMENDED TO CONSULT WITH AN ATTORNEY / PROFESSIONAL WHENEVER SUBSTANTIAL AMOUNTS OF MONIES ARE INVOLVED OR FOR ANY MATTER WHERE YOU DO NOT UNDERSTAND HOW TO PROPERLY COMPLETE THE ISLAMIC WILL OR QUESTION ITS ADEQUACY TO PROTECT YOU.

..........................END..........................
IMPORTANT CHECKLIST:

1. Selecting your heirs.
   a) Children
   b) Spouse
   c) Parents
   d) Other relatives
   e) Friends
   f) Charitable organizations.

2. Identifying your debts and liabilities.
   a) Credit cards
   b) Loans
   c) Home mortgages
   d) Religious obligations (Zakat, Khums, etc.)
   e) Taxes

3. Listing the assets.
   a) Cash / Jewelry
   b) Bank accounts
   c) Home and household goods
   d) Computers and other electronic equipment
   e) Insurance
   f) Automobile and boats
   g) Stocks, bonds and other financial instruments
   h) Businesses and Partnerships

4. Appointing an Personal Representative for your estate. Provide full contact details. Up to four Personal Representative can be assigned

5. Naming a Guardian for minors. Provide full contact details. Up to four Guardians can be assigned


7. Directive to doctors to withhold life support (optional)

8. Instructions for funeral and burial arrangements.

9. The red text in the template is to be replaced with actual information

SOME IMPORTANT CONSIDERATIONS:

1. Changing your Will
   You may need to change your Will depending on the conditions, e.g. moving to a different country, marriage, divorce etc. The Will must be updated to meet requirements of change by either writing a new Will or preparing an amendment to the existing Will called a codicil. It is
better to write a new Will if there are many changes to be made to the existing Will. A codicil may be appropriate for a small change. Do not cross-out or erase on the Islamic Will. If you make any changes, make a new will. However, the attached template is structured in a way to minimize the need for revision.

2. Keeping Will in a safe place
   The Islamic Will must be kept in a safe, but accessible place, so that it can be promptly located on death. A copy can be kept at the lawyer's office and / or with the executor or a family member. DO NOT USE THE SAFE DEPOSIT BOX.

3. Shares between male and female
   Rule for shares between male and female is that male gets twice the share of female. This can be explained by an example. If the deceased has two sons and two daughters then the estate will be divided into six equal shares. Sons will take two shares each and daughters will take one share each.