

Ruling on

Muslims and kaafirs leaving things to one another in their wills

What is the ruling on a Muslim leaving something to a kaafir in his will, so long as it does not exceed one-third of the estate? What is the ruling on the opposite, i.e., can a Muslim accept money from a kaafir if he leaves it to him in his will?

Praise be to Allaah.

The Hanafi, Hanbali and most of the Shaafa'i fuqahaa are agreed that it is OK for a Muslim to leave something to a dhimmi (non-Muslim living under Islamic

rule) in his will, and vice versa, so long as this is within the guidelines of sharee'ah. Their evidence for this is the aayah (interpretation of the meaning):

Allaah does not forbid you to deal justly and kindly with those who fought not against you on

account of religion and did not drive you out of your homes. Verily, Allaah loves those

who deal with equity. [al-Mumtahinah 60:8]. Also, being a kaafir does not disqualify a person from ownership, and as it is OK to sell to a kaafir or give him a

gift, it is also OK to include him in one's will.

Some of the Shaafa'is think that it is OK only if a specific person is named, such as saying 'I leave [such and such] to so and so'; but if a

person says 'I leave [it] to the Jews and Christians', this is not OK because it

sounds as if he is making their kufr the reason for leaving something to them. The

Maalikiis agree with others that it is OK for a non-Muslim to leave something to a Muslim.

With regard to a Muslim leaving something to a non-Muslim, Ibn al-Qaasim and Ashhab said

that it is allowed if it is done for a reason, such as upholding family ties,

otherwise it

is makrooh, and should not be done at the expense of a Muslim. No one would do such a

thing except one whose faith is diseased. (al-Mawsoo'ah al-Fiqhiyyah, 2/312)

Unfortunately, nowadays we see some Muslims, especially

those who are living in kaafir countries, leaving huge sums of money to Christian, Jewish

or other kaafir organizations, on the basis that these are charitable, educational or

humanitarian organizations and so on, but there is no way that Muslims can benefit from

this. The only ones who benefit from it are the kuffar, and their hungry oppressed refugee

Muslim brothers are left with no help or support. This is a sign of weak, diluted faith

and of allegiance to and admiration of the kuffaar and their disbelieving societies. We

ask Allaah to keep us safe and sound. May Allaah bless our Prophet Muhammad.