

The role of the will in community development between Sharī'ah and secular law: From establishment to revival

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Abstract: This study aims to explore the precise characteristics of the issue of bequests, not solely from a jurisprudential perspective as is common among researchers, but also by linking it to its role in community development and progress. Bequests serve multiple functions that represent the ethical and cultural objectives of Sharī'ah [the 'Divine Legislation'], which manifest in the process of uniting members of a single society. This is achieved through their contribution to building bonds of affection and compassion among individuals. Additionally, bequests have economic dimensions that consider the interests of the needy and provide them with resources to elevate their living standards. The study also presents a comparison between the contract of bequest an inheritance contract in Islamic Sharī'ah and secular laws, particularly Western ones. This is done by examining the mechanisms employed in enforcing bequests and understanding the interests sought in each, highlighting the distinct features of Islamic Sharī'ah in its consideration of kinship and both private and public interests, aiming to clear religious liability and via promoting community development while prioritizing moral and societal values. Accordingly, this study, in its examination of the subject, seeks to investigate the essence and objectives of bequests and extract the meanings endorsed by the majority of scholars who permitted bequests to heirs, conditional upon the consent of the remaining heirs. This approach considers both the significance of maintaining harmonious familial ties, and the positive impact this has on individual and community development. This will then be compared to some methods that strictly define inheritance in certain Western societies. The researcher employed both analytical and comparative methodologies, in line with the study's requirements, noting that the nature of the research opens horizons for understanding the approaches of non-Islamic countries regarding the issue of wills, the importance of exploring the culture of the other and its foundational references, the impact of Islamic laws on others, and how the laws upon which Islamic legislations were established have benefited from Western legal obligations. This represents an extension that goes beyond legislative codification to a cultural exchange that allows us to build intellectual communication with the other, placing this research before a fundamental problem embodied in the following question: To what extent do bequests contribute to community development? And what are the communicative dimensions that comparative legislation on bequests with the other offers us?

Keywords: bequests; wasiyyah; divine legislation; inheritance; community development; ethical and cultural objectives; economic dimensions; secular law; Sharī'ah

1. Introduction

In Sharī'ah [the 'Divine Legislation'], there are countless treasures of wisdom and legislations that can open limitless horizons for resolving issues in all areas of life. It is our duty to exert every effort within our capacity to explore and benefit from them. Among these legislations is the system of bequests, which is a

jurisprudential law related to financial dispositions and their potential utilization in community development efforts, whether within kinship ties or beyond, especially when the financial value of the bequest is significant. A bequest is not merely a religious act of devotion; rather, for those who delve into its multiple dimensions, it is connected to all areas of human life—social, economic, and psychological. Through it, many life issues can be addressed, particularly in relation to an individual's connection with their Lord and with those around them, whether kin or others, at various levels of social relationships. Accordingly, this study attempts to explore this topic from two perspectives: The first is by comparing it with secular bequest laws in the West, and the second is in its relation to community development.

Research Significance

The research addresses a topic that opens the horizon for the practical application of a Shari'ah-related issue in a developmental dimension that society needs. It enables the alignment of textual sources with reality and demonstrates its distinction from its secular counterpart.

Research Objectives

- To define the bequest in its legislative, ethical, and functional dimensions.
- To compare the bequest in Shari'ah with its counterpart in secular law, highlighting the legislative, ethical, and developmental superiority of the former.

Statement of the Problem

To what extent can bequests be utilized in community development, whether on a simple or strategic level?

Research Methodology

In this study, I employed two methodologies: The inductive and the comparative, as required by the nature of the research, which involves observation, investigation, and comparison.

Outline

I have divided the research into an introduction, two main chapters, and a conclusion.

- Introduction: Presented the research and its technical and methodological components.
- Chapter One: Defined the bequest, clarified its pillars and rulings, and then compared it with its counterpart in Western secular law.
- Chapter Two: Addressed the potential of utilizing bequests in various areas of community development.
- Conclusion: Summarized the key findings and recommendations.
- The research concluded with a bibliography of sources and references.

2. Section one: The will and its rulings between islamic law and secular law in the west

2.1. The concept of the will linguistically and terminologically:

2.1.1. The linguistic concept of the will

He entrusted or bequeathed, meaning he gave a mandate to someone, and a will is what you have instructed or commanded. It is called a ‘will’ [*waṣīyyah*] because of its connection to the matter of the deceased. The verbs ‘*waṣṣā*’ and ‘*awṣā*’ also carry the meaning of obligation, as stated in the verse of Allāh Almighty:

“Allāh instructs you concerning your children [i.e., their portions of inheritance] ...” {An-Nisa (4): 11}. (Ibn Manzūr and Jamāluddeen, 2005).

Thus, it arrives in an instructional context and is understood as being an obligation. As a ‘*waṣāyah*’ [will] is a directive concerning what that which the one giving the command sees as important for its great benefit. Therefore, what a person mandates about what should be done with his children, his wealth, and his person after death, is called a ‘will’.

The term ‘*waṣīyah*’ [will] also carries the meaning of connection, and from this, we understand the significance of the intent, as connection is the foundation of continuous communication between two or more parties. The verb ‘*waṣṣā*’ originates from the root meaning ‘to connect something with another’. It is said, “*waṣaytu al-shay*” [“I connected the thing”], and it is also said, “We tread upon a ‘*waṣīyah*’ land”, meaning: ‘Its vegetation is connected and filled with growth’. Additionally, “I connected the night with the day” means: ‘I joined them’. Furthermore, ‘*waṣīyah*’ carries the meaning of exhortation, as in the verse of Allāh Almighty:

“...and advised each other to truth and advised each other to patience” {Al-‘Asr (103): 3}.

Thus, we find that the will (*waṣīyah*) has three associations: A mandate, a connection, and an exhortation.

2.1.2. The terminological concept of the will

Scholars have provided closely related definitions of the will (*waṣīyah*). All return to the idea that it is, in every case, a transfer of ownership effective after death. It can be stated in terminological terms, that, the will, in general, is when a man (person) bequeaths his wealth to another person or persons after his death, whether he explicitly uses the term ‘will’ or not. This contract is unanimously agreed upon as a valid contract.

The essence of this concept is that the will represents a continuous connection beyond death between the deceased and the one to whom he has bequeathed (his wealth). Due to the ethical dimensions inherent in this will, it has been encouraged by the Sharī‘ah, even though it contradicts analogy in one of its aspects, as the rule states that the owner’s control over his wealth ends upon his death. However, its permissibility was granted with the intent of achieving the benefits that it provides, the most significant and evident being the fulfillment of the needs of those in need and the preservation of familial ties. This promotes family and social cohesion under an ethical framework, which itself represents a legal objective. This is reflected in the statement of the Prophet (peace be upon him): “*I was only sent to perfect noble character*”. (Al-Bukhārī and Muhammad ibn Ismā‘īl, 2008).

2.1.3. The pillars of the will

The will is realized by fulfilling its pillars, which constitute its essence, and adhering to the conditions detailed by scholars who strove to align these with the

intent of the Sharī'ah in achieving benefit. This has led to differences in certain aspects of its application. The four pillars are:

- The will or its formula, according to the opinion of those who hold that the offer and acceptance determine whether the will is enforceable or not.
- The testator.
- The beneficiary.
- And the bequeathed property.

Observing these pillars undoubtedly reveals the wisdom of the Lawgiver in permitting the will, commanding its execution, and encouraging it. This is because the essence of the will represents a comprehensive and harmonious system aimed at achieving major objectives, which are foundational principles of the religion itself. As mentioned in the previous hadith, the construction of moral values is among the most important purposes of the Sharī'ah. This can be seen through this detailed explanation of the foundational structure of the will and the benefits that are achieved by its pillars.

- a) **The Will:** I began this research by defining it. It is a legitimate contract prescribed by the Lawgiver. At its core, is a commitment to obedience to the first Benefactor, whether through what He has bestowed during life or through what is hoped for from his mercy after death. What distinguishes the Muslim from others is that positive submission to the teachings of the religion, which he understands to be in his best interest in both this world and the Hereafter. Thus, the believers always say in such circumstances: *“And they say, We hear and we obey. [We seek] Your forgiveness, our Lord, and to You is the [final] destination”* {Al-Baqarah (2): 285}. (Al-Jazīrī, ‘Abd al-Raḥmān, 1424 AH/2003 CE) The ruling on the will fluctuates between obligation, when it pertains to the rights of others upon the testator [the person who writes a will for him/herself], and permissibility in other matters other than that. It is also said that the will can fall under all five legal rulings, as it is an act of devotion and maintaining ties, and its ruling is determined based on how it is executed.
- b) **The Testator [the person who writes will for him/herself]:** The scholars unanimously agree on the necessity of the testator’s valid ownership. However, they differed regarding the will of an incompetent person and a discerning minor who can recognize his kinship. They also permitted the will of a non-Muslim, with the intention of expanding the scope of mercy among people and facilitating the transfer of benefits between them. Despite the slight differences in the types of testators, caused by the evaluation of the benefit in relation to the fluctuation between legal analogy and the approval of Sharī'ah, an example of this is that there is no specific restriction in the texts regarding the testator. A discerning minor is considered among those who are permitted to make a will, on the basis that acts of worship are accepted from him as voluntary acts. This principle allows him to make a will. On the other hand, a will is a form of voluntary gift, and a minor’s voluntary gifts are invalid. Most scholars favored the first opinion, prioritizing the tangible benefit it provides.

Sharī'ah has permitted this ruling, namely the permissibility of bequests, and commanded their execution. This is because it relates to one of the foundational parties of the bequest’s essence, which is the testator who donates a portion of his

wealth to take effect after his death. Through this, Sharī'ah aims to ensure the continuation of moral bonds, represented in values and principles upheld by the deceased even after his passing, earning him respect and honor. This also fosters the cohesion of kinship and the continuity of the affection mandated by Sharī'ah among all believers, let alone among relatives bound by the ties of kinship. This is in accordance with the saying of the Prophet: *“The example of the believers in their mutual love, mercy, and compassion is like that of a single body; if one part of it complains, the rest of the body reacts with sleeplessness and fever”* (Al-Nawawi and Muhyuddeen ibn Sharaf, 2013 CE). In fulfillment of the statement of Allāh, the Highest:

“Then is he who knows that what has been revealed to you from your Lord is the truth like one who is blind? They will only be reminded who are people of understanding—Those who fulfill the covenant of Allāh and do not break the contract, And those who join that which Allāh has ordered to be joined and fear their Lord and are afraid of the evil of [their] account, And those who are patient, seeking the face [i.e., acceptance] of their Lord, and establish prayer and spend from what We have provided for them secretly and publicly and prevent evil with good—those will have the good consequence of [this] home...” {Ar-Ra'd (13): 19-22}.

2.1.4. The legatee [the person who receives a legacy/portion of a testator's estate]

This refers to those for whom the bequest is permissible. They are originally specified by the verse of bequest in Surah Al-Baqarah, in which Allāh, the Highest, says:

“Prescribed for you when death approaches [any] one of you if he leaves wealth [is that he should make] a bequest for the parents and near relatives according to what is acceptable—a duty upon the righteous” {Al-Baqarah (2): 180}.

Scholars have extended the ruling to include other categories based on the objectives related to the bequest and in consideration of the abrogation clearly established by the authentic Sunnah, in which the Prophet said: *“Indeed, Allāh has given each rightful person their due right, so there is no bequest for an heir”* (Al-Tirmidhī and Muhammad ibn Īsa, 2002 CE). It is stated that, the bequest to parents was abrogated by the obligatory shares prescribed in Surah (An-Nisā'), and it remains for relatives who do not inherit.

However, those who consider the verse as definitive and not abrogated have permitted a bequest for parents who have no share in the inheritance, such as non-Muslim parents.

A question concerning the legatee remains, which is: What if he is not among the relatives? This is relevant in cases where there is an absence of heirs or kin for the testator, or if the text of the bequest is directed towards a party other than the relatives. In the latter case, the following could be appointed: Someone who has the right of neighborhood or service, or a bond of affection that brought about benefits for the testator, which distinguishes the legatee from others, or an institution whose benefit is more extensive and impactful for both relatives and others. This can be inferred from the definition of a bequest in various schools of thought, which agree

on it being ‘the transfer of ownership to take effect after death without a definitive specification of the nature of the legatee’. This is because, despite the majority adhering to the apparent meaning of the text and restricting the bequest to relatives alone, some Companions and scholars have practically applied it beyond their relatives.

This allows the scope of bequests to be broadened according to need and the soundness of the objective, without undermining the rights of the category mentioned in the text. Particularly, the term ‘good’ (خير) mentioned in the verse of bequest in Surah Al-Baqarah indicates, according to most exegetes, that the intended meaning of ‘good’ is wealth, and that a condition for the bequest is *the abundance of wealth in what the testator leaves behind as inheritance* (Al-Qurtubī and Muhammad ibn Ahmad, 2010 CE). This understanding extends the bequest to more than one party, whether from relatives or others whom the testator deemed deserving of the bequest and in need of it, be they individuals or institutions. This supports virtuous efforts to strengthen kinship ties as well as to build bridges of communication with the community and contribute to its development.

2.1.5. The bequeathed property

The vast majority of scholars have set conditions for it, which include that it must be something that is subject to inheritance; that it must be of recognized value; and that it must exist either at the time the bequest contract is made or at the time of the testator’s death. Additionally, it must not exceed one-third of the estate if there are heirs, based on the statement of the Prophet to Sa’d ibn Abi Waqqas (may Allāh be pleased with him) when he wanted to bequeath his wealth: “*A third, Sa’d, and a third is much*” (Al-Bukhārī and Muhammad ibn Ismā’il, 2008). However, in the absence of heirs, it is permissible to bequeath all of the wealth.

What we observe through these conditions is their nature, which is governed by the regulations of Sharī‘ah and aligned with morals that are accepted by natural disposition and approved by society. They also allow for flexibility, enabling the benefits of bequests to extend beyond the bounds of kinship and be determined according to the interest decided by the testator, which can be indicated by scholars and encouraged by the ruler based on the needs of society and the nation. This takes into account evolving demands and constant changes in the private and public interests that Sharī‘ah rulings can adapt to and align with, while adhering to the established Sharī‘ah principles and their evidences.

This is, as is well known, among the overarching objectives of the religion, with the promotion of benefits being one of its main pillars, reflected in the saying of the Prophet: “*...The most beloved of people to Allāh are those who are most beneficial to others, and the most beloved of deeds to Allāh, the Almighty, is to bring happiness to a Muslim, or to relieve him of distress, or to pay off his debt, or to ward off hunger from him...*” (Al-Tabarānī and Abu’l-Qasim Sulaymān ibn Ahmad).

2.2. A comparison between the bequest system in islam and its counterpart in western secular law

The issue of bequests holds significant importance in family and community matters due to its religious, ethical, and developmental dimensions. Each legislator in

different countries has approached it in a way that aligns with their social philosophy and cultural framework. Muslims view it from the perspective of religious principle, prioritizing it over other considerations, due to their absolute belief in the supremacy of the religious text and its precedence over all else. As Allāh the Almighty Says:

“Does He who created not know, while He is the Subtle, the Aware?” {Al-Mulk (67): 14}.

As for secular laws, particularly those in Western countries, most of them are based on the philosophy of absolute individual freedom, with only a few being influenced by Islamic legislation due to the precision and social justice observed therein. The main points of difference between them can be summarized as follows:

2.3. The bequest in western secular law

Types of bequests in western secular law

In most Western inheritance laws, the bequest is the primary basis for the distribution of estates. In many of them, under the pretext of personal freedoms, the bequest can deprive heirs of their inheritance rights. For example, in American law, the testator is granted the right to disinherit all heirs, as the decedent has the right to leave a bequest of all his wealth to whomever he desires, whether a relative or not, or in some cases, even to an animal (such as his favorite dog).

In contrast, French law aligns more closely with the Islamic bequest system in terms of the proportion allowed but differs on the matter of bequeathing to an heir. It states that a bequest in Islamic Shari‘ah is legally permissible so long as it does not exceed one-third of the estate. Similarly, in French law, an heir can combine their share of inheritance with the bequeathed portion as long as it does not exceed one-third; if it does, the excess must be returned to the estate.

In English law, the approach is similar to Islamic Shari‘ah in setting the bequest limit at one-third and nullifying it if made under duress, as stated in Article 1/16 of English law. Meanwhile, German bequest law is subject to personal freedom, similar to American law, in that, German law grants every individual the right to dispose of their wealth during their lifetime or write a bequest upon their death, and the bequest takes precedence over all other laws regulating inheritance.

Since it is not possible in a brief study to present detailed models for all countries of the world, it is possible to highlight the most similar cases among many countries across various continents, where the inheritance system is patriarchal, and the eldest son receives the largest share of the estate without consideration for the bequests or the needs of other family members and relatives of the deceased. The most notable countries characterized by this form of inheritance include Myanmar, Vietnam, and Nigeria. In contrast, in Russia, inheritance predominantly relies on bequests, and in North Korea, a communist country, the inheritance system is based on individual ownership rather than familial ownership, which cannot be inherited and reverts to the state. However, in this study, we will compare bequests in Islamic law with those in Western law, considering their similarity in form and structure, and the partial reliance of the West on the bequest system in Islamic jurisprudence.

The amount of the bequest is a crucial aspect in the matter of the will. Most Western legal systems grant the testator the freedom to determine the amount of the

bequest, allowing them to bequeath their estate entirely or partially. In Islamic legislation, however, the bequest must not exceed one-third, as the Prophet said: “*One-third, O Sa’d, and one-third is much*” (Al-Bukhārī, 2008). Some countries have seen the merit of Islamic legislation in setting this limit for bequests and have followed its example, such as in English law, and similarly in French law, although the latter allows the heir to add the bequest to their share if it does not exceed one-third.

As we can observe, these civil laws may sometimes conflict with the nature of social justice, as it is certain that the family contributed to the existence and growth of the deceased’s wealth. It would be unfair to deprive them of it by a bequest that might be influenced by psychological factors, transient circumstances, or invalid customs—such as in some countries, where a person has the freedom to bequeath all their wealth to a favored pet. Nonetheless, some among them with noble intentions dedicate their entire bequests to charitable development projects with a humanitarian and benevolent purpose, whether in scientific, medical, or other fields.

However, depriving relatives of inheritance remains a cause of estrangement and animosity, which leads to family disintegration that is frequently seen in the West and less commonly discussed in Islamic societies. This is because social cohesion is among the primary objectives of faith, as the Prophet said: “*The believer to the believer is like a solid structure, each part supporting the other*”. (Al-Nawawi, 2013 CE)

The prohibition of the harmful bequest in Islamic law and its permissibility in civil legislations: This refers to a bequest intended to harm the heirs. As Allāh, the Almighty, Says:

“...after any bequest you [may have] made or debt...” {An-Nisa (4): 12}.

This is because the harmful bequest is prohibited, or its motive is prohibited, as it is the bequest in which the testator intends to deprive his heirs of his estate, or part of it, by bequeathing more than one-third, or by bequeathing to one of his heirs to the exclusion of the others.

In most Western laws, however, leaving the bequest entirely to the discretion of the testator enables him to harm the heirs, either by exclusion or deprivation. This is something that Islamic law considered and therefore prohibited for familial and social interests.

In Islam, a will (wasiyyah) is an act of devotion and benefit, while this is not a requirement in Western secular law, where Islamic law stipulates that, the beneficiary of the will must not be an entity involved in sin, because the will is legislated to be an act of devotion or a means of maintaining ties, and if the beneficiary is an entity involved in sin, none of this is achieved.

Islamic law takes into account the objectives of establishing wills, as the purpose of the will is to strengthen family ties, meet the needs of the poor and needy, and contribute to societal development if the value of the will serves that purpose. In contrast, in Western secular laws, none of these aspects are considered, neither in terms of devotion nor the nature of the will’s disposition, except as permitted by secular law, which allows the individual to act with complete freedom without regard for religious devotion or social ties.

Despite all the advantages of Islamic legislation on bequests, it nonetheless faces several obstacles in terms of implementation, particularly in non-urban communities where traditions and customs dominate family practices in the distribution of estates and the determination of bequests. To this day, in many Islamic societies, women are deprived of inheritance, and bequests are often overlooked due to a weak religious conscience, the dominance of patriarchal society, women's illiteracy in many environments, and their lack of awareness of the laws. Added to this are bureaucratic obstacles that hinder the activation of laws in many aspects of Sharia, which contrasts with the West, where laws are enforced with precision and strictness.

3. Section two: The role of the will in community development

The concept of development is one of the most common terms in the policies and future programs of nations. While traditionally, in its linguistic sense, this concept referred to 'the process of growth and improvement', it has, since the past century, become a dynamic and expansive term that encompasses more than one field. We now find expressions such as 'sustainable development', 'community development', 'human development', and others. This indicates that the term includes key options relied upon by both institutions and individuals, with the aim of creating positive interaction between human resources and environmental conditions, enabling society to move toward a better future.

3.1. The concept of community development

3.1.1. Concept of development in language

It means growth and advancement, derived from the verb nama (yanmi), and its use through the verb nama (yanmu) is originally rare. It carries the meaning of increase and abundance. It also conveys the meaning of zakat (purification or growth) in one of its aspects, as in the words of Allāh, the Exalted:

“Take, [O Muḥammad], from their wealth a charity by which you purify them and cause them increase, and invoke [Allāh's blessings] upon them. Indeed, your invocations are reassurance for them. And Allāh is Hearing and Knowing” {At-Tawbah (9): 103}.

In this verse, tazkiyah (purification) means both 'purification' and 'growth'. Since the term 'development' was not common in that era, it saw varied usage with the advancement of technology and communication, and its meanings multiplied. It came to be expressed through many terms such as: 'growth', 'progress', 'Westernization' or 'development'. The general meaning of the word has several equivalents in Arabic, which are also among the meanings of foreign terms, such as evolution, prosperity, expansion, and extension. However, the modern usage of the term implies that the growth we refer to occurs through successive stages.

3.1.2. The concept of community development

What can be pointed out is the rapid change that societies are witnessing today. With just a simple glance back and comparing it to the present, we observe a radical transformation in lifestyle and our social nature, something that was impossible to comprehend in the past.

In the Middle Ages, change was viewed as something strange, unobservable, unpredictable, or even as a matter of metaphysics. However, with time and humanity's attempt to control nature, humans began to seek change in their reality through various available methods and approaches during that period in order to improve their lives and achieve happiness.

We can hardly define the boundaries of the term 'development' in direct relation to society, regardless of the field in which it operates. Every developmental effort, whether related to an increase in material resources, services, or human capacities such as knowledge, health, and practical skills, has a direct impact on society. This makes community development manifest in several major areas that contribute to improving human life. Perhaps the most strategically important is the term 'sustainable development', which emerged in the late 1970s and emphasizes that the rational use of natural resources is the guarantee of continued production and environmental preservation. Hence, the concept of community development encapsulates the economy, environment, culture, health, ethics, and everything related to people's lives, and how society can be elevated in these fields of human endeavor.

3.2. Community development from an islamic perspective

We know that all countries strive to their utmost to achieve community development that meets the needs of their societies, whether these needs are essential or even deemed as a luxury for advanced countries. However, the methods used to achieve the desired development differ according to the countries and their references, as the nature of societies and their cultures have a significant impact on the lifestyle that determines the concept of happiness according to each society. Some base their habits on purely material foundations, some base them on shared values between morality and materialism, and some prioritize religious improvement above all else. In this context, we find that the reality of community development in Islam is distinct from others, as material and spiritual elements share its principles, mechanisms, and goals. This is because a Muslim's faith is conditional upon the necessity of adhering to the fundamentals of Shari'ah, while considering the real-life changes of human life.

3.2.1. Community development is a religious objective

It was previously mentioned that community development is a continuous change aimed at improving society and achieving its happiness. This change requires human effort, which has been explained by the Lawgiver, who emphasized the necessity of it starting from within us. Indeed, societal change begins with individuals and their awareness of the need to elevate themselves from a lower to a higher state. As Allāh, the Exalted, Said:

“Indeed, Allāh will not change the condition of a people until they change what is in themselves” {Ar-Ra'd (13): 11}.

This change requires continuous effort on the part of the Muslim, who is mindful of God's oversight and understands that the standard for this change is subject to the balance of Islamic law, in accordance with the saying of Allāh, the Exalted:

“And that there is not for man except that [good] for which he strives, and that his effort is going to be seen—Then he will be recompensed for it with the fullest recompense...” {An-Najm (53): 39-41}.

This is in addition to the awareness of the necessity of reform and preserving the achievements and accomplishments made for the community, which is indicated by the noble verse through the prohibition of what opposes this reform, as Allāh, the Exalted, Says:

“And cause not corruption upon the earth after its reformation” {Al-A’rāf (7): 56}.

The texts of Islamic law in this context are almost limitless, and what unites them is that community development in Islam is determined by the guidelines of the objectives, which range between bringing benefits and preventing harm, and understanding the reality in which human actions take place. Just as ignorance of the objectives of Islamic law leads to the loss of human benefit in applying rulings, ignorance of human reality leads to the same result.

3.2.2. Community development is divine in origin

Since community development has legitimate objectives, it is no surprise that its foundational reference is divine. This is what we can deduct from the great purpose for which God created humans, which is represented in human stewardship on this earth. This purpose was divinely ordained, as stated in the Words of Allāh, the Exalted:

“And [mention, O Muḥammad], when your Lord said to the angels, “Indeed, I will make upon the earth a successive authority” {Al-Baqarah (2): 30}.

and the role of this stewardship was also defined by a divine text, as the Almighty Said:

“He has produced you from the earth and settled you in it” {Hud (11): 61}.

And ‘settling’ here means development, that is: Making you its inhabitants. The meaning of ‘development’ is that they made the earth flourish with building, planting, and cultivation. This is what defines community development, balancing between the intent of the One who entrusted the stewardship and the effort of the entrusted human. God is the source of establishing this role, and the human being is tasked with fulfilling it in a manner that pleases the Creator and ensures their own benefit. Therefore, this divine origin requires conditions aligned with Islamic law to achieve development that balances the needs of both spirit and matter, fulfilling the needs of individuals and the cohesion of society. Among the most important of these are: Commitment to the moral dimension: Virtuous morals are the foundation upon which the message of Islam was established, and every human action must meet the ethical standards that regulate the limits and purposes of change. This is in fulfillment of the prophetic objective expressed in his saying, peace and blessings be upon him: “*I was only sent to perfect good character*”. This is also indicated in the Qur’ān by specifying many patterns of behavior that result in positive change in the life of the believer, through adherence to the commands and prohibitions mentioned in the text. An example of this is the saying of Allāh, the Exalted:

“Eat of [each of] its fruit when it yields and give its due [zakāh] on the day of its harvest. And be not excessive. Indeed, He does not like those who commit excess” {An-An’ām (6) 141}.

and in Allāh’s Saying:

“And give full measure when you measure, and weigh with an even [i.e., honest] balance. That is the best [way] and best in result” {Al-Isrā’ (17): 35}.

These, and other teachings, encourage justice, moderation, and balance in dealing with God’s blessings and with others. These are moral dimensions without which positive community development cannot be achieved.

Commitment to the social dimension: Community development does not achieve its goals under individualistic ethics based on materialism and personal selfishness, where the community loses its human aspect, represented by harmony and integration. Development then becomes a form of exploitation that excludes others and disregards all ethical standards, al-Messirī notes. In this context, utilitarian ethics emerged, which absolves humans of moral responsibility, as it is derived from nature/material and its laws, which transcend emotions, purposes, and human ethics.

In contrast, Islam calls for the opposite of this form of social coexistence. We find its ideal image in the saying of the Prophet, peace and blessings be upon him: *“You see the believers in their mutual mercy, love, and compassion, like one body; if one part of it suffers, the rest of the body responds with sleeplessness and fever”*. (Al-Bukhārī, 2008) This is the same Qur’anic foundation based on solidarity among the members of society, starting from the narrow circle to the broader field, as Allāh, the Exalted, Says:

“Worship Allāh and associate nothing with Him, and to parents do good, and to relatives, orphans, the needy, the near neighbor, the neighbor farther away, the companion at your side,¹ the traveler, and those whom your right hands possess. Indeed, Allāh does not like those who are self-deluding and boastful...” {An-Nisa (4): 36}.

And likewise, in the saying of Allāh, urging people to strengthen social bonds by extending a helping hand to others:

“And cooperate in righteousness and piety, but do not cooperate in sin and aggression” {Al-Mā’idah (5): 2}.

Commitment to environmental preservation: No developmental effort is devoid of the necessity to care for the environment, which represents the foundation of human stewardship. The environment is the trust that God Almighty has placed in the hands of humanity to improve and prepare it, providing the best conditions that enable humans to achieve a good life in this world and to recognize God’s blessing upon them, thus being ready to express gratitude and strive to fulfill His will. Allāh, the Exalted, Says:

“If you are grateful, I will surely increase you [in favor] ...” {Ibrāhīm (14): 7}.

The Qur’ān has explicitly called for the promotion and elevation of the environmental dimension, and this is clearly evident in His saying, the Exalted:

“And cause not corruption upon the earth after its reformation” {al-A’rāf (7): 56}.

Since the earth, with all its human and natural components, represents the environmental domain that ensures proper societal development, as the environment includes all natural and artificial elements, as well as the economic, social, and cultural factors that contribute to providing, transforming, and developing the surroundings, living beings, and human activities.

All of this reflects the essence of the message of Islam, which establishes a culture of societal development in all its human dimensions, in direct relation to human reality as well as to religion.

3.2.3. The will as a remedy for the human soul

This heading may seem strange as the books of jurisprudence do not discuss the relationship between a will and its impact on a person's psycho-spiritual state. Such matters are studied in the field of spiritual purification and ethics. Therefore, it is necessary to add to the efforts of earlier scholars the task of applying Islamic rulings to the realities of human life and its varying conditions, which influence behavior. When discussing the will and its moral standard, we should not overlook its value in providing a psychological motivation to cultivate affection and love between the one making the will and the beneficiaries. In this way, the will brings about significant behavioral change, making the beneficiaries more empathetic and compassionate toward the sick person making the will.

As a result, the outcomes of the will are more impactful in various investment processes, as it becomes a trust that must be fulfilled in the best possible manner. This is driven by the emotion that the will instills, guiding behavior toward success based on strong mutual emotions among the parties involved in this process. As Awida notes (1996: 140).

Emotion has a significant impact on human behavior; compassion drives a person to help the poor, patriotism motivates a person to defend their homeland by any means possible, and friendship leads a person to cooperate with colleagues and friends. People's behavior varies as a result of the differences in their emotions.

The matter of a will, and the financial security it may provide for the beneficiary, also gives them a sense of security within their family and community. Likewise, the person making the will feels an inner sense of peace as they free themselves from any burdens of life which they may have experienced. They are obliged to purify themselves from the attachments and sins of the world and approach their Creator feeling content with what they have offered to others, overcoming their own self-interest. As Allāh, the Exalted, says:

“And whoever is protected from the stinginess of his soul—it is those who will be the successful” {Al-Hashr (59): 9}.

This is especially the case as the one making the will leaves behind someone who will continue acts of charity and community development, ensuring that development efforts do not cease with their death. In doing so, they have contributed to building the character of the beneficiary, grounding them in trustworthiness and generosity. They will be free from financial need and fear of the future, and also be secure from instability and anxiety within their society. As psychologists say If the level of anxiety is bearable, and a person continues to adapt to their environment, they may gain more confidence and the ability to adapt. (Amarah, 2014).

3.3. The impact of wills on community development

The will, as a form of donation, has several objectives all of which serve social relationships, starting with family ties and those in need, and extending to broader initiatives such as establishing simple or strategically important social projects. A will may fulfill moral goals such as meeting needs and maintaining family bonds, but it can also have significant quantitative value and far-reaching effects. This is especially true since the Prophet, peace be upon him, encouraged writing a will and not neglecting it, saying: “*It is not right for a Muslim who has something to bequeath to spend two nights without having his will written with him*” (Al-Bukhārī, 2008). This allows us to categorize wills, based on their foundation and practicality, into types: The first is what benefits family members and those in need, with a purely moral aspect; the second is what benefits family members and enables them to establish simple development projects; and the third is the will designated for charitable causes, aimed at establishing strategic development projects to serve the community and the nation.

3.3.1. The moral dimension of the will

This refers to the will that is mentioned in clear legal texts, primarily concerning relatives by kinship. Kinship holds a significant position in the Book of God, as He, the Exalted, said:

“But those of [blood] relationship are more entitled [to inheritance] in the decree of Allāh” {Al-Anfal (8): 75}.

These texts are numerous in the Qur’ān and the Sunnah regarding inheritance and other forms of connection. (Al-Jundī, n.d.).

The inheritance of kin through the estate caused a disagreement among the Companions and jurists. The basis of this was the existence or absence of a textual basis, the application of the rules of analogy and rational consideration, and their implications in this regard.

Determining whether it is obligatory or not is also important. In the case of obligation, the one making the will must consider the needs of relatives and also follow up on their conditions. In this case, concern for kinship and family ties is not only due to the customary practice of family communication, but also to improve their living conditions, and to establish a realistic material foundation alongside the spiritual and moral bonds. However, in the absence of obligation, the act has a far deeper moral dimension, for the one making the will is not legally compelled to do so, and thus the act of making the will becomes an additional means of drawing closer to those mentioned in the will, both before and after death. Al-Qurtubī states,

Most scholars hold that the will is not obligatory (...), and this is the view of Malik, al-Shafi’i, and al-Thawrī, whether the person making the will is wealthy or poor. A group, however, held that the will is obligatory based on the apparent meaning of the Qur’ān. This was said by al-Zuhrī and Abū Mijlaz (Al-Qurtubī, 2010 CE), whether the wealth is little or much.

On the other hand, the will may extend beyond kinship and be for those in need, or for those who have a strong connection to the person making the will, which is acknowledged by Islamic law. In *Al-Mabsūt* by As-Sarakhsī, it is stated: If a man is on his deathbed and has no heir, and he wills all his wealth to another person, it is

valid according to us. It has been reported from Ibn Mas'ūd, may Allāh be pleased with him, that he said: 'O people of Hamdān, there is no tribe more likely than yours for a man to die without a known heir. If that happens, he may dispose of his wealth as he wishes'. (Al-Sarakhsī, n.d.).

The author did not specify whether the beneficiary of the will should be from the kin or not, and it is preferable that it be someone other than kin, as the hadith of Ibn Mas'ūd, may Allāh be pleased with him, grants the testator freedom in the matter without any restrictions.

What has been mentioned above allows us to understand the moral dimension provided by the contract of the will, in addition to the material benefit it can offer. Overall, it contributes to the improvement of the lives of the beneficiary, whether an individual or a group. The beneficiary may be specific or non-specific. By this, it is meant that the will may be made for either a particular person or group, or for unspecified individuals such as when the testator makes a will for a specific person, or for a specified group of people. Or, the will may be made for unspecified individuals, such as for the children of his sisters, or the poor among the children of his aunts and uncles. As for non-specified groups, it could be for the poor of a neighborhood or the needy in a particular school.

The purpose of the first type, as we can see, is to establish social good and strengthen the bonds between members of society, particularly with relatives by kinship. It also extends to those who have moral rights, such as servants, students, scholars, and those who have provided services, in recognition of their kindness and favor. Additionally, it includes those in need, such as the poor and the destitute, whom Islamic law has encouraged to assist, as in the saying of the Exalted:

“And give the relative his right, and [also] the poor and the traveler, and do not spend wastefully” {Al-Isra (17): 26}.

All of these are forms of community development, with moral development at the forefront. The intent of which is to foster social harmony, solidarity among people, and the rejection of hatred and animosity. These are also motivators for development in other areas as well.

3.3.2. The will with a narrow developmental dimension

Just as the will can have a moral dimension, it can also be compound. This means it combines a moral intention with a primarily developmental goal. This goal, however, is simple and narrow and does not extend beyond kin or those close to the testator. It primarily concerns specific beneficiaries, either by name, number, or description, which is permitted by the vast majority of jurists. However, the developmental dimension here is considered from the perspective of the bequeathed item, as there is no disagreement that this pillar is represented either by specified wealth or benefits. According to the nature, value, and economic or intellectual return of the bequeathed item, or other benefits that accrue to the beneficiary, the method of handling the will can be determined. It is preferable for it to be conditional in that it does not just directly meet immediate needs, but promotes a sense of responsibility by providing self-sufficiency so that one does not rely on others in the future. It is recommended in charity to make the poor self-reliant, and it was reported from Umar ibn al-Khattab, may Allāh be pleased with him, that he said:

“When you give, make them self-sufficient”. (Ibn Abī Shaybah and Abu Bakr, 1425 AH/2004 CE) It was also transmitted from the Companions, may Allāh be pleased with them, regarding charity that it was preferred for it to meet the needs of the household.

The will, as is well known, can be either restricted or unrestricted, and it is preferable to encourage the restriction of how it may be utilized. This is something that scholars and those in authority should particularly emphasize in this age, where interests are numerous and their nature constantly changes. It is best for the will to be directed toward the benefits needed by the beneficiary and those he is responsible for, while also considering the community’s need for any project being considered. In the Arab world, we lack this kind of development in the ideas that were presented in Islamic law at the time they were revealed. These ideas need to be placed within their current context, while maintaining their grounding in religious sources. It is no longer useful to draft unrestricted contracts in societies that are complex and ever-changing. In other words, we must stress the necessity of restricting the will with conditions that ensure its benefit, especially if it has a value that can achieve self-sufficiency for the beneficiary or beneficiaries. These conditions include (Atiyyah, 2013): Setting specific goals, determining the necessary requirements to implement them, including funds, individuals, and services, as well as the methods and timing for achieving these goals...

Referring to the beneficiary of the will.

Since Islamic law has left the manner of utilizing the will to the discretion of the testator, whether to restrict it or leave it unrestricted, it is necessary to consider the context in which the text of the will was revealed, namely His Saying, the Exalted:

“Prescribed for you when death approaches [any] one of you if he leaves wealth [is that he should make] a bequest for the parents and near relatives according to what is acceptable—a duty upon the righteous” {Al-Baqarah (2): 180}.

According to a group of jurists, the verse was abrogated by the Sunnah: “*There is no will for an heir*” (Al-Tirmidhā, 2002 CE), due to the change in legislative circumstances during the life of the Prophet, peace be upon him. How, then, after hundreds of years, when the circumstances are no longer the same, the needs have changed, and the ways of utilizing benefits have evolved and require regulation? This must be done while considering the original ruling of the will in Islamic law. In this way, we can ensure the rights of the heirs, whose shares have been clarified by the Sharī‘ah. This can be either via obligation or through kinship, while also preserving the rights of the beneficiaries of the will whether they are relatives or those in need. This would enable them to use these benefits for development that benefit individuals and society, freeing a significant portion of people from a life of dependency and reliance on others.

3.3.3. The will with a strategic developmental dimension

The will for a specific entity and what is meant here is: A will that is allocated for a purpose with a strategic dimension in community development. Such as establishing a charitable institution, constructing a scientific, religious, or economic facility for the benefit of a social group, or for national interests, or any other area of

public benefit. This is especially the case when the value of the will is significant. When God, the Almighty, said in the verse of the will:

“Prescribed for you when death approaches [any] one of you if he leaves wealth [is that he should make] a bequest for the parents and near relatives according to what is acceptable—a duty upon the righteous” {Al-Baqarah (2): 180}.

The intended meaning of “khayr” [‘wealth’] here refers to ‘significant wealth, according to custom’. However, since the testator is free to determine the beneficiary, it is preferable to encourage directing substantial wealth toward the establishment of projects with a strategic dimension, whether economic or in fields needed by society or the nation. The benefits of such projects would extend to both the testator and the beneficiaries in an organized and regulated manner., the jurists agreed on the validity of a will for a public entity, such as mosques, schools of knowledge, hospitals, libraries, shelters, and the like, whether the bequeathed item is a tangible asset like a library or a benefit, such as the rent of a house or a commercial property, whether permanent or temporary. (Az-Zuhaylī, 1997).

Additionally, the will may be for projects that benefit the poor or for state interests, as specified in the will. The testator has complete freedom in determining how the benefits are allocated, whether restricted or unrestricted, so long as they adhere to Shari‘ah limits and do not harm the public interest. It is up to scholars and those in authority to encourage such wills and highlight their value in both this life and the hereafter.

The will for an unspecified entity: This is one of the greatest forms of charity, where the testator makes the will for the sake of God and for charitable acts without specifying a particular beneficiary. Scholars of Islamic law have stated: Likewise, the will is valid for charitable acts in general, without specifying a particular entity, and it can be spent on any charitable cause.

This type of will can greatly contribute to community development if it is regulated and organized into developmental social funds. This is along with mechanisms in place to direct it toward areas of need and public benefit, especially if the will involves substantial wealth. This is particularly relevant when the deceased owns large estates and wealth, ensuring that the heirs receive their rightful shares while the will is also directed to addressing various developmental gaps. Many educational, health, and charitable institutions in the West were established through inheritance wills. It is even more appropriate for such projects to be realized by wisely directing the benefits of Shari‘ah-compliant wills toward areas that stimulate community development which deserve support and funding.

4. Conclusion

In this research, I addressed the topic of the will (wasiyyah) in terms of its definition, pillars, and rulings, and compared it with Western secular law. I also highlighted its importance as a form of donation that represents a significant resource for community development. I observed that it is a matter deserving attention and study with the aim of utilizing it to establish either simple or strategic developmental projects. This is especially relevant as it fluctuates between the five rulings and is influenced by several dimensions that contribute to the formation of social character

such as moral values, religious devotion, and worldly interests. Through it, an ascending form of development can be established, starting from the family unit and extending through to the national level. I have reached several conclusions and recommendations, the most important of which are:

Findings:

- The will can be positively invested in the field of economic and social development.
- The will has a significant developmental impact in all areas of life.
- The will in Islamic law surpasses its counterpart in Western law due to its association with ethics and its distinction in strengthening community relationships and promoting its development.
- The will in Islamic law is surpasses its counterpart in Western law, due to its connection to morals, and its distinction in its impact on strengthening community relations and developing it.
- Neglecting this topic deprives society of a developmental resource that offers both ethical assurance and material benefit.
- The will serves as a suitable educational tool connected to religious, social, and economic studies.
- The will is a topic for research via open scientific seminars and multi-dimensional academic studies.
- The will can be utilized in comparative legal studies between Islam and the West, enabling the expansion of intellectual communication between societies and fostering levels of cultural exchange among them.
- The will can be utilized in comparative legal studies between Islam and the West, by examining Western laws to benefit from the application of the will in ways that serve the Islamic community, making it a resource from which other societies can also benefit.

5. Recommendations

It is necessary to pay attention to this topic by deepening its study through seminars and scientific research.

- Efforts should be made to manage it with an effective academic methodology.
- Intensifying the promotion of a donation culture through the will, via working to regulate it, and raise awareness of it through education and media. This includes forming trained teams under the supervision of specialized bodies, which could then identify charitable and developmental projects to present to businesspeople and encourage them to allocate wills for some of these projects and tracking their contributions.
- Granting the testator legal guarantees in regard to various of development, so as to ensure the implementation of their will in ways that benefit society in accordance with the provisions of Islamic law; which is characterized by flexibility in ensuring benefits through assets and achieving them with consideration of the objectives.
- Granting the testator legal guarantees for the implementation of their will in areas of development to serve the community within the framework of Islamic

law, as people have refrained from endowments due to the lack of guarantees in several countries to ensure the continuity of the endowment according to the stipulations of the donor. Consequently, endowments have been sold, removed from their intended purpose, or their benefits have been suspended from what they were endowed for.

- Encouraging scholars and authorities to promote the prudent investment of the will (wasiyyah) in various aspects of community development.

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References

- Al-Amarah, Asad Sharif. (1435 AH/2014 CE). *The Psychology of Personality*. Amman: Safaa Publishing and Distribution House. 1st edition.
- Al-Bukhārī, Muhammad bin Ismā'īl. (2008). *Al-Adab Al-Mufrad*. Beirut: Dar Al-Ma'rifah.
- Al-Bukhārī, Muhammad bin Ismā'īl. (n.d.). *Sahih Al-Bukhari*. Algeria: Dar Al-Mukhtar Al-Arabi. Edition not specified.
- Al-Bukhārī, Muhammad bin Ismā'īl. *Al-Adab al-Mufrad*, Chapter 135, Hadith No. 273, p. 78.
- Al-Jazīrī, 'Abd al-Rahmān. (1424 AH/2003 CE). *Al-Fiqh 'alā'l-Madhāhib al-Arba'ah*, vol.3, pp.235-236. When someone dies, they are deemed to have died 'testate', which means they had a will in place.
- Al-Jundī, Muhammad Al-Shahat. (n.d.). *Al-Mirath fi al-Shari'ah al-Islamiyyah [Inheritance in Islamic Sharī'ah]*. Cairo: Dar Al-Fikr Al-Arabi.
- Al-Jundī, Muhammad Al-Shahat. (n.d.). *Inheritance in Islamic Sharia*, p. 207.
- Al-Kasanī, 'Alāuddeen al-Hanafī. (1424 AH/2003 CE). *Bada'i' as-Sana'i' fi Tartib al-Shara'i [The Marvels of Craftsmanship in the Arrangement of Laws]*. In 'Ali Muhammad Mu'awad & 'Ādil Ahmad Abdul Mawjūd (Eds.), Beirut: Dar Al-Kutub Al-Ilmiyyah. 2nd edition.
- Al-Khafif, Ali. (1431 AH/2010 CE). *Ahkām al-Wasiyyah Buhūth Muqāranah [The Rulings of Wills, Comparative Studies]*. Cairo: Dar Al-Fikr Al-Arabi. 1st edition.
- Al-Khafif, Ali. (1431 AH/2010 CE). *Ahkām al-Wasiyyah: Buhūth Muqāranah [The Rulings of Wills: Comparative Studies]*, p. 117.
- Allam, Saad Taha. (2006). *Al-Tanmiyah wa al-Mujtama' [Development and Society]*. Cairo: Madbouli Library. 1st edition.
- Al-Masirī, Abdul-Wahhab. (1428 AH/2007 CE). *Al-Falsafah al-Madiyyah wa Tafsik al-Insān [Materialist Philosophy and the Deconstruction of Humanity]*. Damascus: Dar Al-Fikr. 2nd edition.
- Al-Nawawī, Muhyiddeen bin Sharaf. (1434 AH/2013 CE). *Sahih Muslim with the commentary of Al-Nawawī*. Cairo: Dar Al-Fajr for Heritage. 2nd edition.
- Al-Nawawī, Muhyuddeen ibn Sharaf. *Sahih Muslim with the Commentary of Al-Nawawī*, Chapter on the Compassion, Affection, and Mercy of the Believers, Hadith No. 2586, 8/355.
- Al-Qurtubī, Muhammad bin Ahmad. (1431 AH/2010 CE). *Al-Jami' li-Ahkām al-Qur'ān [The Collection of Qur'anic Rulings]*, Hamid Ahmad Al-Tahir (Ed.), Cairo: Dar Al-Ghad Al-Jadid.
- Al-Qurtubī, Muhammad bin Ahmad. (1431 AH/2010 CE). *Al-Jāmi' li Ahkām al-Qur'ān*, vol.2, p.196.
- Al-Rāzī, Fakhruddeen. (2015). *Al-Tafsir al-Kabir aw Mafatih al-Ghayb [The Great Exegesis or The Keys to the Unseen]*. In 'Imād Zaki Al-Baroudi (Ed.), Cairo: Al-Tawfiqiya Library. 3rd edition.
- Al-Sarakhsī, Shams al-Din. (n.d.). *Al-Mabsūt*, vol.29, p.18.
- Al-Sarakhsī, Shamsuddeen. (n.d.). *Kitab al-Mabsut [The Book of Expansion]*. Beirut: Dar Al-Ma'rifah.

- Al-Shafi'ī, Ahmad Mahmoud. (1414 AH/1994 CE). *Al-Wasiyyah wa al-Waqf fi al-Fiqh al-Islāmī* [Wills and Endowments in Islamic Jurisprudence]. Alexandria: Ain Shams University Library. 1st edition.
- Al-Surayfī, Abdul-Wadud Muhammad. (1997). *Al-Wasaya wa'l-Awqāf wa al-Mawāriṭh fi al-Shari'ah al-Islāmiyyah* [Wills, Endowments, and Inheritance in Islamic Sharī'ah]. Beirut: Dar Al-Nahda Al-Arabia.
- Al-Surayfī, Abdul-Wadud Muhammad. (1997). *Al-Wasaya wa'l-Awqāf wa al-Mawāriṭh fi al-Shari'ah al-Islāmiyyah* [Wills, Endowments, and Inheritance in Islamic Sharī'ah], p.55.
- Al-Tabaranī, Abu'l-Qasim Sulaiman bin Ahmad. (n.d.). *Al-Mu'jam Al-Awsat*. In Tariq bin Awad Allāh & Abdul Muhsin Al-Husseini (Eds.), Cairo: Dar Al-Haramain for Printing, Publishing, and Distribution. Edition not specified.
- Al-Tirmidhī, Muhammad ibn 'Isa. (1422 AH/2002 CE). *Sunan al-Tirmidhī*, Hadith No. 2125, p.615.
- Al-Tirmidhī, Muhammad bin 'Isa. (1422 AH/2002 CE). *Sunan Al-Tirmidhi*. Beirut: Dar Ibn Hazm. 1st edition.
- Al-Tirmidhī, Muhammad ibn 'Isa. *Sunan at-Tirmidhī*, Hadith No. 2125, p.615.
- Al-Zuhaylī, W. (1418 AH/1997 CE). *Al-Fiqh al-Islāmi wa Adillatuhu* [Islamic Jurisprudence and Its Proofs], vol.10, pp.7518-7522.
- Al-Zuhaylī, Wahbah. (1418 AH/1997 CE). *Al-Fiqh al-Islāmi wa Adillatuhu* [Islamic Jurisprudence and its Proofs]. Damascus: Dar Al-Fikr and Beirut: Dar Al-Fikr Al-Mu'āsir. 4th edition.
- Atiyyah, M. (2013). *Idarat al-Mu'assasat al-Ijtima'iyyah fi Bi'ah Mutaghayyirah* [Management of Social Institutions in a Changing Environment]. Alexandria: Modern University Office.
- Awida, Kamil Muhammad. (1416 AH/1996 CE). *The Psychology of Personality*. Beirut: Dar Al-Kutub Al-Ilmiyyah. 1st edition.
- Awida, Kamil Muhammad. (1416 AH/1996 CE). *The Psychology of Personality*. Beirut: Dar Al-Kutub Al-Ilmiyyah. 1st edition, p.140.
- Holy Qur'an
- Ibn 'Ashūr, Muhammad Al-Tahir. (1997). *Al-Tahrir wa't-Tanwir* [Liberation and Enlightenment]. Tūnis: Dar Sahnūn for Publishing and Distribution.
- Ibn Abī Shaybah, Abu Bakr. (1425 AH/2004 CE). *Al-Musannaf*. Chapter 79, Hadith No. 10518, 4/292.
- Ibn Fāris, Ahmad. (1339 AH/1979 CE). *Mu'jam Maqayis al-Lughah* [Dictionary of Language Scales]. In Abdul Salam Muhammad Harun (Ed.), Damascus: Dar Al-Fikr, 1st edition.
- Ibn Mandhūr, Jamāluddeen. (2005). *Lisān al-Arab* [The Tongue of the Arabs]. Beirut: Dar Sader. 4th edition.
- Ibn Rushd, Abu'l-Walid. (1416 AH/1995 CE). *Bidāyat al-Mujtahid wa Nihāyat al-Muqtasid* [The Distinguished Jurist's Primer]. In Majid Al-Hamawi (Ed.), Beirut: Dar Ibn Hazm. 1st edition.