

الخطبة الأولى فى أهمية الوصية

الحمد لله إقراراً بوحدانيته، والشكر له على سوايغ نعمته، اختص بها أهل الصدق والإيمان بفضلِهِ وَرَحْمَتِهِ، وَمَنْ عَلَى الْعَاصِي بِقَبُولِ تَوْبَتِهِ، وَمَدَّ لِلْمُسْلِمِ عَمَلًا صَالِحًا بِوَصِيَّتِهِ. وَأَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ فِى رُبُوبِيَّتِهِ وَأُلُوهِيَّتِهِ. وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ الْمُفْضَلُ عَلَى جَمِيعِ بَرِيَّتِهِ. صَلَّى اللَّهُ وَسَلَّمْ وَبَارَكَ عَلَيْهِ وَعَلَى آلِهِ وَأَصْحَابِهِ وَأَزْوَاجِهِ وَذُرِّيَّتِهِ، وَالتَّابِعِينَ وَمَنْ تَبِعَهُمْ بِإِحْسَانٍ إِلَى يَوْمِ الدِّينِ. أَمَا بَعْدُ:

فَاتَّقُوا اللَّهَ أَيُّهَا الْمُسْلِمُونَ ، فَإِنَّ الْقَضَاءَ مُحْكُومٌ ، وَالْأَجَلَ مُحْتُومٌ ، وَسَاعَةَ الْمَوْتِ لَأَبْدُ آتِيَةٌ ، وَالدُّنْيَا فَانِيَةٌ ، وَالْآخِرَةُ دَانِيَةٌ ، فَاعْمَلْ صَالِحًا وَكُفَّ طَالِحًا. وَقَدْ شَرَعَ اللَّهُ لَنَا احْتِسَابَ الْحَسَنَاتِ بِالْأَعْمَالِ حَالَ الْحَيَاةِ وَبِالْوَصِيَّةِ بَعْدَ الْمَمَاتِ. فَقَدْ قَالَ رَسُولُ اللَّهِ ﷺ : « إِنْ اللَّهُ تَصَدَّقَ عَلَيْكُمْ عِنْدَ وَفَاتِكُمْ بِثُلْثِ أَمْوَالِكُمْ زِيَادَةٌ لَكُمْ فِى أَعْمَالِكُمْ ». [ابن ماجه] فَمِنَ الْوَصِيَّةِ مَا هِىَ وَاجِبَةٌ وَمَا هِىَ مَنْدُوبَةٌ وَمَا هِىَ مِنَ الْمَكْرُوهَاتِ.

أما الواجبة منها فالوصية بما عليه من الفرائض والواجبات والمطلبات ، كالحج والزكاة والكفارات والودائع والديونيات. فَقَدْ قَالَ رَسُولُ اللَّهِ ﷺ : « مَا حَقَّ أَمْرِي مُسْلِمٍ لَهُ شَيْءٌ ، يُوصِي فِيهِ بَيْتٌ لِيَتَيْنِ ، إِلَّا وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ ». [البخارى] وَفِي رِوَايَةٍ لِمُسْلِمٍ : « ثَلَاثٌ لِيَالٍ ». وَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ : « مَا مَرَّتْ عَلَى لَيْلَةٍ مُنْذُ سَمِعْتُ رَسُولَ اللَّهِ -صلى الله عليه وسلم- قَالَ ذَلِكَ إِلَّا وَعِنْدِي وَصِيَّتِي ». [مسلم]

وأما المندوبة ، فَمَنْ لَمْ يَكُنْ عَلَيْهِ حُقُوقٌ وَلَا وَاجِبَاتٌ ، فَيَسْتَحِبُّ لَهُ الْوَصِيَّةُ لِوُجُوهِ الْبِرِّ وَالْخَيْرِ وَالصَّلَاتِ ، حَتَّى يَزِدَادَ فِي مِيزَانِهِ الْحَسَنَاتِ ، كَعِمَارَةِ الْمَسَاجِدِ وَبِنَاءِ الْأَوْقَافِ وَقَضَاءِ دُيُونِ الْمُعْسِرِينَ وَأُخْرَ مِنَ الْقُرْبَاتِ. لَكِنْ كُلُّ ذَلِكَ لِمَنْ لَهُ مَالٌ كَثِيرٌ وَوَرَثَتُهُ غَيْرُ مُحْتَاجِينَ ، لِقَوْلِهِ ﷺ لِسَعْدِ بْنِ أَبِي وَقَاصٍ رَضِيَ اللَّهُ عَنْهُ : « إِنَّكَ أَنْ تَذَرَ وَرَثَتَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَذَرَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ ». [البخارى]

وأما المكروهة ، فَمَا يَغْلِبُ عَلَى الظَّنِّ أَنَّهَا سَتُصْرَفُ فِي الْفُسُوقِ وَالْفُجُورِ وَالْمَمْتُوعَاتِ. وَقَدْ اهْتَمَّ لَنَا الْأَمْرُ فِي هَذِهِ الْبِلَادِ حَيْثُ نَعِيشُ تَحْتَ قَانُونٍ لَا يَخْضَعُ لِتَعْلِيمَاتِ خَيْرِ الْعِبَادِ. فَرَبَّمَا تُوزَعُ مِيرَاثُ الْمُسْلِمِينَ ضِدَّ مَا هُوَ السَّدَادُ بَلْ وَفَقَ مَا هُوَ مَحْضُ الْفَسَادِ. فَيَنْبَغِي لَنَا أَنْ نَهْتَمَّ بِكِتَابَةِ الْوَصِيَّةِ وَفَقَ الْمَشْرُوعِ ، وَنَحْفَظَ عَلَى مَا شَرَعَ اللَّهُ لَنَا مِنَ الْأَصُولِ وَالْفُرُوعِ.

أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ. بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ. يَا أَيُّهَا الَّذِينَ آمَنُوا شَهَادَةُ بَيْنِكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ حِينَ الْوَصِيَّةِ اثْنَانِ ذَوَا عَدْلٍ مِنْكُمْ أَوْ آخَرَانِ مِنْ غَيْرِكُمْ إِنْ أَنْتُمْ صَرَبْتُمْ فِي الْأَرْضِ فَأَصَابَتْكُمْ مُصِيبَةُ الْمَوْتِ ... (106) [المائدة] بَارَكَ اللَّهُ لِيْ وَلَكُمْ فِي الْقُرْآنِ الْعَظِيمِ وَنَفَعْنِي وَإِيَّاكُمْ بِالآيَاتِ وَالذِّكْرِ الْحَكِيمِ. إِنَّهُ تَعَالَى جَوَادٌ كَرِيمٌ مَلِكٌ بَرٌّ رَؤُوفٌ رَحِيمٌ.

First Khutbah on the Importance of Bequest

All praise is due to Allah, affirming His Oneness, and gratitude is due to Him for his abundant bounties. He has favored therewith the people of truth and faith due to His grace and mercy, and has bestowed His mercy upon the disobedient with the acceptance of his repentance. And He has extended the good deeds of a Muslim through his bequest. I bear witness that there is no deity but

Allah, He has no partner in His divinity or His deity, and I bear witness that Muhammad ﷺ is His Servant and Messenger who has been granted virtue over His creation. May Allah send salutations, peace and blessings upon him and upon his family and his companions and his wives and his progeny and those that followed and those that follow them in the performance of good deeds until the Day of Resurrection. As for what follows:

So fear Allah O Muslims! As indeed, destiny has been decided, and the appointed time of death is ordained. The hour of death must necessarily come, the world is finite and the Hereafter is ever drawing closer. So perform virtuous deeds and desist from bad deeds. And for sure, Allah has decreed for us the earning of blessings through actions whilst alive and through bequest after death. For indeed the Messenger of Allah ﷺ said: *Verily Allah has favoured you with charity at the time of your death [contrary to the wishes of the heirs] with a third of your wealth as an increase for you in your deeds.* [Ibn Majah] So, of bequests there is that which is mandatory, and that which is recommended, and that which is from the abominations.

As for that which is mandatory, it is the bequest related to what one remains obligated with from the *fardh* and *wajib* deeds and the claims [of others], such as the Hajj, Zakat, expiations, trusts and debts. For indeed the Messenger of Allah ﷺ said: *It is not the right of a Muslim who has something to bequeath that he should spend two nights except that his bequest should be recorded with him.* [Bukhari] In the narration of Muslim, three nights [are mentioned]. 'Abd Allah b. 'Umar ؓ said: *Not one night did pass upon me since I heard the Messenger of Allah ﷺ say that except that my bequest was with me.* [Muslim]

As for that which is recommended, so that is for him who is not encumbered by [the] rights [of others] nor obligations. So it is recommended for him to bequeath to avenues of righteousness, good and ties of kinship in order that the blessings may increase in his scale, such as the construction of mosques, the establishment of endowments, paying off the debts of those in straitened circumstances, and other forms of virtuous deeds. However, all this is for one who has abundant wealth and his heirs are not needy on account of what the Messenger of Allah ﷺ said to Sa'd b. Abu Waqqas ؓ: *Indeed, that you should leave your heirs prosperous is better than that you should leave them destitute so that they hold out their hands to the people.* [Bukhari]

As for that which is an abomination, so it is that in which there is a strong presumption that it will be squandered in moral depravity, licentiousness and that which is prohibited.

The issue is of ever more importance for us in these [Western] countries as we live under laws that do not submit to the teachings of the best of people. Often, the inheritance of Muslims is distributed in a manner that is contrary to that which is the correct way and in fact according to what is purely irregular. Therefore, it behoves us that we should give due attention to writing a will according to that which has been made lawful, and we safeguard that which Allah has decreed for us from the primary and subsidiary rulings.

I seek refuge in Allah from Satan, the accursed. In the name of Allah, the Beneficent, the Merciful. **O You who believe! [take] witnesses amongst yourselves when death approaches any of you at the time of making bequest two just men from yourselves or two others from other than yourselves if you are journeying through the earth and the chance of death befalls you. ... [5:106]** May Allah grant blessing to me and you in the Magnificent Qur'an; and benefit me and you also with the verses and sound remembrance. Indeed, He, Most High, is Magnanimous, Munificent, Lord, Beneficent, Compassionate, and Merciful.