69827 - What is the shar‘i wording of the will?

the question

There is a wording for the will that can be found on some websites on the Internet. I would like to know whether this is prescribed in sharee‘ah. Do you have a specific wording for the will?.

Detailed answer

Praise be to Allah.

Al-Bukhari (2738) and Muslim (1627) narrated from ‘Abd-Allah ibn ‘Umar (may Allah be pleased with him) that the Messenger of Allah (blessings and peace of Allah be upon him) said: “It is not right for a Muslim man who has anything that he wants to bequeath, to stay for more than two nights without having his will written with him.”

Al-Nawawi (may Allah have mercy on him) said: In this hadith there is encouragement to make a will, and the Muslims are unanimously agreed that it is enjoined, but our view and the view of the majority is that it is recommended and not obligatory. Dawood and other literalists said: It is obligatory, because of this hadith, but they have no evidence to that effect. It does not clearly state that it is obligatory, but if a person owes a debt or is owed something or has something deposited with him for safekeeping and so on, then he has to leave instructions concerning it. Al-Shaafa‘i (may Allah have mercy on him) said: The meaning of the hadith is: It is more appropriate for the Muslim to have his will written with him, and it is mustahabb to do it sooner rather than later, and to write it when he is in good health and to have it witnessed; he should write in it what he needs, and if something new comes up that needs a will, he should add it to it. They said: He does not have to write down every day the minor matters and transactions that may happen on a daily basis. End quote.

Wills are of two types:

-Obligatory will, in which a person explains what he owes and what is owed to him of rights, such as a debt, loan and items entrusted to his care; or rights that he is owed by other people. In this case the will is obligatory to protect his wealth and to absolve himself of responsibility.

-Recommended will, which is purely voluntary, such as a will in which a man bequeaths one third or less of his wealth to a relative who is not an heir, or to someone else; or a will giving instructions concerning righteous deeds of charity to the poor and needy, or other good causes. See: Fatawa al-Lajnah al-Daa'imah, 16/264.

A man may give instructions to his family with regard to matters having to do with his funeral, such as who will wash him, who will offer the prayer for him and so on. He can also instruct them to refrain from bid'ahs and innovated matters, and to avoid wailing and other forbidden actions, especially if he knows that they might do some of these things.

This is indicated in the report narrated by Muslim (121), according to which 'Amr ibn al-'Aas (may Allah be pleased with him) said when he was dying: If I die, do not let any wailing woman or fire accompany me.

And al-Tirmidhi (986) and Ibn Maajah (1476) narrated that Hudhayfah ibn al-Yaman (may Allah be pleased with him) said: If I die, do not inform anyone of it, for I am afraid that that would be a public death announcement. I heard the Messenger of Allaah (blessings and peace of Allah be upon him) forbidding making public death announcements. This hadith was classed as hasan by al-Albani in Saheeh al-Tirmidhi.

Ahmad (10141) narrated that Abu Hurayrah (may Allah be pleased with him) said: If I die, do not set up a tent over me, and do not follow me with fire; hasten to send me to my Lord, for I heard the Messenger of Allah (blessings and peace of Allah be upon him) say: "When the slave or righteous man is placed on his bier, he says: Take me forward, take me forward. But when the bad man is placed on his bier, he says: Woe to you, where are you taking me?"

This hadith was classed as hasan by Shu'ayb al-Arna'oot in Tahqeeq al-Musnad.

Al-Haakim narrated in al-Mustadrak (1409) that Qays ibn ‘Aasim (may Allah be pleased with him) left instructions when he died saying: If I die, do not wail over me, for there was no wailing over the Messenger of Allah (blessings and peace of Allah be upon him). Al-Haakim said: This is a hadith with a saheeh isnaad, although they [al-Bukhari and Muslim] did not narrate it. Al-Dhahabi said in al-Talkhees: It is saheeh.

This and other reports indicate that it is prescribed to make a will concerning some matters having to do with the funeral or warning against wailing, and so on.

But there is no specific wording for the will to which a person has to adhere; rather he may leave instructions in whatever way is appropriate for his situation and that of his family, and regarding what he is owed and what he owes, as mentioned above.

What matters is that one should not believe that there is some specific wording mentioned in some report that must be used. The Standing Committee for Issuing Fatwas was asked about the will that appears in the pamphlet, “This is my Islamic will.”

They replied: After reading the will mentioned, we did not find anything in it that is contrary to sharee‘ah, but wording it in a specific way and distributing it among people gives the impression that it is mustahabb for every individual to mention in his will what is mentioned in that will, or to buy this will and give it to one who will take care of his estate after he dies, even though there is no need for that, because the rulings on funerals are to be found in the books of fiqh and the one who needs to know them may refer to those books without having to follow any specific wording, especially since the Muslims in this land, praise be to Allah, are following the Sunnah with regard to the rulings on funerals."(Fatawa al-Lajnah al-Daa’imah, 16/289).

And Allah knows best.