

Where there's a Will...

Ahmad Thomson

If you want your wealth to be distributed in accordance with the Shari'a after your death, it is essential for you to leave a Will that states this and which is also valid under the law of the land. If you don't leave a Will you won't have a legally recognised say in what happens to your wealth after your death.

The Islamic Will

When writing your Islamic Will, there is no need to guess which of your relatives will still be alive when you die in order to make sure they receive something.

The administrator of the Will checks which of your relatives are still alive and, by applying Shari'a, what fixed shares they are automatically entitled to inherit. If, however, you wish to make a bequest to a non-relative, a charity or a project, then you must specifically record this in your Will. It must be remembered that only up to a third of your estate can be bequeathed in this way. The remaining two thirds must go to your relatives in the fixed shares stated in the Qur'an.

If you do not make any bequests of up to a third of your estate, then all of your estate will be divided between your surviving relatives.

The law of the land

In an Islamic country, the principles of Shari'a are applied automatically as a matter of common sense and best practice. However, in many countries, by not leaving an Islamic Will a different criterion may be applied by that country's laws. This unfortunately, is also the case in some Muslim countries.

It is therefore essential, if you do not wish for this to happen, that you leave an Islamic

"It is the duty of a Muslim who has anything to bequeath not to let two nights pass without writing a Will about it."

(Sahih al-Bukhari)

Will which cannot be misinterpreted.

The good news, however, is that in the case of inheritance, it is usually possible to follow Shari'a without breaking the law of the land. In the United Kingdom, for example, it is perfectly feasible to write a valid Will that is recognised by the English courts, even though it expresses the deceased's wish to have his or her wealth distributed in accordance with Shari'a.

Differences in inheritance law

Many of the principles governing local laws of inheritance are different from the criteria which are applied within Shari'a. The following are examples of what could happen to your wealth if you die in the United Kingdom and do not leave an Islamic Will:

- If you do not leave a valid Will, then under English law your wealth will be distributed to certain relatives in fixed shares. These are not necessarily the same as those laid down by Shari'a. If there are no such relatives, then your wealth will go to the Crown - i.e., the government.
- If both you and your spouse die leaving children under 18 years of age, in the absence of a valid Will stating who should take guardianship of the children, they may be taken into care by the Local Authority.
- If you have been married only in accordance with Shari'a, you will not be regarded as legally married for the purposes of English law. This means that if you die without

having made a Will, your spouse will be regarded as an 'unmarried partner' and will not be permitted to inherit anything from your wealth.

- If, however, you marry under both Shari'a and English law and were subsequently divorced only under Shari'a, then under English law you would still be regarded as 'married'. If you then died without having made a Will, your former spouse would inherit from your wealth even though he or she would no longer be entitled to a fixed share under Shari'a.

Making a valid Will

In order for a Will to be valid, it is necessary to comply with all the legal formalities required by the law of the land. If this is done, the courts will usually be prepared to give effect to your intentions as expressed in your Will. This includes having your property distributed in accordance with the Shari'a after your death - provided that these intentions are clearly expressed and are free from ambiguity.

In order to comply with local legislation, it is essential to have an understanding of the law of the land as well as of Shari'a, as both require certain conditions to be fulfilled. If, for example, English law requirements are not fulfilled, then your Will is not considered to be legally valid. Similarly, you must ensure that the wishes expressed in your Will are in accordance with Shari'a.

To satisfy both conditions, the best option is to consult a solicitor who is familiar with both the Islamic and non-Islamic laws of inheritance. There are also many Muslim scholars who know the Islamic inheritance laws and there are also an increasing number of English language publications available on the subject. An online calculator giving a



Ahmad Thomson speaking on the importance of making an Islamic Will.

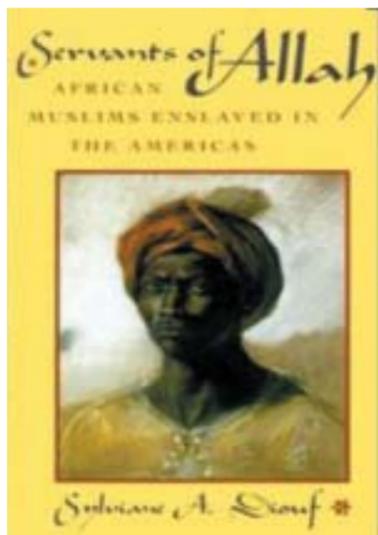
general indication of how fixed shares are distributed is also available on the website of the Association of Muslim Lawyers at www.aml.org.uk/resources

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Public knowledge

Muhammad Imran

Ever wondered why your local library doesn't have any good books on Islam? Well, now is your chance to do something about it. In a



pioneering new project, Islamic Relief has teamed up with Muslim Welfare House to ensure that every public library in the UK has a selection of quality books about Islam.

At a time when Muslims are in the media spotlight and there is a heightened interest in Islam, this project aims to provide accurate information to the general public. The need for such material was identified after research showed that public libraries are lacking in comprehensive information about most aspects of Islam. Often having only inaccurate translations of the Holy Qur'an and poor quality books on Islamic history, many libraries in the UK are in no position to help to overcome prevailing misunderstandings and gross misconceptions regarding Muslim people and the Islamic faith.

Islamic Relief, as a Muslim faith-based organisation, has a vital role to

play in challenging the negative stereotyping of Muslims and Islam, which could have a detrimental impact on the organisation, its work and its beneficiaries. In supporting this project, our aim is to provide educational material to ordinary members of the public through the country's 3,400 local libraries. The selected books, CDs and DVDs cover the essential subjects of the Qur'an, the life of the Prophet (ﷺ), gender equality, Islamic politics, Islamic history, Ramadhan, Hajj and general guides on Islam for both adults and children.

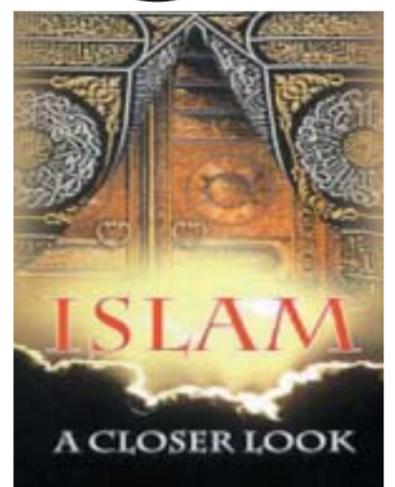
With 18 items in the set, the gift package donated to each library is worth £250, although Islamic Relief and Muslim Welfare House are able to supply the pack to a UK library for just £100. By paying the discounted price of £100, donors can contribute to a form of ongoing charity that reaps perpetual rewards.

Of course, the focus of Islamic

Relief's work remains the alleviation of poverty of all suffering human beings, but poverty in the world is so often caused by ill judged policy and, simply put, poor behaviour such as rampant consumerism, unfair international trading practises, pollution and environmental degradation. Clearly, the challenge is for all human beings to become better individuals, better neighbours and ultimately better global citizens.

As a British based aid agency guided by Islamic humanitarian principles, Islamic Relief aims to help to ensure that solutions, derived from the Islamic faith, are fully and fairly presented as decision-makers tackle the problems of poverty and suffering that confront people of all backgrounds across the globe.

Finally, Islamic Relief strongly believes that this project can play an important role in furthering dialogue and understanding between different communities here in the



UK; and we are confident that with the generous help of donors, we can fulfill our aim of supplying every library in the UK with good quality information about Islam.

For further details contact Muhammad Imran at muhammad.imran@islamic-relief.org.uk