

Inheritance

&

Winding Up of Estates

Common Errors and Solutions

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(daamat barakaatuhum)

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Foreword

By: Hazrat Moulana ‘Abdul Hamid Ishaq Saheb (daamat barakaatuhum)

The laws of inheritance is that branch of Islamic knowledge which has been referred to as “half of Islamic knowledge” by Rasulullah (sallallahu ‘alaihi wasallam). This may be so because money has a great share in a person’s life and consequently in his ‘ibaadah as well. For example, his clothes for covering his body for salaah has to be bought, his sehri and iftaari of fasts, etc. all has to do with money, while inheritance has to do only with money. So when inheritance has to do with money and money has to do with all of our life, the importance of inheritance can be understood. It can now be understood why Islam has given it such a prominent position in the knowledge of Islam.

That is in theory, but in the practical lives of Muslims, generally the world over, it is almost totally neglected. Not only the uninformed and unwary Muslims but good practising Muslims also generally do not pay any attention to this very important, fundamental and decisive aspect of Deen. Some are surprised to even hear that Islam has given directives with regard to this branch of human life!

There are booklets on the subject in various languages including English, but to my knowledge all of them deal with the

intricate and difficult rulings of how the inheritance must be distributed, i.e. what each person's share should be. This bores the common man and woman and should be left to the Muftis.

What was really needed was to inform the public of the importance and need of getting one's financial matters sorted out according to Islam, drawing up one's will and distributing one's estate according to sharee'ah. Alhamdulillah, this has been very ably done by Moulana Muhammad Ilyas Patel in this booklet.

May Allah Ta'ala accept his effort and make it a means for Muslims to act accordingly in this very fundamental aspect of our Deen, which has an effect on and permeates the rest of our lives.

It also gives me great pleasure, that him being my student and a graduate of our madrasah, we will insha-Allah share in the thawaab of this work.

Introduction

Rasulullah (sallallahu ‘alaihi wasallam) was on the plains of ‘Arafah when Allah Ta‘ala revealed the following aayah to him:

الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتِمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيْتُ لَكُمُ الْإِسْلَامَ دِينًا

“This day I have perfected for you your religion, and I have completed My favour upon you and I have chosen for you Islam as your Deen.” (Surah Maaidah, v3)

Thus, we have a perfect religion and a complete way of life. Just as this perfect Deen teaches us how to perform our salaah, fast in the month of Ramadhaan and perform hajj, in the same manner the perfect Deen of Islam teaches us how to live our social lives and how to conduct our business dealings, etc.

The importance of these latter aspects, which are termed as *huqooqul ‘ibaad* (rights of fellow men) in the sharee‘ah, can be gauged from the following hadeeth:

Rasulullah (sallallahu ‘alaihi wasallam) once asked the Sahaabah (radhiyallahu ‘anhum), “Do you know who is a bankrupt person?” “A bankrupt person among us is that person who neither has any wealth nor any property,” they answered. Rasulullah (sallallahu ‘alaihi wasallam) said, “Verily the pauper in my Ummah is that person who will come on the Day of Qiyaamah with much salaah, fasts and zakaah to his credit (as well as many other good deeds such as hajj, ‘umrah, zikr,

tilaawat, etc.), but he will come in the condition that he had sworn at someone, slandered another, usurped somebody's property, killed someone and hit another. Hence these people (who were wronged and oppressed) will be given from his good deeds (i.e. the salaah, hajj, 'umrah, etc. will be given to them in lieu of what they were harmed in this world). If his good deeds are exhausted before his matter can be settled, their sins will be loaded upon him and he will be thrown into the fire." (*Saheeh Muslim* #6579)

The aspect of inheritance and other related matters also form part of *huqooqul 'ibaad*. Thus it is imperative that estates are wound according to the sharee'ah and that every heir be given fully what is due to him/her. Due to lack of knowledge of many basic but fundamentally important aspects in this regard, disputes in matters of estates and inheritance are an almost daily occurrence.

This booklet, much of which is based on a talk delivered by my beloved ustaaz, Hazrat Moulana 'Abdul Hamid Ishaq Saheb (may Allah Ta'ala grant him a long life, good health and the best of both worlds), attempts to provide a basic guideline in dealing with matters of inheritance. However, it must be understood that the various situations differ drastically from one another. Minor details in a specific matter can make a world of difference with regard to what the actual ruling would be. Therefore, one should not use the examples and situations given in this book to pass judgement on some personal matter which appears to be similar. Rather, advice should be taken with regard to one's personal situation from the 'Ulama with experience in this field.

We also humbly request, especially the ‘Ulama-e-Kiraam, to bring to our notice any errors or inaccuracies so that they could be rectified in further editions.

May Allah Ta‘ala, out of His infinite mercy, accept this humble effort, grant benefit to the Ummah by it and make it a means of our salvation in the Hereafter, aameen.

Chapter One - Reality of Inheritance

Allah Ta'ala says in the Quraan Majeed,

هَلْ أَتَى عَلَى الْإِنْسَانِ حِينٌ مِّنَ الدَّهْرِ لَمْ يَكُنْ شَيْئًا مَّذْكُورًا

“Did not that time dawn upon man when he was not even a thing mentioned.” (Surah Dahr, v1)

أَوَلَمْ يَرَ الْإِنْسَانُ أَنَّا خَلَقْنَاهُ مِن نُّطْفَةٍ فَإِذَا هُوَ خَصِيمٌ مُّبِينٌ

“Does man not see that We created him from a drop of semen; yet suddenly he is an open disputant.” (Surah Yaaseen, v77)

It is a very sobering exercise to regularly ponder over one's creation. At the very least, it would eliminate the intoxication of pride and arrogance. If the reality of the origin of man truly dawns upon him, it would also answer many of his questions or objections.

For instance, it would answer many of the questions and objections that arise around the subject of Islamic inheritance. Therefore, let us delve a little into our past in order to understand the reality of this extremely important facet of Deen.

From absolute non-existence, Allah Ta'ala created this human being step-by-step. From a drop of impure semen, man was fashioned in the darkness of the womb of his mother. In this tiny

home he was granted two dainty little hands and feet, two shining little eyes, two ears to hear with, a brain (which he will use to even build space shuttles and reach the moon), as well as every other limb and organ. All this was precisely fitted into this absolute miracle called “man”. Finally, he comes into this world without anything – not even clothing to cover his body.

In order to enable him to live in this world and fulfil his needs, out of His grace and mercy, Allah Ta‘ala lends him the things of this world to use as required, but within the restrictions imposed by the Lender. This is indeed the reality of what we “own” in this world. It is a loan from Allah Ta‘ala. Our efforts are merely a means of “fetching” or receiving it from the Lender. However, due to the time period of the loan being a very lengthy one, we often wrongfully begin to regard it as our very own property and forget that all that we possess is really borrowed wealth. Nevertheless, just as any item that was borrowed from any person has to be returned to him, upon death the loan period from Allah Ta‘ala expires. Thus, this borrowed wealth - every last bit of it - must be returned to its real owner, Allah Ta‘ala. The real Owner obviously can do with it as He wishes.

Allah Ta‘ala, again out of His infinite grace and mercy, declared that it should be granted to the immediate family of the deceased in certain fixed proportions (as a loan until their death). If He wished, He could have commanded that every portion of it should be given away in charity. No person could ever have any objection to this. However, Allah Ta‘ala granted it to the family of the deceased. Why then should anyone have any

objections as to why one person was granted a certain amount and another person something more or less? Is not the fixing of the shares the prerogative of the Lender and not the business of anyone else?

This then is the reality of inheritance. Nevertheless, despite the fact that the inheritance is essentially a gift (loan) from Allah Ta'ala and as such it is His prerogative to give to whomsoever what He wishes, the various proportions are not without their profound wisdom.

Just to take one example, sons receive twice the amount compared to daughters. Apparently, this does not seem fair. However, when one considers the duties and responsibilities that Allah Ta'ala has placed exclusively on the male, it becomes crystal clear that the 2:1 ratio is absolutely just and fair. The male has the responsibility of providing the basic necessities for his wife and children. At times, he may have the added responsibility of caring for and providing for his parents. Thus a great financial responsibility rests on his shoulders. Contrary to this, no financial responsibility has been placed on the female. Until she is married, her father is responsible for her. After marriage this responsibility devolves upon the husband. If there is neither husband nor father, the adult brothers or uncles are duty-bound to care for her. Thus, she has been given no financial responsibility, yet a significant slice of the inheritance comes to her.

But alas! Man forgets all this and objects against Allah Ta'ala. Thus Allah Ta'ala, the Most Truthful, declares,

أَوَلَمْ يَرَ الْإِنْسَانُ أَنَّا خَلَقْنَاهُ مِنْ نُطْقَةٍ فَإِذَا هُوَ خَصِيمٌ مُبِينٌ

“Does man not see that we have created him from a drop of semen, yet suddenly he is an open disputant.” (Surah Yaaseen, v36)

Quraan and Inheritance

The Quraan Majeed is a book of principles. On many issues the finer details have not been mentioned directly in the Quraan Majeed. These details were explained by Allah Ta‘ala through the medium of His beloved Rasul (sallallahu ‘alaihi wasallam). However, when one deals with the subject of inheritance, one finds many of the finer details directly in the Quraan Majeed. Allah Ta‘ala has described in great detail what the different heirs would receive in the varying situations.

As such it is obvious that there is no room for any change or interference whatsoever in these laws. Wealth has a great amount of temptation and often spurs people to even violate the laws of the sharee‘ah in order to obtain it. Lest anyone is driven by the same temptation when it comes to inheritance, Allah Ta‘ala concludes the verses pertaining to inheritance with the following clear warning:

تِلْكَ حُدُودُ اللَّهِ ۚ وَمَنْ يُعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا ۖ وَلَهُ عَذَابٌ مُهِينٌ

“Those are the boundaries of Allah Ta‘ala ... And he who disobeys Allah Ta‘ala and His Rasul and transgresses His boundaries, He (Allah Ta‘ala) will enter him into the fire, forever he will dwell therein, and for him is a disgraceful punishment.” (Surah Nisaa, v13 & 14)

This also clears a misconception that many people have. Due to lack of knowledge, many people erroneously believe that they have to stipulate in their wills what the different heirs should be given from their estate. From the above it has been clearly understood that the proportionate share of each heir has been predetermined by the sharee'ah and no person has the right to change that.

History of Inheritance Laws

Prior to the revelation of the detailed laws of inheritance, every person was required to make bequests for his immediate family members. Nevertheless, according to the custom of the Arabs before Islam, some male relatives would in most cases usurp whatever was left behind by the deceased.

When Sayyiduna Aus bin Thaabit (radhiyallahu 'anhu) passed away, he left behind a wife, two young daughters and an infant son. The cousins of the deceased took away whatever was left behind. The widow of Sayyiduna Aus bin Thaabit (radhiyallahu 'anhu) brought her complaint to Rasulullah (sallallahu 'alaihi wasallam) and informed him that she and her children were totally deprived of their inheritance. On that occasion, the following verse was revealed (*Ma'aariful Quraan* vol. 2, pg. 309):

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ
وَالْأَقْرَبُونَ

“And for the males is a share of what has been left behind by the parents and relatives and for the females is a share of what has been left

by the parents and relatives.” (Surah Nisaa, v7)

A similar incident occurred with the widow of Sayyiduna Sa’d bin Rabee’ (radhiyallahu ‘anhu), upon which the detailed laws of inheritance were revealed. (Sunan Tirmizi #2092)

Adherence to Sharee‘ah

It is now clear that the laws of inheritance are directly from the Quraan Majeed, with a few finer details found in the hadeeth as well. Therefore one must totally submit to the law of Allah Ta‘ala and His beloved Rasul (sallallahu ‘alaihi wasallam). Allah Ta‘ala says,

وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ ۗ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُبِينًا

“It does not behove a believing man or woman that when Allah Ta‘ala and His Rasul decree a matter that they should have any choice in that matter. And he who disobeys Allah Ta‘ala and His Rasul has deviated a clear deviation.” (Surah Ahzaab, v36)

Nevertheless, it is often noted that the winding up of estates are beset with problems, mostly because one or more of the parties involved are not interested in sorting the matters out Islamically. Instead they make such demands, on the basis of the laws of the country, which directly contradict the sharee‘ah. At times such a person will even be heard bellowing: “IT’S MY RIGHT!” He will even be prepared to spend thousands in going to court to secure this “right”.

A person of this mentality should consider the following: If a non-Muslim made a bequest that one ton of pork or a million bottles of wine should be given to him, would he still claim that this is now his “right” and consume it? After all, according to the laws of the country, this is totally legal for him and it is his “right”. To demand anything that contradicts the sharee‘ah is no different to this. It is in reality no better than pork or wine for the one who receives it in this haraam manner.

Chapter Two - Avoiding Problems

When it comes to winding up the estate and distributing the inheritance, tragically a great number of cases (perhaps the majority) are marred by disputes and conflicts - sometimes of a very serious nature. Families have been split, brothers and sisters have become estranged and much bitterness and misery is caused to one and all.

Many of these problems are of our own making. If matters are sorted out in advance, the chances of any conflict occurring will be tremendously reduced.

By means of some examples, we will be able to ascertain how the problems are created and how some parties then wrongly conclude that the sharee'ah is not fair to them (*Allah Ta'ala forbid!*).

Example One

Zaid is the sole owner of a modest business. Everything is running smoothly. As time passes, Zaid's eldest son, Ahmad, who has just completed school, is brought into the business. Within a year or two, Ahmad has been fully trained to run the business on

his own. Zaid himself becomes less active while Ahmad becomes the manager. In the meantime, Ahmad's brother, Yusuf, also joins him in his father's shop. The two energetic brothers with their bright ideas transform their father's small, modest shop into a thriving multi-million-rand concern. Zaid, who is still the sole owner, has faded even further into the background.

While all this is continuing, Zaid's daughter gets married. All wedding expenses, sometimes amounting to exorbitant amounts, are paid from the business. The same happens when the second daughter gets married. Zaid's third son, who has now just finished matric, decides to become a doctor, while his fourth son who follows a year later, wants to be an engineer. Naturally, all the expenses of their studies, etc., come from the business of their father which is now being run almost entirely by their two brothers. The doctor and engineer eventually graduate and set up their own empires in a short time.

As for Ahmad and Yusuf, the two brothers running the business, all they receive is an allowance of R15 000 for their living expenses. Besides this, all other expenses are from the business. Ahmad wishes to go for hajj — his father gives him a cheque for R150 000. Yusuf gets married — his father furnishes his house for him from the business. All of them have a car but all the cars are bought on the business name and owned by the “business” – in reality the father. Everything is running smoothly... until Zaid suddenly suffers a fatal heart attack and passes on to his grave, to the Hereafter.

The estate is wound up. Ahmad and Yusuf who ran the business for the past twenty years on their own and transformed

it into a multi-million-rand concern, are informed that since the business belonged to their father, their doctor and engineer brothers who contributed nothing but received substantial assistance from the business for their studies, etc., will share equally with them. Their two sisters will also get a substantial slice equal to half of their own shares. Ahmad and Yusuf now suddenly feel cheated, they feel betrayed and they want “their” business for themselves only. However, it was never theirs. It was their father’s. Thus, the disputes and conflicts begin.

Solution

This problem could have been avoided in one of the following ways. When the first son, Ahmad, came into the business, the father could have sold him a 25% share (or whatever percentage is appropriate to the specific situation) in the business. When his brother joined, the same could have been done. Thus the business will stand with each partner owning a specific share. The sons would in most instances not have any capital at the time of joining in. That is no problem. They can be given a reasonable time to pay. Thus, in this situation, upon the demise of Zaid, only the 50% which is his share will be distributed to all the heirs.

Supposing the father does not want to relinquish any part of the business to the sons but wants to remain the sole owner, how then can this problem be averted? Once again, it is simple. The sons who are now working in the business must be given a full director’s salary, not merely an allowance with all other

expenses being borne by the business. This method of “all eating out of the same pot” is not akin to an Islamic setup.

Thus whatever the sons work for, at the end of the month they will be paid for. In this way, they will also be in a position to make other investments, etc. and set themselves up. Upon the demise of the father, the sons would not feel cheated because what they have worked for, they have already received.

There are other benefits also in adopting one of the above procedures. Supposing after having worked for ten years building up the business, but only receiving a basic allowance, the son suddenly passes away. He now owns nothing - everything belongs to his father. The deceased son’s widow and children are now left only with the few possessions that they have. While it is expected that the daughter-in-law will be given a fair sum to cater for her needs and that of her children as a courtesy from her in-laws, in many instances of this nature, all she is given from the vast business that her deceased husband helped to establish, is a token sum which would barely pay one year’s rent. Adopting one of the above-mentioned methods will help to avoid this problem as well.

Example Two

The second example is that of a couple who are both earning a regular income.¹ For instance, Zaid earns a monthly salary of R15 000. His wife, a nursery madrasah teacher, comes home with R5 000 each month. Zaid and his wife pool the money and all the expenses of the home are now paid from this “pot.” The groceries are also bought with this joint income and so are the other household items. Part of the pooled money is also saved up. A few years later, the money saved up from the joint income is sufficient to buy a car for R100 000. After some time, Zaid obtains an interest-free loan of R500 000 to buy a flat. Thus, Zaid concludes the deal on the house and signs the papers. However, the monthly instalments of R5 000 are now paid from the pooled income of Zaid and his wife - not from Zaid’s personal income. Everything is nice and rosy... until the angel of death suddenly pays a visit to Zaid and parts him from his beloved wife, never to return to her in this world again. He is survived by his wife, parents and a two-year-old son.

¹ A woman’s essential duty is to remain at home and attend to the domestic affairs. She has a very great responsibility in bringing up her children. This requires her to be at home full time with the child during the child’s formative years. It is also reported in a hadeeth that Rasulullah (sallallahu ‘alaihi wasallam) had apportioned the work that pertains to matters outside the home (which includes earning for the family) to Sayyiduna ‘Ali (radhiyallahu ‘anhu) while the matters pertaining to the aspects inside the home were allotted to the Queen of Jannah, Sayyidah Faatimah (radhiyallahu ‘anha). (*Musannaf Ibn Abi Shaibah* #29677) Nevertheless, if it is necessary, Islam

Zaid's executors now attempt to wind up his estate. They end up having nightmares. They just cannot fathom what really belongs to whom. Zaid's father claims that the house and car belonged to his deceased son, while Zaid's wife is demanding a share from it on the basis that she has made substantial contributions towards the payment of these assets. As far as the household effects are concerned, there is no clarity in this regard either. It is not clear whether certain items should be included as part of Zaid's estate or not. All this is affecting the share of the little orphan - Zaid's two-year-old son. In all the wrangling that goes on thereafter, someone is bound to end up usurping part of the property of the orphan. The severity of this is well known.

At times the above-mentioned rosy and cosy situation of the family is abruptly turned upside down with (*may Allah Ta'ala save us all*) the marriage ending up in divorce. No sooner do the spouses decide to go their separate ways, a huge brawl and a free-for-all commences with regard to all the property. The husband wants to keep the house and car as well as all the household goods for himself. The wife demands her "share" since she also contributed towards them. Both end up at their

has not forbidden a woman from earning. However, it is incumbent that ALL the laws of the sharee'ah be upheld. Among other aspects, of utmost importance is that she may not expose herself to non-mahram males (men to whom marriage is permissible). She should also have sufficient time for her domestic activities and for the caring and proper Islamic nurturing of her children.

attorneys (who often end up with the biggest “share”)... and what follows is well known.²

Solution

First and foremost, it is vitally important to know that what belongs to the wife and what she earns is exclusively her property. Nobody has the right to take that away from her. She is at liberty to use it as she pleases within the boundaries of the

² The above was an example of the husband and wife both earning separate incomes. Very often the husband starts a business and then brings the wife in to “help out.” As has already been explained (in footnote #1), it is NOT PERMISSIBLE for a woman to expose herself to non-mahrams or intermingle with them. Nevertheless, the wife is now made to slog from morning to evening in the shop. Over and above this, she still has all the domestic chores to attend to. Often, due to the double job, her day starts much earlier than the husband, who only wakes up when it is time to leave for the shop. She also finishes off much later when the husband is already snoring. This is the “liberty” (rather, the slavery) that the West has given her. Nevertheless, she slogs due to the love of her husband (even violating Allah Ta‘ala’s commands in the process and earning His wrath) and all she receives for this is “whatever she wants” – the household items and luxuries that the husband now and then buys for her. The husband suddenly passes away. From his estate she receives her share of one eighth. She now feels cheated. What she did was out of “love for her husband,” but now she wants to be paid for it in full. Here again the problem is actually created by the parties concerned. Firstly, the wife should never be in the shop. If she helps in such a manner that NONE of the laws of the sharee‘ah are violated, this will not be forbidden (but it will nevertheless be highly improper, where an extreme necessity does not exist, to burden the woman with this double job). In that case she should be given what she has worked for (a fixed salary or share) in order to avoid problems in the future.

sharee'ah. Therefore, those items that she acquires with her money strictly belong to her alone. Likewise, if she has contributed partly towards the purchase of any item (and the item belongs to “us”), she will be a proportionate owner of that item equivalent to the amount that she has contributed. Thus if Zaid paid R90 000 for the car of which his wife contributed R30 000, Zaid owns two thirds and his wife owns one third. Indeed, if Zaid’s wife wilfully and of her own choice (not by being coerced directly or indirectly) gave the R30 000 to him as an outright gift, he will be the sole owner of the entire car.

The discussion above highlights the fundamental need of defining ownership of all property, including the household effects. This is the first vital step of the solution to avoid the problems already mentioned. It must be clearly defined as to who owns what? If jointly owned, the proportions must be clearly declared.

“Grey Area”

While most people may know who owns the car, house and other major assets, the ownership of the household goods are in most cases a “grey area”. Something was perhaps given to one of the spouses as a gift twenty years ago, but now nobody can remember how it came to them or who is really the owner. Over the years both the husband and wife bought many items for the home. Each one of them paid for these items from their respective incomes, thus each one is the sole owner of what he/she bought. However, with the passing of time, neither the husband nor the wife has the faintest idea as to who is the owner

with regard to many items.

Winding up the estate with these “grey areas” becomes very difficult indeed, especially when there are orphans among the heirs. Therefore, this aspect must be sorted out immediately. An easy way to overcome this situation is the following:

The husband could buy off all the general household items which are part of the “grey area” for a mutually agreed sum (those items where ownership is obvious need not be included, such as the wife’s jewellery or sewing machine or the spouse’s personal items, etc.). He could pay this immediately if possible or in instalments. Perhaps one of the spouses may just give it all away as an outright gift to the other. That is much simpler. Nevertheless, the bottom line is that there should be no “grey area”. The ownership of every item must be clearly defined.

Example Three

Very often major disputes among heirs revolve around the values of the properties and businesses of the estate. Here is a typical example. Yusuf has a moderate-sized business. Two of his sons assist him full time in the business. The third son is a teacher, while the fourth has his own business. Two daughters are married. Yusuf passes away. The estate is not wound up immediately. Yusuf’s two sons continue with the business. Finally, after ten years it is decided that the estate should be wound up and each person given his/her respective share. In the meantime, since Yusuf’s demise, the business which was worth

R500 000 is now worth two million rands. The two sons running the business insist that the shares must be calculated only from R500 000 while the rest of the heirs want their shares from the two million rands.

The Reality

The reality of the situation is that all the heirs who were not part of the business automatically became sleeping partners upon the death of Yusuf. Their capital was employed for the past ten years. Thus, it was impermissible for the two sons running the business to use any of the profits over and above their own shares for themselves.

Therefore, it is necessary that the estate of the deceased be wound up before any further business could be transacted. The legal procedures, which may end up taking several months or even years, will take its course. However, within a few days at the most, the heirs must take stock of the business and sort out the entire estate. The shares of each party must then be determined and allocated.³ In this way, a host of serious problems would be avoided.

³ Once the shares have been allocated, it is now necessary to give each person his due as quickly as possible. If this means that some property, business, etc. will have to be sold in order to pay out the shares, that process must be commenced immediately. Supposing one or more heirs wish to buy a certain property or business, this is an internal matter. It depends upon a mutual agreement between all the heirs. If the rest of the heirs are prepared to sell it to those making the proposal at a mutually agreed price, this will be absolutely in order. Payment, like in any other sale, will also depend upon

Easily Avoided

The above three examples are among the most common problem situations. Besides these, there are many other situations which have the potential of creating problems that could have been easily avoided if the matter had been set on the right course from the beginning.

It is therefore important that an 'Aalim with experience in these matters be consulted to ascertain whether one's financial setup, etc., is in order.

what the parties have mutually agreed upon. If cash is demanded, those purchasing the business/property cannot insist on paying over a period of time. It will only be a courtesy of the other heirs (for which they will indeed be very greatly rewarded) if they permit the buyers to pay the amounts due to them over a fixed period of time.

NB: It is extremely important that there should be no pressure whatsoever on the heirs to sell off their shares of properties, etc. If they need time to think about the matter or consult others, they should be afforded the opportunity and reasonable time to do so. While taking this into account, there should nevertheless be no undue delay in winding up the estate.

Chapter Three - Islamic Will

Importance

Rasulullah (sallallahu ‘alaihi wasallam) said, “It is not correct for a Muslim who has something to make wasiyyah of (anything to write in his will) that he should even spend two nights without having already written his will.” (*Saheeh Bukhaari* #2738)

The Islamic will has nothing to do with stipulating the shares of one’s heirs. As it has been already explained, this is something which has been pre-determined in the sharee’ah. Apart from this, at times it could be fardh (compulsory) to have a will while at other times, depending upon the individual’s situation, it could be sunnah. Nevertheless, in any non-Islamic country, a proper Islamic will is extremely important to avoid problems that could occur when the estate is wound up.⁴

⁴ When travelling overseas, it is important to have a “travellers will”. In the case of death while travelling in a foreign country, all the possessions that one has on one’s person are frozen by the government of that country until it is established who the rightful heirs are. This can be a very difficult task, considering the problems of distance, communication, etc. As a result, at

Fardh Will

It will be fardh to draw a will if one has any unfulfilled obligations, whether these pertain to *huqooqul 'ibaad* (the rights of the fellow humans) or *huqooqullah* (the rights of Allah Ta'ala).

Hence, if one has any debts to pay, these must be declared in one's will.⁵ If one has any *amaanah* (trust property) in his possession (such as the wealth of some orphan which he is holding in trust, etc.), this must also be written therein.

Similarly, the outstanding *huqooqullah* (*fidyah*, etc.) must also be written down in the will.⁶ If a person has not performed many of his *salaah* (and perhaps is slowly discharging them now only),

times the wealth of the deceased remains frozen by the foreign government for years. These problems can be avoided by drawing up a simple "travellers will" and carrying the same on one's person. Copies of a "travellers will" are available from 'Ulama bodies.

⁵ Generally, in business there is a proper record of amounts owed to creditors, which also fluctuate from time to time. It is not necessary (and also not practical) to record these debts in the will (provided that they are clearly recorded in the books). However, private debts which a person may have taken, and which may not become known to one's executors if not declared, must be clearly written down. Likewise, a person who may have been declared insolvent and his creditors were only paid out a proportion of what they were owed, remains indebted to them for the balance. He should therefore record this in his will so that these creditors also could be paid their outstanding amounts.

⁶ Since this will continuously fluctuate as well, it is better to have it written on a signed annexure which should be updated regularly.

or has not fulfilled some vow, or perhaps he has not yet performed the hajj which has become fardh upon him⁷, he should make a wasiyyah (bequest) that, upon his death, the fidyah (compensation) of the missed salaah and fasts should be paid and that the undischarged zakaah and hajj should be fulfilled.

Sunnah Will

If one has absolutely nothing to declare in one's will pertaining to *huqooqul 'ibaad* or to *huqooqullah*, it will still be sunnah for one to draw a will. What does such a person write in his will? He could appoint executors to handle the winding up and the distribution of his estate. He may make any bequests if he so wishes (details of bequests will follow shortly).

According to the sharee'ah, the above person is not compelled to draw a will. Despite this, every person should have a will to

⁷ If one has not performed his fardh hajj, it is necessary for him to make a wasiyyah that a hajj-e-badl should be performed on his behalf from his estate if he passes away before discharging it. If he has not made this wasiyyah, there can be no hajj-e-badl (from the estate or from one's personal funds) on his behalf in order to absolve him of his fardh obligation. Despite him not having made a wasiyyah, if any person performs a hajj from his personal funds on behalf of the deceased, it will be regarded as a nafl hajj, the reward of which will accrue to the deceased. It is only hoped that Allah Ta'ala may, in lieu of this nafl hajj, absolve him of his fardh obligation. (*Fataawa Mahmoodiyyah* vol. 15, pg. 456) However, true hajj-e-badl only takes place where wasiyyah was made.

avoid legal problems and complications during the winding up process. The most important component of the will is the directive that the estate must be wound up and distributed according to the sharee'ah.⁸

Haraam Will

Certain wills are haraam (forbidden). These are such wills wherein the sharee'ah has been violated. This violation could occur in various ways. It could be by adding clauses which change the shares that the sharee'ah has stipulated for the heirs, or by disinheriting an heir, etc. Such clauses are totally null and void.

Despite any such directives that a person may have given in his will, the heirs will ONLY be entitled to the shares that have been pre-determined by the sharee'ah. Likewise, the disinherited heir WILL also be entitled to his full shar'ee share, irrespective of what may be written in the will. If the un-Islamic will is executed as is, the sin will be upon the deceased as well as upon those who executed it. The end result of executing this un-

⁸ A "ready-made" Islamic will is available from the offices of certain 'Ulama bodies. In the preparation of this document, all the legal aspects have also been taken into consideration. Thus, all that is required is to fill in the blanks and sign it. One's husband/wife or children should not be made to sign as witnesses, since, due to this, the will could be disqualified in the South African Court. Hence, the drawing of a will is extremely simple. One does NOT have to incur ANY expense of going to the attorneys for this purpose.

Islamic will is the consumption of haraam by those who have received what actually belonged to someone else. *May Allah Ta'ala save us!*

We must understand that the wealth of the deceased automatically devolves upon the heirs in the shar'ee prescribed portions upon death. This transfer of wealth occurs AUTOMATICALLY and has nothing to do with the will. Hence, any infringement will be tantamount to usurping what has already become someone else's property.

Usufruct for Wife

A common clause in many wills is the bequest of usufruct of the house for the wife of the deceased. For instance, Zaid adds a clause such as the following in his will: "Upon my demise, my wife will be entitled to live in the house for the rest of her life. Only upon her demise will the heirs take ownership." This is INVALID as it amounts to a bequest for an heir, which is impermissible in sharee'ah.

The solution to this is firstly, to ensure the correct upbringing of our children so that they understand their responsibility towards their mother/stepmother.

In situations where there is fear that something like this could happen, a person may SELL a portion of the house to his wife during his lifetime so that she is secure in the event of his death.

Chapter Four - Marriage Contract

While it is NOT a pre-requisite for the validity of the nikaah that it should be legally registered, it is however greatly emphasised that the marriage is registered by a marriage officer⁹ in order to avoid any problems in future.¹⁰

At this point, it is necessary to discuss briefly the different marriage contracts and their implications.

⁹ There are several 'Ulama who are officially appointed as marriage officers. The 'Ulama organisations could be contacted for further information in this regard.

¹⁰ Apparently, there really should be no problem of any kind. The problem however occurs with one or more parties insisting on a distribution which does not conform to the sharee'ah. If all parties fully submit to the laws of the sharee'ah in distributing the estate, it would not matter much if the marriage was not registered. In the case *Ismail v Ismail* (1983 1 SA 1006 (A)) one of the parties laid a claim against the other which conflicted with the sharee'ah. The un-Islamic claim was upheld on the basis that the marriage was not valid due to not being solemnised according to South African law. Thus to avoid such problems which could occur, it is best to register the marriage.

Ante Nuptial Contract

In South African law, there are two types of marriage contracts - the “ante nuptial” contract and the “marriage in community of property” contract. The ante nuptial contract regulates the terms and conditions which govern the marriage. It therefore could be made completely compatible with the laws of the sharee’ah. The contract should exclude community of property, community of profit and loss, and the accrual system.

An ante nuptial contract together with a proper Islamic will should almost totally eliminate the possibility of the estate being distributed un-Islamically. The ante nuptial contract makes provision for each of the spouses to remain the sole owners of their respective properties at the time of marriage, exactly as the sharee’ah requires it to be.¹¹

Community of Property

A marriage registered without an ante nuptial contract automatically becomes a marriage in community of property. A

¹¹ According to the sharee’ah, the only way that one could become an owner of the property of another person is by means of buying it, receiving it as a gift from the owner and taking possession thereof, inheriting it from him, receiving it as a wasiyyah (bequest) upon his death or if that property is given to one as payment for some aspect. Merely by virtue of the marriage, the spouses do not become equal partners of one another in their respective wealth.

community of property marriage creates a joint estate wherein the assets and liabilities of the spouses are merged. Both become equal partners in this joint estate, even if one of the spouses in reality owns 90% and the other 10%. Upon the death of either of the spouses, the surviving spouse retains half of the estate. The balance is distributed according to the will (if any). This is certainly contrary to the sharee'ah.

Thus, a marriage in community of property can create many problems at the time of the distribution of the inheritance. Those who are conscious of the sharee'ah will readily opt for a shar'ee distribution so that all the heirs receive their proper Islamic share. Others may insist on an un-Islamic distribution based on the un-Islamic marriage contract, but this will be to their great detriment in this world and the Hereafter.

Chapter Five – Winding Up the Estate

Before the winding up of the estate could be discussed, it is necessary to know what makes up the estate.

The Estate

The estate of the deceased simply consists of every single thing that he owned. The car of the deceased, as well as the old tyre of the car which he replaced (but it nevertheless still has value), both form part of the estate. Likewise, whether he owns a sweet factory or merely a single sweet that is in his pocket, or the little office pin, or the salt in the grocery cupboard, or even the dusty old coat which he did not wear for the last twenty years - all these items form part of his estate. The smallest or apparently most insignificant item also will not be just discarded. Rather it will form part of the estate. Thus, the right of all the heirs have become attached to it.

Therefore, supposing 'Amar passes away, his wife cannot just open his cupboards, take all his clothing, including his dusty old coat, and give them away to the first needy person that knocks on the door. If all the heirs are baaligh (have reached the age of

puberty) and they happily and whole-heartedly consent to this, it is permissible. If any of the heirs is an orphan, his/her permission and consent is NOT valid and is of no significance. Even if the orphan concedes, then too the wife or anyone else cannot interfere with the deceased's personal effects, etc.

“Well, what should then be done with the old coat and other similar items?” one may ask. *“It is of no use to any of the heirs or to the orphan.”* The solution to this is to determine a fair market value of such items. These items could then be sold to any person for that price (caution demands that the price should be a little higher than the estimated market value). If any of the heirs wishes to purchase them and give them to the needy (or anyone else), he is at liberty to do so. The price that was received in lieu of these items will now be added to the estate, and the orphan will be given his full share thereof. The balance may then be given to charity if the baaligh heirs wish to do so.

Don't Delay

The estate of the deceased should be wound up as a matter of urgency. Delaying this matter could result in serious problems.¹²

¹² A common clause in many wills which are drawn without proper Islamic guidance is that the estate should not be wound until the youngest child turns 18 or 21. Such a clause is totally incorrect and un-Islamic. It creates unnecessary problems. If one has included such a clause in his will, it should be removed. The estate must be wound up as quickly as possible. As for the share of orphans, this must be held in trust until the child is baaligh and he has become sufficiently responsible to control his financial affairs. This is a

Therefore, at the most within a few days of the demise, the executors should ascertain the total value of the estate. If the deceased owned a business, stock of the business should be taken as a matter of urgency.¹³

Three Priorities

Three aspects have a prior right over the estate and will be fulfilled before the shares of the heirs are calculated. They are, in order of priority, the following:

1. Funeral expenses
2. Debts
3. Wasiyyah (Bequests)

delicate aspect prone to abuse by unscrupulous executors. Thus one should fear Allah Ta'ala in this regard. It is best if two experienced 'Ulama are appointed to make the decision as to when a child has become financially responsible. If any child is mentally challenged, his wealth may be kept in trust indefinitely or until such a time that his condition has sufficiently improved. Nevertheless, the estate must be wound up immediately. Any heir being an orphan or mentally challenged is no excuse for delaying in this matter, which results in other heirs being deprived of receiving their shares immediately. If the wealth of the orphan or mentally challenged person which is held in trust is then invested by the executors, it is in order. However, the best interests of the orphans, etc., should be kept in mind. All profits should also be fully credited to them.

¹³ In the case of partnerships, it is important to note that a partnership automatically dissolves upon the death of a partner. Thus, the share of the deceased partner should be immediately ascertained and handed over to his heirs.

These aspects will now be dealt with briefly.

Funeral Expenses

The funeral expenses include the expenses incurred in providing a kafan (shroud), digging of the grave, etc.¹⁴ The rule in this regard is moderation. Neither must one be extravagant nor miserly.

Feeding those who have come to attend the funeral is NOT a part of the funeral expense. It is not permissible to use the wealth of the deceased for this purpose. If any of the heirs are orphans, to use the wealth of the deceased for this purpose will be tantamount to usurping the rights of orphans, which the Quraan Majeed describes in the following words:

إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا ۖ وَسَيَصْلَوْنَ سَعِيرًا

“Verily those who wrongfully eat the wealth of orphans, they are indeed consuming fire in their stomachs, and soon they will enter the burning flames.” (Surah Nisaa, v10)

Debts

After the funeral expenses have been paid, the debts of the deceased must be fulfilled. Great stress has been laid in the ahaadeeth on the fulfilment of debts.

¹⁴ The husband will be solely responsible for the funeral expenses of his deceased wife. This will not be borne by the estate. If a woman has no husband (whether she never married, or was widowed or divorced), her funeral expenses will be paid out of the estate. (Shaami vol. 2, pg. 206)

It is reported that a martyr is totally forgiven, except for the unpaid debts. (*Saheeh Muslim #4883*) In another hadeeth, it is reported that when any person would pass away, Rasulullah (sallallahu ‘alaihi wasallam) would enquire from the Sahaabah (radhiyallahu ‘anhum) as to whether the deceased had any unfulfilled debts. If the answer was in the affirmative and the deceased did not leave behind sufficient funds to fulfil the debt, Rasulullah (sallallahu ‘alaihi wasallam) would refuse to perform the janaazah salaah (unless someone would undertake to pay the debt on his behalf). (*Sunan Tirmizi #1070*)

When the debt becomes due, it should be paid promptly. To delay the payment without a valid reason is a serious sin. Rasulullah (sallallahu ‘alaihi wasallam) is reported to have said, “The delaying in the settlement of a debt by a wealthy person (one who has the funds to pay the debt) is oppression.” (*Saheeh Bukhaari #2287*)

If the debts are in excess of the total estate, the creditors will share what is available on a pro-rata basis. The heirs, who in this instance will obviously receive nothing, are not obliged by the sharee‘ah to fulfil the outstanding amounts. If an heir (or any other person) pays the balance of his own accord, it will be his favour upon the deceased. If the amounts remain unpaid (and are not forgiven either), the deceased will be liable for them on the Day of Qiyaamah. On that day, the outstanding amounts will be fulfilled by the good deeds of the debtor being transferred to the creditor.

Wasiyyah (Bequests)

With regards to wasiyyah, the shar'ee viewpoint is quite simple. A person is entitled to make a wasiyyah of any amount up to one third the value of the net estate, after the payment of funeral expenses and debts. The wasiyyah of fulfilling any undischarged *huqooqullah* (as already discussed) will also be calculated from this one third.

If a bequest is made for the undischarged *huqooqullah* (fidyah, etc.) to be fulfilled, but the one third of the estate is not sufficient for this, then what should be done? In this case the *huqooqullah* will be analysed. All the fardh 'ibaadah for which fidyah has to be paid will first be calculated. This amount will be paid out first. Should any portion of the one third still remain, the fidyah of the waajib acts (e.g. qurbaani) will be calculated and paid out. In this manner, all the other aspects will be fulfilled by giving priority to the matters of importance. If the one third is insufficient to fulfil all the *huqooqullah*, it will be the prerogative of the heirs to fulfil it if they so wish, otherwise the balance will be left unpaid.

Besides this he may make a bequest for any person/s (NON-HEIRS ONLY) or institutions e.g. masjid, madrasah, etc. that he/they be given a certain amount of cash or a certain item from his estate.

If the total wasiyyah for individuals or institutions, etc. exceeds one third, the amounts will be reduced proportionately

and confined to the maximum limit of one third.¹⁵

Should a person at any time mention that certain amounts or items must be given to any person (non-heir) as a gift UPON HIS DEATH, such requests will be regarded as a wasiyyah, and will be confined to the maximum of one third of the estate.

No bequest is permissible for any person who will automatically inherit from the estate. Thus if Zaid makes a wasiyyah that one of his sons should be given the business or that his wife should be given his house, or a mother makes a wasiyyah that certain jewellery should to be given to her daughter and a certain item to her son, this bequest will be IMPERMISSIBLE and therefore NULL AND VOID.

While the deceased has the right to bequeath the full one third, it is mustahab (preferable) under all circumstances that his total bequests for charities or gifts should be less than one third.

¹⁵ In the case where the bequest exceeds one third, if all the heirs are baaligh (have reached the age of puberty) and they happily and whole-heartedly agree to fulfil the bequest, it will be permissible. The excess will be regarded as a gift from their side. However, it is best to first give each heir his full share from the two thirds. Thereafter if any heir wishes, on his own accord, to fulfil the deceased's wasiyyah in excess of the one third, he is at liberty to do so. Without first distributing the full two thirds to the heirs, there is a great possibility that some heirs would consent to fulfilling the wasiyyah in excess of one third due to direct or indirect pressure, or to avoid embarrassment. If any of the heirs are minors, even their whole-hearted consent is of NO significance.

If the deceased made no wasiyyah at all, the total estate will be distributed among the heirs.

The Executor

A person who is appointed by someone to take charge of his affairs after his death is known as the wasiyy (executor/trustee). The executor will be responsible for the winding up of the estate of the deceased, which includes the payment of debts, distribution of the inheritance and taking care of matters relating to the family of the deceased.

Caution

The executor has an extremely delicate task to fulfil. His position is one of total trust. A person is only appointed as an executor by the deceased due to his reliance upon the former and due to having trust in him. Since the one who appoints a wasiyy realises that he will be in his grave when the executor takes charge, he very carefully selects such a person as an executor who he expects will work in the best interests of the heirs and who will ensure that all the matters are executed properly. Thus to abuse this position of trust is the height of deception and dishonesty. Therefore, in this situation it is imperative to a much greater extent that one should at all times remember that one is accountable to Allah Ta'ala.

Indeed, the deceased will not be able to return from the grave to prevent the property of his heirs being usurped and

misappropriated. However, Allah Ta'ala is All-Knowing and All-Seeing. He is aware of what is concealed in the hearts. Thus, the executor should be extremely meticulous and exercise extra caution in fulfilling his duty. If he discharges his responsibility properly, he will indeed be tremendously rewarded for this.

Role & Fee

It is also important to note that the executor is ONLY an administrator. If he is also an heir, he ONLY owns his share of the estate. If he is not an heir, he owns NOTHING. Therefore, he CANNOT make unilateral decisions to dispose of any assets etc. That is the prerogative of the heirs. He will merely administrate.

The executor should act in the best interests of the heirs. Therefore, he should provide his services gratis for the pleasure of Allah Ta'ala. However, if the job of management and winding up of the estate be so time consuming that the executor does not get the time to attend to his own work, he is entitled to draw an amount from the estate for his expenses and needs. (*Mufeedul Waaritheen* pg. 65) Extreme caution is necessary in this matter. It is best that when such a situation arises, reliable 'Ulama with experience in this field be consulted.

Choosing Executors

One should choose one's executors carefully. It would be better if three executors could be appointed. One of them should be a responsible immediate family member. Another should be an Allah-fearing person who is well versed in the matters of sharee'ah. A third should be an honest and reliable person who

has some experience with regard to winding up of estates.

Some people appoint their kuffaar lawyers as executors. This must be totally refrained from since this is a matter of Deen and a disbeliever cannot be expected to consider the sharee'ah. One should only appoint Muslims as executors. However, even irreligious Muslims and those ignorant of the sharee'ah should also not be appointed to this position.

Calculating the Shares

Whatever remains of the estate after the payment of the funeral expenses, debts and wasiyyah, will be distributed among the heirs according to the pre-determined ratios as detailed in the Quraan Majeed and ahaadeeth.

Refer to an Expert

The calculation of the ratios and shares is the job of an expert in this field. One should not attempt to work out the ratios just with the aid of some book on this subject. Very often, there are finer details, which are erroneously not taken into consideration by non-experts, resulting in an incorrect calculation of the shares.

Detailed List

For the purposes of determining the shares, one must draw-up a detailed list of all the relatives of the deceased, e.g. husband or wife/wives, parents, grandparents, children, brothers, sisters,

etc. If any of the listed relatives do not inherit anything, their names will be deleted and that will be stated in the answer. The person posing the question should nevertheless list them down as well.

If a man passes away while his wife is expecting a child, this must also be clearly stated in the question, since the yet-to-be-born child of the deceased is also entitled to a share in the estate.

A Muslim does not inherit from a kaafir and vice versa, irrespective of how close the relationship is (even if it may be father and son). Should this be the situation, it must also be mentioned. Any other relevant details must also be provided.

Upon receiving the solution, the estate must be divided accordingly.

Chapter Six - Miscellaneous

Distribution in Lifetime

Many people do not wish to leave the distribution of their property to be done upon their death. Instead, they prefer to distribute all that they own in their lifetime.

Equal Distribution

This distribution is NOT inheritance. It is simply a gift. Therefore, one should make an equal distribution among his children with sons and daughters receiving equal shares. (*Fataawa Raheemiyyah*, v. 10, pg. 255)

However, should there exist a valid reason for granting a particular child more than what was given to the other children, this would be permissible. (*Imdaadul Fataawa*, vol. 3, pg. 470 and *Fataawa Mahmoodiyyah*, vol. 30, pg. 324)

Intention

The most important aspect is the intention. If the intention is to deprive an heir, it would be forbidden. For example, Zaid gives

away his business to his son ‘Amar, simply with this intention that, in the event of his sudden death, the other heirs may not have any claim against ‘Amar. Such an intention is wrong. Though the gift itself will be valid, Zaid will be sinful in this instance.

Nevertheless, if one wishes to distribute his properties in his lifetime but also wishes to grant a particular child more than the others, it is best to first discuss the matter with an experienced ‘Aalim and obtain a ruling for what one wishes to do.

Gifts

At this point, it is necessary to discuss certain aspects pertaining to gifts. For a gift to be valid in the sharee‘ah, it is necessary that the following aspects be fulfilled:

Proposal and Acceptance

There must be a clear defined proposal and acceptance with regards to the gift. This may be verbal, or it could also be by indication.

Possession

Furthermore, in order for the gift to be complete and valid, it is necessary that the recipient should take possession of the item. The ownership of the item being granted as a gift will remain that of the donor until such time that the recipient takes possession thereof.

There are various technical details that apply in this regard. If Ahmad gives his house as a gift to Yusuf, Ahmad must remove his goods from the house, leave the house himself, and hand over the house to Yusuf (by giving him the keys). Only at this point will the house become the property of Yusuf. If Yusuf now wishes to allow Ahmad to continue living in the house, it is left to him. If Ahmad merely handed over a set of keys to Yusuf, but did not leave the house, nor did he remove his goods, ownership of the house will remain with Ahmad. In the event of Ahmad's death, the house will be part of his estate and it will be distributed among his heirs.

If the recipient is a minor (one who is not yet baaligh), the taking of possession by the guardian (father, or if the father is deceased, the guardian who is next in line according to the laws of sharee'ah) will be sufficient to establish the ownership of the child. Hence, if a father grants a gift to his minor child, the mere decision of the father that he has granted that item to his child will establish the ownership of the child therein.

Jointly Owned Items

Another important aspect is the granting of a gift of such an item which is owned in partnership.

If the item is such that it is indivisible (such as a car, a small little home, etc.) in the sense that if it were divided, no party would be able to derive any proper benefit from his portion, in such an instance any partner may give away his share as a gift without any prior distribution between the partners taking place.

However, if the item is divisible, such as a big plot of vacant land, etc., no partner may grant his portion as a gift without the co-owned item being first distributed. If a share is given as a gift prior to the distribution, such a gift is null and void.¹⁶

Documented

It is imperative that the gifting be documented and preferably witnessed, so as to avoid any disputes in the future.

Family Trusts

The forming of family trusts is a fairly common practice among people. Essentially a family trust is formed by creating a trust with a token donation (e.g. R1 000) and thereafter transferring properties, etc. into the name of the trust. The “donor” specifies various beneficiaries who will become the eventual owners of all that the trust owns when it is dissolved.

¹⁶ It apparently seems that in many instances, it would be quite difficult to make the gift valid, such as when the husband wishes to give the house as a gift to his wife, or a person wishes to give a portion of a co-owned property which cannot be distributed due to legal problems. However, there are proper procedures in the sharee’ah which can be adopted to overcome these problems and make the gift valid. These procedures include many technical details that are beyond the scope of this booklet. Reliable ‘Ulama could be contacted for assistance in this matter.

Tax Purposes

In most cases, these “trusts” are formed as a tax-saving exercise and to avoid exorbitant estate duties. Neither does the “donor” intend giving away his property, nor does he in reality wish to make the specified beneficiaries the immediate owners.

If this is the case, there is no problem with what clauses may be written into the trust deed, provided that it does not necessitate the violation of any aspect of the sharee‘ah.

Position

In terms of the sharee‘ah, this “trust” is NON-EXISTENT. Hence, it will be regarded as part of the estate of the “donor” upon his demise. However, the trust deed is a valid legal document according to South African law.

Explaining the Reality

Here again problems could arise among the heirs if any one party intends to take wrongful advantage of this “trust”, which is meaningless in terms of the sharee‘ah.

It is thus imperative that a clear note be addressed to one’s executors informing them of the reality of this “trust”. Likewise, all the eventual heirs of the “donor” as well as all those who have been specified as beneficiaries in this so called “trust” must be made clearly aware of the true reality of the “trust”.

It will be best if the true position of the “trust” be documented and all the heirs as well as those named as

beneficiaries are made to sign that document stating that they have been made aware of the fact that the “trust” is non-existent in terms of the sharee‘ah and that the sole owner is the “donor”.

If one truly wishes to make the “trust” valid and binding according to the sharee‘ah, it is imperative that the laws of the sharee‘ah be fully adhered to. If it is indeed meant to be made waqf, the laws of waqf must be adhered to.¹⁷ If it is in reality meant to be an immediate gift to the beneficiaries, the laws of hibah (gifts) will be applicable.

If the conditions of waqf or hibah are not fulfilled, the gifted property or item will not become the property of the beneficiaries. It will remain the property of the “donor.” If the “donor” passes away with the situation remaining unchanged, the “gifted” property will devolve upon the “donor’s” heirs according to the laws of inheritance.

Therefore, if one intends to form a “family trust” which is valid and binding according to the sharee‘ah, it is imperative that guidance be taken from ‘Ulama who are experienced in this field before any trust deed is finalised.

Nevertheless, whatever the situation may be, the reality of the “trust” MUST be clearly known and recorded in order to

¹⁷ One of the laws of waqf is that the eventual beneficiary of the property will be some charitable cause, e.g. for the benefit of the masjid, madrasah, for the needy and destitute, etc. Thus the waqf will immediately or eventually (depending upon the clauses) devolve upon the charity specified and will then continue to be used for that purpose forever.

enable the executors to wind up the estate correctly.

Waqf

It has already been mentioned that a person is entitled to make a wasiyyah to the maximum of one third. However, it is best in all cases that the total wasiyyah should be less than a third.

Thawaab-e-Jaariyah

Besides this, the very wealthy who have several properties, etc., should take advantage of the opportunity that Allah Ta‘ala has given them to earn *thawaab-e-jariyah* (perpetual rewards) by making some property, etc., waqf for Deeni purposes. The property could be bequeathed to a masjid, madrasah, an organisation doing charitable work, etc.

Long after one has passed away, as long as that property, etc. is being used for that Deeni purpose, the reward will accrue to one. One’s children may forget one after a few months (as happens in many cases) and only remember to make *esaal-e-thawaab* (do some good deed and pass on the rewards) for their deceased father on certain occasions in the year. However, in the case of making something waqf, one will continuously receive the tremendous rewards for the good that accrues from that waqf.

In this waqf one could make the intention of *esaal-e-thawaab* for Rasulullah (sallallahu ‘alaihi wasallam), for one’s parents, etc.

The continuous rewards will accrue to them as well as to the one who made it waqf.

Flexibility

There is much flexibility in this aspect. One should form the waqf and execute it in one's lifetime.

A clause could be added that in one's lifetime one will be the sole trustee and the beneficiary of the trust. In such a case, during one's lifetime one can use all the proceeds of the waqf for one's personal needs. Only upon one's demise, the charitable avenue stipulated will receive the benefit.

Other Clauses

There are various others clauses that one could write into the waqf deed. Details should be obtained from reliable experienced 'Ulama.

Maradhul Maut (The Last Illness)

Definition

If a person becomes ill and passes away due to that illness, the illness will be known as his maradhul maut (last illness).

If one is constantly suffering from an illness over an extended period of time (for one year or more), one's maradhul maut will commence from that time when one's health seriously deteriorated. For example, a cancer patient, or a person

suffering from a heart ailment for the past two years, suddenly became extremely ill and passed away a week later. Such a person's maradhul maut will be the last week of his life.

If the illness was for a much shorter period, but during this time, the person was able to go about his normal activities, such as attending the masjid for salaah, or a woman being able to attend to her household chores, this illness will not be regarded as the maradhul maut from the start. It will only be considered as the maradhul maut from that time when the illness becomes acute, as a result leading to his death.¹⁸

Ruling

A person is not free to dispose of his property as he likes in his maradhul maut. Any gift or charities given away by him during this time will be regarded as part of the wasiyyah, even though he may have personally handed over the gift to the recipient. Therefore, such gifts and charities will ONLY be valid from one third of the estate.

Various other masaa-il apply during this time with regard to other transactions, such as incurring debts, selling an item for less than its market value, etc. The ruling in these cases could be obtained from the 'Ulama when the need arises.

¹⁸ See Shaami vol. 3, pg. 384 and Mufeedul Waaritheen pg. 43.

Second Wife

Some people very secretly contract a second marriage. Besides themselves and the two witnesses, hardly anyone else is aware of the second nikaah.

This is contrary to the instructions of Rasulullah (sallallahu ‘alaihi wasallam). Rasulullah (sallallahu ‘alaihi wasallam) is reported to have said, “Announce the nikaah and conduct it in the masjid.” (*Sunan Tirmizi #1089*)

Rightful Heirs

Nevertheless, provided that the conditions of the nikaah were fulfilled, it IS a valid marriage. Therefore, the second wife as well as one’s children from her WILL also inherit from one’s estate.

Due to the secrecy which is maintained with regards to this second marriage, at times a person even passes away while nobody is yet aware of the second wife. As a result, she is deprived of her inheritance. If she musters up the courage to come and claim her share as a wife, nobody believes her. It is therefore INCUMBENT that a person notes down the details of this second marriage in his will.

Similar is the case of an estranged wife. As long as she has not been divorced and her ‘iddat has not expired, she WILL inherit in the estate of her estranged husband. She cannot be deprived of her rightful share.

Forgiving Debts of the Deceased

The question of debts has been dealt with in detail under the previous chapter. The severity of leaving unpaid debts has been clearly outlined as well.

However, it is also important that we consider another aspect of debts where possible - to forgive (entirely or partially) the debts of one who does not have the means to repay his debts. This means that if a debtor is making every attempt to pay but due to severe circumstances, he just cannot fulfil his debt, in such a situation it is encouraged in the Quraan Majeed that respite be given to the debtor, or he be forgiven. Allah Ta'ala says in the Quraan Majeed,

وَإِنْ كَانَ دُونُ عُسْرَةٍ فَنَظِرَةٌ إِلَىٰ مَيْسَرَةٍ ۖ وَأَنْ تَصَدَّقُوا خَيْرٌ لَّكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ

“And if he (the debtor) be in difficulty (and is unable to pay the debt), then grant him time until it is easy (to repay). And if you remit it by way of charity, it is better for you if you only knew.” (Surah Baqarah, v280)

Released from Detention

As long as a person is living, there is hope that he may become wealthy some day and be able to repay his debts. However, when the debtor has passed away without leaving sufficient funds to fulfil the debt, nor do any of his heirs pay the debts on his behalf as a courtesy to the deceased, there apparently remains no hope of ever recovering the debt.

In such a case, the creditor should open his heart and forgive the debt of the deceased. As a result of being forgiven by the creditor, the soul of the deceased will be released from the “detention” that was caused due to the unfulfilled debts. It is reported in a hadeeth that Rasulullah (sallallahu ‘alaihi wasallam) said, “The soul of a deceased is prevented (from entering Jannah) until his debts are cleared.” (*Sunan Tirmizi #1078*)

Sadaqah

Furthermore, in the above-mentioned aayah, Allah Ta‘ala has termed the forgiving of the debt as sadaqah (charity). This means that one receives the reward of sadaqah in forgiving the debt.

Allah Ta‘ala also declares that this sadaqah is “*better for you if you only knew*”. Firstly, it is better for one in this very world, since the Quraan Majeed and ahaadeeth clearly state that sadaqah does NOT decrease one’s wealth. By remitting the debt, one’s wealth will not decrease. Rather, the barakah of this remission will be very soon noticed in the wealth. Secondly, in the Hereafter when one will witness the rewards received for forgiving the debt, then only will one truly realise that it was indeed better to have forgiven the debt.

Thus, one should open one’s heart and remit the debt, especially when there is no hope of the debt being repaid.

Virtues

Several ahaadeeth also extol the virtues of giving respite to the debtor or forgiving the debts.

Rasulullah (sallallahu ‘alaihi wasallam) is reported to have said, “The one who wishes that he should be blessed with the shade of the mercy of Allah Ta‘ala on that day when there will be no other shade, he should be lenient with the debtor who is in difficulty or forgive him.” (*Tabraani - Majma‘uz Zawaaid #6731*)

Rasulullah (sallallahu ‘alaihi wasallam) is also reported to have said, “The one who wishes that his du‘aas should be accepted, or that his difficulties should be removed, he should be lenient and give respite to the hard-pressed debtor.” (*Ahmad - Majma‘uz Zawaaid #6727*)

It is reported by Sayyiduna Abu Hurairah (radhiyallahu ‘anhu) that Rasulullah (sallallahu ‘alaihi wasallam) said, “A person used to give loans to people. His instruction to his debt collector was, ‘When you go to someone poor, be lenient and forgiving (accept what is given and grant respite for the rest or forgive it), perhaps Allah Ta‘ala may treat us with the same leniency and forgiveness (in the Hereafter).’ Thus when he appeared before Allah Ta‘ala (after death), Allah Ta‘ala forgave him.” (*Saheeh Bukhaari #2078*)

One hadeeth explains that the one who grants respite to a poor debtor is granted the reward of giving sadaqah to the equivalent amount of the debt for each day that he has given respite. And if the due date arrives and the debtor is unable to

pay, he is given a reward of giving in sadaqah double the amount of the debt for each day that he extends the credit after the due date. (*Musnad Ahmad #23046*)

General Advice in a Will

Advice given in one's lifetime is technically termed as *naseehah*. If one writes down such advice as part of his will, it is called *wasiyyah*. Thus, *wasiyyah* is not restricted to making bequests of money and properties. Rather, an important part of the *wasiyyah* is advice to one's family, relatives, friends, etc. This may be called the parting advice of a person.

Greatly Treasured

When he has passed away and can no more communicate with anybody, at that time his family and relatives will read his will. Hence, when they find some advice therein, they will treasure it greatly. Often a person cites the reason for doing some good action as, "It was my father's/mother's *wasiyyah*!"

Ambiyaa ('alaihimus salaam)

Rasulullah (sallallahu 'alaihi wasallam) also made several *wasaya* (plural of *wasiyyah*) prior to his demise.

The Quraan Majeed relates the following *wasiyyah* of Nabi Ebrahim ('alaihis salaam) and Nabi Ya'qoob ('alaihis salaam) to their sons:

يُمَيِّزُ إِنَّ اللَّهَ اصْطَفَى لَكُمُ الدِّينَ فَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ

“O my beloved sons, verily Allah Ta‘ala has chosen the Deen for you, thus do not die except that you are Muslims.” (Surah Baqarah, v132)

Hence, it was the practice of all the pious predecessors to make a wasiyyah of this nature.

Some aspects are mentioned hereunder in point form which, among others, one may consider to include in one’s wasiyyah.

Important Aspects

I hereby make wasiyyah of the following to my family and relatives:

1. At the time of my death, no customs and practices which are contrary to the sunnah must be engaged in.
2. After performing my ghusal, etc., in the sunnah manner, my burial must not be unduly delayed.
3. Wind up my estate and give all the heirs their shares according to the sharee‘ah as quickly as possible. Ensure that everybody is given the total amount that is due to them.
4. If I have wronged anybody by having spoken ill of them, having hurt their feelings, etc., I humbly beseech you to forgive me. I have forgiven everybody who may have wronged me in any way.
5. Guard your imaan and that of your children. It is your most valuable asset. Make the environment of the home such that it is conducive to the strengthening of imaan. Have ta’leem regularly. Be punctual on your own salaah and ensure that the

children do the same. Please, have mercy on yourselves and upon your children - throw out the TV from the home if you have one.

6. I request my family and relatives to at least recite three times Surah Ikhlāas and pass on the reward to me daily. Those who can recite more should do so. If possible, give some sadaqah and pass on the rewards to me as well. These are the gifts that will benefit me. Do not gather people for the purpose of *esaaal-e-thawaab* for me. Whoever wishes may, in their own time, individually recite whatever they can and pass on the thawaab to me.

7. My wife, daughters and other relatives are urged to observe the laws of hijab and purdah at all times. Be especially mindful of upholding hayaa at all times especially in dressing. Totally shun tight-fitting and revealing garments.

8. I greatly wish that my son/s should become a aafiz and 'aalim.

9. Be mindful of your duties to Allah Ta'ala as well as to fellow men. Do not usurp the rights of anyone.

10. I urge my family to live within their means. Do not attempt to keep up with the trend. Maintain simplicity in all things. Do not be extravagant, nor make yourself accustomed to luxuries. Cast aside all the fashions and styles of the West. Adopt the sunnah at all times.

11. Refrain from debts for unnecessary things. NEVER involve yourself in loans on interest.

12. The marriage of my children and grandchildren must be conducted with the least amount of troubles and expense. Do not

try to impress people on these occasions, nor be concerned about their criticism. Rather, seek the pleasure of Allah Ta'ala and His Rasul (sallallahu 'alaihi wasallam) and be concerned of refraining from their displeasure.

13. Maintain unity among one another at all times even if you have to lower yourself for this purpose. The one who will humble himself for the sake of Allah Ta'ala, Allah Ta'ala will elevate him.

14. Forgive the faults of others. Do not seek revenge against anybody.

15. This world is a passing phase. Your destiny is the Aakhirah. Do not devote all your energies for this temporary place. Devote more time for the service of Deen. Also, seek knowledge of Deen until the grave.

Many other points of this nature could be added. Perhaps one may not have succeeded in implementing many aspects of Deen in his family during his lifetime. It is very possible that he may succeed in doing so upon his death — by means of his wasiyyah. As a result, he could even possibly gain salvation in the Hereafter

Conclusion

In conclusion, it is appropriate that the main points be summarised.

1. Inheritance is the prerogative of Allah Ta'ala. Nobody has the right to question it. The laws of inheritance are derived from the Quraan Majeed and ahaadeeth and the different shares of the heirs have been predetermined. One cannot change them. Adherence to the sharee'ah is necessary in all matters, including the matters of inheritance.
2. In order to avoid problems, one should have one's financial matters in order. There must be clear definition of property with regards to all aspects, especially household goods.
3. It is extremely important that one has a proper Islamic will drawn up. One should also include some general advice in his will.
4. Not registering one's marriage according to South African law has no effect on the validity of the nikaah. However, problems could arise if any of the heirs attempts to do something un-Islamic. As a matter of caution, it is better to register the marriage. The only marriage contract compatible with the sharee'ah is the ante nuptial contract with the exclusion of the accrual system. The community of property marriage contradicts the shar'ee laws.

5. The estate of the deceased should be wound up speedily and the heirs must be given their shares. A bequest for any heir is not permissible.

6. One must be very careful about debts. If they are not paid in this world, one would have to pay for them with one's good deeds in the Hereafter.

May Allah Ta'ala enable us to have all our matters in order and grant us the ability to be forever prepared for death, aameen.

Addendum One
Sample Wasiyyah

Introduction

The following draft will serve as an example for those wishing to write out their own wasiyyah.

The general pattern of the wasiyyah and many other details herein have been taken from the wasiyyah of Mufti Muhammad Shafee' Saheb (rahimahullah), a very great 'Aalim and saintly personality.¹⁹ However, several aspects have been added on from the wasiyyah of other 'Ulama as well.

Benefits of Wasiyyah

Rasulullah (sallallahu 'alaihi wasallam) has said: "That person who makes a wasiyyah and passes away, he has passed away on the straight path, upon the sunnah, upon taqwa and shahaadah and he has passed away with his sins being forgiven." (*Sunan Ibni Maajah #2701*)

Countless Blessings

It occurred to me that Allah Ta'ala has granted this lowly servant such a great amount of time to reform and make up for the past. Up to this moment, 78 years have passed which equal to 936 months – more than 27 500 days. In this long period of time countless blessings of Allah Ta'ala were showered upon me. Thus when I consider, that in this great length of time what gratitude have I shown to Allah Ta'ala for His bounties and what preparations have I made for the Hereafter, I find myself

¹⁹ Kiya Aap ne Meeraath Taqseem kardi hai? pg. 212

drowning in the oceans of despair and regret due to the provisions of the Hereafter being nil and the load of sins being great.

His Grace

Thus besides the du‘aa, “There is no place of refuge from Allah Ta‘ala except with Him,” and besides for His grace and benevolence, there is no other support or solace. He alone is that Merciful, Beneficent One Who even changes the sins into good deeds. It is with His kindness and compassion that one has hopes of forgiveness.

Hence, I hereunder make the following wasiyyah:

1. Favour of Life

I bequeath to my children, family and friends and the entire Muslim population at large that every moment of this life is like a rare jewel, the value of which is more than the entire world and its contents. Through it, Allah Ta‘ala’s pleasure and everlasting pleasures of Jannah can be attained.

Save yourselves from wasting this great favour of Allah Ta‘ala in His disobedience. Strive greatly to achieve this. Do not let your personal motive or any worldly comfort overpower you. This respite of life that Allah Ta‘ala has given you, value every minute of it. Continue making taubah and istighfaar for that which has passed, and make a firm resolution of reformation for the future. Abstain fully from the gatherings of unnecessary talk and work.

Try your utmost in spending the time of your life in good actions. Before every act, think, “In which direction am I raising my feet or lifting my pen or tongue. Is it in conformity to the pleasure of Allah Ta’ala or not?” If it turns out not being in conformity to the pleasure of Allah Ta’ala, then try your utmost to abstain from it. Exercise extreme caution in protecting the tongue and eyes.

2. Deeni Knowledge

Make the attaining of Deeni knowledge the primary objective of life. Those of my children who attained Deeni knowledge should at no time ever leave it. At all times they should remain seekers of knowledge (*taalib-e-ilm*) and wherever some correct knowledge can be obtained, they should attain it.

Those who did not acquire Deeni knowledge should not regard themselves free of this duty and they should not feel that the responsibility of the ‘Ulama is not upon them. Rather they should study the works written by Hakeemul Ummah Moulana Ashraf ‘Ali Thanwi Saheb (rahimahullah), Shaikhul Hadeeth Moulana Muhammad Zakariyya Saheb (rahimahullah), Mufti Mahmood Hasan Gangohi Saheb (rahimahullah), Moulana Maseehullah Khan Saheb (rahimahullah) and the other Akaabir. Make this a daily habit and gather all the family members and read it before them as well so that it has an effect on every one and a Deeni society is established. Otherwise, experience shows that to remain upon Deen in an environment which is not Deeni inclined, is very difficult. Try and propagate whatever Deeni

knowledge one has to others even though one may not be a complete ‘Aalim.

3. Companionship of ‘Ulama

Regard the companionship of those ‘Ulama who are awliyaa (close friends of Allah Ta‘ala), masters in the field of Deeni knowledge and affiliated to the ‘Ulama-e-Deoband to be a great bounty.

These ‘Ulama should be such that their knowledge is not restricted to kitaabs. Rather, in all their dealings and actions the fear of Allah Ta‘ala, the fear of the Aakhirah and a connection with Allah Ta‘ala is apparent in them.

It is better to become bay‘at (pledge allegiance) to such a sunnah adhering saint who is the khaleefah (spiritual successor) of some saint, and better yet, if he is a khaleefah of the silsilah (spiritual order) of Hakeemul Ummah Moulana Ashraf ‘Ali Thanwi Saheb (rahimahullah) or Shaikhul Hadeeth Moulana Muhammad Zakariyya Saheb (rahimahullah) and he follows strictly in their footsteps of adhering to the sunnah.

4. Upbringing of Children

As long as children do not complete the recitation of Quraan Majeed while looking inside and are unaware of the basic essentials of Deen, do not engage them in any other work.

When making the tarbiyah of children, pay special attention that their actions and character are in conformity to the sharee‘ah. Try your utmost in preventing them from wrong

actions, deceit and speaking lies, and see to it that they fulfil their faraa-idh, waajibaat and sunan.

5. Bad Company

Abstain totally from the companionship of such people who are totally unaware of halaal, haraam and Deeni social etiquette. If such a person is a relative or a friend then keep one's association with him only as far as the fulfilling of rights is concerned.

Close friendship and companionship should only be kept with those people who will be an assistant to one in Deen. If you have a close contact with any such relative or friend then try and make him conform to your nature.

Islam has made enjoining of the good and forbidding the evil compulsory upon every Muslim individually. One great wisdom behind this is that every person will make his society Deeni conscious and in a Deeni conscious society, such companionship, instead of being a hindrance will be an assistance (in Deen).

From the very beginning save the children from mingling with everybody and anybody.

6. Purdah

The greatest calamity of the time which has engulfed even Deeni inclined people into its clutches is of women becoming inclined towards be-purdagi (abandoning purdah).

Amongst girls, there is a strong inclination to wear revealing clothing. In those homes wherein the name of purdah still exists,

that amount of strictness and precaution is not exercised as was found in their predecessors.

Amongst friends, non-mahram boys and girls are transgressing the bounds of sharee'ah. They intermingle freely with one another which is not permissible in any way whatsoever and the repercussions of which are extremely dangerous for the entire family.

7. Immodest Women

Women too are increasingly becoming inclined towards mixing with other free-thinking (immodest) women who do not take into consideration the bounds of sharee'ah when it comes to purdah, 'ibaadaat and mu'aamulaat (dealings). Regard associating with such women as a fatal poison.

As for those family members with whom ties have to be maintained, try and bring them onto your ways of thinking and mould them according to your lifestyle. If you cannot do this, then opt for seclusion.

8. Literature

Men and women should abstain from reading such books which repeatedly express anti-sharee'ah views. Its effects upon the heart and mind cannot be escaped.

Newspapers, television, magazines, novels, articles written by irreligious or misguided authors and other such publications containing similar subject matter should not be allowed into one's home.

From amongst the Deeni kitaabs, study only those compiled by researching and Allah-fearing ‘Ulama - those who are Deeni conscious and have taqwa. If you are uncertain about any author, do not read his books.

Nevertheless, those who have sufficient knowledge (and can distinguish between truth and falsehood) may study any kitaab, but only due to necessity, since the works of those who are corrupt will affect a person very subtly. Therefore without any shar‘ee reason abstain from such books.

9. Du‘aa-e-Maghfirat

I make a humble appeal to all my close, beloved elders and youngsters that during my remaining life and after I pass away, whenever you remember me, make du‘aa-e-maghfirat for me.

10. Esaal-e-Thawaab

I request of my close friends and relatives, if it is possible, recite Surah Yaaseen once daily, or recite Surah Ikhlaas thrice and make esaal-e-thawaab for me through which, insha-Allah, you too will be greatly rewarded.

Besides this, when it comes to giving wealth, food, clothes, etc. for the purposes of esaal-e-thawaab then do so according to one’s capability. Give it secretly and solely for the pleasure of Allah Ta‘ala. Always refrain from doing things for name and fame because this will neither benefit the deceased nor the one giving it.

11. Sunnah

Those that are close to me should at all times remember that in all your works adhere strictly to the sunnah. Shun all forms of bid'ah and customs of ignorance. Always keep the fikr (concern) of Aakhirah dominant over the fikr for dunya. Deem the companionship of those who follow the sunnah to be a great honour.

Take full benefit from those 'Ulama and Mashaayikh with whom you have some compatibility. Do not entertain evil thoughts nor say anything against those 'Ulama or Mashaayikh with whom you are incompatible. Regard this as a fatal poison, especially those 'Ulama who are serving Deen or are making the 'ibaadah of Allah Ta'ala.

12. Reforming the Evil Society

The fast rate at which our lives are changing and opposing Deen and the sunnah was never seen in the past. The definite effects of an evil society are such that a person who himself wishes to be steadfast on the sunnah and do good acts is prevented from doing so by his friends, associates and surroundings.

Therefore, Islam regards enjoining good and forbidding evil to be the basic principle when associating with people. The concern to reform one's society is an important obligation upon everyone and has been explicitly dealt with in the aayaat of the Quraan Majeed such as, *"And warn your close relatives"* and *"Save yourselves and your families from the fire."* Presently the flood of the

West's concept of atheism and liberalism has spread and totally enveloped the Islamic world.

One's imaan is also not safe until one directs one's full attention towards the reformation of one's society. One of the easiest, most progressive and sunnah adhering method is joining the Tableegh Jamaat.

Free intermingling of the sexes, nudity and shamelessness have become so common and rife amongst the youth, both male and female, that to find a suitable girl as a match for a pious, decent boy or a suitable boy for a pious, decent girl has become extremely difficult. Families which are greatly Deeni conscious find themselves compelled to consider only mutual benefits and to ignore the aspects pertaining to Deen and character.

My last and most important wasiyyah to my friends and the Muslim population at large is that every concern and effort should be directed in forming a Deeni society. In many a household the parents would be pious and practicing upon Deen but their children will opt otherwise. The husband chooses a certain path but his wife disagrees with him. In other instances, the wife is Deeni inclined but the husband differs.

This calamity is widespread and due to it, the first evil that rears its head is conflicts in day-to-day aspects. As a result, enmity and hatred build up, the effect of which continue for generations.

The second calamity is that the person who wishes to adhere to Deen and follow the sunnah is bogged down by many obstructions that appear on his path which make his life a misery. If he manages to overcome these obstructions and rectify himself, then too others are not impressed. Rather they

become greater enemies.

In such aspects, it is inappropriate and impractical for a person to become harsh and hard with his friends and companions. However, he should remain absolutely firm upon his Deen without the least compromise.

According to me, if certain aspects are adopted by all the family members very strictly, any member of the family who then does not abide by those aspects will find himself ostracised and left out. However, one must not adopt a hard approach with such errant members of the family since this is extremely harmful. Instead, the method of giving advice with affection and love should be adopted. If a concerted effort is made to bring these aspects into our social lives, there is hope that the flood of evil in the society will be stopped.

These aspects are the following:

- a) Become punctual upon salaah with jamaat and bring your family and children upon salaah as well. The womenfolk should become habitual of performing their salaah as soon as the time sets in (*awwal waqt*). As soon as the azaan is called out, all work should be stopped and every person should engage in salaah. Make salaah a priority when drawing up a timetable for the household chores.
- b) No minor or adult, male or female should become involved in any other work after the Fajr Salaah until at least some tilaawah of the Quraan Majeed is made, and some ahaadeeth are not recited, even though it may be just one hadeeth. Read from such authentic books which also give the full explanation of the hadeeth, such as Fazaail-e-Aa'maal, Fazaail-e-Sadaqaat, etc.
- c) Never tolerate the free intermingling of the sexes and

nakedness in one's society. Scrutinize these aspects when proposing marriage or accepting a proposal. Boys from the age of twelve and girls from the age of seven should be STRICTLY checked, especially with close relatives. It is extremely important to protect the eyes and ears nowadays.

- d) Regard the ways of the West and the ways of the fashion freaks to be a killer and a curse even with regard to furniture, clothing, and household accessories. Make the society a simple one with the aspect of meeting one another being free of formalities. I very humbly plead to all females never to drive, especially in public areas as well as going to shops and other public places.
- e) Just as you would abstain from poison and would prevent your children from it, similarly save yourselves and prevent your children from indulging in such things and visiting such places which the sharee'ah has totally prohibited, such as the consuming of interest, consuming of alcohol, attending gatherings of music, dancing and places where vices are usually commonly practiced like shops, bazaars, beaches, etc. more especially at the times when they are frequented.

These are a few aspects which all the individuals of the family should pledge to abide by. A lenient reformation process should be implemented for those breaking this pledge so that they could be reformed. Refrain totally from resorting to boycotting or severing ties (with those breaking the above-mentioned pledge) because experience shows that the results of these methods are not good. Rather effort should continuously be made to bring them in line.

Preparing for the Aakhirah

The 79th year of this insignificant servant's life is passing. The purpose of one's life is to strive in preparing for the journey to the Hereafter since this journey is not restricted to youth or to old age. How many old people have buried their grandchildren and great grandchildren! How many a youth was deprived of the opportunity to see his own children.

Hence, the point is that there is no moment in life wherein one could become unmindful of the Aakhirah. However, especially in old age, if a person was unmindful in the past then it is required of him to at least pay his undivided attention towards preparing for the Aakhirah now.

Rights of Others

There are many things pertaining to the preparation for the Aakhirah but the most difficult one pertains to *huqooqul 'ibaa*d (rights of others). The reason for this is that a person will not be forgiven until and unless the one whose right was usurped forgives him.

It is stated in a hadeeth that Rasulullah (sallallahu 'alaihi wasallam) is reported to have said: "Whomsoever has done a wrong affecting his brother's honour or anything else, he should ask for his forgiveness today before that time when he will neither have a dirham (silver) nor a dinar (gold coin)." (*Saheeh Bukhaari* #2449)

It is for this reason that Hakeemul Ummah Moulana Ashraf 'Ali Thanwi (rahimahullah) wrote an article titled *Al-Hazru Wan Nazr* in Shawwaal 1344 A.H. in the monthly issue of *An-Noor*

approximately 18 years before he passed away. The purpose of this article was to clarify all the rights of people that were upon him.

There are two types of *huqooqul 'ibaad*; one pertains to wealth and the other pertains to aspects besides wealth. As for the one that pertains to wealth, it is only through the grace of Allah Ta'ala that I always have tried to absolve myself of this right. As for those whom I still owe money to, all praise to Allah Ta'ala that arrangements have been made to repay them. However, it is still possible that I may have slipped up and not remembered someone's right. Hence, if I do owe somebody something and I have forgotten then please remind me. If I do remember, then insha-Allah I will fulfil it.

As for the one not pertaining to wealth, for example if I said something to anyone unjustly or attributed something incorrectly to anyone or I hurt someone's feelings, whether it was in their presence or absence, whether I had initiated such wrongful action or transgressed the bounds in the process of taking revenge (i.e. those matters of *sharee'ah* in which revenge is regarded as lawful), or whether I physically abused anybody, in all these instances I humbly appeal to those whose rights I have usurped to take their right (on condition that I believe the claimant to be true), and also solely out of love for Allah Ta'ala to forgive me. In both instances I will be grateful because I will not be taken to task for it in the *Aakhirah*. If I am forgiven, I will continuously make *du'aa* for the one who forgave me since this is a great favour upon me.

In those *masaa-il* wherein I have had a difference of opinion with others, I have opted to follow the way of my Shaikh, Hakeemul Ummah Moulana Ashraf 'Ali Thanwi (rahimahullah),

while keeping the difference restricted to the mas-alah. As far as possible, I have avoided making the difference a means of targeting any personality. Nevertheless, it is sometimes not easy to keep such a difference restricted to the mas-alah and therefore, despite my effort, it is possible that I may have, on some occasions transgressed the bounds and unjustly hurt someone's feelings by means of my pen or tongue. Hence, with those whom I may have had a difference of opinion, I present the same humble request (of asking for forgiveness).

Great virtues have been recorded in the hadeeth with regard to forgiving and accepting the apology of a Muslim brother. In one such hadeeth, Rasulullah (sallallahu 'alaihi wasallam) is reported to have said, "That person who apologises to his Muslim brother and he (his Muslim brother) does not accept it, then the sin will be such upon him like the person who oppressively consumes tax". (*Sunan Ibni Maajah #3718*)

It is reported in another hadeeth that Rasulullah (sallallahu 'alaihi wasallam) said, "The person who apologises to his Muslim brother and he (his Muslim brother) does not accept it, he will not be allowed to come to me at the Howdh-e-Kowthar". (*Haakim #7258*)

I now have hope that those people who have some rights over me, due to these ahaadeeth, will insha-Allah forgive me. It should be made clear that it is not necessary that after forgiving a person or accepting his apology, a friendship and a special relationship be created between them. The reason for this is that sometimes difficulty is experienced in doing so or sometimes it is not in one's best interests to do so.

Hence, the object of this request for forgiveness is not necessarily a request for close friendship or mutual agreement.

It is only a request to be absolved of the rights of sharee'ah.

Likewise, just as I wish to be forgiven (by all of you), in the light of the ahaadeeth of Rasulullah (sallallahu 'alaihi wasallam) and having hope that Allah Ta'ala will overlook my faults and forgive me, I have forgiven, without exception, all the non-monetary rights that I have against people. As far as the monetary rights are concerned, I request all such people who cannot repay any money owed to me, to come and discuss the matter with me. I will insha-Allah find an easy alternative for them, whether by means of totally forgiving the debt, or by reducing the amount, or granting longer terms to repay it, or in some other way.

Lastly, I request all my friends and close and beloved ones to remember me in their du'aas as far as possible.

Jazakumullah khairal jazaa

Was salaamu 'alaikum wa rahmatullahi wa barkaatu

Addendum Two
The Key to Happiness & Peace

Introduction

Among the values that are most cherished by all human beings are mutual love and peace. No sane person desires enmity or loves dissention. While this is part of basic human nature, our beautiful Deen of Islam, which is the most perfect and complete way of life, has greatly emphasised the importance of these aspects.

Mutual love between all Muslims, and especially between family members, is a requirement for direct admission into Jannah. Rasulullah (sallallahu ‘alaihi wasallam) is reported to have said, “You cannot enter Jannah until you believe, and you cannot be a believer until you love one another! Should I not tell you of that which will generate mutual love? Make salaam common among you.” (*Saheeh Muslim #194*)

Family Ties

This hadeeth highlights the importance of mutual love, that the perfection of imaan is dependent on it. While this applies to the “family” of the Muslim Ummah in general, its greater application is in one’s immediate family. Hence, astounding virtues have been mentioned for those who make the effort to enhance this love and strengthen the bonds of kinship.

The gist of some of the many ahaadeeth in this regard are:

1. “The one who wishes to have blessings in his life and wealth should maintain family ties.” (*Saheeh Bukhaari #5985*)
2. “Kinship is suspended to the throne of Allah Ta’ala and continues to make this du’aa, ‘The one who maintains me, may

Allah Ta‘ala maintain him. The one who severs me, may Allah Ta‘ala sever him!” (*Saheeh Muslim #6519*)

3. “Join ties with the one who severs relationship with you, give the one who has deprived you, and forgive the one who has oppressed you.” (*Musnad Ahmad #17452*)

Restoring Love

The fundamental importance of mutual love in the Ummah in general and in the family in particular is evident from these ahaadeeth. However occasionally, due to being human, some occurrences in day-to-day life affect, challenge and sometimes even interrupt this love.

Once again, due to the extremely high importance of maintaining love and unity, the rewards for restoring the love that was interrupted is equally great. Sayyiduna Abud Dardaa (radhiyallahu ‘anhu) reports that Rasulullah (sallallahu ‘alaihi wasallam) said, “Should I not inform you of that which is superior to (optional) fasts, salaah and charity?” “Yes, do tell us” replied the Sahaabah (radhiyallahu ‘anhum). Rasulullah (sallallahu ‘alaihi wasallam) said, “Fostering love and unity, for verily dissention shaves off (the Deen).” (*Sunan Abi Dawood #4919*)

Allahu Akbar! Can we imagine...? A person spends the entire night in Tahajjud Salaah. Another spends his days fasting. A third person spends millions in charity. All have engaged in extremely great forms of ‘ibaadah for which they will be rewarded tremendously. Yet, the one who earns greater rewards, and who has a higher position in the sight of Allah

Ta'ala, is the person who makes efforts to foster love and restore unity.

Permissible Lie

In fact, to assist him in his task and help him in his mission, Rasulallah (sallallahu 'alaihi wasallam) has relaxed the prohibition of a major sin for him – the sin of lying. Rasulallah (sallallahu 'alaihi wasallam) said, “He is not a liar, who makes peace between people.” (*Saheeh Bukhaari* #2692)

The meaning of this hadeeth is that in order to create peace between people, if something contrary to the reality is spoken, it is permissible. For example, if the mediator says to one of the parties that the other was speaking highly of him and praising him, whereas not a word of praise was said, there will be no sin. This highlights the importance and virtue of maintaining love, unity and peace.

Special Du'aa

Various noble traits and aspects of good character enhance love between people. Rasulallah (sallallahu 'alaihi wasallam) is so greatly pleased with such people that he made a special du'aa for them.

Sayyiduna Jaabir (radhiyallahu 'anhu) reports that Rasulallah (sallallahu 'alaihi wasallam) said, “May Allah Ta'ala have mercy on the one who is kind and easy going – when he buys, sells, pays or demands payment.” (*Saheeh Bukhaari* #2076)

Prime Spot in Jannah

Likewise, those who shun disputes have been promised palaces in Jannah.

Sayyiduna Anas (radhiyallahu ‘anhu) reports that Rasulullah (sallallahu ‘alaihi wasallam) said, “The one who gives up lying when he is wrong, a palace will be built for him on the outskirts of Jannah. The one who avoids a dispute despite being the rightful party, a palace will be built for him in the middle (prime spot) of Jannah. The one who adopts good character, a palace will be built for him in the highest levels of Jannah.” (*Sunan Tirmizi #1993*)

According to another narration, Rasulullah (sallallahu ‘alaihi wasallam) said, “I guarantee a palace in the middle (prime spot) of Jannah for the one who avoids a dispute despite being the rightful party. (*Sunan Abi Dawood #4800*)

Subhaanallah! The Nabi of Allah (sallallahu ‘alaihi wasallam) standing guarantee! What a fantastic bargain!

Sacrifices

Like any other very precious commodity, some sacrifices are necessary in order to acquire the virtues and elevated position in the Hereafter that have been promised for those who maintain peace and foster love. However, these sacrifices not only earn mountains of rewards and elevate one’s position in the Hereafter, the benefits are enjoyed even in this world. Rasulullah (sallallahu ‘alaihi wasallam) described one such “dispute” where the immediate benefit to both parties was as clear as daylight.

The Gold is Yours

Among the Bani Israaeel, a person had purchased some land from another. The buyer found an earthenware utensil filled with gold buried in the ground. Hence, he went to the seller and told him, “Take your gold, for I only purchased the land from you and not the gold.” The seller replied, “Well! I sold you the land together with whatever is in it (hence the gold belongs to you).” Eventually, both the buyer and seller referred their “dispute” to a mediator to help them to resolve it. The mediator asked them, “Do you have any children?” One of them replied, “I have a son.” The other replied, “I have a daughter.” The mediator then said, “Get the boy married to the girl. Spend this wealth upon them and also give a portion in charity.” (*Saheeh Bukhaari* #3472)

Happiness

In this incident, each person had the “heart of gold” to give away the pot of gold to the other. This golden gesture became the catalyst for the happy marriage of their children. Since their own children benefitted from that wealth, the benefit in reality came back to both of them. The result was that all around there were happy people and happy families.

This was the priceless “return on investment” in this world. Indeed, it was priceless, since all the wealth of the world cannot buy happiness. The rewards in the Hereafter are beyond imagination.

The fundamental lesson in this incident is that often the benefits of the sacrifices to maintain peace and enhance mutual love flow on to one's generations to come. What a beautiful legacy to leave for one's children and grandchildren!

Cash Benefits

Another incident mentioned in the ahaadeeth that highlights the immediate benefits of sacrificing in order to maintain peace and love is the following:

Three people from among the Bani Israaeel were travelling when they were suddenly caught in a storm. They took refuge in a cave. While inside the cave, a huge rock fell directly in front of the mouth of the cave, thus blocking their way out. Hence each one prayed to Allah Ta'ala to move the rock, and in the form of intercession presented an action which he had done sincerely for the pleasure of Allah Ta'ala alone. One of them presented the following selfless deed:

He had once hired a person to do some work. At the end of the day, the employee for some reason was displeased and left without taking his salary. The employer invested the salary amount in livestock. After some time, the employee returned and demanded his due, which was a meagre amount. The employer pointed to herds of camels, cows and goats together with their shepherds (who were slaves), which were the proceeds from the investment of the salary, and told him to take them. The employee was shocked, but the employer assured him that it was all his and he may take it.

Upon presenting this sincere, selfless sacrifice and making du‘aa, the rock moved and they were eventually saved. (*Saheeh Bukhaari #2272*) *Subhaanallah!* What a wonderful way of getting one’s du‘aas answered.

The employer in this incident made many sacrifices. He invested the money on behalf of the employee and took care of the investment. This was a major task since he had invested in livestock. In any case, since the employee had not initially taken possession of the money, he was only entitled to the amount owed to him as his salary. The profits actually belonged to the employer. But, he opened his heart and gave it all away to the employee. This sacrifice became the means of the acceptance of his du‘aa and saved his life.

Here again, the lesson is clear. The sacrifice to maintain peace did not go in vain. It was an unimaginable gain! Also, the benefits of these sacrifices are not always instantly apparent. However, we receive the benefits when we need them most.

Great People have Great Qualities

Hazrat Mufti Muhammad Shafee’ Saheb (rahimahullah) was a great saint, scholar and a world-renowned mufti of the recent past. His son Hazrat Mufti Muhammad Taqi ‘Uthmaani (hafizahullah) writes regarding him,

“Our honourable father had an inherent aversion for quarrels and disputes. As long as there was no genuine shar‘ee need, he never engaged himself in any type of dispute in order to secure a personal right. I cannot recall the innumerable occasions when

he forfeited his personal valuable rights merely for the sake of avoiding a dispute. He would very often quote the hadeeth of Nabi (sallallahu ‘alaihi wasallam) in relation to this (regarding the guarantee of a house in Jannah, as mentioned above).

Besides this, it is unknown as to how many people deceived him in his personal dealings. Many had tried to bring up cases against him. There were those who attempted to defame him through newspapers and the media. However, in the face of all these incidents, he never resorted to the tactics that are nowadays adopted when replying to such propaganda. Instead, in most cases he relinquished his right and came out of the predicament. He always avoided any type of confrontation and dispute irrespective of whether it related to academic issues or a discussion with people of opposing ideologies.” (*Al-Balaagh - Mufti Aa’zam Number vol. 1, pg. 466*)

Once while he was still living in Deoband, Hazrat Mufti Muhammad Shafee’ Saheb (rahimahullah) purchased a plot to build a home. After the commencement of the construction some of the neighbours approached him and said that a portion of the land belonged to them since their drainage went through it. However, according to the municipal title deeds and the various records, they had no right to the land and the land entirely belonged to him.

In order to avoid any type of quarrel, he handed over to them that part of the land which they had laid a claim to. As a result, the building that was being constructed had to be restricted in size. However, he preferred having a restricted home instead of quarrelling!

Nevertheless, after some time these neighbours came back to him and offered to sell that part of the land to him. He accepted the offer, paid them for that piece of land which actually belonged to him and then extended the home.” (*Al-Balaagh - Mufti Aa’zam Number vol. 2, pg. 1068*)

Hazrat Mufti Muhammad Shafee’ Saheb’s (rahimahullah) Darul ‘Uloom (which is presently one of the biggest in Karachi) was originally housed in a small building. When the workload increased and the place became constrained, a dire need arose for a larger place. Hence, Allah Ta’ala provided the means and a large tract of land was allotted by the government for the madrasah. The land was situated in a very prime location and was an ideal spot for the Darul ‘Uloom. The legal procedures were followed and the transfer papers for the land were processed. After gaining control, a room was built on the land and a telephone line was also connected. An official foundation laying jalsah was then announced and leading ‘Ulama from various parts of Pakistan graced the occasion.

It was on this occasion that some individuals laid claim to the land, stating that the land did not belong to the Darul ‘Uloom. Coincidentally the claimants had engaged certain reputable personalities who were also revered by Hazrat Mufti Shafee’ Saheb (rahimahullah). Initially, he attempted to defuse the dispute but to no avail. Hence, he thought to himself that what kind of blessings will there be in a madrasah whose foundation is laid on a dispute. Subsequently, he announced that he was relinquishing his right and abandoning the property.

Upon hearing this decision, the madrasah's administration committee objected by saying, "How can you pass such a decision? Such a large property in the middle of the city! It is extremely difficult to find such a property. How can you leave such a property which we have already gained control over?"

Hazrat Mufti Muhammad Shafee' Saheb (rahimahullah) replied, "I am not compelling the committee to abandon the property, because the committee has already gained control and ownership of the land. If you wish to still go ahead and construct the madrasah, then you may do so. However, I will not be part of it, since I do not see any blessings in a madrasah whose foundation is laid upon a dispute. He then cited the hadeeth of Nabi (sallallahu 'alaihi wasallam), 'I guarantee a home in the middle of Jannah for that person who leaves out quarrelling despite being correct.'"

He further added, "You are complaining that to get such a land is difficult, whereas Nabi (sallallahu 'alaihi wasallam) is saying that he guarantees a home in the middle of Jannah. Constructing a Darul 'Uloom is *fardh-e-kifaayah* and saving Muslims from quarrels and disputes is *fardh-e-'ayn*. It will be a disservice to Deen if a *fardh-e-'ayn* is left out in order to discharge a *fardh-e-kifaayah*. I will not construct a Darul 'Uloom whilst engaging in a dispute." Saying this he abandoned the property.

Subsequently, Allah Ta'ala blessed Mufti Saheb (rahimahullah) with a very much bigger and better property upon which the Darul 'Uloom is currently built. (*Islaahi Khutubaat* vol. 6, pg. 153 and *Al-Balaagh - Mufti Aa'zam* Number vol. 1, pg. 44 & 212)

A striking lesson that we learn from this incident is, “The more you give, the more you get.”

Yes, indeed this is a reality. Give away only for the pleasure of Allah Ta’ala, and to foster good relations, and witness the blessings and peace pouring into one’s life and children.

Rise and Fall of Families

The rise and fall of families, as well as the blessings that they enjoy or are deprived of, is based on some specific qualities. Those who adopt the positive qualities prosper, most importantly in Deen, while their lives are generally peaceful. Otherwise, there is much turmoil and misery on every front.

Hazrat Moulana Abul Hasan ‘Ali Nadwi (rahimahullah) was an internationally renowned personality. He was an ‘Aalim of a very high calibre and among the great thinkers of the time. Among other achievements, he was a historian of note and produced several masterpieces that encapsulated the biographies of many luminaries of this Ummah.

Hazrat Moulana (rahimahullah) once gathered all the children and people of his household. He then said to them, “I have called you for a very special purpose. Alhamdulillah, I have undertaken a study of history. Therefore, I am well aware of many great families in history – including families of learned and pious personalities – who lost the legacy of their great predecessors. Eventually irreligiousness crept into them and led to their destruction.

Hence in the light of my study of history, I am mentioning to you three things which, if you act upon them, insha-Allah you will flourish and as a family you will be saved from destruction.

1. Never be the oppressor. Rather be the oppressed one.
2. Refrain from forbidden wealth. Restrain yourself from even doubtful wealth.
3. Treat your relatives well, even though they behave indifferently. However painful it may be, always be good to them.”²⁰

“For the Children”

In short, in order to maintain peace, and foster and enhance love, some sacrifices and compromises are necessary. The benefits of such compromises and sacrifices are immense. It is greater than spending millions in charity, and more virtuous than spending the days in optional fasts and the nights in Tahajjud Salaah.

The benefits in this world nevertheless do not always appear to add up as simply as $1+1=2$. However, the reality is that these compromises + sacrifices, solely for the pleasure of Allah Ta’ala, add up to millions, albeit in various different ways. In many instances, one’s children and generations to come reap the rewards. After all, one works, strives, slogs and toils... “for the

²⁰ For a detailed explanation of these points, refer to our booklet “3 Gems”.

children.” Sometimes people in their advanced ages fight, litigate, prosecute and sue... “for the children.”

Indeed, it is permissible to provide for one’s children and also to acquire and secure what they are rightfully entitled to. Any permissible means may be adopted for this purpose. However, the most secure, guaranteed and safest way to secure the best for our children is to latch on to the unseen system of Allah Ta’ala – that system where 1+1 can even add up to one million and one.

In the system of adopting the apparent means to protect one’s interests, one has to toil, slog, fight and sue. To benefit from the unseen system, one sincerely compromises, sacrifices, overlooks and forgives. The apparent means are not guaranteed to produce any result while the unseen system is guaranteed. At times, the apparent means to secure ones rights produce more problems than benefits, whereas the one who draws from the unseen system of Allah Ta’ala receives more bounties than he expected or imagined. THE CHOICE IS CLEARLY OURS.

May Allah Ta’ala bless us all with peace, love and unity in this world and the everlasting bounties in the Hereafter in Jannatul Firdaus, aameen.